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Regulations

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Order No. 245; Foreign Commerce Statistical Decision 33]

PART 30—FOREIGN TRADE STATISTICS

SHIPPER'S EXPORT DECLARATIONS

AUGUST 19, 1942.

Section 30.7 is amended to read as follows:

§ 30.7 Shipper's export declarations.

(a) The kinds, quantities and values of articles exported to foreign countries, or shipped between the United States and its territories and possessions shall be compiled from the shipper's export declaration furnished by the shipper or his agent to the collector of customs at the port of exportation.

(b) The shipper's export declaration must be prepared by the shipper, owner, or consignee, or his properly authorized agent. If the shipper's export declaration is prepared by an agent of the shipper, his authority to sign such declaration must be in the form of a properly executed power of attorney, signed by the owner, shipper or consignee, or in a less formal written authorization such as that printed on the shipper's export declaration. The production of a power of attorney or authorization may be waived if the collector has personal knowledge that the person signing the declaration is authorized or is held out to the public by the shipper as his agent. In every event the data required in the shipper's export declaration must be correct and be based on personal knowledge of the facts stated, or on invoices or information furnished by the principal.

(c) The original shipper's export declaration for shipments by vessel must be verified by oath before a notary public, customs officer, or other person authorized to administer oaths. The oath is not required on declarations for shipments made by rail, vehicle, ferry or aircraft.

(d) Certificates of inspection by the Department of Agriculture for exports of cheese, oleomargarine, butter, meats, and other food products must be presented to the collector as required by the regulations of the Department of Agriculture.

(e) Shipper's export declarations may be purchased for a nominal price from collectors of customs and the Superintendent of Documents, Government Printing Office, Washington, D. C. Declarations may be printed by private parties providing they conform strictly to the official form in size, wording, color, and arrangement, including the instructions printed on the reverse side thereof.

Section 30.28 is amended to read as follows:

§ 30.28 Coding and forwarding of export declarations. Shipper's export declarations will be numbered, coded and forwarded to the Section of Customs Statistics, Division of Foreign Trade Statistics, Bureau of the Census, Customhouse, New York, New York, in accordance with instructions issued by the Director of the Bureau of the Census in the form of Foreign Commerce Statistical Decisions. Instructions may also be issued by the Chief Statistician, Division of Foreign Trade Statistics, Bureau of the Census in special instances.

Section 30.42 is amended by adding the following subparagraphs:

§ 30.42 Shipments from the interior for export; shipments or declarations originating at a port of exportation.

(c) Upon arrival of the goods at the seaboard, the carrier will deliver three copies of the shipper's export declaration to the collector of customs who will retain the original, certify and deliver a duplicate to the party designated to attend to the exportation, to be delivered to the exporting vessel as a permit to export and evidence that the original shipper's export declaration has been filed with the collector. The triplicate copy shall be retained by the collector.

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(d) For shipments to Canada or Mexico by rail consisting of two or more cars, a separate shipper's export declaration should be furnished for each car in order to avoid possible delay at the border.

(e) If the shipment originates or the shipper's export declaration is prepared at the port of exportation, the shipper must deliver the declaration in triplicate to the collector of customs. Collectors will retain the original and certify one

copy for presentation by the shipper to the transportation company to be attached to the outward vessel or car manifest. This certified copy when returned to the Collector shall be forwarded by the Collector to the Section of Customs Statistics, Division of Foreign Trade Statistics, Bureau of the Census, Customhouse, New York, New York. The triplicate copy will be retained by the collector.

(R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-8123; Filed, August 20, 1942; 11:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1511 Part II]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief, and terminating the hearing in this matter, noticed to be held on August 24, 1942, in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of Johnson Mine, Mine Index No. 109, of A. L. Brautegam (Victoria Coal Company); Patko Mine, Mine Index No. 2006, of Alex Opatkiewicz; Ella Mine, Mine Index No. 5059, of John Balas (Balas Coal Co.); Ella Mine, Mine Index No. 59, of McDermott Coal Co.; Williams Mine, Mine Index No. 698, of Williams Coal Co.; and the Bertone Mine, Mine Index No. 511, of Sam Bertone.

