FEDERAL REGISTER

VOLUME 6 NUMBER 233

Washington, Tuesday, December 2, 1941

The President

BILL OF RIGHTS DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Joint Resolution of the Congress, approved August 21, 1941, authorizes and requests the President of the United States "to issue a proclamation designating December 15, 1941 as Bill of Rights Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies and prayer":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate December 15, 1941 as Bill of Rights Day. And I call upon the officials of the Government, and upon the people of the United States, to observe the day by displaying the flag of the United States on public buildings and by meeting together for such prayers and such ceremonies as may seem to them appropriate.

The first ten amendments, the great American charter of personal liberty and human dignity, became a part of the Constitution of the United States on the 15th day of December 1791.

It is fitting that the anniversary of its adoption should be remembered by the nation which, for one hundred and fifty years, has enjoyed the immeasurable privileges which that charter guaranteed: the privileges of freedom of religion, freedom of speech, freedom of the press, freedom of assembly and the free right to petition the government for redress of grievances.

It is especially fitting that this anniversary should be remembered and observed by those institutions of a democratic people which owe their very existence to the guarantees of the Bill of Rights: the free schools, the free churches, the labor unions, the religious and educational and civic organizations of all kinds which, without the guarantee of the Bill of Rights, could never have existed; which sicken and disappear whenever, in any country, these rights are curtailed or withdrawn.

The 15th day of December, 1941, is therefore set apart as a day of mobilization for freedom and for human rights, a day of remembrance of the democratic and peaceful action by which these rights were gained, a day of reassessment of their present meaning and their living worth.

Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them. They come in time to take these rights for granted and to assume their protection is assured. We, however, who have seen these privileges lost in other continents and other countries can now appreciate their meaning to those people who enjoyed them once and now no longer can. We understand in some measure what their loss can mean. And by that realization we have come to a clearer conception of their worth to us, and to a stronger and more unalterable determination that here in our land they shall not be lost or weakened or curtailed.

It is to give public expression and outward form to that understanding and that determination that we are about to commemorate the adoption of the Bill of Rights and rededicate its principles and its practice.

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

DONE at the City of Washington this twenty-seventh day of November in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2524]

[F. R. Doc. 41-8983; Filed, November 29, 1941; 10:58 a. m.]

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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EXECUTIVE ORDER

REVOKING EXECUTIVE ORDER NO. 8458 OF JUNE 27, 1940, AS AMENDED BY EXECUTIVE ORDER NO. 8532 OF SEPTEMBER 4, 1940, AND AUTHORIZING PERSONS APPOINTED FROM THE EMERGENCY REPLACEMENT LIST ESTABLISHED PURSUANT TO SUCH ORDERS TO ACQUIRE A CLASSIFIED CIVIL SERVICE STATUS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), by section 1753 of the Revised Statutes (U.S.C., title 5, sec. 631), and as President of the United States, it is hereby ordered as follows:

1. Except as concerns temporary employees of the decennial census force who were appointed through civil service examinations, Executive Order No. 8458[1] of June 27, 1940, as amended by Executive Order No. 8532[2] of September 4, 1940, providing for the establishment of a replacement list (known as the Emergency Replacement List) of employees who do not possess a competitive civil service status, is hereby revoked, effective December 31, 1941.

2. All persons who have been or may be duly appointed from the said Emergency Replacement List to positions in the competitive classified civil service subsequent to June 30, 1941, who enter on duty not later than December 31, 1942, and who by such date have completed a continuous Federal service of not less than six months within the calendar years 1941 and 1942, may acquire a classified civil service status in accordance with the applicable provisions of the act of November 26, 1940 (54 Stat. 1211), and Executive Order No. 8743[3] of April 23, 1941.

3. Each appointment in the classified departmental service in the District of Columbia under the provisions of this Executive Order shall be charged to the regular apportionment of appointments among the States and territories and the District of Columbia.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941

[No. 8952]

[F. R. Doc. 41-8975; Filed, November 28, 1941; 2:31 p. m.]

[1] 5 F.R. 2435.
[2] 5 F.R. 3589.
[3] 6 F.R. 2117.

EXECUTIVE ORDER

ESTABLISHING LOS ANGELES-LONG BEACH HARBOR NAVAL DEFENSIVE SEA AREA

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described area is hereby established for purposes of national defense as a defensive sea area, to be known as the "Los Angeles-Long Beach Harbor Naval Defensive Sea Area":

All United States territorial waters of Los Angeles-Long Beach Harbor and its approaches and tributaries from the contour line of extreme high water on the shores of these waters, as shown on the latest U.S.C. and G.S. charts, to the following seaward limits:

A line running along bearing 160° true from Whites Point, California, in approximate Latitude 33° 42′ 51″ North, Longitude 118° 19′ West, to the seaward limit of United States territorial waters;

A line running along bearing 210° true from a point on the shore of Huntington Beach, California, in Latitude 33° 39′ 47″ North, Longitude 118° 00′ 41″ West, to the seaward limit of United States territorial waters; and

A line running along the seaward limit of United States territorial waters between the above-described bearing lines.

A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the Los Angeles-Long Beach Harbor Naval Defensive Sea Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area must be made, preferably by application to a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 Kcs and permission to enter the port requested. The name of the vessel, purpose of entry, and name of the master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Los Angeles-Long Beach Harbor Naval Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Los Angeles-Long Beach Harbor Naval Defensive Sea Area to obey any further instructions received from the United States Navy or other United States authority.

A vessel may expect supervision of its movements within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

The loading or unloading by vessels of oil fuel or other inflammable or explosive materials shall be under the control of the local naval authority, who shall require such loading or unloading to be accomplished in such manner and at such times as will safeguard the other activities within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area essential to the national defense.

These regulations are subject to amplification by the local United States naval authority as necessary to meet local circumstances and conditions.

When a United States Maritime Control Area is established adjacent to or abutting upon the Los Angeles-Long Beach Harbor Naval Defensive Sea Area, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area who shall disregard these regulations, or shall fail to obey an order of United States naval authority to stop or heave-to, or shall perform any act threatening the efficiency of mines or other defenses or the safety of navigation, or shall take any action inimical to the interest of the United States, may be detained therein by force of arms and renders himself liable to attack by the armed forces of the United States, and liable to prosecution as provided for in section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the State of California, the local municipal officials, and the local civilian defense agencies are called upon to render the local naval authorities all possible assistance in the enforcement of these regulations.

The Secretary of the Navy shall be charged with the publication and enforcement of these regulations.

This order supersedes Executive Order No. 8403[1] of May 7, 1940, entitled "Establishing Los Angeles-Long Beach Harbor Naval Defensive Sea Area—California".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941.

[No. 8953]

[F. R. Doc. 41-8974; Filed, November 28, 1941; 2:31 p. m.]

[1] 5 F.R. 1661.

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

NEVADA

By virtue of the authority vested in me as President of the United States of America, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as machine gun ranges:

TRACT A

MOUNT DIABLO MERIDIAN

T. 18 S., R. 61 E.,
secs. 13 to 36, inclusive;
T. 19 S., R. 61 E.,
secs. 1 to 5, inclusive, N½ sec. 6, N½ sec. 9, and secs. 10 to 12, inclusive;
T. 18 S., R. 62 E.,
secs. 13 to 36, inclusive;
T. 19 S., R. 62 E.,
secs. 1 to 11, inclusive, W½ sec. 12, and secs. 16 to 18, inclusive;
T. 18 S., R. 63 E.,
lots 1 to 4, inclusive, W½E½ and E½W½ sec. 18; lots 1 to 4, inclusive, W½E½ and E½W½ sec. 19; lots 1 to 4, inclusive, W½NE¼, E½W½ and NW¼SE¼ sec. 30; lots 1 to 4, inclusive, E½NW¼ and NE¼SW¼ sec. 31.

TRACT B

MOUNT DIABLO MERIDIAN

T. 20 S., R. 62 E.,
sec. 1, E½ sec. 11, secs. 12 to 14, inclusive, secs. 24, 25 and 36;
T. 20 S., R. 63 E.,
W½ sec. 2, secs. 3 to 5, inclusive, S½S½ sec. 6, secs. 7 to 10, inclusive, W½ sec. 11, W½ sec. 14, secs. 15 to 22, inclusive, W½ sec. 23, W½ sec. 26, secs. 27 to 34, inclusive, and W½ sec. 35, unsurveyed.

The areas described, including both public and nonpublic lands, aggregate approximately 68,533.75 acres.

This order shall be subject to (1) the order of the Secretary of the Interior of November 3, 1936,[1] establishing Grazing District No. 5, which order affects all of the public lands in the above-described areas, and (2) Power Site Classification No. 210 of January 7, 1925, so far as it affects any of the public lands in the above-described areas. After the present national defense emergency has been officially terminated, this order shall be ineffective upon notice to the War Department by the Secretary of the Interior that such lands are needed for grazing purposes or for any other purposes by the Department of the Interior.

The local Army Commandant in charge of the lands heretofore described will, after consultation with the local representative of the Grazing Service, Department of the Interior, designate not less than two days a month, exclusive of Saturdays and Sundays, on which there will be no firing affecting secs. 13, 14, 23 and 24, T. 18 S., R. 61 E., to enable the field personnel of the Grazing Service to maintain certain range improvements located on those lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941.

[No. 8954]

[F. R. Doc. 41-8976; Filed, November 28, 1941; 2:31 p. m.]

[1] 1 F.R. 1748.

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

SUBCHAPTER B—IMMIGRATION REGULATIONS

[General Order No. C-36, Supp. 1]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Leaving

Pursuant to the authority contained in Proclamation No. 2523[1] issued by the President on November 14, 1941 under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 175.23 of the regulations promulgated on November 19, 1941 is hereby amended by the addition of the following paragraphs:

§ 175.23 *Aliens exempted from obtaining permits to depart.*

* * * * *

(n) Aliens who are domiciled or stationed in the Western Hemisphere, who are lawfully in the United States, who are citizens of any of the independent countries of the Western Hemisphere, Canada, or Newfoundland, or British or Netherlands subjects, and who are departing from the continental United States, Puerto Rico, the Virgin Islands, or the Panama Canal Zone to a destination in the Western Hemisphere.

(o) Aliens *en route* to a destination in the United States with proper documents to apply for admission into the United States and who are passing through Puerto Rico, the Virgin Islands, Midway Island, Wake Island, Guam, American Samoa, Hawaii, or the Philippine Islands.

(p) Aliens departing on vessels engaged in the fishing industry, who comply with the anchorage regulations of the Secretary of the Treasury or the Secretary of the Navy.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 28, 1941.

[F. R. Doc. 41-8980; Filed, November 28, 1941; 4:40 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4131]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. W. WILSON COMPANY

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, (1) that respondent grants to any purchaser an exclusive territory for the operation of vending machines purchased from him; (2) that locations for said vending machines have been obtained, or will be obtained, by respondent prior to delivery of said vending machines to the purchaser, unless said locations actually are obtained; (3) that said vending machines will be installed at designated locations by respondent's salesmen or agents, unless respondent or his agents actually effect such installation; and (4) that the amount purchasers of vending machines will be required to pay for locations for such machines is less than is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, (1) that said vending machines will be delivered within a specified time, when such is not the fact; and (2) that any candy to be dispensed by vending machines purchased from respondent will be furnished free; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Size and equipment.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that respondent's business is nation-wide, or that it is greater in scope or size than is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that each vending machine usually and customarily provides a net profit of not less than $30 per week, or provides a net profit of any other amount in excess of the average, usual, and customary sum or amount actually earned under normal conditions in due course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that respondent will, under any stated conditions, repurchase vending machines sold by him unless he actually does repurchase such machines in accordance with the representations made, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

In the Matter of Alfred W. Wilson, Individually and Trading as A. W. Wilson Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of 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 hav-

[1] 6 F.R. 5821.

[1] 6 F.R. 2041.

ing 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 Alfred W. Wilson, individually and trading as A. W. Wilson Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of coin-operated vending machines and candies in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(1) That respondent grants to any purchaser an exclusive territory for the operation of vending machines purchased from him;

(2) That locations for said vending machines have been obtained, or will be obtained, by respondent prior to delivery of said vending machines to the purchaser, unless said locations actually are obtained;

(3) That said vending machines will be installed at designated locations by respondent's salesmen or agents, unless respondent or his agents actually effect such installation;

(4) That the amount purchasers of vending machines will be required to pay for locations for such machines is less than is the fact;

(5) That said vending machines will be delivered within a specified time, when such is not the fact;

(6) That any candy to be dispensed by vending machines purchased from respondent will be furnished free;

(7) That respondent's business is nation-wide, or that it is greater in scope or size than is the fact;

(8) That each vending machine usually and customarily provides a net profit of not less than $30 per week, or provides a net profit of any other amount in excess of the average, usual, and customary sum or amount actually earned under normal conditions in due course of business;

(9) That respondent will, under any stated conditions, repurchase vending machines sold by him unless he does actually repurchase such machines in accordance with the representations made.

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

By the Commission.

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

[F. R. Doc. 41-9016; Filed, December 1, 1941; 11:18 a. m.]

[Docket No. 4181]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SEGAL OPTICAL COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with offer, etc., in commerce, of reading glasses and sun glasses, (1) offering for sale or selling, separately or as a part of completed reading or sun glasses, lenses or glasses which are imported from any foreign country without affirmatively disclosing thereon or in immediate connection therewith such foreign origin; and (2) representing in any manner that lenses or glasses of foreign manufacture, whether or not they are mounted in frames, are of domestic manufacture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Segal Optical Company, Docket 4181, November 26, 1941]

In the Matter of Lucian V. Segal, an Individual Trading as Segal Optical Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, 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, 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 Lucian V. Segal, an individual trading as Segal Optical Company, or trading under any other name, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of reading glasses and sun glasses, or other similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale or selling, separately or as a part of completed reading or sun glasses, lenses or glasses which are imported from any foreign country without affirmatively disclosing thereon or an immediate connection therewith such foreign origin;

(2) Representing in any manner that lenses or glasses of foreign manufacture, whether or not they are mounted in frames, are of domestic manufacture.

It is further ordered, That 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. 41-9015; Filed, December 1, 1941; 11:18 a. m.]

[1] 5 F.R. 4184.

[Docket No. 4470]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AR. WINARICK, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (a) *Coercing and intimidating—Competitors—By threatening boycott:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* (I) In connection with the offer, etc., in commerce, of beauty and barber supplies, and on the part of respondent corporate jobber thereof, its officers, etc., respondent partner jobbers, respondent individual jobbers, respondent Gallagher, individually and as general manager of respondent corporate manufacturer, and four individuals, general officers of said corporate jobber, individually and as such officers, continuing, entering into, carrying out, or aiding or abetting the carrying out, of any agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other person, partnership or corporation, for the purpose or with the effect of restricting, restraining, monopolizing or eliminating competition in the purchase or sale in said commerce of such products, and by cooperative or concerted action, agreement or understanding between any two or more of them, or between any one or more of them and any other person, partnership or corporation, (a) fixing, establishing, quoting or maintaining prices, or agreeing to fix and maintain the prices at which said products shall be sold by them, (b) fixing and maintaining, or agreeing to fix and maintain, the amount of discount to be allowed purchasers of said products, (c) agreeing not to sell their

products at prices less than the suggested price lists circulated by the manufacturers of such products, or at discounts in excess of 10 percent, or at any other agreed discount, and (d) coercing, threatening or intimidating any jobber of beauty and barber supplies, for the purpose or with the intent or effect of compelling such jobber to sell his products at the manufacturers' list prices, or at an agreed discount therefrom, or to refuse to allow discounts in excess of 10 percent or any other agreed amount; and (II) directly or indirectly, jointly or severally, (cooperating with, assisting or in any manner aiding or abetting the above named respondents in doing any of the things prohibited in parts (a), (b), (c) and (d) hereof; on the part of respondent corporate manufacturer of beauty and barber supplies, its officers, etc., and respondent Gallagher, individually and as general sales manager of said corporate manufacturer; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ar. Winarick, Inc., et al., Docket 4470, November 28, 1941]

In the Matter of Ar. Winarick, Inc., Union Beauty & Barber Supply, Inc., Louis Saul and Anthony Nicastri, Partners Trading as A. B. C. Barber & Beauty Supply Company: Vasili Thalis, an Individual Trading as American Beauty & Barber Supply Company: Joseph A. Gallagher, Individually and as General Sales Manager of Ar. Winarick, Inc., George Miller, Individually and as President of Union Beauty & Barber Supply, Inc., E. D. Chapman, Individually and as Vice-President of Union Beauty & Barber Supply, Inc., Frank Waters, Individually and as Vice-President of Union Beauty & Barber Supply, Inc., and Gladys Welch, Individually and as Secretary & Treasurer of Union Beauty & Barber Supply, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, the testimony and other evidence taken before a duly appointed trial examiner of the Commission theretofore duly designated by it to serve in this proceeding, the report of the trial examiner thereon, briefs in support of the complaint and in opposition thereto, and oral arguments; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Union Beauty & Barber Supply, Inc., a corporation, its officers, directors, agents, representatives, and employees—Louis Saul and Anthony Nicastri, copartners trading as A. B. C. Barber & Beauty Supply Company, or under any other name or designation—Vasili Thalis, an individual trading as American Beauty & Barber Supply Company, or under any other name or designation,—Joseph A. Gallagher, individually or as general sales manager of Ar. Winarick, Inc.—George Miller, individually and as president of Union Beauty & Barber Supply, Inc.—E. D. Chapman, individually and as vice-president of Union Beauty & Barber Supply, Inc.—Frank Waters, individually and as vice-president of Union Beauty & Barber Supply, Inc.—and Gladys Welch, individually and as secretary and treasurer of Union Beauty & Barber Supply, Inc., jointly and severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of beauty and barber supplies in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from containing, entering into, carrying out, or aiding or abetting the carrying out, of any agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other person, partnership or corporation, for the purpose or with the effect of restricting, restraining, monopolizing or eliminating competition in the purchase or sale in said commerce of such products, and from doing or performing by cooperative or concerted action, agreement or understanding between any two or more of them, or between any one or more of them and any other person, partnership or corporation, the following acts and things:

(a) Fixing, establishing, quoting or maintaining prices, or agreeing to fix and maintain the prices at which said products shall be sold by them.

(b) Fixing and maintaining, or agreeing to fix and maintain, the amount of discount to be allowed purchasers of said products.

(c) Agreeing not to sell their products at prices less than the suggested price lists circulated by the manufacturers of such products, or at discounts in excess of 10 per cent, or at any other agreed discount.

(d) Coercing, threatening or intimidating any jobber of beauty and barber supplies, for the purpose or with the intent or effect of compelling such jobber to sell his products at the manufacturers' list prices, or at an agreed discount therefrom, or to refuse to allow discounts in excess of 10 per cent or any other agreed amount.

It is further ordered, That respondent Ar. Winarick, Inc., a corporation, its officers, directors, agents, representatives and employees, and respondent Joseph A. Gallagher, individually and as general sales manager of said respondent corporation, jointly or severally, directly or through any corporate or other device, forthwith cease and desist from directly or indirectly, jointly or severally, cooperating with, assisting or in any manner aiding, or abetting the hereinbefore named respondents in doing any of the things prohibited in sub-paragraphs (a), (b), (c) and (d) hereof.

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

By the Commission.

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

[F. R. Doc. 41-9014; Filed, December 1, 1941; 11:18 a. m.]

[1] 6 F.R. 2209.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULE GRANTING EXEMPTION OF EMPLOYEES' SECURITIES COMPANY PENDING DETERMINATION OF APPLICATION

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (b), 6 (c) and 38 (a) thereof, and deeming the temporary exemption hereinafter provided appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the Act, the Securities and Exchange Commission hereby rescinds § 270.6c-3[1] [Rule N-6C-3], and adopts § 270.6b-1 [Rule N-6B-1] to read as follows:

§ 270.6b-1 *Exemption of employees' securities company pending determination of application.* Any employees' securities company which files an application for an order of exemption under section 6 (b) of the Act (Sec. 6 (b), 54 Stat. 801; 15 U.S.C. 80a-6) shall be exempt, pending final determination of such application by the Commission, from all provisions of the Act applicable to investment companies as such (Sec. 6 (b), 54 Stat. 801; 15 U.S.C. 80a-6: Sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a-6: Sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a-38) [Rule N-6B-1 effective December 2, 1941]

By the Commission.

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

[F. R. Doc. 41-9025; Filed, December 1, 1941; 11:42 a. m.]

[1] 5 F.R. 4346.

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 86]

PART 260—NATURAL GAS ACT STATEMENTS AND REPORTS

ORDER PRESCRIBING FORM OF ANNUAL REPORT FOR NATURAL-GAS COMPANIES AS DEFINED IN THE NATURAL GAS ACT

NOVEMBER 12, 1941

§ 260.1 *Financial and statistical report; Form 133 (1941).* The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act;

(a) Hereby adopts, promulgates and prescribes for use of natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, for the year 1941, the accompanying form of Annual Report designated as FPC Form No. 133 (1941) [1]

(b) Hereby *orders* that each natural-gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall file with the Commission an original and two conformed copies, duly executed, of such Annual Report on the aforesaid form FPC Form No. 133 (1941), for the year 1941, said Annual Report to be filed on or before the last day of the third month following the close of the calendar year or other established fiscal year.

(c) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-8981; Filed, November 29, 1941; 9:33 a. m.]

[Order No. 87]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

NOVEMBER 25, 1941.

