THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 14

Washington, Wednesday, January 21, 1942

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3396]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BOULEVARD CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or any other merchandise, (1) selling, etc., candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said candy or other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 39 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Boulevard Candy Company, Docket 3396, January 15, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed 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, Boulevard Candy Company, a corporation, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Boulevard Candy Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of candy, or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others, push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

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

By the Commission.

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

[F. R. Doc. 42-573; Filed, January 20, 1942; 11:44 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50549]

PART 24—DUTIES OF INSPECTORS

SCHEDULE TARE FOR APPLE BOXES

Article 1369 (d) of the Customs Regulations of 1937, as amended by (1938) T. D. 49543, (1939) T. D. 49784, (1939) T. D. 50000, and (1941) T. D. 50435 [§ 24.10 (d)] is further amended by adding thereto the following paragraph:

§ 24.10 *Tare.*

* * * * *

(d) *Schedule tare.* * * *

Apple boxes: Eight pounds per box. This schedule tare includes the paper wrappers, if any, on the apples. (Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

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

Approved: January 14, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-572; Filed, January 20, 1942; 11:33 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1244]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NEW BUDDY MINE IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, of the New Buddy Mine (Mine Index No. 152) of code member A. (Bud) Early in Subdistrict 12 in District No. 16; 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 § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 is amended to include for the coals, for shipment by truck, produced at the New Buddy Mine (Mine Index No. 152) of code member A. (Bud) Early located in Weld County, Colorado, in Subdistrict 12 in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

	Size groups											
	1	2	3	4	5	6	8	9	10	11	12	13
Prices	350	300	300	325	300	280	235	130	130	130	130	240

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

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

Dated: January 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-566; Filed, January 20, 1942; 10:41 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER IV—SECRET SERVICE

[1942 Dept. Circ. No. 677]

PART 404—FILM RECORDATION OF GOVERNMENT CHECKS AND WARRANTS BY BANKING INSTITUTIONS

JANUARY 19, 1942.

§ 404.0 *Authority for regulations.* These regulations are prescribed and issued under authority of section 150 of the Act of March 4, 1909, 35 Stat. 1116 (U.S.C., title 18, sec. 264).

§ 404.1 *Film recordation of Government checks and warrants.* To facilitate the identification of lost Government checks and warrants, banking institutions which in the ordinary course of business handle such checks and warrants are hereby authorized to make film records thereof, and to project such film records upon a screen. This authorization shall not be construed to permit such film records to be used in any other manner or for any purpose other than to facilitate the identification of lost Government checks and warrants. (Sec. 150, 35 Stat. 1116; 18 U.S.C. 264)

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

[F. R. Doc. 42-571; Filed, January 20, 1942; 11:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,[1] by deleting paragraph (c) (8) of § 612.21 and substituting therefor the following:

§ 612.21 *Duties of chief registrar.*

* * * * *

(8) Require that the following oath be administered to each chief registrar, each

[1] 7 F.R. 200.

registrar, and each special registrar before he enters upon his duties hereunder:

I, _____, do solemnly swear (or affirm) that I will faithfully perform the duties of registrar of Local Board No. _____; that I will correctly record the answers given me by persons registered; that I will indicate on every Registration Card (Form 1) answers that I believe to be untrue; and that I will truthfully answer and record matters charged to my own observation.

The oath may be administered by any person qualified to administer oaths or by a member of the local board, and, after the chief registrar is sworn, he may swear the rest of his registrars and any special registrars. No person shall undertake the duties of a registrar at any time during the registration until the oath has been taken. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–581; Filed, January 20, 1942; 11:58 a. m.]

PART 624—VOLUNTEERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 624,[1] by deleting § 624.1 and substituting therefor the following:

§ 624.1 *Who may volunteer.* Men between the ages of 18 and 45 may volunteer at the local board for induction into the land and naval forces for training and service under the Selective Training and Service Act of 1940, as amended. The local board shall not accept for induction before his order number is reached any volunteer who is under 21 years of age unless he furnishes the local board with the written consent of his parents. However, the local board may dispense with this consent upon a showing that the consent of any parent cannot be obtained because the parent is absent and cannot be reached. The term "parent" in this section includes guardian. If the volunteer has no parents living and has no guardian, he shall submit a statement to that effect to the local board. There is no special form for parents' or guardians' consent. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–582; Filed, January 20, 1942; 11:59 a. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting paragraph (a) of § 633.5 and substituting therefor the folowing:

§ 633.5 *Records sent to induction center.* (a) The following records shall be turned over to the leader for delivery to the commanding officer of the induction station:

(1) For the group: Three copies of the Delivery List (Form 151).

(2) For each selected man: The Armed Forces' Original, the Surgeon General's Copy, and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221); and

The original and one copy of the Order to Report for Induction (Form 150), or, in the case of a man transferred for delivery, the original and one copy of the Order for Transferred Man to Report for Induction (Form 156).

(3) For each selected volunteer under 21 years of age who has been ordered to report for induction before his order number is reached or who, because of his age, has not been given an order number: Written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–583; Filed, January 20, 1942; 11:59 a. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting § 633.10 and substituting therefor the following:

§ 633.10 *Records returned by induction station commander.* (a) The State Director of Selective Service of each State from which selected men are delivered to an induction station will receive from the induction station commander a copy of each Delivery List (Form 151).

(b) Each local board delivering selected men to an induction station will receive from the induction station commander the following records:

(1) The original of each Order to Report for Induction (Form 150) or, in the case of a man transferred for delivery, the original of each Order for Transferred Man to Report for Induction (Form 156).

(2) The original Delivery List (Form 151).

(3) The National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221).

(4) As to each man found not acceptable to the land or naval forces, in addition to the foregoing, the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221).

(c) The local board, upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction station, will transcribe all information thereon in Series VI to the Local Board's Copy thereof held in its files and shall then forward the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The Local Board's Copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the Armed Forces' Original thereof, shall be retained in the registrant's Cover Sheet (Form 53). (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–584; Filed, January 20, 1942; 11:59 a. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting paragraph (e) of § 633.11 and substituting therefor the following:

§ 633.11 *Transferring man for delivery.*

* * * * *

(e) Immediately upon receipt of the approved request, the man's own local board shall transfer him. It shall prepare a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board to which the man is being transferred, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The Armed Forces' Original, the Surgeon General's Copy, and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221).