An Order Granting Temporary Relief and Notice of and Order for Hearing to be held on August 24, 1942, was issued in the above-entitled matter on July 10, 1942, 7 F.R. 5372, temporarily establishing price classifications and minimum prices for the coals of the Johnson Mine, Mine Index No. 109, of A. L. Brautegam (Victoria Coal Company); Patko Mine, Mine Index No. 2006, of Alex Opatkiewicz; Ella Mine, Mine Index No. 5059, of John Balas (Balas Coal Co.); Ella Mine, Mine Index No. 59 of McDermott Coal Co.; Williams Mine, Mine Index No. 698 of Williams Coal Co.; and the Bertone Mine, Mine Index No. 511, of Sam Bertone, from Somers, Pennsylvania, on the Pittsburgh and Lake Erie Railroad for all shipments except truck. The petition also proposed that price classifications and minimum prices for the coals of the above-mentioned mines be made effective from Pricedale, Pennsylvania, on the Monessen Southwestern Railway. The original petition did not set forth sufficient facts, without a hearing, to warrant making such price classifications and minimum prices effective from Pricedale, Pennsylvania, on the Monessen Southwestern Railway for the coals of these mines for all shipments except truck. The latter proposal was,

therefore, noticed for hearing which was to be held on August 24, 1942.

The original petitioner in the above-entitled matter on July 20, 1942, filed a Motion with the Division requesting that the original petition in this matter be amended by eliminating therefrom the proposal that price classifications and minimum prices be established for the coals of these mines for rail shipment from Pricedale, Pennsylvania, on the Monessen Southwestern Railway, and further requesting that the hearing in this matter, noticed to be held on August 24, 1942, by Order of July 10, 1942, be terminated.

It appears that good cause has been shown for the granting of the Motion in the manner hereinafter set forth, and that no pleadings in opposition to said Motion have been filed with the Division in the above-entitled matter.

Now, therefore, it is ordered, That the Motion filed with the Division by petitioner in this matter be, and it hereby is, granted, by eliminating from the original petition the proposal that price classifications and minimum prices be established for the coal of the Johnson Mine, Mine Index No. 109, of A. L. Brautegam (Victoria Coal Company); Patko Mine, Mine Index No. 2006, of Alex Opatkiewicz; Ella Mine, Mine Index No. 5059, of John Balas (Balas Coal Co.); Ella Mine, Mine Index No. 59 of McDermott Coal Co.; Williams Mine, Mine Index No. 698, of Williams Coal Co.; and the Bertone Mine, Mine Index No. 511, of Sam Bertone, for rail shipment from Pricedale, Pennsylvania, on the Monessen Southwestern Railway.

It is further ordered, That pending final disposition of Docket No. A-1511, Part II, temporary relief is granted as follows: Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, and § 322.9 (Special prices—(c) Railroad fuel) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

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

It is further ordered, That the hearing in this matter, noticed to be held on August 24, 1942, be, and the same is, hereby terminated.

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 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.

Dated: August 14, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

(c) J. E. Talbert shall not receive, process, use, deliver or deal in any copper or copper base alloy, as defined in General Preference Order M-9-a, or any amendments thereof, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve said J. E. Talbert, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 22, 1942, and shall expire on August 22, 1943, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8112; Filed, August 19, 1942;
2:43 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-82]

ATLANTIC ELECTRICAL SUPPLY CORP.

Atlantic Electrical Supply Corporation, a Virginia Corporation with its main office at 15 South Eighth Street, Richmond, Virginia, is a distributor of electrical supplies and fixtures: it is a warehouse as defined in General Preference Order M-9-a.

The Atlantic Electrical Supply Corporation violated Preference Rating Order P-100 by over extending the preference rating assigned by this order to deliveries to it of critical materials. The Company also violated General Preference Order M-9-a, as amended¹ February 6, and May 7, 1942, by making deliveries of copper wire and cable on unrated orders and on rated orders which failed to bear the required preference rating. The Company also wilfully falsified records in violation of Priorities Regulation No. 1 by stamping over the customer's signature on the order, without his authorization or knowledge, the certification prescribed in Preference Rating Order P-100.

These violations of Preference Rating Order P-100 and General Preference Order M-9-a and Priorities Regulation No. 1 have impeded and hampered the war effort of the United States by diverting materials to uses not authorized by the Director of Industry Operations. In view of the foregoing, *It is hereby ordered:*

§ 1010.82 *Suspension Order S-82.*

(a) Deliveries of material to Atlantic Electrical Supply Corporation, its suc-

¹ 7 F.R. 3424, 5043, 5980.

cessors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Atlantic Electrical Supply Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Atlantic Electrical Supply Corporation, from any restriction, prohibition, or provision contained in any other order or regulation of the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect August 20, 1942 and shall expire November 20, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8113; Filed, August 19, 1942;
2:43 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Exemption 2 to Priorities Regulation 11]

