FEDERAL REGISTER

VOLUME 6 NUMBER 211

Washington, Wednesday, October 29, 1941

The President

EXECUTIVE ORDER

ESTABLISHING THE CREEDMAN COULEE NATIONAL WILDLIFE REFUGE

MONTANA

By virtue of the authority vested in me as President of the United States, it is ordered (1) that, subject to valid existing rights, all public lands (approximately 80 acres) within the following-described area in Hill County, Montana, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and (2) that the said lands and all other lands and waters owned or controlled by the United States (approximately 2,960 acres) within the said area be, and they are hereby, reserved for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife:

PRINCIPAL MERIDIAN

T. 37 N., R. 15 E.,
sec. 8, S½;
sec. 15, all;
sec. 16, all;
sec. 17, NE¼;
sec. 21, all;
sec. 22, all.

It is unlawful for any person to pursue, hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the refuge, or to enter thereon, except under such rules and regulations as may be prescribed by the Secretary of the Interior.

The reservation made by this order supersedes as to any of the above-described lands affected thereby the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

This reservation shall be known as the Creedman Coulee National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 25, 1941.

[No. 8924]

[F. R. Doc. 41-8092; Filed, October 27, 1941; 2:23 p. m.]

Rules, Regulations, Orders

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 222—CONSUMER CREDIT

The effective date of §§ 222.8 (a), (b), (c) and (d) of Part 222 is postponed from November 1, 1941, to December 1, 1941; and effective December 1, 1941, Part 222 is amended by this Amendment No. 2[1] in the following respects:

1. In § 222.2 (e)[2] the figure "$1,000" is changed to "$1,500."

2. Section 222.4 (e) is stricken out and a new § 222.4 (e), which reads as follows, is substituted:

§ 222.4 *Installment sale credit.*

* * * * *

(e) *Small down payments.* In any case in which the down payment required by § 222.4 (a) would be $2.00 or less, the Registrant may disregard such requirement.

3. Section 222.5 is changed to read as follows:

§ 222.5 *Instalment loan credit.* Except as otherwise permitted by § 222.6, any extension of instalment loan credit shall comply with the following requirements:

(a) *Loans secured by or to purchase listed articles.* If the extension of instalment loan credit is secured, or according to any oral or written agreement of the parties is to become secured, by any listed article which has been purchased within 45 days prior to, or is to be purchased at any time after, such extension of instalment loan credit; or if the extension of instalment loan credit, even though not so secured, is in a principal amount of $1,500 or less and the Registrant knows or has reason to know that the proceeds are to be used to purchase any listed article:

[1] Amendment No. 1 appears at 6 F.R. 4838.

[2] The numbers herein to the right of the decimal points correspond with the respective section numbers in Regulation W, Board of Governors of the Federal Reserve System.

CONTENTS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

(1) The principal amount lent to the obligor (excluding any interest or finance charges, and the cost of any insurance) shall not exceed the maximum credit value of the listed article specified in the Supplement (§ 222.11); and, in determining such maximum credit value, the Registrant may accept in good faith a written statement signed by the obligor setting forth the *bona fide* cash purchase price of the article and of any accessories and of any services, except insurance, rendered in connection with the acquisition thereof, which statement so accepted shall, for purposes of this part, be deemed to be correct; and

(2) The maturity shall not exceed that specified for the listed article in the Supplement (§ 222.11), and such maximum maturity shall be calculated from the date of purchase of such listed article or from the date of such extension of instalment loan credit, whichever is earlier.

(b) *Miscellaneous loans of $1,500 or less.* If the extension of instalment loan credit is not subject to paragraph (a) but is in a principal amount of $1,500 or less, the maximum maturity shall not exceed that specified in the Supplement (§ 222.11) for extensions of instalment loan credit subject to this paragraph.

(c) *General requirements.* Whether subject to paragraphs (a) or (b), the extension of instalment loan credit shall comply with the following additional requirements:

(1) The extension of instalment loan credit shall be evidenced by a written instrument or record, and there shall be incorporated therein or attached thereto a written statement, of which a copy shall be given to the obligor as promptly as circumstances will permit, and which shall set forth the terms of payment and, if the loan is subject to paragraph (a), the *bona fide* cash purchase price used for determining the maximum credit value of the listed article involved;

(2) Except as permitted by paragraph (c) (3), the total of the principal and any interest or finance charges shall be payable in instalments which shall be substantially equal in amount or be so arranged that no instalment is substantially greater in amount than any preceding instalment; and

(3) Instalments shall be payable at approximately equal intervals not exceeding one month, except that, when appropriate in order to facilitate repayment in accordance with the seasonal nature of the obligor's main source of income or to encourage off-seasonal purchases of seasonal goods, the payment schedule may reduce or omit payments over any period or periods totaling not more than 4 months during the life of such extension of credit if the schedule increases the scheduled payments in such manner as to meet the other requirements of this section.

(d) *Statement of the borrower.* On and after January 1, 1942, no Registrant shall make any extension of instalment loan credit (except under the provisions of § 222.8 (a)) unless, at or before the execution of the loan contract, he shall have obtained and accepted in good faith a signed Statement of the Borrower as to the purposes of the loan in form prescribed by the Board. No obligor shall willfully make any material misstatement or omission in such Statement. The Registrant, acting in good faith, may rely upon the facts set out by the obligor in such Statement and, when the Registrant is so acting, such facts shall be deemed to be correct for the purposes of the Registrant. Until January 1, 1942 (after which date a Statement of the Borrower must be obtained) the Registrant, in ascertaining the purposes of the loan or the maximum credit value of any listed article, may, in good faith, accept and rely upon a written statement in any form signed by the obligor and such statement shall, for the purposes of this part, be deemed to be correct. In case the Registrant accepts in good faith a written statement signed by the obligor that any listed article which secures an extension of instalment loan credit has not been purchased within 45 days prior to such extension of credit, such statement shall, for the purposes of this part, be deemed to be correct.

(e) *Credit subject to paragraph (a) only in part.* In case an extension of instalment loan credit consists only in part of an extension of credit subject to paragraph (a), the amount and terms of such extension of credit shall be such as would result if the credit were divided and each part treated in good faith as if it stood alone.

A loan or part thereof which is secured by a listed article only because of an "overlap agreement", "spreader clause", or other form of general over-all lien or only because the Registrant is prevented by a State law or regulation from having in effect more than one contract of loan from the same borrower at the same time, but which otherwise would not be subject to paragraph (a), shall not be deemed to be so secured within the meaning of such section.