(3) In the event only that the man is a volunteer under 21 years of age who has been ordered to report for induction before his order number is reached or who, because of his age, has not been given an order number, there shall be forwarded also the written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–585; Filed, January 20, 1942; 12:00 m.]

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[1] 6 F.R. 6842.

[1] 6 F.R. 6849.

[1] 6 F.R. 6849.

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 652,[1] by deleting paragraph (a) of § 652.2 and substituting therefor the following:

§ 652.2 *Assignment by Director of Selective Service.* (a) The Director of Selective Service, upon receipt of the Conscientious Objector Report (Form 48), shall assign the registrant to a camp. Such assignment will be made on an Assignment to Work of National Importance (Form 49), which shall be made out in triplicate. The original and one copy will be mailed to the State Director of Selective Service, who shall forward the original to the registrant's local Board and file the copy. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42–587; Filed, January 20, 1942; 12:00 m.]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 652, by deleting § 652.11 and substituting therefor the following:

§ 652.11 *Order to report for work of national importance.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant in Class IV–E, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The original shall be mailed to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, the local board shall mail five copies of the Order to Report for Work of National Importance (Form 50), together with the Armed Forces' Original, the Surgeon General's Copy and the National Headquarters' Copy of the registrant's Report of Physical Examination and Induction (Form 221), to the camp director at such camp. The Local Board's Copy of such registrant's Report of Physical Examination and Induction (Form 221) shall be retained in his Cover Sheet (Form 53).

(b) The issuance of an Order to Report for Work of National Importance (Form 50) may be delayed or delivery under such an order may be postponed to the extent and in the manner provided in § 633.1.

[1] 7 F.R. 111.

(c) If for any reason an Order to Report for Work of National Importance (Form 50) is not sent to a registrant for whom an Assignment to Work of National Importance (Form 49) has been received from the Director of Selective Service or in the event a registrant in Class IV–E who has been sent an Order to Report for Work of National Importance (Form 50) does not report to the local board pursuant to such order, the local board shall send the Assignment to Work of National Importance (Form 49), together with a statement of the facts concerning the case, to the State Director of Selective Service for transmittal to the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.
Dated: January 17, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42–586; Filed, January 20, 1942; 12:01 p. m.]

PART 661—PHYSICAL REHABILITATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by adding thereto a new part reading as follows:

PART 661—PHYSICAL REHABILITATION

REHABILITATION PROCEDURE

Sec.

DISPOSITION OF REHABILITATED REGISTRANT AND REGISTRANT WHO REFUSES TO HAVE DEFECTS REMEDIED

DESIGNATION AND PAYMENT OF PHYSICIANS, DENTISTS, AND FACILITIES

REHABILITATION PROCEDURE

§ 661.1 *Determination that registrant's defects are to be remedied.* When the Report of Physical Examination and Induction (Form 221) is received by the local board from the examining station of the armed forces with the certification that the registrant is physically and mentally qualified for military service after the satisfactory correction of certain specified remediable defects, and when the specified remediable defects are of the type which the Director of Selective Service has determined shall be remedied, the local board, in accordance with instructions issued and subject to limitations imposed by the Director of Selective Service, and with one or more of its examining physicians or dentists present as advisers, will consider whether it is practicable to remedy such defects of the registrant within a reasonable time and at a reasonable cost. If at this time or at any subsequent time there is not an agreement between the examining physician or dentist and the local board concerning the practicability of correcting such remediable defects of a registrant within a reasonable time and at a reasonable cost, the local board may send the record of the registrant or, if necessary, may send the registrant to the medical advisory board for an opinion from the appropriate member or members of that board and, giving consideration to such opinion but not being bound thereby, shall determine the course to be followed.*

*§§ 661.1 to 661.23 inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8971, 6 F.R. 6419.

§ 661.2 *Notice to registrant to appear for consultation.* If the local board decides that the remediable defects of any registrant are of a type which the Director of Selective Service has determined should be remedied and that such defects can be remedied within a reasonable time and at a reasonable cost, the local board will issue a Notice to Registrant to Appear for Consultation (Form 225) which will state the hour, date, and place the registrant shall report for a conference with the local board.*

§ 661.3 *Conference with registrant and selection of physician, dentist, or facility.* (a) When the registrant reports in accordance with a Notice to Registrant to Appear for Consultation (Form 225), at least one member of the local board and one or more of the examining physicians or dentists will confer with him for the purpose of making arrangements for his rehabilitation. If the registrant desires to have his defects remedied at his own expense, see § 661.7.

(b) The registrant will be advised that he has certain remediable defects which may be remedied at Government expense. He will also be advised that, if the defects are remedied, he will be returned to the examining station of the armed forces and, if found acceptable to them, will be forwarded for induction in the usual manner. He will be further advised that if he refuses to have his defects remedied, his defects may be waived and in such event he will be subject to induction into the armed forces.

(c) If a registrant agrees to have his defects remedied, he shall name a designated physician, dentist, or facility to undertake his rehabilitation: *Provided,* That the provisions of § 661.4 do not ap-

ply: *And provided further*, That if the registrant desires and requests the services of a physician, dentist, or facility that has not been designated, the procedure prescribed in § 661.21 will be followed, and the registrant must name a designated physician, dentist, or facility as his second choice to perform the necessary services if the first-named physician, dentist, or facility is not accepted for designation. The local board, acting for the registrant, must name a designated physician, dentist, or facility for the purpose of undertaking to remedy the registrant's defects (1) if the registrant fails or refuses to name a designated physician, dentist, or facility, or (2) if the registrant names a physician, dentist, or facility not designated but fails or refuses to name as his second choice one already designated and the one not designated named by the registrant fails to qualify for designation. When the local board is required to name a designated physician, dentist, or facility as above, it shall do so in the following manner: The record of designated physicians, dentists, or facilities furnished the local board by the State Director of Selective Service shall be consulted and the first designated and qualified physician, dentist, or facility whose name appears on that record with an office in or near the community in which the registrant lives shall be the first-named, the second shall be the second-named, the third shall be the third-named, and so on consecutively until all such designated and qualified physicians, dentists, or facilities have been used, and then the process shall start over again.