EXEMPTIONS FOR CERTAIN MATERIALS

§ 944.32b *Exemption No. 2 to Priorities Regulation No. 11.* Pursuant to paragraph (d) (2) (iii) of Priorities Regulation No. 11, transactions in the following materials shall be exempted from the limitations imposed by paragraph (d) (1) (ii) of said regulation regardless of whether specifically rated or otherwise authorized by any PRP certificate:

(a) Any material not listed under Nos. 100 to 792, inclusive, on Materials List No. 1, revised, as included in Form PD-25A for the fourth quarter of 1942;

(b) Any material listed on Schedule A of General Inventory Order M-161 as the same may be amended from time to time;

Provided, however, That any such transactions shall remain subject to any other limitations imposed by any applicable regulations or orders of the Director General for Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719;

¹ 7 F.R. 4423, 4615, 4698, 4848, 5359, 6147.

sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8120; Filed, August 20, 1942;
11:02 a. m.]

PART 1164—RUBBER SEALED CLOSURES FOR GLASS CONTAINERS

[Amendment 2 of Conservation Order M-119]

Section 1164.1 *Conservation Order M-119*¹ is hereby amended in the following particulars:

1. Paragraph (c) is amended by adding the following subparagraph:

(5) The provisions of subparagraphs (2) and (3) of this paragraph (c) shall apply with full force and effect to the use of rubber sealed closures in connection with the packing of dried beans in whatever form prepared, except that the applicable date set forth in the said subparagraphs shall be the date of issuance of this amendment rather than April 19, 1942.

2. The following item is added to the prohibited products listed in Table I:

Dried beans in whatever form prepared.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8121; Filed, August 20, 1942;
11:02 a. m.]

PART 3032—FILM

[Limitation Order L-178]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of film for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3032.1 *General Limitation Order L-178*—(a) *Definitions.* For the purposes of this order:

(1) "35 mm. film" means unexposed film 35 mm. wide with a nitrate or safety base, whether negative or positive, other than film packaged for use in 35 mm. still cameras.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Transfer" means to sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one person to any other

¹ 7 F.R. 2734, 6074.

person. For the purposes of this order, the following shall not be regarded as transfers:

(1) To sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control;

(ii) A transfer of title merely for security purposes to a person financing a conditional sale or a similar transaction made simultaneously with the transfer of 35 mm. film.

(b) *Restrictions on transfers of film on and after 11:59 P. M., Eastern War Time, August 20, 1942.* On and after 11:59 P. M., Eastern War Time, August 20, 1942, until 11:59 P. M., Eastern War Time, November 18, 1942, no person shall transfer any 35 mm. film, except (1) any 35 mm. film actually in transit at the time this order takes effect may be delivered to its immediate destination, or (2) pursuant to specific authorization of the Director General for Operations.

(c) *Records and reports.* (1) Every person, other than the Army or Navy of the United States, who has any 35 mm. film on the effective date of this order shall keep and preserve, for not less than two years, accurate and complete records of all such 35 mm. film and of all sales and shipments made by him pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before the 15th day following the effective date of this order, every person, other than the Army or Navy of the United States, who has any 35 mm. film on the effective date of this order shall file with the War Production Board a statement of the amount in linear feet and type of 35 mm. film in stock on the effective date of this order.

(d) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(e) *Applications for specific authorization by the Director General for Operations.* Any person desiring film may apply in writing to the Director General for Operations, War Production Board, Washington, D. C., Ref.: L-178, fully setting forth the amount in linear feet by types of 35 mm. film desired, the reasons why such person deems it appropriate that he obtain such film and the use to which such film is to be put. The Director General for Operations may

thereupon take such action as he deems appropriate.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the War Production Board, Washington, D. C., Ref.: L-178.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.
[F. R. Doc. 42-8119; Filed, August 20, 1942; 11:02 a. m.]

Chapter XI—Office of Price Administration

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS & ADMIXTURES
[Amendment 2 to Maximum Price Regulation 128¹]

PROCESSING PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1400.27 paragraph (a) is amended to read as set forth below:

§ 1400.27 *Reports.* (a) Every job processor and vertical organization processing piece goods in the course of trade or business on or after May 4, 1942, shall submit to the Office of Price Administration a full report of its maximum prices determined pursuant to § 1400.21 for all types of processing services² performed by such job processor or vertical organization. Reports of prices for processing services established during the period between March 16 and April 15, 1942, inclusive, shall be submitted in duplicate on or before July 20, 1942. Reports of prices for any new or substantially modified processing service established after April 15, 1942, shall be submitted in duplicate on or before September 10, 1942, or on or before the tenth day of the month following the establishment of such price, whichever date is the later. Such reports shall be submitted on Forms 228:1 and 228:2, whichever is appropriate, copies of which may be obtained from the Office of Price Administration.