§ 210.8a *Form of initial cost statement for projects constructed under license, costing less than $500,000.* The Federal Power Commission, acting pursuant to authority conferred by the Federal Power Act, particularly sections 4 (b) and 309 thereof, and finding such action necessary and appropriate for carrying out the purposes of said Act:

(a) Hereby adopts the accompanying form [1] of initial statement showing actual legitimate original cost, designated as FPC Form No. 45–S (small projects), for use by each Licensee of a constructed project in preparing and filing an initial statement, under oath, showing the claimed actual legitimate original cost of the project, where such claimed cost is less than $500,000, pursuant to section 4.1 of the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938, in lieu of FPC Form No. 45 heretofore prescribed by Order No. 48, adopted January 25, 1938, said FPC Form No. 45–S (small projects) comprising instructions, Section I—Claimed Cost Statement—embracing Schedules numbered 1 to 4, inclusive; Section II—Descriptive and Supporting Data—embracing Schedules 5 to 14, inclusive, and Affidavit;

(b) Hereby orders that each Licensee constructing a project or projects pursuant to license issued therefor, (where the claimed cost is less than $500,000) shall file with the Commission, unless otherwise ordered, within one year after the original project is ready for service, an initial statement, under oath, on the form aforesaid, in the manner and number of copies prescribed by § 4.1—Initial Cost Statement—of the Rules of Practice and Regulations, Effective June 1, 1938 (under the Federal Power Act); and

(c) Hereby prescribes that this order shall become effective on December 15, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. (Secs. 4 (b), 309, 49 Stat. 812, 858; 15 U.S.C., Sup., 79d (b), 16 U.S.C., Sup., 825h)

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-9028; Filed, December 1, 1941; 11:47 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

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

ALIENS LEAVING

Pursuant to the authority contained in Proclamation No. 2523 [2] issued by the President on November 14, 1941 under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 58.23 of the regulations promulgated on November 19, 1941 is hereby amended by the addition of the following paragraphs:

§ 58.23 *Aliens exempted from obtaining permits to depart.*

* * * * *

(n) Aliens who are domiciled or stationed in the Western Hemisphere, who are lawfully in the United States, who are citizens of any of the independent countries of the Western Hemisphere, Canada, or Newfoundland, or British or Netherlands subjects, and who are departing from the continental United States, Puerto Rico, the Virgin Islands, or the Panama Canal Zone to a destination in the Western Hemisphere.

(o) Aliens *en route* to a destination in the United States with proper documents to apply for admission into the United States and who are passing through Puerto Rico, the Virgin Islands, Midway Island, Wake Island, Guam, American Samoa, Hawaii, or the Philippine Islands.

(p) Aliens departing on vessels engaged in the fishing industry, who comply with the anchorage regulations of the Secretary of the Treasury or the Secretary of the Navy.

[SEAL] CORDELL HULL, *Secretary of State.*

Concurred in by:

FRANCIS BIDDLE, *Attorney General.*

NOVEMBER 28, 1941.

[F. R. Doc. 41-8980; Filed, November 28, 1941; 4:40 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5100]

PART 184—PRODUCTION OF BRANDY

Regulations 5 (1940) Amended

By virtue of and pursuant to sections 2825 and 3176 of the Internal Revenue Code, Regulations 5,[1] "Production of Brandy", (1940), is hereby amended by inserting a new section in Articles IX and XXXII, designated § 184.44a and § 184.399a, respectively, and amending §§ 184.138 (a) (4), 184.383, 184.398, 184.400, 184.403, and 184.405, to read as follows:

ARTICLE IX—EQUIPMENT

* * * * *

§ 184.44a *Unfinished spirits tanks.* Whenever a fruit distillery established or operated under these regulations is to be operated alternately as such and as an industrial alcohol plant or as a registered distillery in accordance with Article XVI, and the fruit distiller desires

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[1] Filed as part of the original document. Requests for copies should be addressed to the Federal Power Commission.

[1] Filed as part of the original document.

[2] 6 F.R. 5821.

[1] 5 F.R. 886.

to retain unfinished spirits where the change in type of plant is to be temporary only, he must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 184.42 and have painted thereon the words "Unfinished Spirits Tank," followed by its serial number and capacity in wine gallons. The tanks must be so arranged that the unfinished spirits to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 184.52. Valves must be provided in the pipe lines and so arranged as to control completely the flow of unfinished spirits both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks. (Secs. 2823, 2829, 3176, I.R.C.)

* * * * *

ARTICLE XVI—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

* * * * *

§ 184.138 *Where no bonded warehouse on premises*—(a) *Suspension.*

* * * * *

(4) *Materials, heads and tails, and unfinished spirits.* If distilling materials are transferred to the successor or if heads and tails or unfinished spirits are to be retained on the premises pending the resumption of operations as a fruit distillery, comply with the requirements of Article XXXII.

* * * * *

ARTICLE XXIV—SUSPENSION AND RESUMPTION OF OPERATIONS

* * * * *

§ 184.383 *Date of suspension.* The distiller will fix in the notice the time when all distilling material on the distillery premises will be distilled and all spirits in the distillery run into the receiving tanks, except unfinished spirits or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil which are to be retained on the premises during a temporary change in the type of distillery, as provided in Article XXXII. Where no storekeeper-gauger is assigned to the distillery the distiller will forward the notice to the district supervisor in sufficient time to reach him at least 48 hours before the date the distiller intends to suspend operations, in order that the district supervisor may detail an officer to lock the furnace door of each still or the control valve in the pipe line conveying steam or fuel to each still, as the case may be, at the time operations are suspended. (Secs. 2825, 2850, 3176, I. R. C.)

* * * * *

ARTICLE XXXII—ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

* * * * *

§ 184.398 *Completion of operation required.* When a fruit distillery is to be operated as an industrial alcohol plant or as a registered distillery, the business of producing brandy, except as hereinafter provided, must be completely finished by the person or persons first carrying on the business, and the distillery duly suspended before it can be operated as an industrial alcohol plant or a registered distillery. Except as provided in §§ 184.399 and 184.399a, all unfinished spirits, including singlings and low wines, and distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil collected in accordance with the provisions of Article XXI, must be redistilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller. Except as provided in §§ 184.399 and 184.399a, all such unfinished spirits or distillates must be disposed of before the distillery can be operated as an industrial alcohol plant or registered distillery. (Secs. 2825, 2850, 3176, I. R. C.)

§ 184.399a *Retention of unfinished spirits.* Where the change in type of plant is to be temporary only, the outgoing distiller may retain unfinished spirits under Government lock in unfinished spirits tanks, provided in accordance with § 184.44a in the fruit distillery, until the plant is again operated by him as a fruit distillery under these regulations: *Provided,* That such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the fruit distiller's bond, Form 30½, for the tax on such unfinished spirits retained on the premises, notwithstanding the change in the type of plant. (Secs. 2825, 3176, I. R. C.)

§ 184.400 *Transfer of materials, etc.* The outgoing distiller may transfer to his successor materials on hand, including those in process, at the time the change in type of plant takes place, but no spirits may be so transferred, except the residue of spirits in the stills which it is not practicable to completely boil out: *Provided,* That materials not usable and residue of spirits in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of spirits are not transferable, all materials in process must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of spirits, and such spirits, if other than unfinished spirits or distillates intended for retention in accordance with the provisions of §§ 184.399 and 184.399a, removed from the distillery in accordance with law before the change in type of plant becomes effective. When it is again desired to resume operations as a distiller under these regulations, the business of producing alcohol or whiskey, rum, et cetera, as the case may be, must be similarly finished and the industrial alcohol plant or registered distillery suspended in accordance with governing regulations. (Secs. 2825, 3176, I. R. C.)

§ 184.403 *Completion of records.* The outgoing distiller will complete his record, Form 15, as to the removal of basic materials from the premises, or the transfer of basic materials and materials in process to the successor, as the case may be, and as to production and removal from the distillery of all brandy produced by him. If distillates collected in accordance with Article XXI are retained on the premises under lock in tanks or in the brandy deposit room, as provided in § 184.399, or unfinished spirits are retained on the premises in locked tanks, as provided in § 184.399a, a notation will be made on Form 15 showing that such unfinished spirits or distillates are temporarily retained on the premises pending resumption of operations as a fruit distillery. The distiller will continue to file monthly reports on Form 15 during the period such unfinished spirits or distillates are retained on the distillery premises. Where the plant is operated as a fruit distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 15, but appropriate notations will be made on the separating lines to show the dates the distillery was operated as a registered distillery or an industrial alcohol plant and the names under which it was so operated. (Secs. 2825, 2841 (a), 3176, I. R. C.)

§ 184.405 *Disposition of spirits.* Where a change in the type of plant takes place, the storekeeper-gauger assigned or detailed to the distillery will see that all distillates collected in accordance with Article XXI are disposed of, and that all other unfinished spirits, except the residue of spirits in stills where the same is to be transferred to the successor as provided in § 184.400, are distilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller in the name under which they were produced, unless retained in the distillery in accordance with §§ 184.399 and 184.399a, respectively, before the plant is operated as another type of distillery. Upon disposition or retention in the distillery of such unfinished spirits or distillates, and transfer of all other spirits to the receiving tanks, the distillery may be operated as another type of plant, but all spirits transferred to the receiving tanks must be branded and removed in accordance with law by the outgoing distiller in the name under which they were produced, before any spirits are deposited in the receiving tanks or with-

drawn from the distillery by the successor. (Secs. 2825, 3176, I. R. C.)

* * * * *

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved November 27, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8984; Filed, November 29, 1941; 11:21 a. m.]

[T. D. 5099]

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

Regulations 46 (1940 Edition) as Amended by Treasury Decision 4998, Approved August 1, 1940, Further Amended

In order to conform Regulations 46[1] [Part 316, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 4998,[2] approved August 1, 1940, relating to excise taxes on sales by the manufacturer under the Internal Revenue Code, as amended, to sections 501, 521, 535, 536, 544, 545, 546, 549, 550, 551, 552 (b), 553, and 558 of the Revenue Act of 1941 (Public Law 250—77th Congress), and to include section 3411 of the Internal Revenue Code as amended by section 521 of the Revenue Act of 1941, within the scope thereof, such regulations are further amended as follows:

PARAGRAPH 1. The first and second paragraphs of § 316.0 are amended to read as follows:

§ 316.0 *Scope of regulations.* These regulations deal with excise taxes imposed by Chapter 29, Subchapter A, of the Internal Revenue Code, as amended, on sales—

(a) By the manufacturer, producer, or importer of—

(1) Tires and inner tubes;
(2) Automobiles, tractors, busses, trailers, etc.;
(3) Radios and components, phonographs, phonograph records, and musical instruments;
(4) Mechanical refrigerators, air-conditioning units, and components;
(5) Firearms, shells, and cartridges;
(6) Sporting goods;
(7) Luggage;
(8) Electric, gas, and oil appliances;
(9) Photographic apparatus;
(10) Electric signs;
(11) Business and store machines;
(12) Rubber articles;
(13) Commercial washing machines;
(14) Optical equipment;
(15) Electric light bulbs and tubes; and

(b) By the vendor of electrical energy for domestic and commercial consumption.

[1] 5 F.R. 142.
[2] 5 F.R. 2771.

The regulations with respect to the imposition, manner of application, and computation of tax liability are set forth in Subparts B to T, inclusive. The regulations relating to the return and collection of tax and the imposition of penalties and other matters are contained in Subpart U.

* * * * *

PAR. 2. There is inserted immediately preceding § 316.1 (*Meaning of terms*), the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

(a) *Leases.* Section 3440 of the Internal Revenue Code is amended to read as follows:

SEC. 3440. DEFINITION OF SALE.

For the purposes of this chapter the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article.

* * * * *

PAR. 3. There is inserted immediately preceding § 316.2 (*Effective period*) the following:

SEC. 501. 1932 EXCISE TAXES MADE PERMANENT. (Revenue Act of 1941, Title V, Part I.)

Section 3452 of the Internal Revenue Code (relating to expiration of 1932 excise taxes) is repealed.

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941, Title V, Part II.)

* * * * *

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a) * * * of the Internal Revenue Code shall not apply with respect to such period.

SEC. 536. EFFECTIVE DATE OF PART III. (Revenue Act of 1941, Title V.)

The amendments made by this Part shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a) * * * of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

SEC. 550. EFFECTIVE DATE OF PART IV. (Revenue Act of 1941 Title V.)

(a) The amendments made by this Part shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a) * * * of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

* * * * *

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

* * * * *

(c) *Effective date.* This section shall take effect on October 1, 1941.

SEC. 558. EFFECTIVE DATE OF PART V. (Revenue Act of 1941, Title V.)

This part shall take effect on October 1, 1941.

PAR. 4. Section 316.2 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.2 *Effective period.* Taxes on the manufacturer's sale of tires and inner tubes; automobile truck chassis and bodies, other automobile chassis and bodies and motorcycles, and parts and accessories therefor; radio components; household type mechanical refrigerators and components therefor; and firearms, shells and cartridges became effective under Title IV of the Revenue Act of 1932, on June 21, 1932. The tax on the vendor's sale of electrical energy became effective under section 6 of the Act of June 16, 1933, (Public No. 73–73d Congress), amending section 616 of the Revenue Act of 1932, on September 1, 1933. The tax on the manufacturer's sale of tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer became effective under Title IV of the Revenue Act of 1938, on July 1, 1938. The applicable provisions of the Revenue Act of 1932, as amended, were superseded as of March 1, 1939, by provisions of the Internal Revenue Code. The Code provisions were amended by subsequent acts, including the Revenue Act of 1941.

The change in the basis of the tax on automobile bus chassis, bus bodies, bus trailer and semitrailer chassis and bodies therefor; the tax on the manufacturer's sales of chassis and bodies for trailers and semitrailers suitable for use in connection with passenger automobiles and motorcycles; the taxes on the manufacturer's sale of complete radio receiving sets; phonographs, phonograph records; musical instruments; mechanical refrigerators (other than household type refrigerators, and components therefor) including commercial refrigerators, coolers, etc.; refrigerating apparatus; air-conditioners, and components therefor; and the new manufacturers' excise taxes on sales of sporting goods; luggage; electric, gas, and oil appliances; photographic apparatus; electric signs; business and store machines; rubber articles; washing machines; optical equipment; and electric light bulbs and tubes, became effective under Title V of the Revenue Act of 1941, on October 1, 1941.

Section 521 (b) of the Revenue Act of 1941 is applicable to firearms, shells, and cartridges, and to electrical energy; section 536 is applicable to tires and inner tubes; section 550 (a) is applicable to the automobile, truck, bus, and parts tax, to radios, phonographs, records, and musical instruments, and to refrigerators, refrigerating apparatus, and air-conditioners; and section 3406 (c) added by section 551, and section 558 are applicable to sporting goods, luggage, electric, gas, and oil appliances, photographic apparatus, electric signs, business and store machines, rubber articles, washing machines, optical equipment, and electric light bulbs and tubes. Section 501 is applicable to all of the taxes covered by these regulations.

The final result is that under Title V of the Revenue Act of 1941 all of the manufacturers tax rates which have been in effect since July 1, 1940, and the increased rates and new taxes imposed under Title V are applicable for an indefinite period beginning October 1, 1941.

PAR. 5. There is inserted immediately preceding § 316.3 (*Liability for tax*) the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(b) *Existing contracts.* Chapter 29 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 3453. EXISTING CONTRACTS.

(a) *Tax payable by vendee.* If (1) any person has, prior to the effective date of Part V of Title V of the Revenue Act of 1941, made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (2) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(b) *Tax paid to vendor.* Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee.

* * * * *

PAR. 6. Section 316.3 is amended by adding thereto the following new paragraphs:

§ 316.3 *Liability for tax.*

* * * * *

The amendment of section 3400 by section 553 (a) of the Revenue Act of 1941 clarifies existing language. The term "lease" includes any renewal or extension of a lease or any subsequent lease of an article.

The purpose of section 3453, added by section 553 (b) of the Revenue Act of 1941, is to shift under certain conditions the liability for a tax, or for an increase in existing rate of tax, imposed by the Revenue Act of 1941, from the manufacturer to the vendee. The conditions under which such liability is shifted are as follows: First, there must be a bona fide contract made by the manufacturer prior to October 1, 1941, for the sale on or after such date of an article with respect to which a manufacturers' excise tax is imposed, or the rate of an existing manufacturers' excise tax is increased, by the Revenue Act of 1941; second, the contract does not provide for the addition of such tax or increase in tax to the amount payable thereunder; and third, the contract does not expressly or by implication prohibit such addition to the contract price. Where these conditions are present, the vendee becomes liable for the tax or additional tax imposed by the Revenue Act of 1941. In all other cases, the liability remains upon the manufacturer and the full amount of the tax is payable by him.

A contract which provides that the tax shall be paid by the vendor, or otherwise negatives any addition to the contract price, is regarded as prohibiting an addition of the tax to such price.

A vendee who is required to pay the tax shall make payment thereof to the vendor at the time the sale is consummated, and the tax shall be returned and paid to the collector by the vendor. (See § 316.200.) In case of failure or refusal by the vendee to pay the tax to the vendor, the vendor shall report the facts to the Commissioner, for direct collection of the tax from the vendee.

PAR. 7. There is inserted immediately preceding § 316.8 the following:

SEC. 549. INSTALLMENT, ETC., PAYMENTS. (Revenue Act of 1941, Title V, Part IV.)

Section 3441 (c) of the Internal Revenue Code is amended to read as follows:

(c) (1) In the case of (A) a lease, (B) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, or (C) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

(2) In the application of paragraph (1) to the articles with respect to which the rate of tax is increased by the Revenue Act of 1941 or by the Revenue Act of 1940, where the lease, contract of sale, or conditional sale, and delivery thereunder—

(A) was made before July 1, 1940, the total tax referred to in paragraph (1) shall be the tax at the rate in force on June 30, 1940, and not at any greater rate; or

(B) was made after June 30, 1940, and before October 1, 1941, the total tax referred to in paragraph (1) shall be the tax at the rate in force on September 30, 1941, and not at any greater rate.

(3) Despite the provisions of paragraph (1), no tax shall be imposed with respect to any article not taxable under the law in existence on the day before the date of the enactment of the Revenue Act of 1941, if with respect to such article the lease, contract for sale, or conditional sale, and delivery thereunder, was made before October 1, 1941.

PAR. 8. Section 316.9 as amended by Treasury Decision 4998 is further amended by substituting the following new paragraphs for the second paragraph thereof:

§ 316.9 *Basis of tax on leases, installment sales, and conditional sales.*

* * * * *

Where articles are leased by the manufacturer, or sold under an installment-payment contract with title reserved, or under a conditional-sale contract with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the article. The tax must be returned and paid to the collector during the month following that in which such payment is made.

In the case of articles with respect to which the rate of tax is increased by the Revenue Act of 1940 or by the Revenue Act of 1941—

(a) the tax is payable at the rate in force on June 30, 1940, upon all payments where the lease, contract for sale, or conditional sale, and the delivery thereunder were made before July 1, 1940;

(b) the tax is payable at the rate in force on September 30, 1941, upon all payments where the lease, contract for sale, or conditional sale, and the delivery thereunder were made after June 30, 1940, and before October 1, 1941.

In the case of articles not subject to tax on September 30, 1941, no tax is payable upon payments made on and after October 1, 1941, where the lease, contract for sale, or conditional sale, and the delivery thereunder were made before October 1, 1941.

PAR. 9. Immediately preceding the subtitle "Articles Manufactured or Produced by Indians" appearing at the end of § 316.29, there is inserted the following:

EXEMPTION OF ARTICLES TAXABLE AS JEWELRY

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

* * * * *

(b) *Exemption if article taxable as jewelry.* No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax).

* * * * *

§ 316.29a *Exemption of articles taxable as jewelry.* The manufacturers' excise taxes imposed by section 3406 of the Internal Revenue Code, as added by section 551 of the Revenue Act of 1941, do not apply with respect to any article the sale of which at retail is subject to the tax (relating to jewelry) imposed by section 2400 of the Code, as added by section 552 of the Revenue Act of 1941.

PAR. 10. There is inserted immediately preceding § 316.30 (*Scope of tax*) the following:

SEC. 535. TIRES AND TUBES. (Revenue Act of 1941, Title V, Part III.)

(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".

* * * * *

PAR. 11. The first paragraph of § 316.32 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.32 *Rate and computation of tax.* The tax is payable by the manufacturer at the following rates: (a) tires, 5 cents a pound on total weight (exclusive of metal rims or rim bases); and (b) inner tubes (for tires), 9 cents a pound on total weight.

* * * * *

PAR. 12. There is inserted immediately preceding § 316.40 (*Scope of tax*), the following:

SEC. 552. NEW RETAILERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(b) *Termination of manufacturers' tax on toilet preparations.* The tax imposed by sec-

tion 3401 of the Internal Revenue Code shall not apply to articles sold on or after October 1, 1941.

PAR. 13. Sections 316.40, 316.41, as amended by Treasury Decision 4998, and §§ 316.43 and 316.44 are eliminated and the following section is substituted in their place:

§ 316.40 *Termination of tax.* The tax imposed by section 3401 as amended upon sales of toilet preparations by the manufacturer does not apply to sales made on and after October 1, 1941.

See Regulations 51 relative to the tax on sales of toilet preparations by retailers imposed by section 2402 as added to the Code by section 552 of the Revenue Act of 1941, effective as of October 1, 1941.

PAR. 14. There is inserted immediately preceding § 316.50, the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

(a) *Increase of rate and classification of busses.* Section 3403 (a) and (b) of the Internal Revenue Code are amended to read as follows:

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof), 5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

* * * * *

PAR. 15. The first paragraph of § 316.50 is amended to read as follows:

§ 316.50 *Scope of tax.* The tax is imposed on the sale by the manufacturer of (1) automobile truck chassis and bodies, (2) other automobile chassis and bodies, (3) tractors, and (4) motorcycles.

* * * * *

PAR. 16. The first sentence of the last paragraph of § 316.50 is amended to read as follows:

* * * * *

Any parts or accessories for automobile truck chassis and bodies, other automobile chassis and bodies, tractors, and motorcycles, sold on or in connection therewith, or with the sale thereof, are taxable at the rate applicable to the sale price of the complete articles. * * *

PAR. 17. A new section is inserted at the end of § 316.50 as follows:

§ 316.50a *Definitions.* As used in this subpart, unless from the context it is clear that a different meaning is intended—

(a) The term "automobile truck" shall include automobile trucks, automobile busses, and truck and bus trailers and semitrailers.

(b) The term "other automobile" shall mean all automobiles other than automobile trucks, and shall include trailers and semitrailers suitable for use in connection with passenger automobiles.

(c) The term "tractor" shall mean the kind of tractors chiefly used for highway transportation in combination with a trailer or semitrailer.

(d) The term "motorcycle" shall mean all types of motorcycles and shall include side cars as parts of motorcycles.

PAR. 18. Section 316.51 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.51 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 percent of the sale price of automobile truck chassis, bodies, or tractors, and at the rate of 7 percent of the sale price of other automobile chassis or bodies or motorcycles as determined under §§ 316.8 to 316.15, inclusive.