(d) The registrant shall execute, in triplicate, a Registrant's Rehabilitation Statement (Form 226). If he refuses to have his defects remedied, he shall state the reason for such refusal.

(e) The signature of the registrant upon the Registrant's Rehabilitation Statement (Form 226) shall be witnessed by a member of the local board and the examining physician or dentist.

(f) If the registrant names a designated physician or dentist who practices, or a designated facility which operates, outside the community in which he lives, and there is a designated physician, dentist, or facility in the community in which he lives capable of rehabilitating him, authorization may be granted for the designated physician, dentist, or facility so named: *Provided*, That such authorization shall not be made if it results in unnecessary delay in the rehabilitation of such registrant, and *Provided further*, That the expense of transportation to and from the designated physician, dentist, or facility shall be borne by the registrant. If there is no designated physician, dentist, or facility in the community in which the registrant lives who is qualified and willing to treat the registrant, necessary travel costs to and from the nearest community in which there is a designated physician, dentist, or facility qualified and willing to undertake the registrant's rehabilitation will be borne by the Selective Service System, and Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) may be issued.*

§ 661.4 *Use of Government facilities.* If the Director of Selective Service determines that the facilities of any department, bureau, or agency of the Government of the United States should be used in rehabilitating the registrants in any community, such facility shall be used to the extent that the Director of Selective Service may direct.*

§ 661.5 *Inquiry for undertaking of services to physician, dentist, or facility.* After the Registrant's Rehabilitation Statement (Form 226) is completed by a registrant who is to have his defects remedied, an Inquiry for Undertaking of Service (Form 227) shall be prepared by the local board, in quadruplicate. It shall be addressed to the designated physician, dentist, or facility selected to render the service for a given registrant. It shall set forth the facts relevant to the defects of the registrant and the maximum fees allowable for the correction of such defects. It shall contain an inquiry as to the desire of the physician, dentist, or facility to undertake the service indicated. If the physician, dentist, or facility offers to perform the services, one copy of the Inquiry for Undertaking of Service (Form 227) will be retained by the physician, dentist, or facility addressed, and the original and two remaining copies will be signed and returned to the local board. The local board will forward the original and both copies of Inquiry for Undertaking of Service (Form 227), together with the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221), to the State Director of Selective Service. The State Director of Selective Service shall indicate his approval, disapproval, or desired modification on the original and both copies of the Inquiry for Undertaking of Service (Form 227), retain the original, and return both copies, together with the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221), to the local board. If the State Director of Selective Service has indicated his approval on the copies of the Inquiry for Undertaking of Service (Form 227), the local board shall forward the approved copy bearing the signature of the State Director of Selective Service to the designated physician, dentist, or facility, and such approved copy will constitute authority to render the indicated service. If modifications are made by the State Director of Selective Service, the Inquiry for Undertaking of Service (Form 227), with such modifications, will be resubmitted to the designated physician, dentist, or facility concerned for approval.*

§ 661.6 *Order to registrant to have defects remedied.* When the local board has received an approved copy of the Inquiry for Undertaking of Service (Form 227), it shall complete and mail to the registrant an Order to Registrant to Have Defects Remedied (Form 228).*

§ 661.7 *Procedure when registrant desires to have his defects remedied at his own expense.* If a registrant desires to have his defects remedied at his own expense, he may do so without reference to the foregoing procedure; *Provided*, That a program for remedying the defects is presented which is satisfactory to the local board. In such a case the program will be outlined in the Registrant's Rehabilitation Statement (Form 226) and will include arrangements to keep the local board advised of the registrant's progress. If at any time after making such an arrangement, the registrant fails or refuses to have his defects remedied in the manner agreed upon, the local board may take the steps outlined in § 661.12.*

DISPOSITION OF REHABILITATED REGISTRANT AND REGISTRANT WHO REFUSES TO HAVE DEFECTS REMEDIED

§ 661.11 *Submission of rehabilitated registrant for further physical examination by the armed forces.* (a) The local board will keep informed as to the progress of the registrant while his defects are being remedied. When the registrant's rehabilitation will take more than 30 days, the local board will furnish the physician, dentist, or facility with sufficient Progress Reports of Rehabilitation (Form 229) so that one of such forms can be completed and returned to the local board each 30 days after the commencement of rehabilitation. A Report of Completion of Rehabilitation (Form 230) shall be filled out and forwarded to the local board by the physician, dentist, or facility when the registrant's rehabilitation has been completed. When the physician, dentist, or facility which has undertaken to remedy the registrant's defects has forwarded the local board a Report of Completion of Rehabilitation (Form 230), the local board will direct the registrant to appear before the examining physician or dentist of the local board and, in doubtful cases, to appear before the medical advisory board. When the local board is satisfied, from the report of the examining physician or dentist or the medical advisory board, that the remediable defects which were specified in the certificate of the examining station of the armed forces have been remedied, it shall again forward the registrant for physical examination by the armed forces in the manner provided in Part 629; provided that if the effective period for the former physical examination by the armed forces has expired, but not otherwise, it shall prepare a new Report of Physical Examination and Induction (Form 221), the Armed Forces' Original and all copies of which shall be forwarded with the registrant in addition to the Armed Forces' Original of the former Report of Physical Examination and Induction (Form 221). Upon the return from the examining station of the armed forces of the Armed Forces' Original and all copies of the corrected or new Report of Physical Examination and Induction (Form 221), or both, the local board will proceed in the manner provided by § 629.31.