§ 1400.33 *Effective dates of amendments.* * * *

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3117, 4659.

² For the purpose of determining maximum prices, and for the purpose of reporting such maximum prices, each different class of color, each different class of pattern, each different finish, and each different put-up shall be regarded as a separate type of processing service, and shall be separately reported.

Similarly, all terms and conditions of the contract, including working allowance, shall be separately shown on each report.

(b) Amendment No. 2 (§ 1400.27 (a)) to Maximum Price Regulation No. 128 shall become effective August 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8131; Filed, August 20, 1942; 12:00 m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 23 to General Maximum Price Regulation]

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.2 is amended to read as set forth below:

§ 1499.2 *Maximum prices for commodities and services; General provisions.* Except as otherwise provided in this regulation, the "seller's" maximum price for any commodity or service shall be:

(a) The highest price charged by the seller during March 1942:

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it; or

(b) If the seller's maximum price cannot be determined under paragraph (a), the highest price charged during March 1942 by the "most closely competitive seller of the same class":

(1) For the same commodity or service; or

(2) If no charge was made for the same commodity or service, for the similar commodity or service most nearly like it.

HIGHEST PRICE CHARGED DURING MARCH 1942

For the purposes of this General Maximum Price Regulation, the highest price charged by a seller during March 1942 shall be:

(a) The highest price which the seller charged for a commodity "delivered" or service "supplied" by him during March 1942 to a "purchaser of the same class"; or

(b) If the seller made no such delivery or supplied no such service during March 1942, his highest offering price for delivery or supply during that month to a purchaser of the same class; or

(c) If the seller made no such delivery or supplied no such service and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

Provided, however, That if, prior to April 1, 1942, the seller raised his prices for the delivery of a commodity or the supply of a service to his classes of purchasers generally, and if, during March 1942, he delivered such commodity or supplied such service at the higher price to at least one class of purchasers, the highest price charged during March 1942 for each class of purchasers:

(1) To which no delivery was made or service was supplied during March 1942 at the higher price, and

(2) To which no delivery was made or service was supplied during March 1942 at a lower price after the price rise, unless made or supplied pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery or supply to such class of purchasers during March 1942.

No seller shall evade any of the provisions of this General Maximum Price Regulation by changing his customary allowances, discounts or other price differentials.

No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchasers of the same class to pay during March 1942 on deliveries or supplies of the same or similar types of commodities or services.

§ 1499.23a *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§ 1499.2) to General Maximum Price Regulation shall become effective August 26, 1942. (Pub. Law 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8130; Filed, August 20, 1942; 12:00 m.]

PART 1499—COMMODITIES AND SERVICES

[Order 21 Under § 1499.18 (c) of General Maximum Price Regulation; Docket GF 3-463]

LITTLE CROW MILLING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.371 *Adjustment of maximum prices for sale of private label pancake flour by Little Crow Milling Company, Inc., of Warsaw, Indiana.* (a) Little Crow Milling Company, Inc., of Warsaw, Indiana, may sell and any person may buy from Little Crow Milling Company, Inc., the following commodity at prices not higher than those set forth below:

Private label pancake flour, packed 24-20 ounce packages to the case, at a price not exceeding \$1.30 per case delivered in carload quantities.

This maximum price for carload quantities may be increased for sales in pool cars, mixed cars or less-than-carload

quantities, by the differential in cents applied, or which would have been applied, by Little Crow Milling Company, Inc., for such sales during March, 1942.

(b) The adjustment granted to Little Crow Milling Company, Inc., in paragraph (a) is subject to the following conditions:

(1) The maximum prices so determined shall be subject to the discounts, allowances, except advertising allowances, which were payments for specific advertising services, and terms no less favorable than those given during March, 1942.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 21 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 21 (§ 1499.371) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 21 (§ 1499.371) shall become effective August 21, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8132; Filed August 20, 1942; 11:59 a. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Petroleum Directive No. 57¹]

PART 1510—SUPPLY

DISTILLATES AND OTHER FUEL OILS, ETC.

The diversion for war of a large part of the American and foreign registry tanker fleet, normally employed in transporting petroleum and petroleum products to the Atlantic Seaboard area, together with the loss through enemy action of other vessels of that fleet, has resulted both in an acute shortage of petroleum products in that area, and in disruption of the balance of refinery operations in that area, and other strategic areas in the United States. In order to minimize this shortage of petroleum products and, more particularly, distillates and other fuel oils, and to maintain supply of raw materials required for the maximum production of war products manufactured by the petroleum industry and other basic industries dependent upon an adequate and continuous supply of petroleum products, it is necessary to increase and supplement means of overland transportation of such products, and to obtain the maximum efficient use of all available supply and distribution facilities in order to effect an adequate wartime balance of refinery operations, the maximum output of war products and to maintain supply of products essential to maintenance of public health, safety and necessary industrial operations.