(f) *Loans to make down payments prohibited.* An extension of instalment loan credit does not comply with the requirements of this part if the Registrant making such extension knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment on the purchase price of any listed article: *Provided*, That, if the Registrant accepts in good faith a written statement signed by the obligor that no part of the proceeds is to be so used, such statement shall, for the purposes of this part, be deemed to be correct.

4. Section 222.6 (a) is changed to read as follows:

§ 222.6 *Certain exceptions.* * * *

(a) Any extension of credit which is secured by a *bona fide* first lien on improved real estate duly recorded or which is for the purpose of financing or refinancing the construction or purchase of an entire residential building or other entire structure.

* * * * *

5. A new paragraph reading as follows is added at the end of § 222.6:

(l) Any extension of instalment loan credit which is made to a person whose income is derived principally from the operation of a business enterprise of which such person is the owner or proprietor, provided the extension of credit is for the purpose of financing such business enterprise and is not for the purpose of purchasing any listed article or secured by any listed article purchased within 45 days before the extension of credit.

6. Sections 222.8 (a), (b), (c) and (d) (the effective date of which has been postponed from November 1, 1941, to

December 1, 1941) are changed to read as follows:

§ 222.8 *Renewals, revisions, and additions*—(a) *Renewals or revisions.* If any obligation or claim evidencing any extension of instalment sale credit or instalment loan credit is renewed or revised by a Registrant, the extension of instalment credit does not comply with the requirements of this part if such renewal or revision has the effect of changing the terms of repayment to terms which this part would not have permitted in the first instance for such credit; *Provided*, That nothing in this part shall be construed to prevent any Registrant from making any renewal or revision, or taking any action that it shall deem necessary in good faith, (1) with respect to any obligation of any member of the armed forces of the United States incurred prior to his induction into such service, or (2) for the Registrant's own protection in connection with any obligation which is in default and is the subject of *bona fide* collection effort by the Registrant.

(b) *Additions to outstanding credit held by registrant.* An extension of instalment sale credit or instalment loan credit does not comply with the requirements of this part if it is consolidated with any obligation or obligations held by the Registrant evidencing any prior extension or extensions of instalment credit to the same obligor, unless the additional extension of credit complies with the maximum credit value limitations applicable thereto (if any) and, in addition, the consolidated obligation complies with one of the following options:

Option (1). The terms of the consolidated obligation shall be such as would have been necessary to meet the requirements of this part if the two obligations had not been consolidated; or

Option (2). The consolidated obligation shall provide for a rate of payment, throughout its term, which is (i) at least as large per month as the rate of payment or payments on the outstanding obligation or obligations being consolidated would have been for the month commencing on the date of consolidation, and (ii) is larger to whatever extent may be necessary in order to repay the consolidated obligation within 15 months.

(c) *Credit to retire obligations held elsewhere.* Any extension of instalment loan credit, the proceeds of which a Registrant knows or has reason to know will be used in whole or in part to retire any extension of instalment credit not held by such Registrant, shall be subject to the provisions of this part to the same extent as if the obligation being retired were held by the Registrant.

(d) *Statement of necessity to prevent undue hardship.* Notwithstanding the provisions of paragraphs (a), (b) and (c), if a Registrant accepts in good faith a statement of necessity as provided in the following paragraph, the renewed, revised or consolidated obligation may provide for a schedule of repayment as though it were a new extension of instalment loan credit subject to paragraph (b), even though such action results in the reduction of the rate of repayment thereon.

The requirements of a statement of necessity will be complied with only if the Registrant accepts in good faith a written statement in form and content prescribed by the Board and signed by the obligor that the contemplated renewal, revision or other action is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original extension of instalment credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances with respect to such contingencies and specifically states that the renewal, revision, or other action is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part. Until the Board has prescribed the form and content of the statement of necessity the Registrant may in good faith accept a written statement in any form, provided such statement otherwise conforms to the requirements of this section.

* * * * *

7. Old § 222.9 (f), which is superseded by language in the amended § 222.5 (e), is stricken out and a new § 222.9 (f), which reads as follows, has been substituted:

§ 222.9 *Miscellaneous Provisions.*

* * * * *

(f) *"Farmer plans".* When appropriate for the purpose of facilitating repayment in accordance with the seasonal nature of the obligor's main source of income, an extension of instalment credit which is made to a person who is engaged in agriculture and derives income principally therefrom may be payable in any amounts and at any intervals, notwithstanding §§ 222.4 (c), 222.4 (d) and 222.5 (c): *Provided*, That (1) the extension of credit complies with the applicable provisions concerning the amount and maximum maturity of the credit and (2) at least one-half of the credit is to be repaid within the first half of the applicable maximum maturity.

8. Section 222.10 is changed to read as follows:

§ 222.10 *Effective date of this part.* This part shall become effective September 1, 1941, except that § 222.8 (a), (b), (c) and (d) and the amendments made by Amendment No. 2 shall not become effective until December 1, 1941.

9. In § 222.11 (d), the figure "$1,000" is changed to "$1,500".

(The foregoing amendments are issued under the authority contained in sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843,[1] dated August 9, 1941.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 41-8097; Filed, October 28, 1941; 10:15 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3689]

DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF POWER AND GANG MOWER MANUFACTURERS' ASSOCIATION, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Following a common course of action, on the part of respondent Power and Gang Mower Manufacturers' Association and respondent members thereof, and their officers, etc., and pursuant to or in connection with any mutual understanding, agreement, etc., with intent and effect of maintaining the prices of respondents' products, establishing and maintaining uniform rates of discounts and terms of sale to any purchasers or classes of purchasers, establishing and maintaining uniform trade-in allowances for used mowing equipment, or otherwise hindering or lessening competition in the sale and distribution of power and/or gang mowers or mowing equipment in commerce, by (1) agreeing to maintain and maintaining prices published through the Power and Gang Mower Manufacturers' Association, or otherwise; (2) establishing and maintaining uniform discounts on or terms of sale for respondents' products, or any of them; (3) establishing and maintaining uniform prices for, or allowances on, equipment purchased or taken in trade in connection with the sale of other products; and (4) organizing or participating or cooperating in the actions of any groups or associations of dealers with the purpose and effect of accomplishing or furthering the accomplishment of any of the things prohibited in the preceding part of this order; 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, Power and Gang Mower Manufacturers' Association, et al., Docket 3689, October 15, 1941]

In the Matter of Power and Gang Mower Manufacturers' Association, Coldwell Lawn Mower Company, Jacobsen Manufacturing Company, Milbradt Manufacturing Company, Moto Mower Company, Toro Manufacturing Com-

[1] 6 F.R. 4035.

pany, Ideal Power Lawn Mower Company, Outboard Motors Corporation, Roseman Tractor Mower Company, Eclipse Lawn Mower Company