(b) The local board will forward all completed Reports of Completion of Rehabilitation (Form 230) to the State Director of Selective Service for transmittal to the Director of Selective Service.*

§ 661.12 *Procedure when registrant refuses or fails to have his defects remedied.* If the registrant refuses or fails to have his defects remedied, the local board will forward to the State Director of Selective Service the original and one copy of the Registrant's Rehabilitation Statement (Form 226), the Armed Forces' Original of the registrant's Report of Physical Examination and Induction (Form 221), and its recommendation as to the disposition of the matter. Upon receipt thereof, the State Director of Selective Service will either return the file to the local board with further instructions or forward the file, together with his own recommendation, to the Director of Selective Service, or, if so instructed by the Director of Selective Service, to the Corps Area Commander (or representative of the Navy or Marine Corps).*

DESIGNATION AND PAYMENT OF PHYSICIANS, DENTISTS, AND FACILITIES

§ 661.21 *Designated physicians, dentists, and facilities.* (a) The Director of Selective Service shall prepare and maintain a record of designated physicians, dentists, and facilities for the nation. The State Director of Selective Service shall maintain a record of designated physicians, dentists, and facilities for his State. He shall furnish each local board with a record of designated physicians, dentists, and facilities in or near the community in which each local board is located. If a physician, dentist, or facility whose name is not included in the record of designated physicians, dentists, and facilities is named by a registrant or makes a request to be designated, the local board shall endeavor to secure a written application from such physician, dentist, or facility. The local board shall forward any application it receives, together with its recommendation thereon, to the State Director of Selective Service.

(b) When the application is received by the State Director of Selective Service, he shall make a thorough investigation as to the applicant's professional and ethical standing in the community. If, after investigation, he is of the opinion that the applicant is qualified, he shall add the name of the applicant to the record of designated physicians, dentists, or facilities and so advise the local boards affected. The name and address of each such physician, dentist, or facility, together with the application, report of investigation made, and the action taken thereon by the State Director of Selective Service, shall be forwarded to the Director of Selective Service. In the absence of comment by the Director of Selective Service, such physician, dentist, or facility shall thereafter be a designated physician, dentist, or facility. The Director of Selective Service will notify the State Director of Selective Service in the event of nonconcurrence in the designation of a given physician, dentist, or facility.

(c) Nothing herein contained shall prohibit any physician or dentist who is now or may hereafter be appointed an examining physician or dentist or a member of a medical advisory board from applying to the State Director of Selective Service to have his name placed in the record of designated physicians or dentists. Upon the receipt of such an application, the procedure prescribed in (b) above will be followed. If the name of such examining physician or dentist or member of a medical advisory board is placed in such record, he shall receive payment for authorized rehabilitation services in the same manner as any other designated physician or dentist, and the Waiver of Pay or Compensation portion of the Oath of Office and Waiver of Pay or Compensation (Form 21) executed by the examining physician or dentist or member of the medical advisory board shall not operate to prohibit such physician or dentist or member of the medical advisory board from receiving compensation from remedying the defects of a registrant. His services as a designated physician or dentist will be apart from, and in addition to, his present duties as an examining physician or dentist or member of a medical advisory board, which latter duty will remain on an uncompensated basis.

(d) Any designated physician, dentist, or facility may be utilized by any local board in the Selective Service System. (*See, however,* § 661.3 (f).)

(e) A State Director of Selective Service who has reason to believe that a designated physician, dentist, or facility does not have the necessary qualifications will suspend such physician, dentist, or facility and will report the reason therefor and his recommendation thereon to the Director of Selective Service.

(f) The name of any physican, dentist, or facility may be added to or removed from the record of designated physicians, dentists, or facilities by the Director of Selective Service, either with or without a recommendation from a State Director of Selective Service.*

§ 661.22 *Schedule of fees for the Selective Service System.* The Director of Selective Service, from time to time, will publish and circulate schedules of fees which will state the maximum amounts allowable for the services of any physician, dentist, or facility in remedying the defects of a registrant. These amounts will in no case be exceeded unless specifically authorized under instructions issued by the Director of Selective Service. When services not contained in the schedule of fees are necessary, such services may be authorized and the fees to be paid therefor in each instance fixed by the Director of Selective Service. Payment will not be authorized for any services rendered in remedying the defects of a registrant which are not authorized in accordance with instructions contained in this part, unless payment for such services is specifically approved by the Director of Selective Service either prior to or subsequent to the performance of such services.*

§ 661.23 *Procedure for payment of fees.* Bills for payment of fees authorized to be charged for services rendered in remedying the defects of a registrant should be certified in the manner prescribed in § 608.5 and presented, in triplicate, to the local board, which, if it finds that the authorized services have been performed, will indicate its approval on the original and both copies of the bill, retain one copy thereof, and forward the original and second copy thereof to the State procurement officer. In vouchering such bills, the State procurement officer shall use Public Voucher for Purchases and Services Other Than Personal (Standard Form No. 1034), which will be prepared in the manner prescribed in § 608.31.*

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42-580; Filed, January 20, 1942; 11:58 a. m.]

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

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Hawaii to direct any local board in the Territory of Hawaii to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

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

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

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42-588; Filed, January 20, 1942; 12:01 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 3 of Supplementary Order No. M-15-c[1] to Restrict Transactions in New Rubber Tires, Casings and Tubes

Paragraph (g) of § 940.4 is hereby amended to read as follows:

[1] F.R. 6792, 7 F.R. 121.

§ 940.4 *Supplementary Order M–15–c.*

* * * * *

(g) *Exemption of certain transactions.* Nothing in this Order shall prevent any person from making (without a certificate or other authority of the Office of Price Administration, but subject to the provisions of Priorities Regulation No. 1 and any other applicable rules, regulations or orders of the Director of Priorities heretofore or hereafter issued) a sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings or tubes:

(1) To or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development; but not to or for the account of any officer, member or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary or similar agency or organization except for use on vehicles operated by it.

(2) To or for the account of the government of any foreign country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations or other restrictions as may be prescribed by the Office of Production Management.

(3) For export to any foreign country, for government or private account, otherwise than as provided in (2) above, but only as may be expressly permitted by the Office of Production Management.

Any person, government or governmental agency acquiring a new rubber tire, casing or tube, under this paragraph (g) shall execute and deliver to the person from whom such tire, casing, or tube was acquired a receipt evidencing the transaction, the receipt to be in such form as the Office of Price Administration may direct.