PAR. 19. The first and second sentences of § 316.52 as amended by Treasury Decision 4998, are further amended to read as follows:

§ 316.52 *Combination of chassis and bodies taxable at different rates.* If the manufacturer of a truck body installs it on an "other automobile chassis" manufactured by him, he must record and bill the sale of the body and chassis separately, and pay tax on the sale price at the rates of 5 percent and 7 percent, respectively. In case a passenger body is installed by the manufacturer thereof on an automobile truck chassis manufactured by him, the transaction must be handled in a similar manner, and tax paid on the body and chassis at the rates of 7 percent and 5 percent, respectively. * * *

PAR. 20. There is inserted immediately preceding § 316.54 the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(c) *Credits on account of tire and tube tax.* Section 3403 (e) of the Internal Revenue Code is amended to read as follows:

(e) If tires or inner tubes on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Commissioner, with the approval of the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating to tax on tires and inner tubes); or

(2) if such tires or inner tubes were taxable under section 3444 (relating to use by manufacturer, producer, or importer) then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires or inner tubes are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. In lieu of the rates of credit of 5 per centum and 7 per centum above provided, the rates, respectively, for the following periods, shall be as follows:

(A) With respect to the period after June 30, 1940, and before the effective date of the increase in tax on automobiles made by the Revenue Act of 1941, 2½ per centum and 3½ per centum; and

(B) With respect to the period before July 1, 1940, 2 per centum and 3 per centum.

* * * * *

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(d) *Credits, and tax free sales of automobile radios.* * * * Section 3403 (e) of the Internal Revenue Code, as amended by this Act, is further amended by striking out "tires and inner tubes" where the phrase appears the first time and inserting "tires, inner tubes, or automobile radios"; paragraph (1) of subsection (e) of such section is amended by inserting before the semicolon "or, in the case of automobile radios, if such radios were taxable under section 3404"; paragraph (2) of subsection (e) of such section is amended by striking out "tires or inner tubes" wherever such phrase appears and inserting "tires, inner tubes, or automobile radios".

PAR. 21. Section 316.54 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.54 *Credit for taxes on tires, inner tubes, or automobile radios.* Under the specific provisions of the Code, tires, inner tubes, and automobile radios may not be purchased tax free for use as material in the manufacture of, or as a component part of, other taxable articles manufactured by the purchaser.

Where a manufacturer sells tax-paid tires, inner tubes, and automobile radios on, or in connection with, or with the sale of automobile trucks, other automobiles, taxable tractors, or motorcycles, he may take credit against the tax due on his sale in an amount determined by applying to the purchase price of the tires, inner tubes, automobile radios, the percentage rate of tax applicable to such automobile trucks, other automobiles, taxable tractors, or motorcycles, but the part of the purchase price of tires attributable to any metal rims or rim bases shall be excluded. For example, if the sale price of an automobile is $1,000, the tax payable thereon $70.00, and the cost to the automobile manufacturer of the tires, inner tubes or automobile radios, sold on or in connection therewith is $40.00, the manufacturer will be permitted to take a credit against the tax payable on the selling price of the automobile in an amount equal to 7 per cent of $40.00, or $2.80.

In the event that the manufacturer of an automobile also manufactures or imports tires and inner tubes, and sells the automobile and the tires and tubes in a single transaction, he will be liable for tax on the sale price of the automobile (including the tires and tubes) at the rate of 7 percent, and he will also be liable for tax on the tires and tubes at the rates of 5 cents and 9 cents per pound, respectively. He will, however, be permitted to take a credit against the

tax on the automobile on the same basis as if he had purchased the tires and tubes so sold. The same rule applies in the case of motorcycles and, except for the difference in the rate of tax, in the case of automobile truck chassis and taxable tractors.

Sales of automobile trucks, taxable tractors, other automobiles and motorcycles, originally equipped with tax-paid tires, inner tubes, or automobile radios, to an exempt governmental agency for its exclusive use are not properly to be regarded resales of tires and inner tubes, as such, so as to entitle the manufacturer of such tires and inner tubes to a credit or refund of the amount of tax paid by him thereon.

PAR. 22. There is inserted immediately preceding § 316.55 the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(b) *Increase in rate on parts and exclusion of radios from automobile tax.* The first sentence of section 3403 (c) of the Internal Revenue Code is amended to read as follows: "Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b), 5 per centum."

* * * * *

PAR. 23. Section 316.55 is amended by adding the following sentence at the end of the first paragraph:

§ 316.55 *Definition of parts or accessories.* * * * However, such term does not include tires, inner tubes, and automobile radios, since these articles are expressly excluded by the statute from the tax on parts or accessories. With respect to fare registers and fare boxes for use on busses and automobiles, see § 316.140.

* * * * *

PAR. 24. Section 316.56 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.56 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 per cent of the sale price as determined under §§ 316.8 to 316.15, inclusive.

PAR. 25. There is inserted immediately after the citation of section 3403 (f) the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(d) *Credits on termination of tax.* Section 3403 (f) of the Internal Revenue Code (relating to credits and refunds on termination of automobile tax) is repealed.

PAR. 26. There is inserted immediately preceding § 316.60 the following:

SEC. 545. RADIOS, PHONOGRAPHS, RECORDS, AND MUSICAL INSTRUMENTS. (Revenue Act of 1941, Title V, Part IV.)

Section 3404 of the Internal Revenue Code is amended to read as follows:

SEC. 3404. TAX ON RADIO RECEIVING SETS, PHONOGRAPHS, PHONOGRAPH RECORDS, AND MUSICAL INSTRUMENTS.

There shall be imposed upon the following articles (including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

(c) Phonograph records.

(d) Musical instruments.

PAR. 27. Section 316.60 as amended by Treasury Decision 4998 and §§ 316.61 and 316.62, as amended by Treasury Decision 4998, are eliminated and the following new sections are inserted in lieu thereof:

§ 316.60 *Scope of tax.* The tax attaches to the sale by the manufacturer of (1) radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs; (2) chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs, regardless of whether such components are primarily adapted for such use; (3) phonograph records; and (4) musical instruments. Parts and accessories for such articles (except musical instruments) are subject to the tax when sold on or in connection with the sale thereof.

Automobile radio receiving sets may not be sold tax free to manufacturers of automobiles under the provisions of either section 3442 or section 3403 (c), as amended.

Automatic devices for playing or repeating records, phonograph pick-ups, home recording apparatus, and similar devices are subject to the tax if sold on or in connection with or with the sale of radio receiving sets, combination radio and phonograph sets, or phonographs.

§ 316.61 *Radios, phonographs, etc., components.* The term "chassis" includes radio receiving apparatus of all types.

The term "cabinets" includes containers suitable for housing radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

The term "tubes" includes vacuum tubes of all types suitable for use in connection with or as part of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

The term "reproducing unts" includes all apparatus for the amplification or reproduction of sound which are suitable for use in connection with or as parts of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

The term "power packs" includes all devices which are suitable for use on or in connection with or as part of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs, which convert electric current of ordinary commercial or domestic voltages into electric current of voltages suitable for operating such articles.

The term "antennae of the 'built-in' type" includes all types of aerials of the kind completely contained in a radio receiving set, automobile radio receiving set, or combination radio and phonograph set.

The term "phonograph mechanisms" includes devices which are suitable for use in combination radio and phonograph sets, or phonographs for the purpose of playing records.

The articles defined in this section are subject to the tax regardless of whether such articles are primarily adapted for use in connection with radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

§ 316.62 *Phonograph records.* The term "phonograph records" means all disks, cylinders, or other articles, regardless of the material from which they are made, and upon which are recorded or may be recorded human speech or other sounds for reproduction by means of a phonograph or combination radio and phonograph.

§ 316.63 *Musical instruments.* The term "musical instruments" includes pianos and organs of all types, trombones, saxophones, violins, drums, xylophones, chimes, cymbals, etc., and all string, wind, reed, or percussion instruments used in producing music, or in reproducing it, except radios and phonographs, for which see § 316.61.

§ 316.64 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

PAR. 28. There is inserted immediately preceding § 316.70 the following:

SEC. 546. MECHANICAL REFRIGERATORS. (Revenue Act of 1941, Title V, Part IV.)

Section 3405 of the Internal Revenue Code is amended to read as follows:

SEC. 3405. TAX ON REFRIGERATORS, REFRIGERATING APPARATUS, AND AIR-CONDITIONERS.

There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which so sold:

(a) *Refrigerators, etc.* Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) *Refrigerating apparatus.* Compressors, condensers, evaporators, expansion units, absorbers, and controls, for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in subsection (a).

(c) *Air-conditioners.* Self-contained air-conditioning units.

(d) *Components.* Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in subsection (c).

PAR. 29. Sections 316.70, 316.71, 316.72 and 316.73 as amended by Treasury Decision 4998, are eliminated and the following new sections inserted in lieu thereof:

§ 316.70 *Refrigerators, etc.* Subsection (a) of section 3405, as amended by section 546 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and including in each case parts or accessories therefor sold on or in connection with the sale of the article.

The tax applies to all the above-enumerated articles without regard to their size, whether single or multiple cabinet installation, or whether designed for household, commercial, or industrial use.

The tax applies to all the above-enumerated articles, if primarily designed for use with a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; it is not necessary that such a mechanical refrigerating unit be sold on or in connection with the sale of the article.

A manufacturer of an article taxable under section 3405 (a), as amended, may purchase tax free for use as a component in the manufacture of such article any of the refrigerating apparatus specified in section 3405 (b), as amended. (See § 316.71.) However, if any of the refrigerating apparatus specified in section 3405 (b), as amended, is purchased tax paid and used as a component in the manufacture of an article taxable under section 3405 (a), as amended, the manufacturer of such article may be allowed a credit to the extent of the tax paid on the refrigerating apparatus so used as a component. (See § 316.204.)

The tax does not apply to refrigerator cabinets which are primarily designed for use without a mechanical refrigerating unit.

§ 316.71 *Refrigerating apparatus.* Subsection (b) of section 3405, as amended by section 546 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of compressors, condensers, evaporators, expansion units, absorbers, and controls, for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in section 3405 (a), as amended, and including in each case parts or accessories therefor sold on or in connection with the sale of the specified refrigerating apparatus.

§ 316.72 *Air-conditioners, and components.* Subsections (c) and (d) of section 3405, as added by section 546 of the Revenue Act of 1941, impose taxes on sales by the manufacturer of self-contained air-conditioning units, as well as separate sales of cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls for, or suitable for use as part of, or with, self-contained air-conditioning units, and including in each case parts or accessories therefor sold on or in connection with the sale of the specified articles.

§ 316.73 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

PAR. 30. There is inserted immediately preceding § 316.80 (*Scope of tax*), the following:

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941, Title V, Part II.)

(a) The following sections of the Internal Revenue Code are amended as follows:

* * * * *

(18) *Firearms, etc.* Section 3407 is amended by striking out "10 per centum" and inserting in lieu thereof "11 per centum".

* * * * *

PAR. 31. The second paragraph of § 316.81 is amended to read as follows:

§ 316.81 *Exempt sales.*

* * * * *

Sales of pistols and revolvers are specifically exempt from the tax imposed under section 3407 of the Code, as amended, but are subject to the tax imposed under section 2700 (a), as amended, and (b) of the Code, which remains in effect. (See Regulations 47, revised October 1928, as amended by T. D. 5083, approved October 3, 1941, relating to excise taxes on sales by the manufacturer of pistols and revolvers.)

* * * * *

PAR. 32. Section 316.82 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.82 *Rate of tax.* The tax is payable by the manufacturer at the rate of 11 percent of the sale price as determined under §§ 316.8 to 316.15, inclusive.

PAR. 33. "Subpart J—Miscellaneous Provisions" is amended to read "Subpart U—Miscellaneous Provisions", and the sections now appearing under "Administrative Provisions" are renumbered as follows: § 316.90 to § 316.200; § 316.91 to § 316.201; § 316.92 to § 316.202; § 316.93 to § 316.203; § 316.94 to § 316.204; § 316.95 to § 316.205; and § 316.96 to § 316.206.

PAR. 34. There are inserted immediately after § 316.82 new Subparts J to T, inclusive, as follows:

SUBPART J—SPORTING GOODS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

(1) *Sporting goods.* Badminton nets; badminton rackets (measuring 22 inches over-all or more in length); badminton racket frames (measuring 22 inches over-all or more in length); badminton racket string; badminton shuttlecocks, badminton standards; baseballs; baseball bats (measuring 26 inches or more in length); baseball body protectors and shin guards; baseball gloves and mitts; baseball masks; basketballs; billiard and pool tables (measuring 45 inches over-all or more in length); billiard and pool balls and cues for such tables; bowling balls and pins; boxing gloves, masks, head guards, and ear guards; clay pigeons; cricket balls; cricket bats; croquet balls and mallets; curling stones; deck tennis rings, nets, and posts; fencing equipment; fishing rods, creels, reels, and artificial lures, baits, and flies; footballs; football harness; football helmets; golf bags (measuring 26 inches or more in length); golf balls; golf clubs (measuring 30 inches or more in length); gymnasium equipment and apparatus; hockey balls; hockey pucks; hockey sticks (measuring 30 inches or more in length); indoor baseballs; indoor baseball bats (measuring 26 inches or more in length); indoor baseball gloves and mitts; lacrosse balls; lacrosse sticks; mass balls; polo balls; polo mallets; push balls; skates; skis; ski poles; snow shoes; snow toboggans and sleds; soccer balls; softball balls; softball bats (measuring 26 inches or more in length); softball gloves and mitts; squash balls; squash rackets (measuring 22 inches over-all or more in length); squash racket frames (measuring 22 inches over-all or more in length); squash racket string; tennis balls; table tennis tables, balls, nets, and paddles; tennis nets; tennis rackets (measuring 22 inches over-all or more in length); tennis racket frames (measuring 22 inches over-all or more in length); tennis racket string; track hurdles; traps for throwing clay pigeons; vaulting poles, cross bars, and standards; volley balls, nets, and standards; water polo balls and goals; and wrestling head harness; 10 per centum.

* * * * *

§ 316.90 *Scope of tax.* Subsection (a) (1) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of the specified articles, equipment, and apparatus, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "fencing equipment" includes foils, sabres, blades, dueling swords, masks, guards, plastrons, and all other equipment used in the sport of fencing.

The term "gymnasium equipment and apparatus" includes all equipment or apparatus of the type used in connection with any variety of indoor exercise for developing or exhibiting the strength, activity, or control of the body. The following is descriptive but not all inclusive of the type of equipment or apparatus intended to be included in the above-mentioned term: indian clubs, dumbbells, exercising rings, stall bars, gymnasium ladders, parallel bars, vaulting horses, horizontal bars, striking or punching bags, pulley weights, rowing machines, etc.

The tax does not attach (unless otherwise indicated in subsection 3406 (a) (1)) to articles which, in view of their size, quality, or the substance of their material, are not capable of being used in the playing of any game, athletic event, sport, or as gymnasium equipment.

§ 316.91 *Rate of tax.* The tax is payable by the manufacture at the rate of 10

per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART K—LUGGAGE

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(2) *Luggage.* Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases, 10 per centum.

* * * * *

§ 316.100 *Scope of tax.* Subsection (a) (2) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), other traveler's luggage, and leather and imitation leather brief cases, including in each case (except contents of fitted toilet cases) parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "trunks" includes all receptacles which are commonly or commercially designated as trunks, and which are designed for the purpose of carrying or conveying the effects of a traveler.

The terms "valises", "traveling bags" and "suitcases", include all receptacles which are commonly or commercially designated as valises, traveling bags and suitcases and which are designed to be used for the purpose of carrying or conveying by hand the effects of a traveler.

The term "other traveler's luggage" includes all other receptacles commonly or commercially designated as luggage and which are designed for the purpose of carrying or conveying by hand or otherwise the effects of a traveler.

The term "hat boxes for use by travelers" includes all receptacles commonly or commercially designated as hat boxes and which are designed for the purpose of conveying or carrying hats by hand or otherwise in traveling.

The term "leather or imitation leather brief cases" includes all receptacles commonly or commercially designated as brief cases which are made of any leather or imitations thereof, and which are designed for the purpose of carrying or conveying documents, etc., of any size or shape.

The term "fitted toilet cases" includes all receptacles of any form whatsoever designed or fitted to contain toilet articles or other effects of a traveler, or both, exclusive of the toilet article contents thereof.

Articles commonly or commercially designated as salesmen's trunks, valises, utility bags, etc., designed for the purpose of carrying or conveying samples of any kind are subject to the tax even though not specifically used to carry or convey the usual effects of a traveler.

§ 316.101 *Application of the tax.* In the case of articles taxable under section 3406 (a) (2), which contain fixtures such as hangers, trays, drawers, etc., the tax attaches to the price for which the entire assembly is sold.

Fittings such as bottles, phials, jars, combs, brushes, mirrors, etc., contained in fitted toilet cases, are not taxable when sold as a part thereof and the sale price of such fittings may be excluded in determining the sale price of the taxable fitted toilet case, provided the sale price of such fittings is separately invoiced by the manufacturer or that such sale price can be established by adequate records to the satisfaction of the Commissioner.

If an article taxable under section 3406 (a) (2) is sold at retail by the manufacturer, and such article contains fittings that are subject to the retailers' excise tax imposed by section 2400 (relating to jewelry etc.) or section 2402 (relating to toilet preparations), the manufacturer, in addition to the manufacturers' excise tax, incurs liability for the retailers' excise tax with respect to the sale which must be returned and paid as required by Regulations 51 (1941 Edition). However, where the fittings are subject to the tax imposed by section 2400, the sale thereof by the manufacturer, whether at wholesale or retail, does not subject him to a liability under section 3406 (a) (2). (See § 316.29a.)

§ 316.102 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 percent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART L—ELECTRIC, GAS, AND OIL APPLIANCES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(3) *Electric, gas, and oil appliances.* Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners; 10 per centum.

* * * * *

§ 316.110 *Scope of tax.* Subsection (a) (3) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of electric direct motor-driven fans and air circulators, electric, gas, or oil water heaters, electric flat irons, electric air heaters (not including furnaces), electric immersion heaters, electric heating pads and blankets, electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises, electric mixers, whippers, and juicers, household type electric vacuum cleaners, and combinations of two or more of such appliances, including in each case parts and accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "electric direct motor-driven fans and air circulators" includes appliances of the type primarily designed and adapted to be operated as independent units. It includes so-called "exhaust" fans but does not include so-called "blowers". With respect to fans and blowers for, or suitable for use as part of, or with, self-contained air-conditioning units see § 316.72.

The phrase "electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises" includes any type of appliance operated by, or for which the heat is generated by, electricity, gas, or oil, which is used, commercially or domestically, to cook, warm, or keep warm food or beverages for consumption on the premises. The following are descriptive but not all inclusive of the types of article subject to tax under this classification: coffee makers, ranges, roasters, toasters, waffle irons, griddles, hot plates, casseroles, steam tables, etc.

§ 316.111 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART M—PHOTOGRAPHIC APPARATUS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(4) *Photographic apparatus.* Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films: 10 per centum.

* * * * *

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(c) *Unexposed Motion Picture Films.* Section 3443 (a) (3) (A) of the Internal Revenue Code (relating to credits or refunds of tax

to manufacturer) is amended by inserting at the end thereof the following new clause:

(v) in the case of unexposed motion picture films, used or resold for use in making of news reel motion picture films.

* * * * *

§ 316.120 *Scope of tax.* Subsection (a) (4) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of cameras, lenses for cameras, all unexposed still or motion picture films (except X-ray films), photographic plates, photographic sensitized paper, photographic apparatus, photographic equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures, or in the developing, printing, or enlarging of photographs or motion picture films, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "cameras" includes the entire assembly, regardless of weight, which is used for or capable of use in the taking of still or motion pictures.

The term "lenses" includes the glass and also the frame or cell in which such glass is mounted. Where a lens is sold in combination with a barrel, shutter, diffusing device, etc., the tax attaches to the total amount paid for the assembly.

The term "unexposed photographic films" includes all films for use in any type of still or motion picture camera whether in rolls, reels, or packs, but does not include X-ray films.

The term "photographic plates" includes any plate used in any type camera in the taking of a picture.

The term "sensitized paper" includes any type of paper, regardless of size, used in producing prints or enlargements from any type of photographic negative.

The term "photographic apparatus and equipment" includes any article used on or in connection with a camera or lens in the taking of a still or motion picture. The following are descriptive but not all inclusive of such articles: range finders, view finders, lens extension tubes, filters, diffusers, tripods, focusing finders, etc.

The phrase "any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films" includes the following articles which are descriptive but not all inclusive: exposure meters, enlargers, lenses and other attachments for enlargers, tanks or pans designed for developing films, printing frames, photoflood lamps and reflectors, flash bulbs, etc.

§ 316.121 *Unexposed motion picture films used in making news reel motion picture films.* Under the provisions of the Code, where unexposed motion picture films are used or are resold for use in the making of "news reel motion picture films" the manufacturer of such unexposed motion picture films is entitled to a refund or credit of the tax paid on the sale of such unexposed films.

The term "making of news reel motion picture films" means the production of news reel motion pictures covering current news events for immediate release for public exhibition.

The tax attaches to the manufacturer's sale of all unexposed motion picture films even though it is known at the time of the sale that such unexposed films will be used or resold for use in the making of news reel motion picture films.

In order to establish the right to a credit or refund of the tax paid on the sale of unexposed motion picture films used or resold for use in the making of news reel motion picture films, it is necessary that, (1) the manufacturer have definite knowledge that the film in question was used for such purposes, and (2) he obtain from the purchaser and retain in his possession a properly executed certificate in the form prescribed by this section.

Where the certificate is obtained prior to the time the manufacturer is required to file a return covering taxes due for the month in which the sale was made, he must include the tax on such sale in his return for that month, in the item "Total tax due", but he may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation on a rider attached to the return. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made, and when the certificate is obtained later he may file a claim for refund on Form 843, or take a credit upon any subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

For regulations relating to the claiming of credits or refunds, see § 316.204.

The following is a form of exemption certificate which will be acceptable for the purpose of this section and must be adhered to in substance:

CREDIT OR REFUND CERTIFICATE

(For use by purchasers of unexposed motion picture films for use in the making of news reel motion pictures.)

----------, 19---

The undersigned hereby certifies that the unexposed motion picture films covered by this certificate were used in the making of news reel motion picture films.

The undersigned understands that fraudulent use of this certificate to secure a credit or refund may subject him (1) to a penalty equivalent to the amount of tax due on the sale of the unexposed motion picture film, and (2) to a fine of not more than $10,000, or imprisonment of not more than five years, or both, together with costs of prosecution.