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

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of certain of the respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, 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 Power and Gang Mower Manufacturers Association, a voluntary unincorporated association, and respondents Coldwell Lawn Mower Company, Jacobsen Manufacturing Company, Moto-Mower Company, Toro Manufacturing Corporation, Ideal Power Lawn Mower Company, and Eclipse Lawn Mower Company, corporations, their officers, directors, agents, and employees, either with or without the cooperation of others not parties hereto, do forthwith cease and desist from following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy for the purpose and with the effect of maintaining the prices of their products, establishing and maintaining uniform rates of discounts and terms of sale to any purchasers or classes of purchasers, establishing and maintaining uniform trade-in allowances for used mowing equipment, or otherwise hindering or lessening competition in the sale and distribution of power and/or gang mowers or mowing equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, by:

(1) Agreeing to maintain and maintaining prices published through the Power and Gang Mower Manufacturers Association, or otherwise;

(2) Establishing and maintaining uniform discounts on or terms of sale for their products, or any of them;

(3) Establishing and maintaining uniform prices for, or allowances on, equipment purchased or taken in trade in connection with the sale of other products;

(4) Organizing or participating or cooperating in the actions of any groups or associations of dealers with the purpose and effect of accomplishing or furthering the accomplishment of any of the things prohibited in the preceding paragraphs of this order.

[1] 5 F.R. 319.

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

It is further ordered, For the reasons set out in Paragraph One of the findings as to the facts, that this proceeding be, and the same hereby is, dismissed as to respondents Milbradt Manufacturing Company, Outboard Motors Corporation, and Roseman Tractor Mower Company.

By the Commission.

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

[F. R. Doc. 41-8113; Filed, October 28, 1941; 11:40 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER III—SOCIAL SECURITY BOARD

[Regulations No. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE [1]

DEFINITION OF "LIVING WITH" HUSBAND

In order to conform Regulations No. 3 [2] of the Social Security Board (Part 403, Title 20, Code of Federal Regulations, 1940 Sup.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.834 (c) of such regulations.

Effective January 1, 1940, § 403.834 (c) of Regulations No. 3 [3] is amended as follows:

§ 403.834 *Definition of "living with."*

* * * * *

(c) If the husband had, at such time, been ordered by any court to contribute to his wife's support.

This condition is met if the husband is legally obligated to contribute to the support of his wife at such time by virtue of any order, judgment, or decree of a court of competent jurisdiction, regardless of whether he actually made any such contribution. In determining the existence of such a legal obligation, any such order, judgment, or decree shall be considered as in full force and effect unless it has expired or has been vacated.

Example 1. H abandoned his wife W and never thereafter contributed to her support. W secured a valid court decree for separate maintenance which directed that H pay $5 a week to the support of W. H left the jurisdiction of the court and never complied with the terms of the decree. He filed application for primary insurance benefits at the age of 65 while living in another State. W thereupon filed application for wife's insurance benefits.

W was "living with" H at the time of filing application since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction.

Example 2. After H abandoned his wife W, W secured a valid court decree requiring H to pay $5 a week to the support of W. Later, because of H's illness the order was suspended. H died while this suspension was in effect. W filed a claim for widow's insurance benefits.

W was "living with" H at the time of his death since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction. Although the decree was suspended at the time of H's death, it had not expired nor had it been vacated. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., 405 (a), 1302: interprets sec. 209 (n), 53 Stat. 1378, 42 U.S.C., Sup., 409 (n))

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 30, 1941.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

Approved: October 27, 1941.

PAUL V. MCNUTT, *Federal Security Administrator.*

[F. R. Doc. 41-8106; Filed, October 28, 1941; 10:46 a. m.]

[1] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[2] 5 F.R. 1849.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (Section 403.1, Title 20, Code of Federal Regulations, 1940 Sup.)

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5094]

PART 321—REGULATIONS RELATING TO THE FLOOR STOCKS TAXES ON TIRES, INNER TUBES AND MATCHES

Sec.

§ 321.0 *Scope of regulations.* The regulations in this part deal with the floor stocks taxes imposed by sections 3400 (b) and 3409 (b) of the Internal Revenue Code, as added by sections 535 (c) and 547 of the Revenue Act of 1941 (Public Law 250—77th Congress), approved September 20, 1941. Section 3400 (b) imposes taxes with respect to

tires and inner tubes, and 3409 (b) with respect to matches.*

*§§ 321.0 to 321.8, inclusive, issued under the authority contained in secs. 3448, 3791, I.R.C., 53 Stat. 419, 467; 26 U.S.C., Sup., 3448, 3791.

SEC. 535. TIRES AND TUBES. (Revenue Act of 1941.)

(a) *Rate on tires.* Section 3400 (1) of the Internal Revenue Code is amended by striking out "2¼ cents" and inserting in lieu thereof "5 cents".

(b) *Rate on tubes.* Section 3400 (2) of the Internal Revenue Code is amended by striking out "4 cents" and inserting in lieu thereof "9 cents".

(c) *Floor stocks tax on tires and inner tubes.* Section 3400 of the Internal Revenue Code is amended by inserting "(a) *Tax.*—" before the beginning thereof and by inserting at the end thereof the following:

(b) *Floor stocks tax.* Upon tires and inner tubes subject to tax under subsection (a) of the type used on vehicles subject to tax under section 3403 (a) or (b) which on October 1, 1941, are held for sale by any person there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2½ cents per pound in the case of tires and 4½ cents per pound in the case of inner tubes. The tax shall apply to tires and inner tubes held for sale on, or in connection with, or held for use in the manufacture or production of, articles the sale of which will be subject to tax under section 3403 (a) or (b). The tax shall not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof, and to tires and inner tubes the sale of which will be subject under the provisions of sections 3444 (a) (2) and 3445 to the manufacturers' tax on tires and inner tubes.

SEC. 547. MATCHES. (Revenue Act of 1941.)

Section 3409 of the Internal Revenue Code is amended to read as follows:

SEC. 3409. TAX ON MATCHES.

(a) *Manufacturers' tax.* There shall be imposed upon matches sold by the manufacturer, producer, or importer, a tax of 2 cents per 1,000 matches, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

(b) *Floor stocks tax.* On matches subject to tax under subsection (a) which, on October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2 cents per thousand matches. The tax shall not apply to matches in retail stocks held at the place where intended to be sold or disposed of. The tax shall not apply to matches held for sale by the manufacturer, producer, or importer thereof, nor to fancy wooden matches or wooden matches having a stained, dyed, or colored stick or stem.

SEC. 3449. APPLICABILITY OF ADMINISTRATIVE PROVISIONS. (Internal Revenue Code.)