No preference rating heretofore or hereafter assigned by any PD–3 certificate or by any other preference rating certificate or by any order of the Director of Priorities shall entitle any person to receive any new rubber tire, casing, or tube except in a transaction specified in subparagraph (1), (2), or (3) above. Persons to whom such ratings have been issued and who wish to acquire such tires, casings or tubes for vehicles included in the categories enumerated in List A may apply therefor as provided in paragraph (e) hereof.

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; 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 20th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–574; Filed, January 20, 1942; 11:27 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 3 to Supplementary General Limitation Order L–3–e[1] Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9 (*Supplementary General Limitation Order L–3–e*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 976.9 *Supplementary General Limitation Order L–3–e*—(a) *Prohibition of sales of light motor trucks.*

* * * * *

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; 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)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–577; Filed, January 20, 1942; 11:26 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 3 to Supplementary General Limitation Order L–1–c[2] Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10 (*Supplementary General Limitation Order L–1–c*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 976.10 *Supplementary General Limitation Order L–1–c*—(a) *Prohibition of sales of medium and heavy motor trucks and truck trailers.*

* * * * *

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; 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)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–576; Filed, January 20, 1942; 11:26 a. m.]

PART 981—PASSENGER AUTOMOBILES

Amendment No. 3 to Supplementary General Limitation Order L–2–f[3] Restricting Sale and Delivery of Passenger Automobiles

Section 981.7 (*Supplementary General Limitation Order L–2–f*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 981.7 *Supplementary General Limitation Order L–2–f*—(a) *Prohibition of sales of passenger automobiles.*

* * * * *

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to

[1] 7 F.R. 116, 218, 311.
[2] 7 F.R. 116, 219, 311.

6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; 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)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-578; Filed, January 20, 1942; 11:26 a. m.]

PART 1064—ASBESTOS

Conservation Order M-79 Curtailing the Use of Certain Types of Asbestos

Whereas national defense requirements have created a shortage of certain types of asbestos for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest, to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1064.1 *Conservation Order M-79*—(a) *Restrictions on the use of certain types of asbestos.* (1) Unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall fabricate, spin, or process in any other way asbestos fibre imported from South Africa except where such fabrication, spinning or processing is necessary to fill Defense Orders as defined in Priorities Regulation No. 1, as amended from time to time.

(2) In addition to the above limitation, unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall fabricate, spin or process in any other way:

(i) Chrysotile asbestos fibre (Rhodesian) Grade C and G-1 and 2 except where such fabricating, spinning or processing is necessary to fill Defense Orders for:

(*a*) core rovings to meet Navy specification Number 17-I-29 (INT); (Insulation, electrical, asbestos fibre, treated and untreated, dated October 1, 1941, or as same may be amended.)

(*b*) tapes and cloth which are required by specification to be of a non-ferrous nature;

(*c*) non-ferrous lapps.

(ii) Amosite asbestos fibre (Grade B-1 or amosite asbestos having a fibre length equivalent to that of Grade B-1 except where such fabricating, spinning or processing is necessary to fill Defense Orders for Amosite woven felt blankets and mattresses for turbine insulation for use on naval and maritime ships.

(iii) Amosite asbestos fibre (Grade B-3, D-3 or amosite asbestos having a fibre length equivalent to that of Grade B-3 or D-3) except where such fabricating spinning or processing is necessary to fill Defense Orders for:

(*a*) Woven felt blankets and mattresses and fittings for turbine insulation for use on naval and maritime ships;

(*b*) Fire proof board;

(*c*) Sprayed Amosite;

(*d*) Eighty-five percent magnesia pipe covering and blocks;

(*e*) Molded Amosite pipe covering and blocks;

(*f*) Flexible amosite pipe insulations.

(*g*) Dry pack insulation.

(3) In addition to the above limitations unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall install eighty-five per cent magnesia or other high temperature pipe covering except in installations where temperatures of 200° Fahrenheit or over occur.

(b) *Reports.* (1) Any person who manufactures or processes asbestos fibre shall, on or before the 10th day of February 1942, and on or before the 10th day of each calendar month thereafter, file with the Office of Production Management, Ref: M-79, all of the information required by Forms PD-251 and PD-252, whichever is applicable.

(2) In addition, any person who manufactures or processes asbestos fibre shall, when requested, file with the Office of Production Management, Ref: M-79 all the information required by Form PD-253.

(c) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver asbestos fibre to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(d) *Limitation of inventories.* No manufacturer shall receive delivery of asbestos fibre or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw-semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of asbestos fibre products by this Order.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of asbestos fibre conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management, Ref: M-79, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of asbestos fibre in the production of any article, the limitations of such other Order shall be observed.

(4) *Correspondence and communication.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C. Ref: M-79.

(5) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any Act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 A of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, Amended, Dec. 23, 1941, 6 F.R. 6680; 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)

Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-575; Filed, January 20, 1942; 11:26 a. m.]

PART 1082—NICKEL

Conservation Order M-6-b Curtailing the Use of Nickel in Certain Items

Whereas national defense requirements have created a shortage of nickel for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian

requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1082.3 *Conservation Order M–6–b*—(a) *Prohibition of use of nickel in articles appearing on List A.* (1) Any person using nickel in any item on List A shall reduce his use of nickel in any such item between January 1 and March 31, 1942 to 50% of his use in the base period.

(2) Effective April 1, 1942, no nickel shall be used in the production of any item on List A.

(b) *Limitation on all other uses of nickel.* Until further action by the Director of Priorities, any person may use nickel in the manufacture of any article not included under the classifications on List A attached, or of any article not specifically exempted under paragraph (c) hereof, but only to the extent that such material may be allocated to him for such purposes pursuant to General Preference Order M–6–a, and subject to any specific directions which may be issued by the Director of Priorities with respect to such allocation.