(Name)

(Address)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificate and proper records of invoices, orders, etc., relative to tax-free use shall be retained as provided in § 316.202. If, upon inspection, it is discovered that a manufacturer's records with respect to any use claimed to be tax free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the use, the tax shall be payable by the manufacturer on such sale.

The unexposed motion picture films covered by the certificate must be fully identified as to the nature of its use, the quantity used, the date of sale, and the amount of tax paid thereon.

§ 316.122 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART N—ELECTRIC SIGNS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(5) *Electric signs.* Neon-tube signs, electric signs, and electric advertising devices, 10 per centum.

* * * * *

§ 316.130 *Scope of tax.* Subsection (a) (5) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of neon-tube signs, electric signs, and electric advertising devices, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

§ 316.131 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART O—BUSINESS AND STORE MACHINES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(6) *Business and store machines.* Adding machines, addressing machines, autographic registers, bank proof machines, billing machines, bookkeeping machines, calculating machines, card punching machines, cash registers, change making machines, check writing machines, check signing machines, check canceling machines, check perforating ma-

chines, check cutting machines, check dating machines, other check protector machine devices, computing machines, coin counters, dictographs, dictating machine record shaving machines, dictating machines, duplicating machines, embossing machines, envelope opening machines, erasing machines, folding machines, fanfold machines, fare registers, fare boxes, listing machines, line-a-time and similar machines, mailing machines, multigraph machines, multigraph typesetting machines; multigraph type justifying machines, numbering machines, portable paper fastening machines, pay roll machines, pencil sharpeners, postal permit mailing machines, punch card machines, sorting machines, stencil cutting machines, shorthand writing machines, sealing machines, tabulating machines, ticket counting machines, ticket issuing machines, typewriters, transcribing machines, time recording devices, and combinations of any of the foregoing, 10 per centum.

* * * * *

§ 316.140 *Scope of tax.* Subsection (a) (6) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of all business and store machines of the types enumerated in such subsection, and to sales by the manufacturer of any combination of two or more of such machines, including parts and accessories sold on or in connection therewith, or with the sale thereof.

Where any taxable business or store machine is leased (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, such lease shall, for the purpose of this section, be considered as the sale thereof. For computation of tax on leases or rentals see § 316.9.

Fare registers and fare boxes for use in streetcars, busses, and other vehicles are taxable as business machines under section 3406 (a) (6) and not as automobile accessories under section 3403 (c), as amended.

§ 316.141 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART P—RUBBER ARTICLES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(7) *Rubber articles.* Articles of which rubber is the component material of chief weight, 10 per centum. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter.

* * * * *

§ 316.150 *Scope of tax.* Subsections (a) (7) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of any article of which rubber is the component material of chief weight, except articles of footwear such as shoes, rubbers, boots, heels, soles, etc.; articles especially designed for hospital or surgical use; and articles taxable under any other section of Chapter 29 of the Code, as amended.

The component material of chief weight of any article, for the purposes of this section, is that component material which is not exceeded in weight by any other single component.

The following list is descriptive but not all inclusive of the type of articles subject to tax if rubber is the component material of chief weight: raincoats, hose, flooring, mats and matting, thread, cement, gloves, stationers' bands, erasers, camelback, bathing caps and belts and belting, tape, sponge, fabric, tubing, packing, washers, valves, battery jars, mouth pieces for pipes, cigar and cigarette holders, stoppers of all types, etc.

Where rubber is a component material of an article and exemption with respect to the sale of such article is claimed on the ground that rubber is not the component material of chief weight, the manufacturer must maintain adequate records or have in his possession proper evidence to establish to the satisfaction of the Commissioner that the rubber is not the component material of chief weight. In the absence of such records or evidence, the tax must be paid with respect to the sale of such article.

§ 316.151 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART Q—COMMERCIAL WASHING MACHINES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(8) *Washing machines.*—Washing machines of the kind used in commercial laundries, 10 per centum. No tax shall be imposed under this paragraph on washing machines of the household type.

* * * * *

§ 316.160 *Scope of tax.* Subsection (a) (8) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of washing machines of the type designed and intended to be used in commercial laundries, including parts and accessories for such machines sold on or in connection therewith or with the sale thereof.

Under the express provisions of the Code, as amended, no tax attaches with respect to sales of washing machines of the type designed and intended solely for use in the home.

§ 316.161 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART R—OPTICAL EQUIPMENT

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(9) *Optical equipment.* Refractometers; spectrometers; spectroscopes; colorimeters; polariscopes; optical measuring instruments; telescopic sights; projection lenses and prisms; optical machinery; miscroscopes; telescopes; photo-micro and micro-projection apparatus; fire control optical instruments; and searchlight mirrors and reflectors; 10 per centum.

* * * * *

§ 316.170 *Scope of tax.* Subsection (a) (9) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of (a) refractometers, spectrometers, spectroscopes, colorimeters, polariscopes, optical measuring instruments, telescopic sights, projection lenses, projection prisms, optical machinery, microscopes, telescopes, photo-micro and micro-projection apparatus, fire control optical instruments, searchlight mirrors and reflectors, (b) combinations of two or more of such articles; and (c) parts or accessories of such articles sold on or in connection therewith, or with the sale thereof.

§ 316.171 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 percent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART S—ELECTRIC LIGHT BULBS AND TUBES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(10) Electric light bulbs and tubes.—Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 5 per centum.

* * * * *

§ 316.180 *Scope of tax.* Subsection (a) (10) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of electric light bulbs and tubes.

An electric light bulb or tube is any device designed for the diffusion of arti-

ficial light for illuminative or decorative purposes through the use of electricity.

§ 316.181 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART T—ELECTRICAL ENERGY

SEC. 3411 (AS AMENDED BY SECTION 521 (a) (19) OF THE REVENUE ACT OF 1941). TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION.

(a) There shall be imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3⅓ per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

* * * * *

§ 316.190 *Scope of tax.* The tax imposed by section 3411 (a) of the Internal Revenue Code, as amended, applies, except as provided hereinafter, to all electrical energy sold for domestic or commercial consumption and not for resale.

The term "electrical energy sold for domestic or commercial consumption" does not include (1) electrical energy sold for industrial consumption, e. g., for use in manufacturing, mining, refining, shipbuilding, building construction, irrigation, etc., or (2) that sold for other uses which likewise can not be classed as domestic or commercial, such as the electrical energy used by electric and gas companies, waterworks, telegraph, telephone, and radio communication companies, railroads, other similar common carriers, educational institutions not operated for private profit, churches, and charitable institutions in their operations as such. However, electrical energy is subject to tax if sold for consumption in commercial phases of industrial or other businesses, such as in office buildings, sales and display rooms, retail stores, etc., or in domestic phases, such as in dormitories or living quarters maintained by educational institutions, churches, charitable institutions, or others.

Where electrical energy is sold to a consumer for two or more purposes, through separate meters, the specific use for which the energy is sold through each meter, i. e., whether for domestic or commercial consumption, or for other use, shall determine its taxable status. Where the consumer has all the electrical energy consumed at a given location furnished through one meter, the predominant character of the business carried on at such location shall determine the classification of consumption for the purposes of this tax.

The tax attaches to electrical energy sold for domestic or commercial consumption, irrespective of whether any of the energy sold is actually used or the charges therefor actually collected. The tax is due on all such sales whether the charge therefor is billed as a minimum charge, a flat charge, a service charge, or otherwise.

Where a discount is allowable from the gross charge for electrical energy if payment therefor is made by the consumer within a prescribed period, or where an additional amount is added for failure to make payment within a prescribed period, the tax shall be based on the amount due.

§ 316.191 *Sales for resale.* The tax does not apply to sales of electrical energy for resale, except where the electrical energy is sold to an owner or lessee of a building for resale to the tenants therein. The statute provides that sales of electrical energy to an owner or lessee of a building for resale to the tenants therein shall be considered a sale for consumption; accordingly, the sales to such owner or lessee are subject to the tax. However, in such case the resale of the electrical energy by the owner or lessee of the building to the tenants is not taxable. In determining the tax payable with respect to the electrical energy sold to an owner or lessee of a building for resale to tenants therein, such portion of the electrical energy as can be shown to have been resold to the tenants for other than domestic or commercial consumption may be excluded.

Every person who purchases electrical energy for resale (except resale by the owner or lessee of a building to the tenants therein) must register with the collector for the district in which is located the principal place of business of such person (or, if he has no principal place of business in the United States, with the collector at Baltimore, Md.). The application for registry must show the name and place, or places, of business of the applicant. The collector will issue registration numbers in a separate series, beginning with number 1, for his district. Electrical energy so furnished for resale shall be exempt from tax only when the vendee furnishes to the vendor a certificate showing the vendee's registration number and that the electrical energy is to be resold by him.

Where electrical energy is sold to a person registered under the provisions of the preceding paragraph, a portion of which is for domestic or commercial consumption by the vendee and a portion of which is for resale, the certificate furnished by such vendee must show the amount of such electrical energy purchased for domestic or commercial consumption by him, and the amount purchased by him for resale. The vendor must pay tax on the portion of such electrical energy sold to the vendee for domestic or commercial consumption by such vendee. Such vendee must in turn pay tax on the portion of such electrical energy resold by him for domestic or commercial consumption. The tax in each case is based on the price for which the electrical energy is sold to the consumer thereof.

§ 316.192 *Rate of tax.* The tax is payable by the vendor at the rate of 3⅓ per cent of the sale price.

ELECTRICAL ENERGY EXEMPTIONS

SEC. 3411. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION.

* * * * *

(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants, or to electric and power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.

§ 316.193 *Exemptions.* Electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia, is exempt from the tax.

Sales of electrical energy by electric and power plants owned by the United States, or any State or Territory, or political subdivision thereof, or the District of Columbia, are exempt from the tax.

Sales of electrical energy by electric and power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification are exempt from the tax.

In every case, the exemption specified in this section must be established by an official ruling. Where not so established, any corporation claiming the right to such exemption must submit for ruling by the Commissioner, (a) a copy of its charter, (b) a copy of its by-laws, and (c) adequate and sufficiently detailed evidence of the area served by its operations.

SEC. 3411. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OF COMMERCIAL CONSUMPTION.

* * * * *

(b) The provisions of sections 3441, 3444, and 3447 shall not be applicable with respect to the tax imposed by this section.

* * * * *

§ 316.194 *Inapplicable administrative provisions.* The provisions of sections 3441, 3444, and 3447 of the Internal Revenue Code relating to sale price, use by manufacturers, and contracts prior to May 1, 1932, respectively, do not apply to the tax imposed on sales of electrical energy.

PAR. 35. The first sentence of paragraph 3 of renumbered § 316.200 is amended to read as follows:

§ 316.200 *Returns.*

* * * * *

Returns covering taxes collected from vendees under section 3447 (b), or section 3453, as added by section 553 (b) of the Revenue Act of 1941, should be made as prescribed above on Form 728. * * *

PAR. 36. The last sentence of renumbered § 316.201 is amended by changing "§ 316.95" in last sentence to "§ 316.205".

PAR. 37. There is inserted immediately preceding renumbered § 316.204, the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(c) *Unexposed Motion Picture Films.* Section 3443 (a) (3) (A) of the Internal Revenue Code (relating to credits or refunds of tax to manufacturer) is amended by inserting at the end thereof the following new clause:

(v) in the case of unexposed motion picture films, used or resold for use in the making of news reel motion picture films.

(d) *Credits, and Tax Free Sales of Automobile Radios.* Section 3442, section 3443 (a) (1), and section 3444 (a) (1) and (2) of the Internal Revenue Code (relating to tax in case of sale of tires to manufacturers of automobiles, etc., and credit on sale) are amended by striking out "tires or inner tubes" wherever appearing therein and inserting "tires, inner tubes, or automobile radios taxable under section 3404"; and by striking out "tire or inner tube" wherever appearing therein and inserting "tire, inner tube, or automobile radio taxable under section 3404". Section 3403 (e) of the Internal Revenue Code, as amended by this Act, is further amended by striking out "tires and inner tubes" where the phrase appears the first time and inserting "tires, inner tubes, or automobile radios"; paragraph (1) of subsection (e) of such section is amended by inserting before the semicolon "or, in the case of automobile radios, if such radios were taxable under section 3404"; paragraph (2) of subsection (e) of such section is amended by striking out "tires or inner tubes" wherever such phrase appears and inserting "tires, inner tubes, or automobile radios."

PAR. 38. Paragraph 1 of renumbered § 316.204 is amended by substituting "(other than a tire, inner tube, or automobile radio taxable under section 3404)" for "(other than a tire or inner tube)".

PAR. 39. The amendments made by this Treasury Decision shall be applicable only with respect to the period beginning with October 1, 1941. (This Treasury Decision is issued under the authority contained in sections 501, 521, 535, 536, 544, 545, 546, 549, 550, 551, 552 (b), 553, and 558 of the Revenue Act of 1941 (Public Law 250, 77th Congress), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 28, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8977; Filed, November 28, 1941; 2:58 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

PART 301—RULES OF PRACTICE AND PROCEDURE

SERVICE; NUMBER OF COPIES; AMENDMENT

§ 301.13 (*Service; number of copies*—(a) *Service*) in the Rules of Practice and Procedure, promulgated June 23, 1937, as amended, heretofore adopted and ratified July 1, 1939, by the Secretary of the Interior, is hereby amended to read as follows:

§ 301.13 *Service; number of copies*—(a) *Service.* Formal complaints, petitions in intervention, supplemental complaints, amended complaints, protests, answers, briefs, notices and all other papers in proceedings must show and prove service upon all other parties to the proceeding and in addition thereto must show and prove service upon the Bituminous Coal Consumers' Counsel. Such service in all cases other than formal complaints filed pursuant to section 5 (b) of the Act, shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each party. Proof shall be by affidavit of the person making service. In the case of formal complaints filed pursuant to section 5 (b) of the Act, service must be made by delivery in person to the party against whom complaint is made, and the affidavit of service shall be made by the person making such service. (Sec. 2 (a), 50 Stat. 72; 15 U.S.C. Sup., 829 (a))

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

Approved: November 12, 1941.

HAROLD L. ICKES
Secretary of the Interior.

[F. R. Doc. 41-9007; Filed, December 1, 1941; 11:12 a. m.]

PART 301—RULES OF PRACTICE AND PROCEDURE

RULES AND REGULATIONS GOVERNING APPLICATIONS BASED UPON ADMISSIONS FOR THE DISPOSITION WITHOUT FORMAL HEARINGS OF COMPLIANCE PROCEEDINGS INSTITUTED PURSUANT TO SECTIONS 4 II (j) AND 5 (b) OF THE ACT, AND § 317.5 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS

Pursuant to the provisions of the Bituminous Coal Act of 1937, as amended, (the "Act") and sections 2 (a), 4 II (h), (j) and 5 (b) thereof, and § 317.5 of the Rules and Regulations for the Registration of Distributors, the following rules and regulations are hereby established pertaining to the procedure in respect to the filing of applications based upon admissions for the disposition without formal hearings of compliance proceedings instituted pursuant to sections 4 II (j) and 5 (b) of the Act and § 317.5 of the Rules and Regulations for the Registration of Distributors.

§ 301.132 *Applications based upon admissions for disposition of compliance proceedings without formal hearings*—(a) *Who may make such applications.* Any code member or any registered distributor against whom a compliance proceeding is pending under section 4 II (j) or 5 (b) of the Act or § 317.5 of the Rules and Regulations for the Registration of Distributors, may file a verified application based upon admissions therein contained for disposition of such proceeding without formal hearing.

(b) *Time and place of filing.* Applications made pursuant to the provisions of this Section must be verified and filed with the Division at its Washington Office not later than fifteen (15) days after receipt by the defendant or respondent of the complaint, if the proceeding is initiated by complaint, or the order, if the proceeding is initiated by an order. The verified original and five (5) conformed copies of each application must be filed at the Washington Office. In addition, conformed copies of the application must be mailed, at the time of such filing, to the complainant, and to the Statistical Bureau of the Division and the District Board for the District in which the mines of the Code member defendant are located or in which the principal place of business of the registered distributor is located, unless such place of business is not located within the boundaries of any district.

As to all pending compliance proceedings, the Director may provide for the filing of such applications within such time as he may deem appropriate.

(c) *Form of application and requirements as to the contents thereof*—(1) *Applications by code members.* Applications made by code members pursuant to this section, (i) shall set forth the identity of the code member and of any affiliates thereof engaged in the production, marketing or transportation of coal or the financing of any thereof, and a brief description of the mining operations conducted by the code member and any such affiliates; (ii) shall state by reference to the complaint, the violations admitted by the code member; (iii) shall state in respect to the admitted violations, the day or days on which the violations occurred, the quantity of coal sold or otherwise disposed of in violation of the Code or regulations thereunder, the sizes of coal sold, the sales price of the coal sold indicating whether said sales price was f. o. b. the mine, f. o. b. destination or f. o. b. some specified intermediate point, the transportation costs if the sales price was f. o. b. destination or f. o. b. some specified intermediate point, and the effective minimum price f. o. b. the mine for such coal; (iv) shall describe the act, the commission or omission of which constitutes a violation, if such an act has no relation to a specific sale or to specific tonnage; (v) shall contain a statement that to the best of the applicant's belief and knowledge, the code member has not committed any other violations of the Act, the Code, or regulations thereunder, or if the applicant is unable to so state, the application must set forth in detail the additional violations committed by the code member, and whether or not the code member agrees to the incorporation of such additional charges of violation in the complaint and Notice of and Order for

Hearing by way of amendment or supplement thereto; (vi) shall contain a consent of the code member to the entry by the Director of an order cancelling and revoking his (its) code membership, or of an order directing the code member to cease and desist from violations of the Code and regulations thereunder, or to an order revoking his (its) code membership and also enjoining and restraining the code member from violations of the Code and regulations made thereunder upon any restoration of his (its) code membership; (vii) shall state the amount of tax which may be imposed upon the basis of the admitted violations as to which the code member consents to the entry of an order of revocation and an agreement by the code member to pay the same within a specified period after being served with an order revoking his (its) code membership as a condition to restoration of such membership; (viii) may state whether the application is made without prejudice to any position that may be taken by the code member on the formal hearing in the proceeding in the event that the application is not granted; (ix) shall contain an agreement on the part of the code member to execute any and all papers or instruments necessary to dispose of the proceeding in the event that the application is granted; and (x) may contain a statement of any extenuating circumstances.

(2) *Application by registered distributors.* Applications made by registered distributors pursuant to this section, (i) shall set forth the identity of the registered distributor and of any affiliates thereof; (ii) shall state by reference to the Notice of and Order for Hearing or other instrument by which the proceeding was instituted, the violations admitted by the registered distributor; (iii) shall state whether the registered distributor purchased the coal involved for resale or was otherwise acting as distributor or whether the registered distributor was acting as sales agent in the transactions involved; (iv) shall state in respect to the admitted violations, the day or days on which the violations occurred, the quantity of coal sold or otherwise disposed of as registered distributor, as a sales agent or otherwise, in violation of the Code or regulations thereunder, the provisions of the Code, the Marketing Rules and Regulations, and the Rules and Regulations for the Registration of Distributors admitted to have been violated, the sizes of coal sold, the sales price of the coal sold indicating whether said sales price was f. o. b. the mine, f. o. b. destination or f. o. b. some specified intermediate point, the price paid by the registered distributor for such coal and to whom paid, the name or names of the producers of such coal, and the name or names of the mines at which the same was produced, the effective minimum price f. o. b. the mine for such coal and any other admitted facts upon which the violations are based, and whether or not such coal was purchased and resold in not less than cargo or railroad carload lots, whether or not such coal was physically handled by the registered distributor or in any manner handled through a retail yard or facilities of the distributor or of any affiliate of the distributor; (v) shall describe completely the act, the commission or omission of which constitutes a violation, if such an act has no relation to a specific sale or to specific tonnage; (vi) the discounts or commissions received by the registered distributor in respect to the coal involved in the admitted violations; (vii) shall contain a statement that to the best of the applicant's knowledge and belief the registered distributor has not committed any other violations of the Act or regulations thereunder, or if the applicant is unable to so state, the application must set forth in detail the additional violations committed by the registered distributor, and whether or not the registered distributor agrees to the incorporation of such additional charges of violation in the complaint or Notice of and Order for Hearing by way of amendment or supplement thereto; (viii) shall contain a consent by the registered distributor to the entry by the Director of an order revoking or suspending his (its) registration for a specified period; (ix) shall contain an agreement by the registered distributor in respect to the restoration to code members or others, of amounts unlawfully accepted by the registered distributor as discounts or sales commissions on the transactions involved in the admitted violations; (x) may state whether the application is made without prejudice to any position that may be taken by the registered distributor on the formal hearing in the proceeding in the event that the application is not granted; (xi) shall contain an agreement on the part of the registered distributor to execute any and all papers and instruments necessary to the disposition of the proceeding in the event that the application is granted; and (xii) may contain a statement of any extenuating circumstances.

(d) *Notice of filing of applications.* The Director may provide that notice of the pendency of applications, filed pursuant to this section, be published in the FEDERAL REGISTER and may in such notice invite interested parties to file recommendations, or requests for informal conferences in respect to such applications, within such period as may be provided.

(e) *Informal conferences.* Any party to the proceeding or any other interested party may apply to the Director within such period as the Director may provide, for permission to be heard at an informal conference upon any application filed pursuant to this section. The Director may also without application having been filed therefor provide for an informal conference on any application filed pursuant to this section. Such informal conferences shall be held at such times and places as the Director, in his discretion, may determine. In the event that the Director determines that such conference be held, the matter will be set for presentation to the Director or to such employee or employees of the Division as the Director may designate to advise him in such matters. The Division will maintain in the Records Section a schedule of such conferences which shall be open for public inspection. The Division will also notify the code member or registered distributor, Office of Bituminous Coal Consumers' Counsel, the district board and the statistical bureau for the district in which the code member or registered distributor is located, and the complainant, if other than the district board, of the date and place of such conference. Notification of such conference will be given by the Division by telegram to all parties to the proceeding and to the district board if it is not a party thereto. Such conference shall be informal in character and may be attended by interested persons, subject, however, to such restrictions with respect to the conduct of the conference as the Director or the employee of the Division in charge shall deem advisable.

(f) *Notice of determination by the Director.* Notice of the determination of the Director on applications filed pursuant to this Section shall be published in the FEDERAL REGISTER, except the Director may, prior to publication of the pendency of applications filed pursuant to this Section, deny any application filed pursuant to this Section, by telegraph or such other communication as he may deem appropriate, and such denial need not be published. (Sec. 2 (a), 50 Stat. 72; 15 U.S.C. Sup., 829 (a))

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

Approved: November 12, 1941.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-9008; Filed December 1, 1941; 11:12 a. m.]