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, in so far as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

§ 321.1 *Scope of tax*—(a) *General.* Floor stocks taxes are imposed on tires, inner tubes and matches (with the exceptions set forth in the regulations in this part) held for sale or specified disposition at the first moment of October 1, 1941, by any person other than the manufacturer, producer, or importer of the articles. The floor stocks taxes are on the holding for sale, etc., and not on the sale of the articles.

Tires, inner tubes and matches are regarded as held by the owner thereof at the first moment of October 1, 1941, although at that time the articles are in transit to the owner, or in a warehouse, storeroom, or distributing depot. Where title does not pass to the consignee until delivery, articles in transit at the first moment of October 1, 1941, are regarded as held by the consignor at that time.

(b) *Tires and inner tubes.* (1) The floor stocks taxes apply to:

(i) Tires and inner tubes of the type used on automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles, held for sale at the first moment of October 1, 1941, by wholesalers, jobbers, distributors, and retailers, or any person other than the manufacturer, producer, or importer, of such tires and inner tubes;

(ii) Tires and inner tubes which at the first moment of October 1, 1941, are mounted on, or held for sale on or in connection with, automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles held by the manufacturers, producers, or importers, of such vehicles and the sale of which will be taxable;

(iii) Tires and inner tubes which at the first moment of October 1, 1941, are held by manufacturers of automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles for use in the manufacture of such vehicles.

(2) The floor stocks taxes do not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof. The floor stocks taxes likewise are not applicable to tires and inner tubes actually mounted on automobiles, trucks, etc., which are held for sale by persons who are not the manufacturers of such vehicles.

(3) The term "tires" includes rubber casings, rubber hoops, and rubber strips or bands, of all kinds, designed and shaped or built to form the tread of or to fit a wheel of a vehicle capable of use as a means of transporting a person or burden. The term includes also tires of either the pneumatic or solid type.

(4) The term "inner tubes" includes tubes or air containers of all types made wholly or in part of rubber and designed and manufactured for use in pneumatic tires.

(c) *Matches.* (1) The floor stocks tax applies to matches which at the first moment of October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, by wholesalers, jobbers, distributors and retailers. In respect of matches held by retailers the floor stocks tax is applicable only to matches held in a warehouse or place other than the separate retail establishment where matches are sold or disposed of to consumers. The phrase "for disposition in connection with the sale of another article" includes matches held for delivery to a customer purchasing another article. For example, matches used as advertising material by manufacturers of various other articles and delivered to purchasers in connection with the sale of such other articles, are subject to the floor stocks tax.

(2) The floor stocks tax does not apply to matches held on October 1, 1941, in separate retail establishments or departments where such matches are to be sold or disposed of exclusively at retail directly to consumers. The floor stocks tax likewise does not apply to matches held for sale on October 1, 1941, by the manufacturer, producer, or importer thereof, or to fancy wooden matches, or wooden matches having a stained, dyed, or colored stick or stem.

(3) The term "fancy wooden matches" means matches having a wooden stem, and which in addition to serving the purpose of the ordinary match, are colored or decorated or manufactured in such a manner as to be more ornamental or attractive than the ordinary match.*

§ 321.2 *Rates of tax.* The rates of the floor stocks taxes are:

Tires—2½ cents per pound on the total weight (exclusive of metal rims or rim bases).

Inner tubes—4½ cents per pound on the total weight.

Matches—2 cents per thousand matches.*

§ 321.3 *Payment of tax.* Every person liable to floor stocks tax on tires, inner tubes, or matches is required to make return and pay such tax on or before November 30, 1941. Tax shall be paid at the time of filing return.*

§ 321.4 *Inventory.* Every person liable to pay floor stocks tax on tires, inner tubes, or matches, shall promptly make an itemized inventory of such articles subject to the floor stocks tax held at the first moment of October 1, 1941. Tires and inner tubes shall be segregated and inventoried separately according to trade name, size and weight. Matches shall be inventoried as to number.

Persons holding tires, inner tubes, or matches at more than one location shall prepare a separate inventory *in duplicate* for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be forwarded to and kept at the taxpayer's principal place of business. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made and the name and address of the principal office from which the floor stocks return will be filed.

Separate inventories forwarded to the taxpayer's principal place of business shall be consolidated into a single inventory for the purpose of computing the tax and making return.

*Inventories should NOT be filed with the return but must be retained by the taxpayer at his principal place of business.**

§ 321.5 *Return.* Form 887, Revised 1941, is prescribed as the form on which persons liable to floor stocks tax on tires, inner tubes, or matches, shall make return and pay tax. The return shall be prepared and filed in duplicate on or before November 30, 1941, with the collector of the district in which is located the taxpayer's principal place of business.

The collector will retain the copy of the return for the files of his office and forward the original return to the Commissioner.*

§ 321.6 *Records.* Records showing payment of floor stocks tax on tires, inner tubes, or matches, together with the consolidated and separate inventories and other relevant papers and material must be kept by the taxpayer for a period of four years from the date the tax is due.*

§ 321.7 *Penalties and interest.* In the case of failure to pay the tax due on or before November 30, 1941, there shall be added as part of the tax, interest at the rate of 6 percent per annum for the period beginning December 1, 1941, to the date of payment of the tax. Where an assessment of the floor stocks tax is certified by the Commissioner to the collector of the district and payment of such tax is not made within ten days after issuance by the collector of the first notice and demand on Form 17 for payment, there will accrue under section 3655 of the Internal Revenue Code a 5 percent penalty and interest at the rate of 6 percent per annum from the date of issuance of the first notice and demand on Form 17 until date of payment of the tax.

The penalty under section 3612 (d) (1) of the Internal Revenue Code for delinquency in filing the return is 5 percent of the amount of the tax if the failure is not for more than thirty days, with an additional 5 percent for each additional thirty days or fraction thereof during which failure continues, but not to exceed 25 percent in the aggregate. The penalty does not apply where the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect.

In case a false or fraudulent return is willfully made the penalty under section 3612 (d) (2) of the Internal Revenue Code is 50 percent of the total tax due.