(c) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of nickel in the manufacture of any item which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of nickel to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Safety Regulations issued under governmental authority, provided the pertinent provisions of such Regulations, were in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of nickel to the extent employed, or

(3) with the assistance of a Preference Rating of A–1–k or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver nickel to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of nickel (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or subassemblies, nor shall he put into process any nickel in the form of raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of nickel products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeals.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of nickel conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management by letter or on such form as the Nickel Branch of the Office of Production Management may prescribe, reference: M–6–b, setting forth the pertinent facts, including a statement of such person's inventory of nickel, his production and employment, together with the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of nickel in the production of any article, the limitations of such other order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Nickel" means any metallic nickel, either primary or produced from or contained in scrap, or nickel matte, or any non-ferrous alloy, when nickel has been specified or added to produce a desired alloying effect. It also includes special-purpose alloys, such as those for heat or corrosion resistance or electrical use, but does not cover such steel and iron alloys as are covered by Supplementary Order M–21–a.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both the act of putting nickel into process in the manufacture of any item and the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (*a*) the amount of material put into process during the base period and (*b*) to the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vi) "Base Period" means, at the option of the manufacturer, either (*a*) the corresponding quarterly period in 1940, or (*b*) the first calendar quarter in 1941, provided that the same option shall be used throughout the calendar year.

(vii) "Put into Process" means the first change by a manufacturer in the form of materials from that form in which it is received by him.

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, as amended Dec. 23, 1941, 6 F.R. 4489; O.P.M. Reg. 3 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, Pub. No. 783, 76th Congress, Third Session)

Issued this 20th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

List A of Conservation Order M–6–b

The use of nickel in the items classified below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Transportation equipment.[1]

Building supplies, hardware, and ornamental metal work.

Plumbing, heating and air conditioning supplies (excluding valve seats and thermostatic controls).

[1] Except where necessary for operational purposes.

Clothing accessories.

Furnishings, furniture, appliances, and equipment (domestic, office and institutional).[2]

Commercial and industrial appliances and equipment and parts thereof unless covered by General Exception Clause, paragraph (c) of this order.[2]

Jewelry, toilet articles, accessories, souvenirs, novelties, games, toys, art objects, and musical instruments.

Plating.[1]

Containers of all types.[1]

Branding, marking and labeling devices.

Fire fighting apparatus and equipment.[1]

Lighting equipment.[1]

Non-operating or decorative uses or parts of installations and mechanical equipment, including frames, bases, standards and supports.

Photographic and art equipment and supplies.

Sporting goods and pleasure boat fittings and hardware.

Saddlery and harness hardware and fittings.

[F. R. Doc. 42-579; Filed, January 20, 1942; 11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-180]

IN THE MATTER OF R. H. BLYSTONE, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 31, 1941, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

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

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, R. H. Blystone, an individual, of Elderton, Pennsylvania, whose code membership became effective as of June 18, 1937, operator of the Keeler Mine (Mine Index No. 1118), located in Armstrong County, Pennsylvania, Subdistrict 10 of District No. 1, sold to various purchasers at approximately $2.12 per net ton f. o. b. the mine, during the period of October 11, 1940 to December 3, 1940, both dates inclusive, approximately 97.6 tons of run of mine coal produced at said mine, whereas said coal was classified as Size Group 3 and priced at $2.15 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments. Said sales price was approximately 3 cents per net ton below the f. o. b. mine price established for said coal by the Division, therefore, said code member violated section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) The aforesaid defendant sold to various purchasers at approximately $1.25 per net ton f. o. b. the mine, on or about July 1, 1941, approximately 7.6 tons of 1¼" Forked Nut and Slack coal, produced at the aforesaid Keeler Mine, whereas said coal was classified as Size Group No. 4 and priced at $1.95 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments. Therefore, said code member violated section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-562; Filed, January 20, 1942; 10:37 a. m.]

[Docket No. B-64]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Charleston, West Virginia, on January 21, 1942, by Order of the Director dated November 22, 1941, and having been subsequently postponed by Order of the Acting Director dated January 10, 1942, to a date and at a hearing room to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the time and place of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston be and is hereby designated to preside at such hearing vice Charles S. Mitchell; and

It is further ordered, That the Notice of and Order for Hearing herein dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-563; Filed, January 20, 1942; 10:38 a. m.]

[Docket No. 1778-FD]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

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

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on June 28, 1941, by District Board No. 4, alleging that Mt. Perry Coal Company, defend-

[2] With the exception of heating elements for replacement purposes or for use in the manufacture of electric ranges, portable heaters, and storage type water heaters.

ant, a code member in District 4, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Act, the Code and rules and regulations thereunder;

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Canton, Ohio, on October 7, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an Order be entered directing the defendant to cease and desist from violations of the Act, the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed; [1]

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

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Mt. Perry Coal Company, its representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from violating the Bituminous Coal Act, the Code, and rules and regulations thereunder.

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

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-564; Filed, January 20, 1942; 10:38 a. m.]

[1] The defendant filed exceptions stating, however, that they were to be disregarded in the event the sanction imposed upon the defendant did not exceed the recommendation of the Examiner that the defendant be required to cease and desist from violations of the Act, the Code and regulations thereunder.

[Docket No. A-1040]

PETITION OF THE BOVARD COAL CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS FOR COALS PRODUCED AT ITS RIMER MINE

MEMORANDUM OPINION AND ORDER MODIFYING ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bovard Coal Company ("Bovard"), a code member in District 1. Bovard requests the establishment of price classifications and effective minimum prices for the coals of its Rimer Mine (Mine Index No. 902), in District 1 for rail shipment on the Western Allegheny Railroad from Brady's Bend, Pennsylvania.

Pursuant to a Notice of and Order for Hearing dated September 24, 1941, a hearing in this matter was held on October 23, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

On November 14, 1941, the Director issued an Order granting temporary relief by establishing effective minimum prices for the coals of Bovard's Rimer Mine when shipped via the Pennsylvania Railroad from Rimersburg, Pennsylvania. The Director thereby denied Bovard's request for permission to make shipments on the Western Allegheny Railroad from Brady's Bend. The Director found that Bovard's crusher and loading facilities are at Brady's Bend and that Bovard desired to make shipments on the Western Allegheny Railroad from that point in order to serve certain customers in Market Area 10. The Director further found that Brady's Bend is in District 2, approximately 10 miles from the Rimer Mine. The Director noted that there are several nearer loading points which Bovard might use, Rimersburg, Pennsylvania, in District 1, for example, being located approximately 3.7 miles from the Rimer Mine, and that while the freight rates to destinations in Market Area 10 are higher from Rimersburg than from Brady's Bend, which results in a delivered differential in favor of District 2 producers, in General Docket No. 15 it had been decided that District 1 producers had no such existing fair competitive opportunities in Market Area 10 as necessitated the allowance to them of freight rate absorptions on shipments into that market area. The Director noted that Bovard's request represented a sharp break with the coordination established in General Docket No. 15 and should not be granted as a matter of temporary relief in the absence of a strong showing, and that such a showing had not been made. Noting further that if Bovard's request were granted, it would receive preferential treatment over other District 1 producers, who must ship into Market Area 10 at the higher freight rate, the Director concluded that the record does not reveal any reason for giving the Rimer Mine such special treatment as a matter of temporary relief.