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1113, A-1121, and A-1122]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; OF C. A. BRANT, A CODE MEMBER IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS SMELL MINE (MINE INDEX NO. 927) FOR ALL SHIPMENTS EXCEPT TRUCK; AND OF C. A. BRANT, A CODE MEMBER IN DISTRICT NO. 3, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS BRANT MINE (MINE INDEX NO. 803) FOR ALL SHIPMENTS EXCEPT TRUCK

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of

1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

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

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

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

It appearing that this action is necessary in order to effectuate the purposes of the Act;

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

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto supplement R–III, and § 323.23 (*General prices*) 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 petitions in the above-entitled matters and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1208	Adams & Guiliani Coal Co. (C. E. Adams).	Brookside #2	Bakerstown	Independence, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G						
375	Alvarez, Manuel	Lambert's Run	Pittsburgh	Meadowbrook, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F						
803	Brant, C. A	Brant	Pittsburgh	Chiefton, W. Va	WM	65	F	F	F	F	F	F	F	F	F	F						
927	Brant, C. A	Smell	Pittsburgh	Colfax, W. Va	B&O	50	F	F	F	F	F	F	F	F	F	F						
1209	Claypool, J. W	Claypool	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
1219	George, Drexel R	Lemley #1 (Strip)	Pittsburgh	Opekiska, W. Va	B&O	51	F	F	F	F	F	F	F	F	F	F						
378	Hickman, T. M	Mason	Pittsburgh	Kingmont, W. Va	B&O	50	F	F	F	F	F	F	F	F	F	F						
377	Island Run Coal Co. (A. D. Ware)	Island Run #1	H. V. Kitt	Junior, W. Va	WM	33	J	J	J	J	J	J	H	H	H	H						
379	Marlin Coal Co	Byrne #2	Sewickley	Byrne, W. Va	Monon	52	J	J	J	J	J	J	J	J	J	J						
380	Ruthbell Coal Co	Scotch Hill #115B	Pittsburgh	Newburg, W. Va	B & O	70	H	H	H	H	H	H	H	H	H	H						
381	Ruthbell Coal Co	Scotch Hill #1150	Pittsburgh	Newburg, W. Va	B & O	70	H	H	H	H	H	H	H	H	H	H						
1092	Stout, H. V	Everett	Pittsburgh	Haywood, W. Va	B & O	61	F	F	F	F	F	F	F	F	F	F						
383	West, Clarence D	West	Pittsburgh	Opekiska, W. Va	B & O	51	F	F	F	F	F	F	F	F	F	F						

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 375, 378, 380, 381, 383, 803, 927, 1092, 1209, 1219; Group No. 3: 377; Group No. 4: 379; Group No. 6: 1208.

§ 323.8 *Special prices*. (c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 375, 378, 380, 381, 383, 803, 927, 1092, 1209, 1219; Group No. 3: 377; Group No. 4: 379; Group No. 6: 1208.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size (1)	Lump 2", egg 2", bottom size, but over 1¼" (2)	Lump 1¼" and under, egg 1¼" and under, bottom size (3)	All nut and pea, 2" and under (4)	Run of mine, resultant over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Adams & Guiliani Coal Co. (C. E. Adams).	1208	Brookside #2	Bakerstown	Preston	235	235	235	210	210	200	190
Alvarez, Manuel	375	Lambert's Run	Pittsburgh	Harrison	223	218	218	193	193	178	168
Arnold, Ernest	376	Ernest Arnold	Pittsburgh	Marion	223	218	218	193	193	178	168
Boggess, E. P.	1218	Lockdale	Pittsburgh	Harrison	223	218	218	193	193	178	168
Claypool, J. W.	1209	Claypool	Pittsburgh	Harrison	223	218	218	193	193	178	168
Coffman, Pete	1210	Gore	Pittsburgh	Harrison	223	218	218	193	193	178	168
George, Drexel R.	1219	Lemley #1 (Strip)	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Grafton Domestic Coal Company (Mrs. J. H. Tucker).	333	Sandor-Tucker	Pittsburgh	Taylor	223	218	218	193	193	178	168
Gregory, I. M.	1211	Gregory	H. V. Kitt	Braxton	208	203	203	178	178	168	158
Groves, W. Troy	1212	Groves	M. V. Free	Preston	225	225	225	200	200	190	180
Hickman, T. M.	378	Mason	Pittsburgh	Marion	223	218	218	193	193	178	168
Island Run Coal Co. (A. D. Ware).	377	Island Run #1	H. V. Kitt	Barbour	208	203	203	178	178	168	158
Leggett, Rex	1217	Copeland	Pittsburgh	Taylor	223	218	218	193	193	178	168
McDaniel, W. M.	1220	Dickenson "B"	Pittsburgh	Barbour	223	218	218	193	193	178	168
Marlin Coal Co.	379	Byrne #2	Sewickley	Monongalia	208	203	203	178	178	163	153
Michael, Paul	1214	Cress	M. V. Free	Preston	225	225	225	200	200	190	180
Ruthbell Coal Co.	380	Scotch Hill #115B	Pittsburgh	Preston	230	230	230	205	205	195	185
Ruthbell Coal Co.	381	Scotch Hill #115C	Pittsburgh	Preston	230	230	230	205	205	195	185
Sinsel, Chester	384	Sinsel #1	Pittsburgh	Taylor	223	218	218	193	193	178	168
Sisler, Paul	1213	Chas. T. Awman	M. V. Free	Preston	225	225	225	200	200	190	180
Smith, Wm. E.	382	Grant Town Slate Dump.	Pittsburgh	Marion	223	218	218	193	193	178	168
Sundman, John	351	Sundman #1 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
West, Clarence D.	383	West	Pittsburgh	Monongalia	223	218	218	193	193	178	168

[F. R. Doc. 41-8954; Filed, November 28, 1941; 10:09 a. m.]

[Docket No. A-1127]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT ROARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.2 (*Mine index numbers*) is amended by adding thereto supplement R–I § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto supplement R–II, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: November 10, 1941.

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

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 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc.	Pure Seam	[1]1516	91	St. David, Ill.	CB&Q.
24	Fairview Collieries Corporation	Flamingo	[2]1450	93	Rapatee, Ill.	M&STL.
24	Midland Electric Coal Corporation	Vulcan	[3]1517	95	Middle Grove, Ill.	CNW and M&STL.
24	Morgan, Ray (F. C. Morgan Coal Co.)	Bryant	[4]1485	91	Bryant, Ill.	CB&Q.

[1] Mine Index No. 1516 shall be included in Price Group 27 and shall take the same f. o. b. mine prices as other mines n Price Group 27, Schedule No. 1, District No. 10, on size groups 1 to 8, Incl., and 17 to 25, Incl., for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at St. David, Illinois.

[2] Mine Index No. 1450 shall be included in Price Group 24 and shall take the same f. o. b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Rapatee, Illinois.

[3] Mine Index No. 1517 shall be included in Price Group 24 and shall take the same f.o.b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Middle Grove, Ill.

[4] Mine Index No. 1485 shall be included in Price Group 24 and shall take the same f. o. b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Bryant, Illinois.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc.	Pure Seam	[5] 1516	91	St. David, Ill.	CB&Q.
24	Fairview Collieries Corporation	Flamingo	[6] 1450	93	Rapatee, Ill.	M&STL.
24	Midland Electric Coal Corporation	Vulcan	[7] 1517	95	Middle Grove, Ill.	CNW and M&STL.
24	Morgan, Ray (F. C. Morgan Coal Co.)	Bryant	[8] 1485	91	Bryant, Ill.	CB&Q.

[5] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A, 6, 7, 8, 35 and 43 shall apply.
[6] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A, 8 and 44 shall apply.
[7] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A and 44 shall apply.
[8] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A, 6, 7, 8, 35 and 43 shall apply.

FOR TRUCK SHIPMENTS

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

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. 3																																
KNOX COUNTY																																
Midland Electric Coal Corporation	1517	Vulcan	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	175	170	170	170	170	160	160	150	120	135	125	---	---
SECTION No. 4																																
FULTON COUNTY																																
Central State Collieries, Inc.	1516	Pure seam	6	280	275	270	260	255	250	185	170	---	---	---	---	---	---	---	---	185	180	180	180	180	170	170	160	130	---	---	---	---
Fairview Collieries Corporation	1450	Flamingo	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	175	170	170	170	170	160	160	150	120	135	125	---	---
Morgan, Ray (F. C. Morgan Coal Company)	1485	Bryant	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	175	170	170	170	170	160	160	150	120	135	125	---	---

[F. R. Doc. 41–8955; Filed, November 28, 1941; 10:09 a. m.]

TITLE 31—MONEY AND FINANCE

CHAPTER II—FISCAL SERVICE

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF DEFENSE SAVINGS BONDS, SERIES E

DEPARTMENT CIRCULAR NO. 657, 1941, SECOND AMENDMENT

NOVEMBER 29, 1941.

Treasury Department Circular No. 657,[1] dated April 15, 1941, as amended, is hereby further amended by inserting immediately preceding the concluding sentence of the last paragraph thereof, appearing also as the last paragraph of § 317.6, title 31, part 317 of the Code of Federal Regulations of the United States of America, the following new sentence:

§ 317.6 *Miscellaneous.*

* * * * *

The Secretary of the Treasury may waive or modify any of the requirements of this Circular whenever he deems such action to be in the public interest. (Sec. 22 (a) of the Second Liberty Bond Act as amended; Public No. 7, 77th Congress)

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

[F. R. Doc. 41–9033; Filed, December 1, 1941; 12:06 p. m.]

[1] 6 F.R. 1985.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 949—CHROMIUM

General Preference Order No. M–18–a to Conserve the Supply and Direct the Distribution of Chromium

Whereas, it is found that the increasing national defense requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad, of chromium (as hereinafter defined) have created a shortage in the supply of chromium 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 supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 949.2 *General preference order M–18–a*—(a) *Definitions.* For the purposes of this order:

(1) "Chromium" means and includes:

(i) Chromium ores or concentrates;

(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) All chemical combinations having chromium as an essential and recognizable component;

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) above.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(3) "Processor" means any person who uses ores or concentrates for the manufacture of, or converts them into chromium chemicals, chromium refractories or metallurgical forms of chromium.

(4) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating.* Deliveries of chromium under all defense orders (as defined in Regulation No. 1) to which a preference rating of A–10 or higher has not been assigned are hereby assigned a preference rating of A–10.

(d) *Limitation on use of ore in chromium chemicals.* Unless otherwise ordered by the Director of Priorities, the aggregate chromium oxide content of ore which may be used by any processor in the manufacture of chromium chemicals during any calendar month shall be limited to 1/12 of the aggregate weight of such oxide content used in the manufacture of the total quantity of chromium chemicals delivered by such processor during the period from July 1, 1940 through June 30, 1941.

(e) *Allocations.* Hereafter the Director of Priorities will from time to time specifically direct the manner and quantities in which deliveries of chromium in any form, for particular uses or to particular persons shall be made or withheld. Such directions will be made primarily to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements. In making any deliveries of chromium with respect to which no specific directions have been issued by the Director of Priorities, each producer, processor and dealer must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, and must be governed by any preference ratings assigned to particular contracts or purchase orders.

(f) *Application for chromium.* Unless otherwise ordered by the Director of Priorities, no processor or dealer shall make delivery of chromium and no person shall accept such delivery unless, not later than the 25th day of the month next preceding the month in which delivery is to be made, or at such other time as the Office of Production Management may determine, the person seeking such delivery shall have filed with the processor or dealer an application in the form prescribed by the Chromium Branch of the Office of Production Management, and shall have filed at the same time with the Office of Production Management a copy of such application. If the chromium for which application is made is in any of the forms specified in paragraph (a) (1) (ii) above the person seeking delivery shall also file with the Office of Production Management, together with the copy of such application, a report on Form PD–53a or such other form as may be from time to time prescribed by the Office of Production Management. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (f) on the basis of the limited character of their requirements for chromium.

(g) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of chromium, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(h) *General preference order M–18 revoked.* General Preference Order M–18, issued by the Director of Priorities July 7, 1941, as amended August 22, 1941, is hereby revoked.

(i) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of April, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 3875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8989; Filed, November 29, 1941; 11:32 a. m.]

PART 950—CUTTING TOOLS

Amendment and Extension No. 1 of Supplementary Order No. E–2–a[1] to Direct the Use and Distribution of Cutting Tools

It is hereby ordered that:

(a) Paragraph (a) (1) of § 950.2 (*Supplementary Order No. E–2–a*) is hereby amended by changing the words "and machine broaches" to read as follows: "metal cutting shear knives, metal cutting circular saws, and machine broaches."

(b) Section 950.2, as amended by paragraph (a) hereof, shall continue in effect until the 28th day of February, 1942 unless sooner revoked by the Director of Priorities.

This Order shall take effect immediately. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

JAMES S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41–8991; Filed, November 29, 1941; 11:33 a. m.]

PART 954—MATERIAL FOR THE PRODUCTION OF CUTTING TOOLS SPECIFIED HEREIN

Amendment No. 1 and Extension No. 1 of Preference Rating Order No. P–18–a[2]

It is hereby ordered that:

(a) Paragraph (a) (2) of § 954.2 (*Preference Rating Order No. P–18–a*) is hereby amended by changing the words "and machine broaches" to read as follows: "metal cutting shear knives, metal cutting circular saws, and machine broaches."

(b) Section 954.2, as amended by paragraph (a) hereof, shall continue in effect until the 28th day of February, 1942, unless sooner revoked by the Director of Priorities.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O. P. M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th

[1] 6 F.R. 4524.
[2] 6 F.R. 4525.

Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

JAMES S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8992; Filed, November 29, 1941; 11:33 a. m.]

PART 961—CALCIUM-SILICON

General Preference Order M-20-a[1] *To Conserve the Supply and Direct the Distribution of Calcium-Silicon*

Whereas, the national defense requirements have created a shortage of Calcium-Silicon, 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 extend and supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 961.2 *General preference order M-20-a*—(a) *Definition.* For the purposes of this order:

(1) "Calcium-Silicon" means that commercial product made in an electric furnace and used in the treatment and refining of certain steels, containing calcium and silicon in approximately the following proportions:

Calcium from 28% to 35%
Silicon from 60% to 65%

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating.* Deliveries of calcium-silicon under all defense orders (as defined in Regulation No. 1) to which a preference rating of A-10 or higher has not been assigned are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries*—(1) *Allocations.* Hereafter no person shall make or accept any delivery of calcium-silicon unless specifically authorized by the Director of Priorities. The Director will from time to time allocate the supply of calcium-silicon, and specifically direct the quantities and manner in which deliveries thereof to particular persons or for particular uses shall be made or withheld. Such directions will be made primarily to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(2) *Reports.* Unless otherwise ordered by the Director of Priorities, no person shall be entitled to receive an allocation of calcium-silicon unless, not later than the 25th day of the month next preceding the month in which such person desires delivery to be made, he shall have filed in duplicate (one copy with the supplier with whom his purchase order has been placed, and one copy with the Office of Production Management) a certified report on Form PD-72 or such other form as may be from time to time prescribed by the Office of Production Management, setting forth the information specified on such form.

(e) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of calcium-silicon, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(f) *Revocation of general preference order M-20.* General Preference Order M-20, issued by the Director of Priorities July 29, 1941, is hereby revoked.

(g) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of May, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8990; Filed, November 29, 1941; 11:32 a. m.]

PART 962—STEEL

Amendment to General Preference Order No. M-21[1]

(a) Paragraph (b) (13) (i) of § 962.1 (*General preference order No. M-21*) is hereby amended to read as follows:

§ 962.1 *General preference order M-21.*

* * * * *

(b) *Directions as to deliveries.*

* * * * *

(13) *Special instructions.* * * *

No Producer of Steel shall make, and no Person shall accept from a Producer, delivery of Steel unless and until a statement on Form PD-73 or in such other form as may from time to time be prescribed by the Director of Priorities has been filed as follows:

(*a*) Except as hereinafter provided, each purchaser shall file Form PD-73 with the Producer at the time of filing his purchase order or contract.

(*b*) On orders placed prior to September 1, 1941, with deliveries to be made after September 1, 1941, Form PD-73 shall be filed with the Producer on or before October 15, 1941.

(*c*) On all export sales as defined in Group E of Form PD-73 (except sales to purchasers in the Dominion of Canada), Form PD-73 may be filed by the accredited agent, or export division of the Producer in the United States.

(*d*) When Steel is shipped by a Producer direct to the customer of a Warehouse, Form PD-73 is to be filed with the Producer by the customer and not by the Warehouse.

(*e*) When the purchaser is the War Department or Navy Department, or a Warehouse, the purchaser may report on a single Form PD-73 all orders in a single group classification placed during a single month. In such case each Form PD-73 must be filed with the Producer on or before the fifth day of the following month.

* * * * *

(b) This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9021; Filed, December 1, 1941; 11:23 a. m.]

PART 962—STEEL

General Allocation Order No. 1—Plates

Whereas the National Defense requirements have created a shortage of steel plates 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 further to conserve the supply and direct the distribution of such products.

Now therefore it is hereby ordered, That:

§ 962.4 *General allocation order 1*—(a) *Definitions.* For the purposes of this Supplement "plates" means flat car-

[1] All reports to be filed, appeals and other communications concerning this order, should be addressed to the Office of Production Management, Washington, D. C. Reference: M-20-a.

[1] 6 F.R. 4005, 5994.

bon or alloy steel products (other than slabs)

Over 6 inches wide and ¼ inch or more thick, or

Over 6 inches wide and weighing 10.2 pounds or more per square foot, or

Over 48 inches wide and $\frac{3}{8}$ inch or more thick, or

Over 48 inches wide and weighing 7.65 pounds or more per square foot.

(b) *Allocation program adopted.* Pursuant to the provisions of paragraph (b) (13) (ii) of § 962.1 (*General preference order M–21*) it is hereby provided that plates shall, from and after December 1, 1941, be subject to complete allocation. Thereafter, no plates shall be produced, delivered, or accepted except in accordance with this Supplement, and no person shall use plates produced, delivered or accepted in violation thereof.

(c) *Reports and shipments*—(1) *Customer's reports.* Plate customers of a Producer shall file such forms as may be from time to time prescribed by the Director of Priorities.

(2) *Producers' reports and shipments.* On or before the fifteenth day of each month each Producer shall file with the Iron and Steel Branch, Office of Production Management, in such form as may from time to time be prescribed by the Director of Priorities, a schedule of proposed production and shipments of plates during the following month, as well as a statement of orders for plates for delivery during such month not scheduled for delivery by the Producer. The Director of Priorities shall thereafter send to such Producer an allocation Order, which may make such changes in the proposed shipments as shall seem appropriate to the Director of Priorities. After December 1, 1941, no plates shall be produced or shipped by a Producer except in accordance with such schedule as modified.

(3) *Supplementary reports and shipments by producers.* Any plates produced during any month by a Producer in excess of the amount allocated by the Director of Priorities in accordance with paragraph (c) (2) hereof, shall be disposed of by the Producer in accordance with such orders as may be given from time to time by the Director of Priorities. As to any such plates the Director may require the Producer to furnish such supplementary schedules and other information as may be deemed necessary.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9019; Filed, December 1, 1941; 11:23 a. m.]

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 1 to General Preference Order No. M–30 to Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

(a) Section 971.1, paragraph (e) is hereby amended to read as follows:

§ 971.1 *General preference order, M–30.*[1]

* * * * *

(e) *Effective date.* This Order shall take effect on the 28th day of August, 1941, and continue in effect until terminated by direction of the Director of Priorities.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9017; Filed, December 1, 1941; 11:22 a. m.]

PART 984—LEAD

Supplementary Order No. M–38–b

§ 984.3 *Supplementary Order M–38–b.* (a) The Director of Priorities hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General preference order M–38*)[2] for the month of December, 1941, shall be 15% of the total amount of lead produced by such refiner during the month of October, 1941.

(b) This Order shall take effect on the 1st day of December, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9020; Filed, December 1, 1941; 11:23 a. m.]

PART 1008—ELECTRIC POWER

Amendment of Limitation Order L–16[3]

(a) It is hereby ordered that § 1008.1 (*Limitation Order L–16*) be amended by striking from paragraph (a) (3) (i) thereof the following names of Utilities appearing therein:

Carolina Aluminum Co. (Eastern Division)
Carolina Power and Light Co.
Duke Power Co.
Lexington Water Power Co.
Lockhart Power Co.
J. B. McCrary Co.
South Carolina Electric and Gas Co.
Tidewater Power Co.

(b) It is further ordered that Exhibit A, attached to said § 1008.1 (*Limitation Order L–16*), be amended by striking out the names of all the Utilities listed therein as receiving power deliveries from any of the Utilities specified in paragraph (a) above. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 26th day of November 1941, effective November 27, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8988; Filed, November 29, 1941; 11:32 a. m.]

PART 1018—TIN FOIL AND LEAD FOIL

Amendment To Limitation Order No. L–25

Section 1018.1 (*Limitation order L–25*)[1] is hereby amended as follows:

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

§ 1018.1 *Limitation order No. L–25.*

* * * * *

(e) *Effective date.* This Order shall take effect on December 24, 1941, and shall continue in effect until revoked by the Director of Priorities.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9018; Filed, December 1, 1941; 11:23 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1346—BUILDING MATERIALS

PRICE SCHEDULE NO. 45—ASPHALT OR TARRED ROOFING PRODUCTS

Asphalt or tarred roofing products, primarily made of a felt base (composed of

[1] 6 F.R. 4527.
[2] 6 F.R. 5090.
[3] 6 F.R. 5564.

[1] 6 F.R. 5954.

waste rags, waste paper and other fibers), saturated and/or coated with asphalt or tar, are widely used as a building material. In the defense program, these products have been extensively employed in the construction industry. The recent increased use of asphalt roofing products stemming from the defense program and the accompanying expanded economic activity has so increased demand for such products that shipments for the first eight months of 1941 exceeded 26,000,000 squares. As a consequence, inflationary pressure has been exerted upon these products resulting in several successive price increases during the past four months totaling fifteen to sixteen per cent while total unit costs for most items have actually declined during the same period. Earnings have therefore steadily increased. While the present Schedule reduces prices below current levels it still provides a very substantial margin of profit.