¹ See also War Production Board, *infra*.

Now, therefore, in order to bring about more effectively that action required by the President's letters of May 28, 1941 defining the objectives and duties of the Petroleum Coordinator for War, and supplementing the action required under the provisions of Petroleum Directive No. 50, and superseding any inconsistent provisions of that Directive, issued May 27, 1942, I do hereby direct that:

AUTHORITY: §§ 1510.17 to 1510.23, inclusive, issued under President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1510.17 *Area of restriction upon movement of certain petroleum products by rail.* No person, natural or artificial, engaged in the business of refining, transporting, purchasing or distributing petroleum or petroleum products in the United States on or after August 24, 1942, shall move, cause to be moved, purchase or sell for movement by railroad tank car, any automotive gasoline for commercial distribution, from any point within the United States to any other point within the States of Texas, Louisiana, Mississippi, Alabama, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas, Nebraska, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, North Dakota or South Dakota.

§ 1510.18 *Purchases, sales, exchanges and common use of facilities.* In order, during the effective period of this directive, to maintain necessary supply and distribution of petroleum products described in § 1510.17 of this chapter, and in order to avoid undue hardship upon suppliers, distributors, and purchasers throughout the states named in § 1510.17 of this chapter, all persons, natural or artificial, in those states, engaged in refining, transporting or distributing petroleum products shall make such purchases, sales, exchanges, or loans of petroleum products affected by this directive, and shall arrange for such common use of terminals, transportation or distribution facilities as may be required in order to attain the most efficient utilization of all such facilities. All such purchases, sales, exchanges or loans, and arrangements for common use of terminals, transportation or distribution facilities shall remain subject to review by the District Director of Supply of the Office of Petroleum Coordinator for War to the end that no supplier or distributor, in the area affected shall be deprived of an opportunity to share equitably in the available supply and use of facilities throughout the area affected.

§ 1510.19 *Functions of Supply and Distribution Subcommittees.* The Supplies and Distribution Subcommittees for District Two or Three shall, subject to the direction of the Director of Supply, Office of Petroleum Coordinator for War, or of such District Director as he may designate, arrange for such common purchases, sales, exchanges, and loans of petroleum products described in § 1510.17 of this chapter, and for such common use of transportation, terminal or distribution facilities as may be necessary to attain maximum efficient utilization of

all available transportation, supply and distribution facilities, as will insure the maintenance of adequate supplies of petroleum products throughout the area included within the states enumerated in § 1510.17 of this chapter. All such common purchases, sales, exchanges, and loans of products, together with the common use of available transportation, terminal or distribution facilities shall be made upon such terms and conditions as will afford every supplier and distributor in the area affected a fair share of, and equitable opportunity to share in, the total supply and use of facilities throughout the area affected.

§ 1510.20 *Reports.* All persons effecting purchases, sales, exchanges, or loans of products, or arrangements for joint use of transportation, terminal and distribution facilities, as referred to in §§ 1510.18 and 1510.19 of this chapter, shall promptly inform the Supplies and Distribution Subcommittee for District Two or District Three, of the terms and conditions of all such arrangements or agreements. Each Supply and Distribution Subcommittee shall compile and digest such information and furnish a condensed report thereof weekly to the District Director of Supply and to the Director of Supply of the Office of Petroleum Coordinator for War.

§ 1510.21 *Exempted movements.* The provisions of § 1510.17 of this chapter shall not apply to movement of petroleum products by or for the account of the Army, Navy or any other agency, bureau or department of the United States Government.

§ 1510.22 *Exceptions.* Any person affected by this directive who can show that compliance therewith would result in the non-delivery of petroleum products shown to be necessary for agricultural production, continued efficient operation of any essential industrial establishment, or for maintenance of the public health or safety may apply to the District Director of Transportation of the Office of Petroleum Coordinator for War for either District Two or Three for special written authorization to make such deviation from the requirements of § 1510.17 of this chapter as is necessary to avoid such result. No such authorization shall be granted except upon proof, satisfactory to the district director to whom application is made, that alternative action in accordance with the provisions of §§ 1510.18 and 1510.19 of this chapter is impossible, impracticable or insufficient to meet essential requirements.