On November 28, 1941, Bovard Coal Company filed a petition for reconsideration and modification of the Order granting temporary relief. On December 3, 1941, the Office of the Bituminous Coal Consumers' Counsel also filed a motion to modify the temporary relief and a statement in support thereof. On December 12, 1941, the Bituminous Coal Consumers' Counsel filed a supplementary statement in support of its motion.

The Bituminous Coal Consumers' Counsel asks that the Order granting temporary relief be modified by permitting shipments from the Rimer Mine to be made on the Western Allegheny Railroad from Brady's Bend, Pennsylvania, at the same time preserving the competitive opportunities of District 2 producers. In the alternative, the Consumers' Counsel requests that effective minimum prices be established for the coals of the Rimer Mine for additional size groups, sizes which the Rimer Mine can produce but for which it does not now have prices.

The Consumers' Counsel contends that the Act contains no prohibition against any mine's shipping through any shipping point it chooses, and that the Congress has expressed no intention to prevent shipment by the most economical route. The Consumers' Counsel points out that permitting Bovard to ship from a District 2 loading point would not interfere with the competitive opportunities of District 1 producers since Market Area 10, the market which Bovard seeks to reach, is not a market to which District 1 producers normally ship coal; nor would it impair the existing fair competitive opportunities of District 2 producers since Bovard merely seeks to continue to sell coal to the customers of its closed mine in District 2. The Consumers' Counsel states that District 2 producers merely "stand to gain new business" if Bovard's request is denied.

In its petition for reconsideration, Bovard Coal Company requests that the temporary order should be modified so as to grant its original prayer for relief, permitting it to ship coal from Brady's Bend. Bovard further requests, that, in any event, it should be allowed to ship from Brady's Bend on the Western Allegheny Railroad at least until May 1, 1942, which it submits is the earliest date at which it will be possible for it to produce coals at its Rimer Mine for shipments via the Pennsylvania Railroad. Bovard states that there are no loading facilities presently available at Rimersburg for shipments via the Pennsylvania Railroad, and that the difficulties in securing construction materials will delay the construction of such facilities. Bovard submits that in the meantime,

unless it is permitted to ship from Brady's Bend, the Rimer Mine will remain inactive, and Bovard will lose its entire investment and will suffer irreparable loss, damage, and injury.

An examination of the record here indicates that substantial injury will result to the Bovard Coal Company if the Order granting temporary relief is not modified by granting it permission to ship coals of its Rimer Mine over the Western Allegheny Railroad from the available loading point at Brady's Bend, Pennsylvania. Such relief is necessary if the Rimer Mine is to be able for some time to market its coals since it appears that there are no presently available loading facilities at Rimersburg, Pennsylvania, for shipments over the Pennsylvania Railroad. It further appears that the classifications and prices provided for the coals of the Rimer Mine in the Order granting temporary relief herein will not enable those coals to be delivered into Market Area 10, although shipped from Brady's Bend, at prices lower than those at which District 2 producers can deliver their coals into that market area.[1]

The relief granted herein, permitting Bovard to ship its Rimer Mine coals over the Western Allegheny Railroad from Brady's Bend, will be limited in point of time to May 1, 1942, which should be ample time to enable Bovard to provide itself with loading facilities at Rimersburg. Accordingly, on May 1, 1942, the relief hereinafter granted will automatically terminate. The relief will be further limited so as to permit Bovard to ship coals from Brady's Bend only to those customers in Market Area 10 to whom Bovard formerly shipped the coals of its closed mine in District 2.

It is, therefore, ordered, That the Order of the Director dated November 14, 1941, granting temporary relief herein, be, and it hereby is, modified and supplemented by adding to the sentence therein reading "Such shipments shall be made on the Pennsylvania Railroad from Rimersburg, Pennsylvania, and all adjustments required or permitted mines in Freight Origin Group 90 shall be applicable thereto" the following: *"Provided, however,* That until May 1, 1942, such shipments may be made on the Western Allegheny Railroad from Brady's Bend, Pennsylvania; *Provided, further, however,* That such shipments may be made on the Western Allegheny Railroad from Brady's Bend only to those customers in Market Area 10 to whom Bovard Coal Company formerly shipped the coals of its mine in District 2."

It is further ordered, That Bovard Coal Company shall file with the Division within twenty (20) days from the date of this Order, a statement under oath listing the names of the customers in Market Area 10 to whom it formerly sold coals. Such statement shall indicate on its face that it is filed pursuant to the terms of this Order.

[1] The coals of the Rimer Mine shipped into Market Area 10 from Brady's Bend will, at the classifications and minimum prices presently effective for such coals, deliver into that Market Area at a price one cent higher than the coals of District 2 producers shipping from Brady's Bend.

Nothing herein contained shall be taken or construed as an expression of opinion concerning the final disposition of this proceeding.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-565; Filed, January 20, 1942; 10:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region II, Minnesota

Ottertail county. Locality I—Consist- of the townships of Aurdal, Norwegian Grove, Pelican, Trondhjem, Oscar, Carlisle, Fergus Falls, Orwell, Buse, Western, Aastad, Dane Prairie, Tumuli, St. Olaf; Fergus Falls City; and Villages of Pelican Rapids and Dalton, $6,328. Locality II—Consisting of the townships of Amor, Compton, Deer Creek, Eastern, Effington, Henning, Inman, Leaf Lake, Oak Valley, Otter Tail, Parkers Prairie, and Woodside; and Villages of Deer Creek, Henning, Otter Tail, and Parkers Prairie, $4,485. Locality III—Consisting of the townships of Blowers, Bluffton, Butler, Candor, Clitherall, Corliss, Dead Lake, Dora, Dunn, Eagle Lake, Edna, Elizabeth, Elmo, Erhards Grove, Everts, Folden, Friberg, Girard, Gorman, Hobart, Homestead, Leaf Mountain, Lida, Maine, Maplewood, Newton, Nidaros, Otto, Paddock, Perham, Pine Lake, Rush Lake, Scambler, Star Lake, Sverdrup, Tordenskjold and Villages of Battle Lake, Clitherall, Dent, Elizabeth, New York Mills, Perham, Richville, Underwood, Vergas, and Vining, $3,675.