The Schedule utilizes the shipping point, freight equalization, and allowance systems presently in effect in this industry, including the customary practice of free deliveries in free shipping zones. Such acceptance and incorporation of these systems into this Schedule, merely as a vehicle for determining prices, should not be regarded as approval thereof, nor should this reservation be regarded as disapproval.

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

§ 1346.51 *Maximum prices for asphalt or tarred roofing products sold by manufacturers.* On and after December 12, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, asphalt or tarred roofing products, and no person shall buy, offer to buy, or accept delivery of such products from a manufacturer, at prices higher than the maximum prices established in Appendices A (Eastern area) and B (Pacific Coast area) hereof, incorporated herein as §§ 1346.59 and 1346.60: *Provided*, That this Schedule shall in no event apply to "applied sales" as defined in § 1346.57 (i).*

*§§ 1346.51 to 1346.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.52 *Less than maximum prices.* Lower prices than those established in Appendices A and B may be charged, demanded, paid, or offered.*

§ 1346.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of asphalt or tarred roofing products, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on the effective date of this Schedule, or by any other means.*

§ 1346.54 *Records and reports.* On and after December 12, 1941, every manufacturer who sells, delivers or transfers asphalt or tarred roofing products of a total value in excess of $1,000.00 per month, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, delivery or transfer, showing the date thereof, the name and address of the buyer, the price paid or received, and the quantity (in squares) of each grade, type, shape, size, kind and color of asphalt or tarred roofing products sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1346.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of an evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of asphalt or tarred roofing products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1346.56 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1346.57 *Definitions.* When used in this Schedule, the term:

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

(b) "Asphalt or tarred roofing products" means roofing shingles and siding materials having a felt base (composed of waste rags, waste paper or other fibers), saturated and/or coated with asphalt or coal tar pitch, whether with or without mineral surface, of any grade, type, shape, size, kind or color, and without restricting the above, also includes slaters felt, and asphalt or coal tar pitch saturated and/or coated laminated fiber or felt sheets or boards not exceeding one-quarter inch in thickness;

(c) "Manufacturer" means a person operating a mill or plant producing asphalt or tarred roofing products, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative or other manufacturer's agent;

(d) "Carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers;

(e) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (d) above;

(f) "Ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of the motor carriers;

(g) "Less than ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (f) above;

(h) "Square" means a quanity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner;

(i) "Applied sale" means a transaction whereby the manufacturer furnishes materials and in addition performs the service of applying the materials to the building itself, in consideration of the total price paid by the purchaser;

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

§ 1346.58 *Effective date of the schedule.* This Schedule (§§ 1346.51 to 1346.60, inclusive) shall become effective December 12, 1941.*

§ 1346.59 *Appendix A — Maximum prices for asphalt and tarred roofing products for eastern area*—(a) *Application.* The provisions of Appendix A apply to all sales of asphalt or tarred roofing products in which the point of destination is within the continental United States east of and including the states of Montana, Wyoming, Colorado and New Mexico.

(b) *Types of shipments and prices applicable thereto.* (1) Carload (as defined in § 1346.57 (d)) via rail and/or water: Carload prices on all items.

(2) Less than carload (as defined in § 1346.57 (e)) via rail and/or water: Less than carload price on all items.

(3) Ten-ton truck shipment (as defined in § 1346.57 (f)): Carload price on all items.

(4) Less than ten-ton truck shipment (as defined in § 1346.57 (g)): Less than carload price on all items.

(c) *Transportation charges and freight equalization.* Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below, and all other transportation costs shall be absorbed by the manufacturer.

(1) Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

No charges for transportation may be added to the maximum prices set forth in this Schedule on such shipments.

(2) Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

On all such shipments the transportation charge shall be shown as a separate item in the purchaser's invoice. Such transportation charge shall be computed by applying to the weight of the shipment as determined from the manufacturers' published price lists the rail rate from that shipping point herein contained from which the lowest rail rate to actual destination on an identical shipment is applicable. However, in addition to any other allowance which may be required or made, an allowance shall be made to the purchaser (by credit or refund) as indicated below:

(i) Carload shipments or ten-ton truck shipments:

(*a*) Where shipment is made via rail or truck:

Full allowance of the transportation charge[1] shall be made to the purchaser, unless such charge[1] shall exceed nine cents per hundred pounds, in which case the manufacturer may limit such allowance to nine cents per hundred pounds.

(*b*) Where shipment is wholly or partially by water:

In lieu of the allowance set forth in (*a*) above, the allowance to the purchaser shall be the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels.

(ii) Stop-over charges:

Where 20,000 lbs. or more of asphalt or tarred roofing products are unloaded an allowance shall be made to the purchaser equal to actual stop-over charges at such point of unloading.

(d) *Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:*

[1] Computed in accordance with sub-paragraph (2) above.

TABLE 1. *Strip shingles*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
12″ (3 in line) Strips	$5.17 less 6% & 5%	$4.44 less 5%.
Average Approx. Weight per Square — 240 Lb.		
Strips per Square — 80		
Exposure — 5″		
Headlap — 2″		
Underwriters Label — C		
12″ (3 in line) Strips	$4.94 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square — 210 Lb.		
Strips per Square — 80		
Exposure — 5″		
Headlap — 2″		
Underwriters Label — C		
15″ (3 in line) Thikbut Strips	$5.62 less 6% & 5%	$4.83 less 5%.
Average Approx. Weight per Square — 250 Lb.		
Strips per Square — 80		
Exposure — 5″		
Headlap — 5″		
Underwriters Label — C		
12″ Tapered Strips	$6.19 less 6% & 5%	$5.49 less 5%.
Average Approx. Weight per Square — 275 Lb.		
Strips per Square — 80		
Exposure — 5″		
Headlap — 2″		
Underwriters Label — C		
11⅓″ Hexagon Strips	$3.89 less 6% & 5%	$3.34 less 5%.
Average Approx. Weight per Square — 167 Lb.		
Strips per Square — 86		
Exposure — 4⅜″		
Headlap — 2″		
Underwriters Label — C		
10″ Square Butt (4 in 1) Strips	$4.94 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square — 210 Lb.		
Strips per Square — 100		
Exposure — 4″		
Headlap — 2″		
Underwriters Label — C		
12½″ Square Butt (4 in 1) Strips	$5.92 less 6% & 5%	$5.09 less 5%.
Average Approx. Weight per Square — 266 Lb.		
Strips per Square — 100		
Exposure — 4″		
Headlap — 4½″		
Underwriters Label — C		
12″ (3 in 1) Strips	$6.39 less 6% & 5%	$5.49 less 5%.
Average Approx. Weight per Square — 257 Lb.		
Strips per Square — 80		
Exposure — 5″		
Headlap — 2″		
Underwriters Label — C		

TABLE 2. *Individual shingles*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Dutch Lap Giant With Clips or Staples	$3.83 less 6% & 5%	$3.29 less 5%.
Average Approx. Weight per Square — 162 Lb.		
Shingles per Square — 113		
Sidelap — 3″		
Headlap — 2″		
Underwriters Label — C		
Standard Individual	$5.92 less 6% & 5%	$5.09 less 5%.
Average Approx. Weight per Square — 253 Lb.		
Shingles per Square — 379		
Exposure — 4″		
Headlap — 4½″		
Underwriters Label — C		
Giant	$7.31 less 6% & 5%	$6.28 less 5%.
Average Approx. Weight per Square — 325 Lb.		
Shingles per Square — 226		
Exposure — 5″		
Headlap — 6″		
Underwriters Label — C		

TABLE 3. *Sidings*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Brick Siding Strips—210 Lb	$6.16 less 6% & 5%	$5.29 less 5%.
Average Approx. Weight per Square—210 Lb.		
Strips per Square—134		
Exposure—3"		
Brick Siding Strips—175 Lb	$5.52 less 6% & 5%	$4.74 less 5%.
Average Approx. Weight per Square—175 Lb.		
Strips per Square—134		
Exposure—3"		
Embossed Brick Strip in Rolls	$2.96 less 6% & 5%	$2.54 less 5%.
Average Approx. Weight per Square—105 Lb.		

TABLE 4. *Built-up roof materials*

	Maximum prices f. o. b. shipping points (per roll)	
	L/CL	CL
Asphalt Saturated Felt. Underwriters Label:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb	$1.93 less 6% & 5%	$1.66 less 5%.
30 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 65 Lb	$1.93 less 6% & 5%	$1.66 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb	$1.67 less 6% & 5%	$1.44 less 5%.
Tarred Felt:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb	$1.93 less 6% & 5%	$1.66 less 5%.
13 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 55 Lb	$1.67 less 6% & 5%	$1.44 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb	$1.67 less 6% & 5%	$1.44 less 5%.

TABLE 5. *Slaters and threaded felt*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Slaters Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 30 Lb	$1.08 less 6% & 5%	$0.93 less 5%.
Threaded Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 42 Lb	$2.21 less 6% & 5%	$1.90 less 5%.
Gross Area 250 Sq. Ft. App. Wt. per Roll 21 Lb	$1.10 less 6% & 5%	$0.95 less 5%.

TABLE 6. *Roll roofings mineral surfaced*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
90 Lb. Mineral Surfaced	$2.04 less 6% & 5%	$1.75 less 5%.
(Class C Label) Fixtures included. Average Approx. Weight per Roll 90 Lb.		
75 Lb. Mineral Surfaced	$1.91 less 6% & 5%	$1.64 less 5%.
Fixtures included. Average Approx. Weight per Roll 75 Lb.		
Diamond Point Style	$2.50 less 6% & 5%	$2.15 less 5%.
Average Approx. Weight per Roll 105 Lb.		
Shadow Point Style	$2.50 less 6% & 5%	$2.15 less 5%.
Average Approx. Weight per Roll 105 Lb.		

TABLE 7. *Roll roofings, smooth surfaced*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Cheapest Grade (Fixtures Included):		
Average Approx. Weight per Roll 35 Lb	$0.94 less 6% & 5%	$0.80 less 5%.
Average Approx. Weight per Roll 45 Lb	$1.10 less 6% & 5%	$0.94 less 5%.
Average Approx. Weight per Roll 55 Lb	$1.26 less 6% & 5%	$1.08 less 5%.

(e) *Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points.* For all asphalt or tarred roofing products not expressly listed above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances, whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on June 29, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

(f) *Shipping points:*

Birmingham, Ala.[2]	Memphis, Tenn.
Mobile, Ala.	Fort Worth, Tex.
Port Wentworth, Ga.	Dallas, Tex.
New Orleans, La.	Port Neches, Tex.
Shreveport, La.	No. Kansas City, Mo.
Edge Moor, Del.	Bound Brook, N. J.
Chicago, Ill.	South Bound Brook, N. J.
Chicago Heights, Ill.	East Rutherford, N. J.
Clearing, Ill.	Elizabeth, N. J.
E. St. Louis, Ill.	Jersey City, N. J.
Joliet, Ill.	Kearny, N. J.
Lockport, Ill.	Manville, N. J.
Madison, Ill.	Maurer, N. J.
Marseilles, Ill.	Rutherford, N. J.
Vandalia, Ill.	Fulton, N. Y.
Waukegan, Ill.	Niagara Falls, N. Y.
Wilmington, Ill.	No. Tonawanda, N. Y.
South Bend, Ind.	Tonawanda, N. Y.
Baltimore, Md.	Cleveland, Ohio
East Walpole, Mass.	Franklin, Ohio
Millis, Mass.	Lockland, Ohio
Norwood, Mass.	Youngstown, Ohio[3]
Detroit, Mich.	Erie, Pa.
Minneapolis, Minn.	Philadelphia, Pa.
St. Paul, Minn.	York, Pa.
Kansas City, Mo.	
Marrero, La.	

(g) *Free shipping point zones. Baltimore, Md. Zone:* The corporate limits of the Independent City of Baltimore.

Birmingham, Ala. Zone:[2] The corporate limits of Birmingham.

Boston, Mass. Zone: Suffolk County. In Middlesex County, the City of Cambridge, the townships of Newton, Natick, Sherborn, and the town of Brookline. In Norfolk County, the townships of Wellesley, Needham, Denham, Dover, Medfield, Westwood, Norwood, Milton, Canton, Sharon, Walpole, Millis, Medway, Bellingham, Franklin, Wrentham, Foxborough, Norfolk and Plainville.

Buffalo, N. Y. Zone: In Niagara County, the townships of Lewiston, Cambria, Lockport, Niagara, Wheatfield, Pendleton. In Erie County, the townships of Tonawanda, Amherst, Clarence, Newstead, Cheektowaga, Erie and West Seneca.

Chicago, Ill. Zone: In Illinois: Cook County, DuPage County, Will County. In Lake County, the townships of Benton, Waukegan, Warren, Libertyville, Shields, Deerfield, West Deerfield, and Vernon. In Kane County, the townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia. In Kendall County, the township of Oswego. In Kankakee County, the townships of Rockville, Manteno, Summer, Yellowhead, Momence, Ganeer, Kankakee and Bourbonnais. In Indiana: In Lake County, all territory north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

[2] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

[3] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

Cincinnati, Ohio Zone: In Hamilton County, Ohio, except the townships of Harrison, Crosby and White Water. In Butler County, Ohio, the townships of Union, Fairfield, St. Clair, Liberty, Lemon and Madison. In Warren County, Ohio, the townships of Deerfield, Union Hamilton and Franklin. In Montgomery County, Ohio, the townships of German, Miami, Jackson and Jefferson. In Kentucky, the corporate limits of Covington, Newport, Bellevue, Latonia, Dayton, Altomont, Brent, Stevens, Melbourne, Ross, Oneonta, Erlanger, Crescent Springs, Ludlow and Bromley in Kenton and Campbell Counties.

Cleveland, Ohio Zone: Cuyahoga County.

Dallas, Tex., Zone: The corporate limits of Dallas.

Detroit, Michigan Zone: The territory within the boundary of a line connecting and including South Rockwood, Carleton, West Sumpter, Willis, Ypsilanti, Plymouth, Northville, Novi, Walled Lake, West Pontiac, Auburn Heights, Utica, Waldenburg, Lakeside, Lake Short, St. Claire Shores, Grosse Pointe Farms, Grosse Pointe, thence down the Detroit River to origin point of South Rockwood.

East St. Louis, Ill. Zone: In Madison County, Ill., the townships of Alton, Wood River, Edwardsville, Choteau, Jarvis, Colinsville, Venice, Nameoki, Granite City. In St. Clair County, Ill., the townships of Caseyville, Canteen, Stites, Centerville, Sugar Loaf, Stookey, St. Clair. In St. Louis County, Mo., the corporate limits of the Independent City of St. Louis and the territory within the boundary of a line drawn through and including the suburbs of: Spanish Lake, Black Jack, Ferguson, Carsonville, Overland, Lackland, Malcolm, Ridge Farm, Sappinton, Alpha (Continental), Mehlville, Boussan, thence up the Mississippi River to origin point of Spanish Lake.

Edge Moor, Del. Zone: The corporate limits of Edge Moor.

Erie, Pa. Zone: The corporate limits of Erie.

Franklin, Ohio Zone: See Cincinnati, Ohio Zone.

Fulton, N. Y. Zone: The territory within the boundary of a line drawn through and connecting the corporate limits of the cities or villages of New Haven (Oswego County), Mexico, Hastings, Mallory, West Monroe, Brewerton, Clay, Woodward, North Syracuse, East Syracuse, Eastwood, Syracuse, Solvay, Syracuse Junction, Baldwinsville, Lamson, South Granby, Sterling, Southwest Oswego.

Kansas City, Mo. Zone: In Jackson County, Mo., Fairmount and Sugar Creek and the corporate limits of Kansas City and Independence. In Clay County, Mo., North Kansas City and Avondale. In Wyandotte County, Kansas: Kansas City, including Fairfax Industrial District, Turner and Welborn. In Johnson County, Kansas: Merriam. Any towns or villages in this area not mentioned are not to be included in this Zone.

Marseilles, Ill. Zone: The corporate limits of Marseilles.

Memphis, Tenn. Zone: The corporate limits of Memphis.

Minneapolis, Minn. Zone: The corporate limits of Minneapolis and St. Paul and the suburbs of Robbinsdale, Columbia Heights, St. Louis Park, Ft. Snelling, West St. Paul and South St. Paul.

Mobile, Ala. Zone: The corporate limits of Mobile.

New Jersey Zone: All of Bergen County, except that part of Washington and Palisades townships which lies east of (and not including) the New York Central (West Shore) Railway. That part of Passaic County which lies east and south of the line of the New York, Susquehanna and Western Railway at (and including) Pompton Lakes, Hudson, Essex, Union and Middlesex Counties. In Somerset County, the townships of North Plainfield, Franklin, Montgomery, Hillsborough, Bridgewater, and Branchburg.

New Orleans, La. Zone: On the North, Lake Pontchartrain; on the East, a line connecting and including Edgelake, Lee, Chalmette, Meraux, New Home, Story, Campbell, Violet; thence on the South, a line connecting and including Violet, Fort St. Leon, Gretna, Harvey, Powell, Avondale, Waggeman, Witherow; thence on the West, a line connecting and including Witherow, Frellsen, thence to Lake Pontchartrain along the Jefferson and St. Charles Parish Line.

Philadelphia, Pa. Zone: Philadelphia County. In Montgomery County, the townships of Lower Moreland, Upper Moreland, Horsham, Upper Dublin, Cheltenham, Springfield, Whitemarsh, Plymouth, Norriton, West Norriton and Lower Merion. Delaware County except the townships of Concord, Bethel, Birmingham and Thornbury.

Port Wentworth, Ga. Zone: The corporate limits of the following cities or towns in Chatham County, Ga.: Anderson, Bloomingdale, Burroughs, Central Junction, Keller, Meinhard, Monteith, Pooler, Port Wentworth, Savannah and Williams.

Shreveport, La. Zone: The corporate limits of Shreveport, Agers and Bossier City.

South Bend, Ind. Zone: St. Joseph County, Ind.

Vandalia, Ill. Zone: The corporate limits of Vandalia.

York, Pa. Zone: In York County, Pa. all the townships except Lower Chanceford, Peachbottom, Fawn, Hopewell, Shrewsbury, Codorus, Manheim, West Manheim, Franklin, Corroll, Moneghan, Warrington, Washington. The corporate limits of Harrisburg, Steelton and Middletown in Dauphin County. The corporate limits of Columbia and Lancaster in Lancaster County.

Port Neches, Texas Zone: Jefferson County, Texas.*

§ 1346.60 *Appendix B—Maximum prices for asphalt and tarred roofing products for Pacific Coast Area*—(a) *Application.* The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) *Maximum prices.* The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941, (upon the basis of the prices, discounts, charges, and allowances whether published or unpublished then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.*

Issued this 29 day of November 1941.
Effective December 12, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8996; Filed, November 29, 1941; 12:31 p. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

REGULATIONS GOVERNING AMERICAN SAMOA AND GUAM NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE RESERVATIONS

Whereas, by Executive Order Number 8683 dated February 14, 1941, as amended April 2, 1941, the President established certain naval defensive sea areas around and naval airspace reservations over the Islands of Rose, Tutuila and Guam in the Pacific Ocean covering the territorial waters between the extreme high-water marks and the three mile marine boundaries surrounding said islands to be known, respectively, as "Rose Island Naval Defensive Sea Area", "Rose Island Naval Airspace Reservation," "Tutuila Island Naval Defensive Sea Area," "Tutuila Island Naval Airspace Reservation," "Guam Island Naval Defensive Sea Area," and "Guam Island Naval Airspace Reservation;" and

Whereas, said order also prohibited and penalized persons, other than those on public vessels of the United States, from entering or vessels or other craft, other than public vessels of the United States, or aircraft, other than public aircraft of the United States, from navigating or being navigated into or over or through said naval and airspace reservations unless authorized by the Secretary of the Navy and conferred upon the latter, with cooperation of the local law enforcement officers of the United States, power of enforcement thereof and power to prescribe rules and regulations neces-

sary to carry out the provisions of said order; and

Whereas, pursuant to said executive order, on the 15th day of September 1941, the Secretary of the Navy approved the Rules and Regulations hereinafter mentioned and designated the Commandants of the U. S. Naval Stations, Tutuila and Guam to act for him in the matter of promulgating the same.

Whereupon, the following rules and regulations as to American Samoa, effective October 1, 1941, and as to Guam, effective October 24, 1941, were promulgated.

PART 15—REGULATIONS FOR AMERICAN SAMOA NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE RESERVATIONS

Sec.

American Samoa—Rose Island

§ 15.1 *Rose Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No person, vessel or aircraft other than persons in public vessels of the United States, and public aircraft of the United States, will be permitted to enter the Rose Island Naval Defensive Sea Area or the Rose Island Naval Airspace Reservation unless specifically authorized so to do by the Secretary of the Navy or the Commandant in each case. Should any vessel or aircraft be so authorized it shall enter Pago Pago Harbor prior to such entry and shall receive and carry out any specific instructions concerning the entry as may be issued by the Commandant.*

*§§ 15.1 to 15.7, inclusive, issued under authority contained in E.O. 8683, as amended, 6 F.R. 1015, 1791.

American Samoa—Tutuila Island

§ 15.2 *Tutuila Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No vessel or other craft, other than public vessels of the United States, shall enter the Tutuila Island Naval Defensive Sea Area unless specifically authorized so to do by the Secretary of the Navy or the Commandant. Vessels or other craft engaged in inter-island commerce which takes them to Tutuila at frequent intervals and the vessels of the Matson Navigation Company that make scheduled calls at Pago Pago Harbor, Tutuila, may apply for and receive, if the Commandant approves, permits to enter the Tutuila Island Naval Defensive Sea Area for the purpose of entering Pago Pago Harbor, valid until revoked. All other vessels or craft must obtain permission to enter the Tutuila Island Naval Defensive Sea Area covering each visit to Pago Pago Harbor. Local agents for such vessels or craft may obtain such permission for entry prior to arrival of the vessel. Where no local agent is available, vessels or craft shall obtain permission by letter or despatch prior to arrival, or remain outside the Tutuila Island Naval Defensive Sea Area until boarded by a representative of the Commandant and by him granted authority upon the direction of the Commandant to enter.*

§ 15.3 *Conduct of foreign vessels after entry.* Entry into the Tutuila Island Naval Defensive Sea Area, once a permit to enter or authority to enter is received, shall be governed by the following instructions:

(a) Entry into the Tutuila Island Naval Defensive Sea Area by other than public vessels of the United States shall not be made between the hours of sunset and sunrise. Vessels or craft approaching Pago Pago Harbor at night must remain outside the said area until after sunrise.