§ 1510.23 *Effective date and termination.* This directive shall become effective upon issuance by the Petroleum Coordinator for War or the Deputy Coordinator and, unless sooner revoked by such officer, shall terminate, insofar as the commencement of any new action by any person is concerned, upon the issuance and promulgation by the War

Production Board of an order requiring direct allocation of materials movement by railway tank car.

R. K. DAVIES,
Deputy Petroleum Coordinator for War.

AUGUST 19, 1942.

[F. R. Doc. 42-8127; Filed, August 20, 1942; 11:56 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

GENERAL ORDERS AND SUPPLEMENTS

Correction

In the table of General Orders appearing in the first column of page 6537 (issue of Wednesday, August 19, 1942) the Federal Register section numbers for General Order No. 6 should read "305.1 to 305.42, incl." instead of "305.50 to 305.61, incl."

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Amendment 2 to General Order O. D. T. 10¹]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART G—CHAPTER AND SIGHTSEEING SERVICE

SIGHTSEEING SERVICE PROHIBITED

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O.D.T. No. 10, Chapter II of this Title, Part 501, § 501.40 is hereby amended to read as follows:

§ 501.40 *Sightseeing service prohibited.* No person shall engage in sightseeing service by bus, or shall operate, or cause or permit to be operated, any rubber-tired vehicle propelled or drawn by mechanical power, for hire or under hire, for the primary purpose of permitting any passenger or passengers to see places or objects of general or special interest, whether or not the services of a driver or operator are provided with such vehicle.

This amendment shall become effective September 10, 1942. (E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C., this 20th day of August 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-8122; Filed, August 20, 1942; 11:48 a. m.]

¹ 7 F.R. 3786; 7 F.R. 5950; 7 F.R. 6080.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-150]

CONCO BUILDING PRODUCTS, INC.

ORDER REINSTATING REGISTRATION

In the matter of Conco Building Products, Inc., a corporation, registered distributor, registration No. 1763, respondent.

An Order having been issued in the above-entitled matter on May 30, 1942, suspending the registration of the above-named respondent for a period of sixty (60) days beginning fifteen (15) days after said date of issuance of said Order; and

Said Order having been duly served on the above-named respondent on June 8, 1942, and said period of suspension having expired on August 12, 1942; and

An affidavit dated July 16, 1942, and a supplemental affidavit dated August 10, 1942, having been filed by said respondent with the Bituminous Coal Division on July 20, 1942 and August 12, 1942, respectively, pursuant to the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and of said Order of Suspension issued herein on May 30, 1942; and

It appearing from said affidavits that Conco Building Products, Inc., in accordance with the Findings made herein, has refunded improperly accepted discounts to the code members named below as follows:

Reliable Coal Company.....	\$15.75
Midvale Coal Company.....	22.54
Enos Coal Mining Company.....	42.47
United Electric Coal Co.....	6.73
C. W. & F. Coal Company.....	32.17

and that said affidavits comply with the provisions of said § 304.15 of the Rules and Regulations for the Registration of Distributors and of said Order of Suspension issued on May 30, 1942;

Now, therefore, it is ordered, That the registration of Conco Building Products, Inc., as a registered distributor, Registration No. 1763, be, and the same hereby is, reinstated effective as of 12:01 a. m. on August 13, 1942.

Dated: August 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8134; Filed, August 20, 1942; 11:52 a. m.]

[Docket Nos. A-1569, A-1569, Part II]

DISTRICT BOARD No. 9

NOTICE OF HEARING, ETC.

In the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices

for the coals of certain mines in District No. 9.

In the matter of the petition of district Board No. 9 for the revision of minimum prices for the coals of the Wolf Hills Mine (Mine Index No. 530) of Wolf Hills Coal Company for truck shipments.

Memorandum opinion and order severing Docket No. A-1569 part II from Docket No. A-1569; and notice of and order for hearing in Docket No. A-1569 part II.

The original petition in the above entitled matter which was filed with this Division, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 9 and revising the minimum prices applicable for the coals of the Wolf Hills Mine (Mine Index No. 530) of Wolf Hills Coal Company for Truck Shipments.

As indicated in an order issued today in Docket No. A-1569, a reasonable showing of necessity has been made for the relief prayed for by the petitioner except as to Mine Index No. 530.

The original petition prays for an increase in the minimum prices applicable to the coals in Mine Index No. 530 in certain size groups for Truck Shipments. The coals of this mine were originally priced for Truck Shipment in Supplement No. 2 to Price Schedule No. 1, in District No. 9 and it appears that the original petition has not set forth sufficient facts to warrant making such increases effective in the applicable minimum prices for the coals of this mine for Truck Shipments without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1569 relating to the coals of the Wolf Hills Mine (Mine Index No. 530) of Wolf Hills Coal Company be and it hereby is severed from the remainder of Docket No. A-1569 and designated as Docket No. A-1569, Part II.