Under section 3612 (e) of the Internal Revenue Code the penalty added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

Other penalties are also imposed by the Internal Revenue Code for willful failure to pay tax, keep records, file returns, or supply information for purposes of tax computation, and for filing false or fraudulent returns.*

§ 321.8 *Refunds.* A claim for refund may be filed by any person who has overpaid a floor stocks tax on tires, inner tubes, or matches. The claim must be made under oath on Form 843 and filed with the collector of internal revenue to whom the tax was paid. The claim must contain the information required by the form and be supported by a statement of the facts and evidence upon which the claim is based.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 25, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8095; Filed, October 28, 1941; 9:54 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-592]

PART 344—COMMON CONSUMING MARKET AREAS

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 13 AND INCREASE IN PRICE CLASSIFICATION OF CERTAIN COALS FOR SHIPMENT TO NORTHERN PART OF MISSISSIPPI AND FOR CHANGE IN DESIGNATION OF BOUNDARIES OF MARKET AREAS NOS. 115 AND 148

A petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 13, seeking a modification of the Schedule of Common Consuming Market Areas by deleting that part of Market Area 115, lying within the State of Mississippi, and adding the same to Market Area 148 and further seeking increases in the f.o.b. mine prices applicable to all mines in Sub-District 1 of District 13, except those mines with Mine Index Nos. 30–54, both inclusive, of 35 cents per ton in Size Groups 17, 18, 22 and 23 for shipment into those parts of Market Areas 148 and 152 lying north of but not on the Columbus and Greenville Railway; 45 cents per ton in Size Groups 17, 18, 22, 23, 24, 25, and 26 for shipment into Market Area 151; and, 15 cents per ton in Size Groups 8 to 26, both inclusive, for shipment into that part of Market Area 150 lying within the State of Mississippi;

A hearing having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division, Washington, D. C.;

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

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

It is ordered, That § 344.115 (b) (*Market Area No. 115—Mississippi*) and § 344.148 (*Market Area No. 148, Mississippi*) in the Schedule of Common Consuming Market Areas be modified and revised as follows:

The Boundary description of Market Area No. 115 appearing in § 344.115 in Market Area Schedule No. 1 should be, and the same is hereby, altered and revised by deleting the following:

Mississippi. Entering Mississippi from Tennessee at a point where the Gulf, Mobile & Northern R. R. crosses the Mississippi-Tennessee state line at Brownfield and continuing in a southerly direction via that railroad to but excluding New Albany, but including all intermediate points thereon; thence continuing in a northwesterly direction via the St. Louis-San Francisco Ry. to but excluding Mineral Wells and all intermediate points thereon, again crossing the Mississippi-Tennessee state line.

It is further ordered, That the description of Market Area No. 148 appearing in § 344.148 should be, and the same hereby is, altered and revised to read as follows:

Market Area No. 148—Revised

Mississippi. Beginning at a point where the St. Louis-San Francisco Ry. crosses the Mississippi-Tennessee state line at but excluding Mineral Wells and continuing in a southeasterly direction to but excluding Holly Springs and all intermediate points; thence continuing via the St. Louis-San Francisco Ry. to and including New Albany and all intermediate points; thence continuing in a southerly direction via the Gulf, Mobile & Northern R. R. to but excluding Avent and all intermediate points thereon; thence continuing on the west bank of the Pascagoula River to and including Pascagoula to the Gulf of Mexico; thence eastward along the shore line of the Gulf of Mexico to the Mississippi-Alabama state line; thence northward along the Mississippi-Alabama state line to the southern boundary line of Market Area No. 150; thence in a northwesterly direction along the boundary line of Market Area No. 150 to the Mississippi-Tennessee state line; thence west along the Mississippi-Tennessee state line to the starting point of this area.

It is further ordered, That § 333.6 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 13, for All Shipments Except Truck, be, and the same hereby is, amended by increasing the prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing applicable to all mines in Subdistrict No. 1, except those mines with Mine Index Nos. 30 to 54, inclusive, as follows:

(a) For shipment into those parts of Market Areas 148 and 152 lying north of and excluding all points on the Columbus

and Greenville Railway, in Size Groups 17, 18, 22 and 23, increase 35 cents per net ton;

(b) For shipment into Market Area 151, in Size Groups 17, 18, 22, 23, 24, 25, and 26, increase 45 cents per net ton;

(c) For shipment into that part of Market Area 150 lying within the State of Mississippi, in Size Groups 8 to 26, inclusive, increase 15 cents per net ton.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8103; Filed, October 28, 1941; 10:21 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF GEORGIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of 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 section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Georgia to direct any local board in the State of Georgia to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Georgia will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Georgia shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8088; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF COLORADO TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

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, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Colorado to direct any local board in the State of Colorado to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Colorado will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Colorado shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8089; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF ARIZONA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

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, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Arizona to direct any local board in the State of Arizona to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Arizona will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Arizona shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8090; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NEW MEXICO TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

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, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of New Mexico to direct any local board in the State of New Mexico to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of New Mexico will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of New Mexico shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8091; Filed, October 27, 1941; 1:09 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ORD-490 Supp. 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE DESIGN, ENGINEERING, CONSTRUCTION, EQUIPMENT AND OPERATION CONTRACT[1]

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Fixed-fee: $1.00 for acquisition of site under Title I.

Fixed-fee: $600,000.00 for design, engineering, construction and equipping under Title II; $150,000.00 (additional).

[1] Approved by the Under Secretary of War June 27, 1941.

Fixed-fee: $ * * * per ton of anhydrous ammonia for operation of the Plant under Section 2, Article III–A, of Title III.

Contract for: The acquisition of the site for, and designing, engineering, constructing, equipping and operating a plant for the manufacture of anhydrous ammonia.

Supplemental contract: To provide for an increase in the rated capacity of the Plant.

Place: Morgantown, West Virginia.

Estimated cost of acquisition of site under Title I: $210,408.35.

Estimated cost of designing, engineering, constructing, and equipping under Title II: $15,000,000.00: $15,500,000.00 (additional).

Estimated cost of operation under section 2, Article III–A of Title III: $1,604,000.00.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

ORD 8008 P 99 A0141–02
ORD 8010 P11 3052 A1005–01
ORD 8009 P99 A0141–02
ORD 7975 P11–0270 A1005–01

This supplemental contract, entered into this 26th day of June 1941.

There is now in force between the parties hereto a certain contract identified by the Government as Contract No. W–Ord–490,[1] and approved November 29, 1940; which contract provides for the acquisition of the site for, and designing, engineering, constructing, equipping and operating a plant for the manufacture of anhydrous ammonia by the Contractor at Morgantown, West Virginia.

The Government now desires to modify said Contract approved November 29, 1940, so as to provide for an increase in the rated capacity of said plant, and the Contractor has agreed to such modification upon the terms, conditions and provisions hereinafter set forth.

The parties hereto do mutually agree that said contract approved November 29, 1940 shall be, and is hereby modified in the following particulars:

A. Change Article II–A of Title II (page 4) to read as follows:

The construction and equipment project (hereinafter referred to as "the Plant") shall comprise a plant at or near Morgantown, West Virgina, for the manufacture of anhydrous ammonia, having an estimated average daily capacity, based on working twenty-four hours per day, of * * * tons of such anhydrous ammonia.