(b) Entry into the Tutuila Island Naval Defensive Sea Area between the hours of sunrise and sunset shall be made only on the South, East and West sides of the Island and vessels shall proceed after such entry toward Pago Pago Harbor.

(c) Vessels or other craft shall not leave Pago Pago Harbor between the hours of sunset and sunrise unless specifically authorized by the Commandant in each case and if so authorized they shall clear the Tutuila Island Naval Defensive Sea Area by the most direct route.

(d) Vessels or other craft shall show their colors while in the Tutuila Island Naval Defensive Sea Area.*

§ 15.4 *Regulations not applicable to small boats owned and manned by native residents.* Long boats, bonita boats and paopaos belonging to, and manned by, native residents of American Samoa are specifically excluded from the operation of this order.*

§ 15.5 *Tutuila Island Naval Airspace Reservation closed to foreign aircraft.* Aircraft, other than public aircraft of the United States shall not enter the Tutuila Island Naval Airspace Reservation unless specifically authorized so to do by the Commandant. If so authorized for the purpose of landing at Pago Pago Harbor they shall, prior to assuming a position for landing, enter the Naval Airspace Reservation from the southward on the bearing of the entrance range to Pago Pago Harbor at an altitude of not more than two thousand feet to permit identification and then may proceed to land. Any authorized entries into the Tutuila Island Naval Airspace Reservation shall be made only between the hours of 8:00 a. m. and sunset.*

§ 15.6 *Tutuila and Rose Island Naval Defensive Sea Areas and Naval Airspace Reservations defined.* Tutuila and Rose Island Naval Defensive Sea Areas are the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding the islands of Tutuila and Rose. Tutuila and Rose Island Naval Airspace Reservations are the airspaces over the said territorial waters and Islands. (/s/ L. Wild, Captain, U. S. Navy, Commandant.)*

§ 15.7 *Penalty for violations.* Now, be it enacted that any violation of the above quoted Executive Orders issued by the President of the United States or any violation of the Regulations issued by the Commandant, Naval Station, Tutuila, shall constitute a violation of the law of American Samoa and any person convicted of any such violation shall be punished by imprisonment for not more than five years, or by a fine of not more than $5,000, or both. (/s/ L. Wild, Governor of American Samoa—Published and exhibited in English and Samoan at the Government offices this 1st day of October, 1941. /s/ J. R. Wallace, Attorney General of American Samoa.)*

PART 16—REGULATIONS FOR GUAM NAVAL DEFENSIVE SEA AREA AND NAVAL AIRSPACE RESERVATION

Sec.

Guam

§ 16.1 *Naval defensive sea area closed between sunset and sunrise.* Passage of any vessel into or out of the Guam Island Naval Defensive Sea Area between the hours of sunset and sunrise is prohibited, except when specifically permitted by the Governor of Guam.*

*§§ 16.1 to 16.6, inclusive, issued under authority contained in E.O. 8683, as amended, 6 F.R. 1015, 1791.

§ 16.2 *Persons authorized by Secretary of War and Civil Aeronautics Authority may navigate aircraft in naval airspace reservation.* The Secretary of the Navy hereby authorizes any person to whom authority has been granted by the Civil Aeronautics Authority or by the Secretary of War to navigate any aircraft to, via, or over the Island of Guam, to navigate such aircraft in the Guam Island Naval Airspace Reservation in accordance with the terms of such authority.*

§ 16.3 *Laws and regulations must be obeyed.* All persons, vessels, and aircraft entering the Guam Island Naval Defensive Sea Area or the Guam Island Naval Airspace Reservation, whether or not in violation of the above-cited Executive

Order, shall strictly obey the laws of Guam, and shall be governed by such regulations and restrictions upon their conduct and movements as may be established by the Governor of Guam, whether by general regulation or by special instructions in any case.*

§ 16.4 *Governor shall take steps to apprehend vessels, aircraft, or persons violating executive order.* The Governor of Guam shall take all practical measures to apprehend vessels, aircraft and persons violating the provisions of the above-cited Executive Order, and shall hold each such violator in custody pending receipt of instructions from the Secretary of the Navy.*

§ 16.5 *Governor shall formulate additional rules and regulations and instructions.* The Governor of Guam shall establish and maintain such further rules and regulations, and shall issue such special instructions in each case, as he may deem necessary for carrying out the provisions of the above-cited Executive Order.*

§ 16.6 *Governor of Guam designated representative of Secretary of Navy in enforcement of executive order, rules and regulations.* In all matters pertaining to the local administration of the Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, the Governor of Guam is hereby designated as the representative of the Secretary of the Navy, with full authority to enforce the provisions of the above-cited Executive Order and all regulations issued pursuant thereto. (/s/G. J. McMillan, July 8, 1941—Modified and approved by the Secretary of the Navy, September 15, 1941; Published by the Commandant, U. S. Naval Station, Guam, 24 October 1941).*

[SEAL] W. B. WOODSON,
Judge Advocate General of the Navy.

[F. R. Doc. 41-8995; Filed, November 29, 1941; 11:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 3 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 3, as established and defined by departmental orders of July 14, 1938, January 23, 1939, October 24, 1940, April 9, 1941, and July 30, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 10 W.,
Secs. 4 and 5, those parts north of the Santa Maria River;
Secs. 6 and 7, those parts north of the Santa Maria River in Yavapai County;
Secs. 8 and 9, those parts north of the Santa Maria River;
T. 4 S., R. 11 W., secs. 1 to 18, inclusive.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-8998; Filed, December 1, 1941; 10:02 a. m.]

[1] This affects the tabulation in § 502.1d.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF NEVADA GRAZING DISTRICTS NOS. 2 AND 3 [1]

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the following-described lands, now embraced within Nevada Grazing District No. 3, are hereby excluded from Grazing District No. 3 and added to Nevada Grazing District No. 2.

NEVADA

MOUNT DIABLO MERIDIAN

T. 21 N., R. 25 E., that part in Churchill and Lyon Counties;
Tps. 22 to 25 N., inclusive, R. 25 E., those parts in Churchill County;
Tps. 21 to 24 N., inclusive, R. 26 E., all;
T. 25 N., R. 26 E., that part in Churchill County;
Tps. 21 to 24 N., inclusive, R. 27 E., all;
T. 25 N., R. 27 E., that part in Churchill County;
Tps. 22 to 24 N., inclusive, R. 28 E., all;
T. 25 N., R. 28 E., that part in Churchill County;
Tps. 23 and 24 N., R. 29 E., all;
T. 25 N., R. 29 E., that part in Churchill County;
T. 24 N., R. 30 E., all;
T. 25 N., R. 30 E, that part in Churchill County;
T 24 N., R. 31 E., all;
T. 25 N., R. 31 E., that part in Churchill County.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-9001; Filed, December 1, 1941; 10:03 a. m.]

[1] This affects the tabulation in § 502.1d.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO OREGON GRAZING DISTRICT NO. 6 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Oregon Grazing District No. 6, as established and defined by departmental orders of November 7, 1935, September 11, 1936, October 22, 1936, January 28, 1939, March 28, 1939, July 15, 1940, and May 15, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn or reserved for other purposes which are hereby or which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

OREGON

WILLAMETTE MERIDIAN

T. 6 S., R. 39 E., sec. 12, that part lying in Union County;
T. 6 S., R. 40 E.,
Secs. 7, 8, 17, and 22, those parts lying in Union County;
Sec. 23, all;
Secs. 26, 27, and 35, those parts lying in Union County.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-8999; Filed, December 1, 1941; 10:02 a. m.]

[1] This affects the tabulation in § 502d.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO OREGON GRAZING DISTRICT NO. 7 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Oregon Grazing District No. 7, as established and defined by departmental orders of December 18, 1936, January 6, 1941, and February 11, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn or reserved for other purposes which are hereby or which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by ap-

proval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

OREGON

WILLAMETTE MERIDIAN

T. 3 N., R. 19 E., all;
T. 3 N., R. 20 E., all;
T. 3 N., R. 21 E., secs 1 and 2, secs 10 to 16, secs 20 to 22, and secs. 27 to 30, inclusive;
T. 5 N., R. 28 E., secs. 9 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive;
T. 4 N., R. 29 E., secs. 1 to 7, inclusive, and sec. 12;
T. 5 N., R. 29 E., all;
T. 1 S., R. 18 E., sec. 36, all;
T. 2 S., R. 18 E.,
Secs. 1 and 2, secs. 11 to 14, and
Secs. 23 to 26, inclusive,
Secs. 35 and 36;
T. 3 S., R. 18 E., secs. 1 to 4, secs. 9 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 4 S., R. 18 E., secs. 1 to 3, secs. 10 to 15, and secs. 23 to 25, inclusive;
T. 4 S., R. 19 E., secs. 19 and 30.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41–9000; Filed, December 1, 1941; 10:03 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

SUBCHAPTER R—ALASKA AQUATIC MAMMALS OTHER THAN WHALES

PART 242—ALASKA SEA LIONS [1]

§ 242.1 *Purposes for which sea lions may be taken.* The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted as follows:

(a) By natives for food or clothing, and by miners or explorers when in need of food.

(b) By anyone in the necessary protection of property or while such animals are destroying salmon or other food fish.

(c) Under permits issued by the Secretary of the Interior authorizing the taking of specimens for scientific purposes. (48 Stat. 976; 16 U.S.C. 659)

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 17, 1941.

[F. R. Doc. 41–8854; Filed, November 26, 1941; 9:25 a. m.]

[1] These regulations supersede the regulations promulgated on July 1, 1941, under Part 242—Alaska Walruses and Sea Lions, 6 F.R. 3408. Regulations governing the taking of walruses in Alaska, formerly included in this part, have been rendered obsolete by the Act of August 18, 1941, entitled "An Act for the protection of walruses in the Territory of Alaska."

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF WARRANT OFFICERS (JUNIOR GRADE)

1. *Dates of examination.* A special examination will be conducted for appointment as warrant officer (junior grade) in the Regular Army. For details see paragraph 5.

2. *Classifications.* Warrant officers will be examined and appointed to classifications within the arms and services as follows:

Adjutant General's Department

Administrative. (1) Clerical, (2) Clerical machine record, and (3) Fiscal (post exchanges). Typing and dictation is optional; however, the request to take typing and dictation will be indicated on W.D., A.G.O. Form No. 61.
Technician specialists. None.

Air Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Armament, (2) Bombsight, (3) Engineering, (4) Engineering lighter-than-air, (5) Motor transport, (6) Photographic, (7) Signal communications, and (8) Weather.

Armored Force

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, (2) Signal communications, and (3) Tank.

Cavalry

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, and (2) Signal communications.

Chaplains

Administrative. Clerical.
Technician specialists. None.

Chemical Warfare Service

Administrative. (1) Clerical and (2) Supply.
Technician specialists. Munitions.

Coast Artillery Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Munitions and (2) Signal communications.

Corps of Engineers

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Construction and utilities, (2) Motor transport, and (3) Topographic.

Field Artillery

Administrative. (1) Clerical, (2) Supply, and (3) Fiscal.
Technician specialists. Signal communications.

Finance Department

Administrative. Fiscal (auditing and disbursing).
Technician specialists. None.

Infantry

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, (2) Munitions, and (3) Signal communications.

Inspector General's Department

Administrative. (1) Clerical and (2) Clerical, auditing and accounting. Typing and dictation is optional; however, the request to take typing and dictation will be indicated on W. D., A. G. O. Form No. 61.
Technician specialists. None.

Judge Advocate General's Department

Administrative. Clerical Judge Advocate General's Department (with typing and dictation required).
Technician specialists. None.

Medical Department

Administrative. (1) Clerical and (2) Supply.
Technician specialists. Motor transport.

Ordnance Department

Administrative. Supply and Clerical (combined).
Technician specialists. (1) Armament machinist, (2) Motors, and (3) Munitions (ammunition).

Quartermaster Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Construction and utilities and (2) Motor transport.

Signal Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Cryptographic, (2) Motor transport, and (3) Signal communications.

3. *Eligibility.* (a) Candidates who are eligible to apply for appointment as warrant officer (junior grade) are commissioned officers of the Army of the United States, (except those commissioned in the Regular Army), and former officers of the Regular Army whose separation from active service was under honorable conditions; enlisted men of the Army of the United States and former enlisted men of the Regular Army who were discharged under honorable conditions and who are between the ages of 21 and 45 years at date of appointment, and who have at least 1 year's active service.

(b) All applicants must be citizens of the United States, not less than 20 years and 9 months of age and not more than 44 years and 9 months of age on the date of final examination, and physically qualified.

4. *Applications.* Applications for appointment as warrant officer will be submitted to the applicant's unit or detachment commander not later than December 15, 1941. The application will

be submitted on W.D., A.G.O. Form No. 61[1] (Application for Appointment as Warrant Officer) or a legible facsimile thereof, and will be accompanied by a duly executed W.D., A.G.O. Form No. 63[1] (Report of Physical Examination). Applicants who are not in active service of the Army of the United States at the time of application will submit their applications to the nearest Army post commander. Unit and detachment commanders will forward such applications through military channels so as to reach post commanders not later than December 23, 1941. Where applicants do not meet the physical standards prescribed for appointment as commissioned officers in the Regular Army, the applications will not be forwarded. Likewise, an application disapproved by the unit or detachment commander and the regimental or next higher commander will not be forwarded. Where an enlisted applicant has received a score of less than 110 on the Army general classification test, his application will be returned disapproved.

5. *Examinations*—(a) *Preliminary.* A preliminary examination, beginning January 5, 1942, and completed not later than January 17, will be conducted at each post by a board of officers who will examine the applications and reports of physical examination, interview the applicants, and determine whether or not they possess the moral character, general fitness, and educational and technical qualifications necessary to justify their further consideration.

(b) *Final.* A final written examination will be conducted by post commanders on March 17–18, 1942, under special instructions to be issued by the War Department. This examination in general will consist of two parts: First, a general educational examination taken by all applicants; and second, a technical examination to determine the applicant's specialist qualifications. The general educational examination is considered to require graduation from a credited high school or the equivalent thereof. Certain technical examinations are considered to require 2 years of college, business or trade school, or the equivalent thereof in order to obtain the qualified mark. These examinations will be scored by the corps area and department commanders under instructions to be issued by the War Department.

6. *Appointment.* Successful applicants will be reported by corps area and department commanders to the War Department. From a consolidated list of all such reports, the War Department will arrange a single list in order of military grade, length of service, and age. Appointments will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants will be carried on an eligible list for appointment until the next succeeding examination for appointment is held, but in no case longer than 1 year. Original permanent appointments as warrant officer (junior grade) will be limited to 600 in number. Approximately 6,000 temporary appointments will be tendered to the remaining successful candidates.

7. *Departmental jurisdiction.* (a) In addition to the regularly designated departmental commanders, the commanding general, Alaska Defense Command, will function as a department commander for the purpose of this examination.

(b) Bases and other commands outside the continental United States are attached to the nearest corps area or department.

8. *Miscellaneous.* (a) Full details will be found in AR 610–10 (new) now in process of publication, and to be distributed as soon as available.

(b) In paragraph 3, "Instructions" on page 4 of W. D., A. G. O. Form No. 61,[1] add: Report of physical examination on W. D., A. G. O. Form No. 63[1] will accompany each application. In paragraph 6, change October 1, 1941, to read September 13, 1941. (Act of Aug. 21, 1941, Public Law 230, 77th Congress) [Cir. 237, W. D., Nov. 17, 1941, as amended by Cir. 240, W. D., Nov. 19, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8979; Filed, November 28, 1941; 3:01 p. m.]

[Contract No. W 535 ac-21080; 5551]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: REPUBLIC AVIATION CORPORATION

Contract for: * * * Airplanes, Spare Parts and Data.

Estimated cost: $60,758,525.00.

Fixed-Fee: $3,645,511.50.

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

AC 32 P 12–30 A 0705–2
AC 16 P 02–30 A 0705–2

This contract,[1] entered into this 24th day of September, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: * * * Airplanes, Spare Parts for the airplanes called for and Data.

ART. 2. *Estimated costs.*

Quantity	*Estimated Cost*
* * * airplanes	$55,228,750.00
Spart Parts and Data	5,529,775.00
Total estimated cost	60,758,525.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursement for cost, as outlined in Article Six (6) hereof, the cost, plus a fixed fee of three million six hundred forty-five thousand five hundred eleven dollars fifty cents ($3,645,511.50).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, 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.

ART. 6. *Payments.* (a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, to which the Contractor may be entitled, shall be paid to the Contractor.

(c) *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense; *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum (30%) of the estimated cost of the articles called for hereunder, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at

[1] Copies may be obtained by addressing the Adjutant General's office, War Department, Washington, D. C.

[1] Approved by the Under Secretary of War, October 14, 1941.

an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 30. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 40. *Change to fixed price contract.* After the Contractor has manufactured * * * airplanes hereunder, or at such other time as the parties may mutually agree upon, the Contractor, on the basis of experience or other bases for negotiation of prices, will endeavor to reach an agreement with the Government upon definite prices to be paid by the Government to the Contractor for the articles called for hereunder, in lieu of the Cost-Plus-A-Fixed-Fee herein provided for, subject to such changes in the terms and conditions as are adaptable and appropriate to a fixed price contract. Any such agreement shall be in writing and shall provide that the fixed prices agreed upon shall apply to all articles theretofore and thereafter furnished to the Government hereunder.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 2 (a), Act of June 28, 1940 and section 9, Act of June 30, 1941.

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

[F. R. Doc. 41-8978; Filed, November 28, 1941; 3:01 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 OF DISTRICT NO. 14

ORDER CONTINUING HEARING UNTIL DECEMBER 4, 1941

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party, requesting revision of the effective price classifications and minimum prices for the coals in Size Group 9, produced at certain mines in Production Group 1 of District No. 14.

On October 8, 1941 the Ozark Coal Company, a code member producer in District No. 14, filed a petition of intervention in this matter praying that no temporary order of any kind or nature be entered herein, and that upon final hearing the prayer of the original petitioner be denied.

By Order of the Director dated September 20, 1941, a hearing in this matter was scheduled to be held on October 15, 1941 at Washington, D. C. However, on October 13, 1941 the original petitioner filed a motion for postponement requesting that the hearing in this matter be postponed to the week beginning November 10, 1941. By Order dated October 14, 1941, this motion was granted.

District Board No. 14, the original petitioner, on November 13, 1941, filed a motion requesting an additional postponement to a date not later than December 4, 1941. In view of the fact that the motion for postponement was not filed with the Division until the day of the hearing, consideration could not be given to it at that time, and the hearing convened as scheduled at 10 o'clock in the forenoon of November 13, 1941 before Examiner Floyd McGown. No appearances were entered by any parties to the proceeding, and the hearing was accordingly continued pending further order of the Director.

It appears that a reasonable showing of necessity for the requested postponement has been made.

Now, therefore, it is ordered, That the hearing in this matter be, and the same hereby is, continued until 10 o'clock in the forenoon of December 4, 1941.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention and desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 29, 1941.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9004; Filed, December 1, 1941; 11:10 a. m.]

[Docket No. B-115]

IN THE MATTER OF E. H. WASSON, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9455, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not E. H. Wasson, Registered Distributor, Registration No. 9455, whose address is Winchester, Indiana, the respondent in the above-entitled matter, has violated any provisions of the Act, the Code, any Orders or regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated May 12, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

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

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

2. Respondent, during the period from October 1, 1940 to July 31, 1941, both dates inclusive, purchased in carload lot quantities from various code members approximately 234 cars containing approximately 17,023.90 net tons of various sizes of coal which respondent resold to Goodrich Brothers Company, Winchester, Indiana, and its affiliated companies, Gilman Grain Company, Gilman, Indiana; Ridgeville Grain Company, Ridgeville, Indiana; Snow Hill Grain Company, Snow Hill, Indiana; Rosston Grain Company, Rosston, Indiana; F. J. Zimmerman Company, Collett, Indiana; Chesterfield Grain Company, Chesterfield, Indiana; Hinshaw Grain Company, Summitville, Indiana; Linwood Grain Company, Linwood, Indiana; Boone Grain Company, Boone, Indiana; Roseburg Grain Company, Roseburg, Indiana; and Jolietville Grain Company, Jolietville, Indiana. Respondent accepted and retained discounts from the effective minimum prices on said transactions, although said coal was not purchased by respondent for bona fide resale, and although at the time of said transactions respondent was financially or otherwise controlled by said Goodrich Brothers Company and its affiliated companies, and although respondent acted, in fact or in effect, as an agency or instrumentality of the Goodrich Brothers Company and its affiliated companies in the purchase of said coal, thereby violating sections 4 II (h) and 4 II (i) (12) of the Act, Part II (h) and Part II (i) (12) of the Code, Rule 12 of section XIII of the Marketing Rules and Regulations, § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and paragraphs (c) (d) (e) and (h) of the Agreement.

3. Respondent accepted and retained discounts from the effective minimum prices on the transactions referred to in

paragraph 2 hereof, although respondent rendered no service of value to the code member vendors; and when, except for the incidence of section 4 II (h) of the Act, Goodrich Brothers Company and its affiliated companies, described in paragraph 2 hereof, would have purchased said coal direct from a code member or code members, thereby violating section 4 II (h) of the Act, Part II (h) of the Code, and paragraph (g) of the Agreement.

4. Respondent failed to set out in her application for registration as a distributor, executed May 12, 1939 pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, the nature of her affiliation with Goodrich Brothers Company and its affiliated companies described in paragraph (2) hereof, as required by § 304.11 (c) (6) of the Rules and Regulations for the Registration of Distributors and paragraph (f) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to Section 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 9, 1942 at 10 a. m. in a hearing room of the Bituminous Coal Division at the Council Chambers, Muncie City Hall, Muncie, Indiana.

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

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

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

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

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-9002; Filed, December 1, 1941; 11:11 a. m.]

[Docket No. 1873-FD]

IN THE MATTER OF THE APPLICATION OF THE JUNCTION CITY CLAY COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS JUNCTION CITY MINE IN PERRY COUNTY, OHIO, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the Junction City Mine in Perry County, Ohio, having been filed on October 4, 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 January 12, 1942, 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 Charles O. Fowler 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 the 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 proposed findings of fact and conclusions and the recommendation of a 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 in 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 Junction City Clay Company under the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at its Junction City Mine in Perry 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: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9003; Filed, December 1, 1941; 11:12 a. m.]