It is further ordered, That a hearing in Docket No. A-1569, Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the Rules of the Division be held on 22d day of September 1942 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C.

It is further ordered, That Floyd McGown or any other officer or officers of the 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, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in

accordance with the Rules and Regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 19, 1942.

The matter concerned herewith is in regard to the petition of District No. 9 for an increase in the effective minimum prices for the coals of the Wolf Hills Mine (Mine Index No. 530) of the Wolf Hills Coal Company for Truck Shipments as follows:

Size group-----	1	2	3	4
From -----	2.05	2.05	1.95	1.85
To-----	2.35	2.35	2.25	2.15

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

Dated: August 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8135; Filed, August 20, 1942;
11:52 a. m.]

[Docket No. A-1469]

DISTRICT BOARD NO. 18

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for certain mines in District No. 18.

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 18 for both rail and truck shipment. However, the petition does not indicate that any of the mines identified therein have shipped, or proposed to ship, their coals by rail. Furthermore, neither the rail shipping points nor the railroads upon which such coals would originate for rail shipment have been designated by the petitioner. Inasmuch as the petition fails to contain all pertinent information necessary for the establishment of the price classifications and minimum prices requested for such coals for shipment by rail and since no clear showing has been made that the granting of such relief is necessary, it does not appear advisable to temporarily or permanently establish such price classifications and minimum prices without a hearing.

Petitioner requests that certain minimum prices be established for the coals

in Size Groups Nos. 7, 9 and 13 produced from the Sanford Mine, Mine Index No. 168, in Subdistrict No. 1 of District No. 18. However, reference to the records of the Division discloses that no specific minimum prices have heretofore been established for coals in those size groups for the mines of other code members in Subdistrict No. 1 for shipment by truck, and that pursuant to the provisions of Price Instruction and Exception No. 5 in the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, such coals are subject to the minimum prices in effect for the next larger size of coal for which a price is listed for the producing mine. The petition does not contain facts sufficient to warrant the establishment, either temporary or permanent, of the minimum prices requested for the coals of Mine Index No. 168 in Size Groups 7, 9 and 13 for truck shipments without a hearing.

Petitioner also requests the establishment of a minimum price of \$2.50 per ton for coal in Size Group No. 11 produced from the Magdalena Mine, Mine Index No. 169 in Subdistrict No. 6 of District No. 18 for shipment by truck. No specific minimum prices have heretofore been established for the coals in Size Group No. 11 produced from other mines in Subdistrict No. 6 for shipment by truck, such coals likewise being subject to the minimum prices for the next larger size coal for which a price is listed for the producing mine. The original petition in this matter does not contain facts sufficient to warrant the establishment, either temporary or permanent, of the minimum price therein requested for the coals of Mine Index No. 169, in Size Group No. 11, without a hearing.

It does appear, however, that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth and that pending final disposition of the original petition, temporary price classifications and minimum prices should be established for the coals of the Neff Mine, Mine Index No. 167, the Magdalena Mine, Mine Index No. 169 and the Sanford Mine, Mine Index No. 168, for truck shipments.

The price classifications and minimum prices proposed by petitioner for the coals of the Neff Mine, Mine Index No. 167, in Subdistrict No. 8, do not correspond, in certain size groups, with the price classifications and minimum prices in effect for the coals produced from other mines in that subdistrict. The classifications and minimum prices for coals produced in Subdistrict 8 were revised by the order entered in Docket No. A-1256 on June 12, 1942. It appears that the price classifications and minimum prices established for the coals of the Neff Mine for truck shipments should be made to correspond with those presently in effect for coals produced from other mines in that subdistrict. Accordingly, the temporary price classifications and minimum prices set forth below for the coals of the Neff Mine, Mine Index No. 167 for truck shipments are the same as those in effect for the coals produced from other mines in Subdistrict No. 8 of District No. 18.

Now, therefore, it is ordered, That a hearing in Docket No. A-1469 under the applicable provisions of said Act and the rules of the Division be held on September 17, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 12, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 18 for the establishment of price classifications and minimum prices, for both rail and truck shipments, for the coals of the Neff Mine, Mine Index No. 167, of code member Harman Dufur, the Magdalena Mine, Mine Index No. 169, of code member Salome Morgan and the Sanford Mine, Mine Index No. 168, of code member George Sanford.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 18 for All Shipments is supplemented to include the following price classifications and minimum prices for the coals of the Neff Mine (Mine Index No. 167), the Magdalena Mine (Mine Index No. 169) and the Sanford Mine (Mine Index No. 168) for truck shipments.