B. Change Article II–C of Title II (page 4) to read as follows:

It is estimated that the total cost of the original work covered by Title II of this contract (as of November 29, 1940) will be approximately fifteen million dollars ($15,000,000.00), including approximately ten million three hundred thousand dollars ($10,300,000.00) for equipment, but exclusive of the Contractor's fee. It is estimated that the total cost of the additional work covered by Title II as amended by this supplemental contract will be approximately fifteen million five hundred thousand dollars ($15,500,000.00), including approximately ten million four hundred thousand dollars ($10,400,000.00) for equipment, but exclusive of the Contractor's fee.

C. Change Paragraph c. of Article II–D of Title II (page 5) to read as follows:

A fixed-fee in the amount of seven hundred fifty thousand dollars ($750,000.00), of which one hundred fifty thousand dollars ($150,000.00) shall constitute the fee for the additional work provided by the supplemental contract, which shall constitute complete compensation for the Contractor's services under this Title II, including profit.

D. Change Section 1 Article III–A of Title III (page 10) to read as follows:

Concurrently with the performance of the work required of it under Title II hereof, the Contractor shall perform all organization services in connection with the planning of and the making of all necessary preparations for the operation of the Plant, and all other services incident to setting up an efficient and going operation force, including guard and fire fighting forces adequate for the protection of the Plant.

F. Change Paragraph a. Section 3 of Article IV–B of Title IV (page 21) to read as follows:

The fixed-fee of seven hundred fifty thousand dollars ($750,000.00) provided for in Article II–D of Title II, shall be paid to the Contractor by the Government as it accrues, in monthly installments.

G. Change Article VI–A of Title VI (page 28) to read as follows:

The Contracting Officer may, at any time, by a written order and without notice to the sureties, if any, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

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

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

[F. R. Doc. 41–8093; Filed, October 28, 1941; 9:54 a. m.]

[1] 6 F.R. 1266.

SUMMARY OF CONTRACT OUTSIDE TERRITORIAL LIMITS OF UNITED STATES

Contract Number: W 6558 qm–7 (O. I. #174).

Date: Approved by the Under Secretary of War August 28, 1941.

Construction outside Continental United States.

Total: $4,047,556.00.

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

[F. R. Doc. 41–8041; Filed, October 25, 1941; 10:28 a. m.]

SUMMARY OF CONTRACT OUTSIDE TERRITORIAL LIMITS OF UNITED STATES

Contract No. W 6708 qm–347 (O. I. No. 88).

Date: Approved by the Under Secretary of war June 26, 1941.

Construction outside Continental United States.

Total: $1,618,450.00.

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

[F. R. Doc. 41–8075; Filed, October 27, 1941; 11:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1869–FD]

IN THE MATTER OF THE APPLICATION OF OHIO EDISON COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS MINE IN KNOX TOWNSHIP, JEFFERSON COUNTY, OHIO

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the mine of the Ohio Edison Company in Knox Township, Jefferson County, Ohio, having been filed on July 31, 1941, by the above-named applicant, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 15, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine

witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof of this proceeding shall be on the applicant.

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

The matter concerned herewith is in regard to the application of the Ohio Edison Company under the second paragraph of section 4–A of the Act for a determination of the status of the coal produced at its mine in Knox Township, Jefferson County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8098; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763–FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above-entitled matter having been heretofore scheduled for October 27, 1941, at 10 a. m. at the County Court House, Galesburg, Illinois, and an Order Terminating Code Membership, Providing for the Payment of Tax for Reinstatement, and Directing Defendant to Cease and Desist from Further Violations having been entered in the above-entitled matter on October 25, 1941, pursuant to a stipulation of the defendant, dated October 13, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8099; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. A–669]

PETITION OF DISTRICT BOARD 10 FOR THE ISSUANCE OF A TEMPORARY ORDER PERMITTING MINE INDEX 95, DISTRICT 10, TO SELL 16 CARS OF "5/16" X 0 RHEO REJECT WASHED CARBON" AT 75 CENTS PER TON

ORDER TERMINATING PROCEEDING

This proceeding was instituted upon an original petition filed by District Board 10, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that Midland Electric Coal Corporation be permitted to sell 16 cars of reject washed carbon, frozen in the cars, at an effective minimum price of 75¢ per ton. It appears that subsequent to the entry of an order of the Director dated February 20, 1941, granting temporary relief, these 16 cars of coal were sold.

It is, therefore, ordered, That the proceeding in the above-entitled matter be and the same hereby is terminated.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8100; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763–FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER TERMINATING CODE MEMBERSHIP, PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT, AND DIRECTING DEFENDANT TO CEASE AND DESIST FROM FURTHER VIOLATIONS

A complaint, dated July 3, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division"), alleging that the defendant willfully violated the provisions of the Bituminous Coal Code (the "Code"), the effective minimum prices, and the Marketing Rules and Regulations, and the complaint having been duly served upon the defendant on July 31, 1941; and

The defendant, by stipulation dated October 13, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of the complaint in respect to part of the coal therein described and having consented to the making and entry of this Order; and

An Order of the Director having been entered herein on October 25, 1941 granting the application of the Complainant dated October 14, 1941 for leave to withdraw the charges in the complaint contained in paragraph 2 thereof; and

The defendant having agreed that it will pay to the United States Government the amount of the tax hereinafter referred to, namely two thousand three hundred four dollars and fifty-four cents ($2,304.54), the amount required to be paid by sections 5 (b) and (c) of the Act, as a condition to reinstatement of its membership in the Code, and having agreed to cease and desist from making further sales of Size Group 15 coals until such time as said coals are priced by the Director, and that thereafter it will sell such coals at or above the prices so established plus the actual cost of transportation from the Little John Mine to the Wataga Dock as shown by the applicable freight rate tariff published by The Galesburg & Great Eastern Railroad Company plus the estimated actual cost of handling such coal at the Wataga Dock, and having further agreed to the issuance by the Director of a cease and desist order prohibiting the defendant

from making sales at the Wataga Dock of coals produced at the Little John Mine at prices less than the effective minimum f. o. b. mine price established therefor plus the applicable freight rate tariff of 50 cents per ton published by The Galesburg & Great Eastern Railroad Company for transportation from the Little John Mine to the Wataga Dock and plus the estimated actual costs of handling such coal at the Wataga Dock, which the defendant represents at the present time are 15.94 cents per net ton;

Now, therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust complaints of violations and compose the differences of the parties thereto and upon said stipulation on file with the Division;

It is hereby found as follows:

(a) Defendant at the times hereinafter mentioned was and now is a corporation duly organized and existing under and by virtue of the laws of the State of Indiana with its principal office located at 1016 Merchants Bank Building, Indianapolis, Indiana, engaged, under the powers granted to it by its corporate charter, in the business of producing and selling bituminous coal;

(b) on June 17, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance, dated June 14, 1937, of the Code; said acceptance was approved by the Commission on June 17, 1937, to take effect as of the date of the promulgation of the Code, June 21, 1937, and defendant has been, since the last mentioned date, and is now, a code member in District No. 10, operating its Little John Mine, Mine Index No. 84, in said district;

(c) defendant owns and operates a truck tipple or truck loading dock at Wataga, Illinois (the Wataga Dock), at the Binford Siding of The Galesburg and Great Eastern Railroad Company; all of the coal handled and sold at the Wataga Dock is produced by the defendant at said Little John Mine and is transported from said mine to the Wataga Dock over the tracks of The Galesburg and Great Eastern Railroad Company, which is an Illinois corporation, all of the stock of which is owned by the Little John Coal Company;

It is hereby further found, That the defendant willfully violated the provisions of the Act, the Code and the effective minimum prices established thereunder, as alleged in the complaint, by selling to various purchasers f. o. b. the Wataga Dock, coal produced at its Little John Mine without adding to the effective minimum f. o. b. mine prices therefor not less than the estimated actual cost of transportation, handling and other incidental charges arrived at in good faith in a reasonable manner, at prices as follows:

Sizes of coal	Dates of sale	Number of tons sold	Effective minimum f. o. b. mine prices	Sales prices f. o. b. the Wataga dock	Aggregate effective minimum f. o. b. mine prices
	1940				
4" x 2"	November	18.32	$1.80	$2.00	$32.98
3/4 x 1/4	October	267.36	1.90	2.10	507.98
3/4 x 1/4	November	760.15	1.90	2.10	1,444.29
3/4 x 1/4	December	595.34	1.90	2.10	1,131.15
3/4 x 0	October	30.38	1.70	1.85	51.65
3/4 x 0	November	196.98	1.70	1.85	334.87
3/4 x 0	December	252.31	1.70	1.85	428.93
	1941				
6" x 4"	January	12.37	2.00	2.50	24.74
6" x 2"	January	2.91	1.85	2.35	5.38
3/4 x 1/4	January	60.53	1.90	2.25	115.01
3/4 x 1/4	March	3.06	1.90	2.25	5.81
3/4 x 0	January	194.95	1.70	2.10	331.42
3/4 x 0	February	371.29	1.70	2.10	631.19
3/4 x 0	March	457.91	1.70	2.10	778.45
3/4 x 0	April	50.14	1.70	2.10	85.24
		3,274.00	------	------	5,909.09

It is hereby further found, That said transactions of the defendant resulted in the violation of the provisions of the Act, the Code and the effective minimum prices established thereunder as follows:

(1) Said sales constituted violations of sections 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

(2) The failure to add to the effective minimum f. o. b. mine prices the estimated actual cost of transportation from said Little John Mine to said dock plus the estimated actual cost of handling said coal at the Wataga Dock constituted violations of Price Instruction No. 9, as set forth in Supplement No. 1 to Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck.

It is hereby further found, That the amount of tax imposed by sections 5 (b) and (c) of the Act upon the above tonnage and required to be paid by the defendant as a condition to reinstatement of its membership in the Code is two thousand three hundred four dollars and fifty-four cents ($2,304.54), which amount is 39 per cent of the aggregate of the effective minimum prices therefor of five thousand nine hundred nine dollars and nine cents ($5,909.09).

It is hereby further found, That subsequent to September 30, 1940 the defendant sold to various purchasers at the Wataga Dock substantial tonnages of coal of Size Group 15 for which no effective minimum prices had been established by the Director.

Now, therefore, Based upon the above findings and said admissions and agreements of the defendant and the defendant's consent appended hereto to the making and entry of this order:

It is ordered, That the membership of the above-named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the code membership of the defendant shall become effective ten (10) days after service of this order upon the defendant.

It is further ordered, That in the event of the defendant's failure to pay the amount of tax required to be paid by the defendant as a condition to its reinstatement to membership in the Code, within ten (10) days after service of this order on the defendant, the Director may in his discretion vacate, revoke, cancel, or annul this order and thereupon take such further steps or action in this proceeding as the Director may deem fit, and jurisdiction of this proceeding is hereby reserved for such purpose.

It is further ordered, That the defendant, its officers, representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from violating the provisions of the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, and that the provisions hereof shall continue in full force and effect in respect to the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf upon any restoration of the defendant's Code membership, pursuant to section 5 (c) of the Act.

It is further ordered, That the Director, in his discretion, may apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant resides and carries on business for the enforcement hereof.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8101; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION TO WITHDRAW PART OF COMPLAINT

A complaint having been filed on July 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, in the above entitled matter; and

The complainant herein having filed an application dated October 14, 1941, for leave to withdraw the charges in the complaint contained in paragraph 2 thereof;

Now, therefore, it is ordered, That the application of the Bituminous Coal Producers Board for District No. 10 filed in the above-entitled matter for leave to

withdraw the charges in the complaint contained in paragraph 2 thereof be and the same hereby is granted.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8102; Filed, October 28, 1941; 10:21 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 169

ALASKA

OCTOBER 15, 1941.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands within the following-described boundaries, in the vicinity of Naknek, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at corner No. 1, on the right bank of the Naknek River approximately 500 feet above the mouth of Eskimo Creek, in latitude 58°40′ N., longitude 156°46′ W.
Thence by metes and bounds,
N. 31° E., 876 feet to corner No. 2;
North, 700 feet to corner No. 3;
West, 311 feet to corner No. 4;
N. 49°34′ W., 4,220 feet to corner No. 5;
S. 40°26′ W., 1,200 feet to corner No. 6;
N. 49°34′ W., 2,320 feet to corner No. 7;
N. 40°26′ E., 2,820 feet to corner No. 8;
S. 49°34′ E., 5,780 feet to corner No. 9;
East, 6,142.4 feet to corner No. 10;
South, 8,680 feet more or less, to the right bank of the Naknek River;
Thence by meanders westerly and northwesterly down stream on the right bank of the Naknek River approximately two miles to the place of beginning, containing approximately 1,340 acres.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-8094; Filed, October 28, 1941; 9:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6206]

NOTICE RELATIVE TO THE CROSLEY CORP. (W8XO)

Application dated August 15, 1941, for construction permit; class of service, developmental broadcast; class of station, developmental broadcast; location, Cincinnati, Ohio; operating assignment specified: Frequency, 700 kc., emission A-3; power, 100 to 750 kw.; hours of operation, 12 midnight to 6 a. m., E.S.T. and § 4.4 (a).