Region VI, Arkansas

Prairie County. Locality I—Consisting of the townships of Belcher, Roc Roe, and Tyler, $8,110. Locality II—Consisting of the townships of Bullard, Calhoun, Center, Des Arc, Hazen, Hickory Plain, Lower Surrounded Hill, Union, Upper Surrounded Hill, Watensaw, White River, $2,678.

Randolph County. Locality I—Consisting of the townships of Bristow, Current River, O'Kean, Reyno, Running Lake, Wiley, $4,184. Locality II—Consisting of the townships of Butler, Davidson, Jackson, Janes Creek, Spring River, Water Valley, $2,358. Locality III—Consisting of the townships of Baker, Columbia, Demun, Eleven Points, Elm Store, Foster, Ingram, Little Black, Richardson, Roanoke, Shiloh, Siloam, Union, Warm Springs, $1,782.

The purchase price limits previously established for the counties abovementioned are hereby canceled.

Approved January 13, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-569; Filed, January 20, 1942; 11:35 a. m.]

Rural Electrification Administration.

[Administrative Order No. 653]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 3, 1942.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 2021GT2 Webster	$2,500,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-570; Filed, January 20, 1942; 11:35 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, JANUARY 15, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,148	51
2. Virgin Islands	15	1
3. Hawaii	260	24
4. Alaska	44	14
5. California	4,243	1,425
6. Louisiana	1,452	657
7. Michigan	3,229	1,498
8. Texas	3,940	2,076
9. Arizona	307	166
10. Georgia	1,919	1,140
11. South Carolina	1,167	713
12. Kentucky	1,748	1,097

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
13. Alabama	1,740	1,114
14. Mississippi	1,341	890
15. Ohio	4,243	2,869
16. New Mexico	327	226
17. North Carolina	2,194	1,526
18. New Jersey	2,555	1,875
19. Arkansas	1,197	879
20. Nevada	68	55
21. Tennessee	1,791	1,470
22. Florida	1,166	978
23. Indiana	2,106	1,792
24. Illinois	4,851	4,243
25. Oregon	669	591
26. Delaware	164	147
27. Wisconsin	1,927	1,749
28. Connecticut	1,050	957
29. Idaho	322	294
30. Vermont	221	209
31. Rhode Island	438	419
32. Pennsylvania	6,081	5,943
IN EXCESS		
33. Washington	1,066	1,082
34. New Hampshire	302	314
35. West Virginia	1,168	1,216
36. Massachusetts	2,652	2,735
37. Missouri	2,325	2,459
38. Maine	520	557
39. Oklahoma	1,435	1,595
40. Utah	338	380
41. Wyoming	154	184
42. Colorado	690	836
43. Minnesota	1,715	2,092
44. Iowa	1,559	1,912
45. New York	8,280	10,384
46. Montana	344	465
47. Kansas	1,106	1,570
48. North Dakota	394	589
49. South Dakota	395	603
50. Virginia	1,645	2,524
51. Nebraska	808	1,462
52. Maryland	1,119	2,734
53. District of Columbia	407	9,516
GAINS		
By appointment		562
By transfer		28
By reinstatement		1
Total		591
LOSSES		
By separation		377
By transfer		296
By correction		3
Total		676
Total appointments		82,347

NOTE. Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,093.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-561; Filed, January 19, 1942; 3:13 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-107]

IN THE MATTER OF THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION

ORDER TERMINATING REGISTRATION AS HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 19th day of January, A. D. 1942.

The Western Public Service Company, a Maryland corporation, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that applicant has ceased to be a holding company:

It is ordered, That said applicant has ceased to be a holding company and that the registration of said company cease to be in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-567; Filed, January 20, 1942; 11:41 a. m.]

[File No. 70-470]

IN THE MATTER OF COMMONWEALTH UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1942.

Commonwealth Utilities Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 12 (c) thereof and Rules U-42 and U-46 thereunder regarding the following transactions:

(1) To apply proceeds of $1,667,000, received from the sale of its former ice and cold storage subsidiaries, to the redemption of all its outstanding 12,338 shares of $6.50 Preferred Stock of Series C (redeemable at $105 per share), and all its outstanding 3,840 shares of $6 Preferred Stock of Series B (redeemable at $102 per share), on March 1, 1942, and April 1, 1942, respectively;

(2) To eliminate the deficit resulting from the loss of approximately $1,905,000 sustained in the sale of said properties by charging said deficit to earned surplus and contingent reserve aggregating $767,012, and the balance to capital surplus of $2,058,377 which is proposed to be created by the reduction in the stated value of the company's outstanding 288,873 shares of common stock of Class B from the present average stated value of $24.626 per share to $17.50 per share;

(3) To further charge said capital surplus with the premium on the proposed redemption of both series of preferred stock, the excess of liquidating value over the stated value of said stocks, accrued and unpaid dividends on said stocks to the dates of redemption, and redemption expense, leaving a balance in said capital surplus of $648,056.57 to provide for possible losses which may be sustained in the sale of any of the company's remaining assets; and

Said declaration having been filed on December 23, 1941, and amendments thereto having been filed, the last amendment having been filed on January 16, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (g) are satisfied and that no adverse findings are necessary under section 7 (e), and finding with respect to the declaration pursuant to section 12 (c) of said Act, and Rules U-42 and U-46 thereunder, that the requirements of section 12 (c) are satisfied:

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24 that the declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940)

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-568; Filed, January 20, 1942; 11:41 a. m.]