General Land Office.

FIVE-ACRE TRACT CLASSIFICATION NO. 9

NOVEMBER 25, 1941.

On November 4, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for lease as home, cabin, health, and convalescent sites. The classification does not include any of the lands for use as camp, recreational, or business sites.

CALIFORNIA NO. 6

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 W.,
Sec. 6, SE¼NE¼, E½SW¼, SE¼;
Sec. 12, NW¼, N½SW¼;
Sec. 14, N½SE¼;
Sec. 21, NE¼.

These tracts involve about eight applications under the above-mentioned act, and are located part in what is known as Apple Valley and part in Lucerne Valley.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41–8997; Filed, December 1, 1941; 10:02 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER–500–A–2]

SPECIAL 1941 AGRICULTURAL CONSERVATION PROGRAMS FOR THE NORTHEAST REGION

SUPPLEMENT NO. 2 [1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the Special 1941 Agricultural Conservation Programs for the Northeast Region are amended as follows:

1. Item 4, subsection B, section I, as previously revised, is further amended to read as follows:

"Payment: $1.30 in York, Windham, and New London Counties and $1.50 in Nassau and Suffolk Counties for each acre in the commercial vegetable acreage allotment determined for the farm."

Done at Washington, D. C., this 28th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41–8994; Filed, November 29, 1941; 11:36 a. m.]

[1] Supplement No. 1 appears at 6 F.R. 4873.

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 171]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

Pursuant to the authority conferred by Section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and Robert E. Coombs, Supervising Inspector of the Fifth District, Cincinnati; to take place in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., commencing at 9:00 a. m., December 4, 1941, for the purpose of considering amendments to the regulations with respect to lifesaving appliances and equipment on vessels entering dangerous areas; amendments to the General Rules and Regulations for Tank Vessels; approval of miscellaneous items of equipment for use on board vessels; and such other business as may come before the meeting.

A public hearing on proposed amendments to the General Rules and Regulations for Tank Vessels will begin at 1:30 p. m. December 4, 1941. These proposals are not in the nature of new regulations making additional requirements on such tank vessels, but are principally for the purpose of making provisions of the Tank Vessel Regulations in accordance with the corresponding provisions already in effect in the other classes of the General Rules and Regulations. A copy of the proposed amendments to the Regulations for Tank Vessels is attached hereto.[1]

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–9032; Filed, December 1, 1941; 12:05 p. m.]

[1] Filed as part of the original document.

DEPARTMENT OF LABOR.

Wage and Hour Division.

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

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4389).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 1, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts, and Allied Garments and Women's Apparel

Acme Underwear Company, Inc., 429 Raritan Avenue, New Brunswick, New Jersey; Children's Underwear and Pajamas; 10 percent (T); December 1, 1942.

Ailey Manufacturing Company, Ailey, Georgia; Shirts and Pants; 100 learners (T); June 1, 1942.

C. A. Baltz and Sons, 49 Greenkill Avenue, Kingston, New York; Men's Pajamas, Sport Shirts, Ladies' Pajamas; 10 percent (T); December 1, 1942.

Brody Manufacturing Company, 312 Court Avenue, Des Moines, Iowa; Work Suits; 10 percent (T); December 1, 1942.

Chase Underwear Company, 38 East 29th Street, New York, N. Y.; Knit Un-

derwear, Bed Jackets; 5 learners (T); March 16, 1942.

Collins Manufacturing Company, 121 North 8th Street, Philadelphia, Pennsylvania; Boys' Wash Suits, Overalls; 7 learners (T); May 25, 1942.

Eve-N-Form Undergarment Company, 123 North 13th Street, Philadelphia, Pennsylvania; Ladies' Undergarments; 5 learners (T); December 1, 1942.

Keystone Garment Company, Reinholds, Pennsylvania; Men's & Boys' Pajamas; 10 learners (T); December 1, 1942.

Louisiana Pants Manufacturing Company, Inc., 7800 Washington Avenue, New Orleans, Louisiana; Shirts and Pants; 5 percent (T); December 1, 1942.

Lustberg Nast and Company, Inc., 43 Smith Street, Middletown, New York; Men's Shirts; 10 percent (T); December 1, 1942.

Miller Manufacturing Company, 10 Leonard Street, Amsterdam, New York; Trousers, Work Clothing, Jackets; 5 learners (T); December 1, 1942.

Mizzie Dress, Main Street, Central Valley, New York; Ladies' Dresses; 5 learners (T); December 1, 1942.

B. F. Moore and Company, 4 Eastern Avenue, Newport, Vermont; Work Clothing, Pants, and Jackets; 10 learners (T); December 1, 1942. (This certificate replaces one issued on October 27, 1941.)

Peter-Piper Clothes, Inc., 10th and Berks Streets, Philadelphia, Pennsylvania; Boys' Wash Suits; 15 learners (T); March 16, 1942.

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Indiana; Dresses and Smocks; 10 percent (T); December 1, 1942.

Princess Ann Dress Company, Princess Anne, Maryland; Dresses; 10 learners (T); December 1, 1942.

Secor Manufacturing Company, Inc., 435 Van Houten Avenue, Passaic, New Jersey; Ladies' Slips and Underwear; 30 learners (E); April 23, 1942.

Sel-Mor Garment Company, 923 Washington Street, St. Louis, Missouri; Underwear; 10 percent (T); December 1, 1942.

The Shirtcraft Company, Inc., 633 McKinley Street, Hazleton, Pennsylvania; Shirts, Sportswear, Pajamas, Outer Sportswear; 10 percent (T); December 1, 1942.

World Garments, Inc., 50–20 103d Street, Corona, New York; Boys' Shirts; 6 learners (T); June 1, 1942.

Apparel

The Joseph and Feiss Company, 2149 W. 53rd Street, Cleveland, Ohio; Men's Clothing; 5 percent (T); December 1, 1942.

Hunter Brothers Company, Inc., Statesville, North Carolina; Men's & Boys' Woven Underwear; 5 learners (T); December 1, 1942.

Louart Corporation, 1133 Wall Street, Los Angeles, California; Men's & Boys' Clothing; 5 percent (T); December 1, 1942.

The Moses-Rosenthal Company, 302–316 North Second Street, Boonville, Indiana; Men's & Boys' Woven Underwear; 10 percent (T); December 1, 1942.

Pullman Wholesale Tailors, Inc., 132 S. W. Temple Street, Salt Lake City, Utah; Men's Suits and Overcoats; 5 learners (T); December 1, 1942.

Gloves

Alexette Glove Corporation, Bleecker Street, Gloversville, New York; Leather Dress Gloves; 5 percent (T); November 27, 1942. (Effective 11–27–42, and omitted that date.)

Canvas Glove Manufacturing Works, Inc., 294 Graham Avenue, Brooklyn, New York; Work Gloves; 35 learners (E); June 1, 1942.

Wells Lamont Smith Corporation, Lincoln Street, New London, Iowa; Leather Dress Gloves; 5 learners (T); December 1, 1942.

Hosiery

Ashe Hosiery Mills, 642 North Gay Street, Knoxville, Tennessee; Seamless Hosiery; 5 percent (T); December 1, 1942.

Belmont Hosiery Mills, Inc., 117 Chronicle Street, Belmont, North Carolina; Seamless Hosiery; 20 learners (E); August 1, 1942.

Cherokee Hosiery Mills, Inc., Edwards Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Hand Knit Hosiery Company, 1319 14th Street, Sheboygan, Wisconsin; Seamless Hosiery; 5 percent (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Kenmore Hosiery Company, Fredericksburg, Virginia; Full Fashioned Hosiery; 5 percent (T); December 1, 1942.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pennsylvania; Seamless Hosiery; 5 learners (T); November 27, 1942. (Effective 11–27–41 and omitted from FEDERAL REGISTER of that date.)

Miller Smith Hosiery Mills, Delano, Tennessee; Full Fashioned Hosiery; 5 percent (T); December 1, 1942.

Miller Smith Hosiery Mills, Delano, Tennessee; Full Fashioned Hosiery; 10 learners (E); August 1, 1942.

S & S Silk Company, Inc., East Seventh Street, Bloomsburg, Pennsylvania; Full Fashioned Hosiery; 4 learners; December 1, 1942 (T).

Independent Branch of the Telephone Industry

Hamilton County Farmers Telephone Association, 1109 K Street, Aurora, Nebraska; to employ learners as commercial switchboard operators at its Aurora Exchange, Aurora, Nebraska until December 1, 1942 (T).

Knitted Wear

Byrne Ross Knitting Mills, Grand and Smith Streets, Kingston, New York; Knitted Outerwear; 5 learners (T); December 1, 1942.

E-Cut Knitting Mills, First Avenue, Royersford, Pennsylvania; Knitted Underwear and Commercial Knitting; 5 percent (T); December 1, 1942.

Queen Maid Underwear Company, Inc., Ford Street, Milltown, New Jersey; Knitted Underwear; 10 percent (T); December 1, 1942.

Rathgeb Knitting Mills, Milton Avenue, Highland, New York; Knitted Outerwear; 5 learners (T); December 1, 1942.

Southern Silk Mills, Spring City, Tennessee; Knitted Underwear; 15 learners (E); March 30, 1942.

Stratford Knitting Mills, Inc., Linfield, Pennsylvania; Knitted Underwear; 7 learners (T); December 1, 1942.

Textile

Kerstetter Silk Throwing Company, Janette Avenue, Mocanaqua, Pennsylvania; Rayon Yarn; 6 percent (T); December 1, 1942. (This certificate replaces one issued bearing expiration date of November 3, 1942.)

Maine Potato Bag Company, 20 Broadway, Caribou, Maine; Bags; 6 learners (T); November 27, 1942. (Omitted from FEDERAL REGISTER of 11–27–41, and effective that date.)

Marietta Silk Company, 533 Broad Street, Waverly, New York; Rayon Broadcloth; 6 learners (E); May 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Santee Mills #1, South Boulevard Street, Orangeburg, South Carolina; Sheetings; 3 percent (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Worth Mills, 3500 McCart Street, Fort Worth, Texas; Automobile Cord Tire Fabric; 6 percent (T); December 1, 1942.

Signed at Washington, D. C., this 1st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–9030; Filed, December 1, 1941; 11:57 a. m.]

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

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 1, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates

are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

New Bremen Rubber Company, New Bremen, Ohio; Rubber; 7 learners; 4 weeks for any one learner; 30 cents per hour; Hand decorator; cuff roller, dieing out baby pants; toy assembler; cementing grip patches on gloves; January 12, 1942.

New Bremen Rubber Company, New Bremen, Ohio; Rubber; 2 learners; 6 weeks for any one learner; 30 cents per hour; Inspector; January 26, 1942.

United Elastic Corporation, Easthampton, Massachusetts; Garters, Suspenders and Arm Bands; 6 learners; 4 weeks for any one learner; 30 cents per hour; Assembler; January 12, 1942.

J. F. Whitaker Cigar Company, 661 S. 4th Street, East Salt Lake City, Utah; Cigar Industry; 3 learners; 6 months and 8 weeks respectively for any one learner; 75% of the applicable minimum; Hand Cigar Making; Cigar Packing; December 1, 1942.

Signed at Washington, D. C., this 1st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9031; Filed, December 1, 1941; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5748]

IN THE MATTER OF ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION

NOTICE OF APPLICATION

NOVEMBER 26, 1941.

Notice is hereby given that on November 25, 1941, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Associated Maryland Electric Power Corporation and Youghiogheny Hydro-Electric Corporation, corporations organized under the laws of the State of Maryland and having their principal business offices at Johnstown, Pennsylvania, seeking an order authorizing the sale and transfer from the former to the latter of all of the electric facilities of Associated Maryland Electric Power Corporation consisting of a 22 KV transmission line extending from a point on the Pennsylvania-Maryland State line approximately two miles south of the Borough of Addison, Somerset County, Pennsylvania, to the Deep Creek power plant of Youghiogheny Hydro-Electric Corporation in Garrett County, Maryland, together with three substations located along said line, for a cash consideration stated in the application to be $48,110.39 as of September 30, 1941; all as more fully appears in the aforesaid application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to the said application should, on or before the 15th day of December 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-8982; Filed, November 29, 1941; 9:40 a. m.]

[Docket No. IT-5749]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY

NOTICE OF APPLICATION

NOVEMBER 29, 1941.

Notice is hereby given that on November 29, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Virginia Public Service Company, a corporation organized under the laws of the State of Virginia and doing business in the States of Virginia, West Virginia and North Carolina, with its principal office located in Alexandria, Virginia, seeking an order authorizing the acquisition of all of the assets of the Virginia Public Service Generating Company, a corporation organized under the laws of the State of Virginia and doing business in said State, with its principal office located in Alexandria, Virginia, including facilities consisting of a 15,000 KW steam electric generating station located on the banks of the Potomac River in Alexandria, Virginia, adjacent to the steam electric generating station of the applicant, or in the alternative an order dismissing the application for lack of jurisdiction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 5th day of December, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9027; Filed, December 1, 1941; 11:47 a. m.]

[Docket No. G-218]

IN THE MATTER OF INTERSTATE NATURAL GAS COMPANY, INCORPORATED

ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1941.

Upon application filed on October 28, 1941, by Interstate Natural Gas Company, Incorporated, requesting that its rate schedule designated in the files of the Commission as Interstate Natural Gas Company Supplement No. 4 to Rate Schedule FPC No. 15 providing for the sale of natural gas to United Gas Pipe Line Company be permitted to become effective as of July 31, 1940, and for other relief;

It appearing to the Commission that:

A hearing on this application may be in the public interest;

The Commission *orders* that:

A public hearing on this application of Interstate Natural Gas Company, Incorporated, be held commencing on January 26, 1942, at 9:45 a. m., in the hearing room of the Federal Power Commission at 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9026; Filed, December 1, 1941; 11:47 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE OF EXTENSION NO. 1 OF PREFERENCE RATING ORDER NO. P-39

Notice is hereby given that Extension No. 1 of Preference Rating Order No. P-39 was duly issued on the 29th day of November 1941, and that, by such Extension, Preference Rating Order N. P-39 is continued in effect until the 15th of March, 1942, unless sooner revoked by the Director of Priorities.

JAMES S. KNOWLSON,
Acting Director of Priorities.

NOVEMBER 29, 1941.

[F. R. Doc. 41-8993; Filed, November 29, 1941; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-557]

APPLICATION BY THE NEW YORK CURB EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION

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 November, A. D. 1941.

The New York Curb 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 for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission having ordered that a hearing be held in this matter on Friday, November 28, 1941, in Washington, D. C.; and

The applicant exchange having requested, under date of November 25, 1941, that its application in this matter be withdrawn;

It is ordered, That the request of the applicant be and it is hereby granted.

By the Commission.

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

[F. R. Doc. 41-8985; Filed, November 29, 1941; 11:28 a. m.]

[File No. 812-215]

IN THE MATTER OF THE SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, 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 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition 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 December 17, 1941 at 10:00 o'clock in the forenoon of that day at the office of 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 Charles S. Lobingier, Esquire, 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 hereby is 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.

By the Commission.

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

[F. R. Doc. 41-8986; Filed, November 29, 1941; 11:28 a. m.]

[File No. 68-6]

IN THE MATTER OF LEE S. BUCKINGHAM, WILLIAM J. HUDSON, THOMAS KEOGH AND STANLEY STANGER, PROPOSED BONDHOLDERS' PROTECTIVE COMMITTEE FOR FIRST LIEN AND GENERAL MORTGAGE BONDS OF WASHINGTON GAS AND ELECTRIC COMPANY

NOTICE OF FILING AND 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 28th day of November, A. D. 1941.

A declaration and an amendment thereto having been filed with this Commission by the above-named parties pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935; and said declaration as amended stating:

1. That declarants propose to act as a Bondholders' Protective Committee (herein sometimes referred to as the "Committee") for the First Lien and General Mortgage Bonds of Washington Gas and Electric Company, a registered holding company, a debtor in proceedings now pending before the United States District Court for the Southern District of New York pursuant to Chapter X of the Bankruptcy Act. Said declarants propose to solicit authorizations to represent such bondholders in proceedings under Chapter X of the Bankruptcy Act or in proceedings before this Commission; and

2. That Lee S. Buckingham and Stanley Stanger are acting as members of the Committee at the request of Strauss Bros., New York, N. Y.; and That Thomas Keogh is acting as a member of the Committee at the request of Colonial Trust Company of New York, N. Y. and of Stryker & Brown of New York, N. Y. and that William J. Hudson is acting as a member of the Committee at the request of C. T. Williams & Co., Inc. of Baltimore, Maryland; and

3. That said Strauss Bros., Stryker & Brown and C. T. Williams & Co., Inc. are security dealers which are engaging in buying and selling and rendering investment advice with respect to the securities of Washington Gas and Electric Company; and that said security dealers intend to continue to trade and deal in and render investment advice with respect to such securities after the formation of the proposed Committee and the solicitation of authorizations and during the pendency of the proceedings under Chapter X of the Bankruptcy Act and before this Commission; and

4. That Scribner & Miller, a firm of attorneys of New York, New York, are proposed as counsel for such Committee, and the Commission having information tending to show that said firm of attorneys has represented Strauss Bros. in connection with the affairs of Washington Gas and Electric Company and in other matters; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration, as amended, and that said declaration as amended shall not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission promulgated thereunder be held on December 10, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. At such time the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

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

It is further ordered, That without limiting the scope of issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

1. The identity of the persons proposing to effect the solicitation of authorizations from the holders of the First Lien and General Mortgage Bonds of Washington Gas and Electric Company;

2. Whether any person or persons connected with the members of the proposed Committee, or otherwise within the purview of subdivision (g) of Rule U-62, intend to buy or sell (as principal, agent, trustee or otherwise) or render any investment advice with respect to the securities of Washington Gas and Electric Company, or of any subsidiary thereof or of any associate company which may be affected by the reorganization.

3. Whether Strauss Bros., Stryker & Brown, C. T. Williams & Co., Inc. and/or Scribner & Miller are connected with the persons proposing to effect such solicitation or any member of the proposed Committee, or otherwise come within the class of persons described in subdivision (g) of Rule U-62.

4. Whether the solicitation material which the Committee proposes to send to the holders of the First Lien and General

Mortgage Bonds makes full and fair disclosure of the material facts and otherwise is not detrimental to the public interest or the interest of investors or consumers.

It is further ordered, That notice with respect to the filing of the aforementioned declaration and of the order of and notice for hearing be given by the publication of this notice and order in the FEDERAL REGISTER. Any interested person desiring to be heard or to intervene in such proceeding shall file a notice with the Commission to such effect not later than December 9, 1941 stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C.

By the Commission.

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

[F. R. Doc. 41-8987; Filed, November 29, 1941; 11:29 a. m.]

[File No. 70-448]

IN THE MATTER OF THE HAMPTON WATER-WORKS COMPANY

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 1st day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 17, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction 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 declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The proposed transaction by The Hampton Water-Works Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, contemplates a modification of such Company's First Mortgage Bonds, Series A, 4¼%, due January 1, 1964, and amendment of the Indenture securing said Bonds so that the interest accruing on said Bonds from and after January 1, 1942, shall be at the rate of 3¼% per annum instead of 4¼% per annum as at present, and the premium on the principal amount of the Bonds payable on redemption thereof (otherwise than a redemption arising through the acquisition of all or substantially all of the property of the Company by a municipal corporation or other governmental subdivision or any governmental body; the terms and conditions with respect thereto remaining as stated in the Indenture) shall be increased, as indicated, in the following table:

If redemption date occur within period	*Present Percent*	*Proposed Percent*
January 2, 1942–January 1, 1944	5	7
January 2, 1944–January 1, 1949	4	6
January 2, 1949–January 1, 1954	3	5
January 2, 1954–January 1, 1959	2	3
January 2, 1959–January 1, 1962	1	2
January 2, 1962–January 1, 1963	½	½
January 2, 1963–December 31, 1963	¼	¼

The proposed transaction further contemplates amending the Indenture so as to permit the Company to use as a basis for depreciation such amount as might be allowed by any regulatory authority for rate making purposes. The declaration or application states that such modification and amendment will become effective when the holder of the outstanding Bonds has assented thereto and filed its written assent and authorization with the Trustee under the Indenture authorizing the Trustee to execute a Supplemental Indenture modifying and amending the Bonds and the Indenture as above described, and the Company and the Trustee have executed said Supplemental Indenture, and the bondholder has surrendered its Bonds for stamping with an appropriate notation reflecting the said modification and amendment.

By the Commission.

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

[F. R. Doc. 41-9022; Filed, December 1, 1941; 11:42 a. m.]

[File No. 2-4157]

IN THE MATTER OF SOUTHEASTERN INDUSTRIAL LOAN COMPANY

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 28th day of November, A. D. 1941.

A proceeding having been instituted by the Commission pursuant to section 8 (d) of the Securities Act of 1933, on the registration statement of Southeastern Industrial Loan Company, a Delaware corporation, after confirmed telegraphic notice to the registrant that it appeared that said registration statement included untrue statements of material facts 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

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 Southeastern Industrial Loan Company, a Delaware corporation, be and the same hereby is suspended.

By the Commission.

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

[F. R. Doc. 41-9023; Filed, December 1, 1941; 11:42 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

The Commission having, on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941;

The Commission having by orders entered on October 17, November 3, and November 22, 1941, postponed the date of said hearing; and

Respondents having requested that said date of hearing be further postponed from December 2, 1941, to December 16, 1941, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to December 16, 1941, at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the hearing-room clerk in room 1102, before the officer of

the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and to said Stanley Clarke, as Trustee of Associated Gas and Electric Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9024; Filed, December 1, 1941; 11:43 a. m.]

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[File No. 70-255]

IN THE MATTER OF TRUSTEES, ASSOCIATED GAS AND ELECTRIC CORPORATION, ASSOCIATED UTILITIES CORPORATION, NORTHEASTERN WATER COMPANIES, INC.

CORRECTING ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

The Commission, having on November 18, 1941,[1] entered an order in the above entitled matter, requiring the dissolution of Northeastern Water Companies, Inc., and other appropriate actions in the premises; and

It appearing that such order inadvertently contained two typographical errors;

It is hereby ordered, That the figures of "$250,805" and "$3,407,929", contained in such order of November 18, 1941, be amended to read "$270,805" and "$3,427,929", respectively.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9029; Filed, December 1, 1941; 11:54 a. m.]

[1] 6 F.R. 5907.