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

1. To determine whether the proposed program of research has reasonable promise of substantial contribution to the development of broadcasting or is along lines not already thoroughly investigated.

2. To determine whether the proposed program of research could be conducted by the applicant utilizing the present operating assignment of Station W8XO.

3. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Crosley Corporation, 1329 Arlington Street, Cincinnati, Ohio.

Dated at Washington, D. C., October 25, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8096; Filed, October 28, 1941; 9:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-74]

IN THE MATTER OF INTERNATIONAL MINING CORPORATION

NOTICE OF AND ORDER FOR HEARING AND ORDER EXTENDING TEMPORARY EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1941.

An application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definitions of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.

It is ordered, That a hearing on the matter of this application be held on November 4, 1941 at 10:30 o'clock in the forenoon of that day at the Securities and Exchange building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing may be held.

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

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

It is further ordered, Under the authority vested in this Commission by section 3 (b) (2) that the temporary exemption of the applicant from the provisions of the Investment Company Act of 1940 be and the same hereby is extended to January 2, 1942. If during such period the Commission by order denies the aforesaid application then such extension shall cease and terminate ten days after personal service or service by registered mail of a copy of said order on said applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8108; Filed, October 28, 1941; 11:35 a. m.]

[File No. 812-223]

IN THE MATTER OF THE EQUITY 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 27th day of October, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 permitting it to redeem by lot at par on February 1, 1942, $150,000 principal amount of an outstanding issue of $3,350,000 of 5% Gold Debentures originally issued by American-British & Continental Corporation the payment of the principal and interest on which was assumed by the applicant on merger of American-British & Continental Corporation with The Equity Corporation.

It is ordered, That a hearing on the matter of this application be held on November 3, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, 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. 41-8109; Filed, October 28, 1941; 11:35 a. m.]

[File No. 9-351]

IN THE MATTER OF NILES-BEMENT-POND COMPANY UNISSUED CAPITAL STOCK, NO PAR VALUE

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 27th day of October, 1941 A. D.

New York Curb Exchange having on October 4, 1941 filed an application on Form 2-J pursuant to Rule X-12D3-5 (b) for registration of 789,984 unissued shares of Niles-Bement-Pond Company capital stock, no par value, for "when issued" dealing on such Exchange;

And a notice of deficiency having been sent to the said Exchange on October 7, 1941, setting forth that the provisions of Rules X-12D3-4 (e) had not been complied with; and

Said Exchange having on October 24, 1941 made written request to the Commission pursuant to Rule X-12D3-8 (c) for a hearing to determine whether such registration shall become effective:

It is ordered, That a hearing be held in this matter before the Commission on October 30, 1941 at 2:30 P. M. in Room 1003, 1778 Pennsylvania Avenue NW., Washington, D. C.

By direction of the Commission.

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

[F. R. Doc. 41-8110; Filed, October 28, 1941; 11:35 a. m.]

[File Nos. 7-576 to 7-603, inclusive]

IN THE MATTER OF APPLICATIONS BY THE SAN FRANCISCO STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: AMERICAN VISCOSE CORPORATION, $14 PAR VALUE COMMON STOCK; ARMOUR & COMPANY (ILLINOIS), $5 PAR VALUE COMMON STOCK; BALDWIN LOCOMOTIVE WORKS, VOTING TRUST CERTIFICATES FOR $13 PAR VALUE COMMON STOCK; BETHLEHEM STEEL CORPORATION (DELAWARE), COMMON STOCK, NO PAR VALUE; BOEING AIRPLANE COMPANY, $5 PAR VALUE COMMON STOCK; BORDEN COMPANY, $15 PAR VALUE COMMON STOCK; BORG WARNER CORPORATION, $5 PAR VALUE COMMON STOCK; CLIMAX MOLYBDENUM COMPANY, COMMON STOCK, NO PAR VALUE; DOUGLAS AIRCRAFT COMPANY, INC., CAPITAL STOCK, NO PAR VALUE; GENERAL FOODS CORPORATION, COMMON STOCK, NO PAR VALUE; GOODYEAR TIRE AND RUBBER COMPANY, COMMON STOCK, NO PAR VALUE; GREAT NORTHERN RAILWAY COMPANY, $6 NON-CUMULATIVE PREFERRED STOCK, NO PAR VALUE; INTERNATIONAL PAPER & POWER COMPANY, $15 PAR VALUE COMMON STOCK, $100 PAR VALUE 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK; NEWPORT NEWS SHIPBUILDING & DRY DOCK COMPANY, $1 PAR VALUE COMMON STOCK; NEW YORK CENTRAL RAILROAD COMPANY, CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY, COMMON STOCK, NO PAR VALUE; PARAMOUNT PICTURES, INC., $1 PAR VALUE COMMON STOCK; PEPSI-COLA COMPANY, $1 PAR VALUE COMMON STOCK; PULLMAN, INC., CAPITAL STOCK, NO PAR VALUE; PURE OIL COMPANY, COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION, COMMON STOCK, NO PAR VALUE; SEARS, ROEBUCK & COMPANY, CAPITAL STOCK, NO PAR VALUE; SOCONY-VACUUM OIL COMPANY, INC., $15 PAR VALUE CAPITAL STOCK; SOUTHERN NATURAL GAS COMPANY, $7.50 PAR VALUE COMMON STOCK; SOUTHERN RAILWAY COMPANY, COMMON STOCK, NO PAR VALUE; SWIFT & COMPANY, $25 PAR VALUE CAPITAL STOCK; UNITED STATES RUBBER COMPANY, $10 PAR VALUE COMMON STOCK

ORDER SETTING HEARING ON APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 27th day of October, A. D. 1941.

The San Francisco Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, December 2, 1941, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

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

[F. R. Doc. 41-8111; Filed, October 28, 1941; 11:35 a. m.]

[File No. 70-421]

IN THE MATTERS OF NIAGARA HUDSON POWER CORPORATION AND CENTRAL NEW YORK POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than November 13, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to acquire and Niagara Hudson Power Corporation proposes to sell 54 shares of $100 par value common capital stock of Hammond Light and Power Company, Inc., comprising 54% of the voting securities thereof, for the sum of $15,869.52. It is represented that Hammond Light and Power Company, Inc., operating in adjacent territory to that of Central New York Power Corporation, is obtaining all its electric energy therefrom and is presently supervised by officers of that company.

Sections 9, 10, and 12 (f) of the Act and Rule U-43 thereunder have been designated as applicable to the proposed transactions.

By the Commission.

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

[F. R. Doc. 41-8112; Filed, October 28, 1941; 11:36 a. m.]