TRUCK SHIPMENTS

Code member name	Mine	County	Size groups													
			1	2	4	6	8	9	10	11	12	13	15			
SUBDISTRICT NO. 1																
Sanford, George.....	Sanford.....	McKinley.....	450	425	400	350	300	.....	.....	190	170	.....	.....	.....	.....	325
SUBDISTRICT NO. 6																
Morgan, Salome.....	Magdalena.....	Socorro.....	.....	400	.....	350	300	215	.....	.....	170	150	350	.....	.....	.....
SUBDISTRICT NO. 8																
Dufur, Harman.....	Neff.....	San Juan.....	350	300	.....	.....	175	150	100	75	.....	.....	.....	.....	.....	200

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

Dated: August 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8136; Filed, August 20, 1942; 11:52 a. m.]

[Docket No. B-10]

J. B. WILLIAMSON, CODE MEMBER

ORDER DENYING MOTIONS OF DEFENDANT, GRANTING APPLICATION OF DEFENDANT FOR ISSUANCE OF SUBPOENA DUCES TECUM AND POSTPONING HEARING

In the matter of J. B. Williamson, code member, defendant.

The above-entitled matter having been reopened and rescheduled for hearing on July 31, 1942 at Cleveland, Ohio by order of the Acting Director dated July 17, 1942 and subsequently postponed to August 21, 1942 at the same place by order of the Acting Director dated July 30, 1942; and

The defendant in said matter having on August 13, 1942 filed with the Division motions that:

(a) The Acting Director make findings of fact or issue an order directing the trial examiner to submit to the Acting Director his report, proposed findings of fact, and recommendations herein,

(b) The Acting Director produce the record of the original hearing herein or issue his order requiring the trial examiner to produce the record of said hearing,

(c) The Acting Director announce to all parties herein the reason or reasons for failing or refusing to produce said record,

(d) The Acting Director dismiss the complaint herein,

(e) The Acting Director produce and deliver to the defendant or order the trial examiner to produce and deliver to the defendant at least three days prior to the reopened hearing in this matter either the original or a conformed copy of the record in this matter to the present date, whether or not said record contains the transcript of the testimony taken at the original hearing in this matter, and

(f) The Acting Director continue the proposed hearing in this matter to August 31, 1942 or to any date subsequent thereto; and

The defendant in said matter having on August 13, 1942 filed with the Division an application for issuance of subpoena duces tecum to Herman I. Toll, N. B. C. Building, Cleveland, Ohio to testify and give evidence and produce the transcript of the testimony taken at the original hearing in this matter; and

It appearing to the Acting Director that no good reasons have been shown for the granting of said motions; and

It further appearing to the Acting Director that said application for the issuance of a subpoena duces tecum to Herman I. Toll be granted; and

The Acting Director deeming it advisable to postpone the hearing from August 21, 1942, to August 26, 1942.

Now, therefore, it is ordered, That motions of the defendant as set forth above be and the same hereby are denied.

It is further ordered, That the application for issuance of a subpoena duces tecum as set forth above be and the same hereby is granted.

It is further ordered, That the reopened hearing in this matter be and the same hereby is postponed from August 21, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division, 518 Bulkley Building, Cleveland, Ohio, to August 26, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division, 518 Bulkley Building, Cleveland, Ohio, before the officer or officers previously designated.

Dated: August 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8137; Filed, August 20, 1942; 11:53 a. m.]

[Docket No. B-139]

PERRY COAL COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated November 10, 1941, having been filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Perry Coal Company, St. Louis, Missouri, of the Bituminous Coal Code or

the rules and regulations thereunder; and

An Order having been issued herein on August 5, 1942, revoking and cancelling the code membership, after hearing on said complaint, of the Perry Coal Company, effective as of August 20, 1942, and said Order having been duly served on the said Perry Coal Company; and

The said Perry Coal Company having filed with the Division on August 15, 1942, its application for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that the said Perry Coal Company has paid to the Collector of Internal Revenue at Springfield, Illinois, on August 14, 1942, the sum of \$985.53, pursuant to Order dated August 5, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Perry Coal Company, filed August 15, 1942, for restoration of its code membership, be, and the same hereby is granted.

It is further ordered, That said restoration of the code membership of the Perry Coal Company be effective simultaneously with the effective date of said Order of revocation and cancellation of code membership.

Dated: August 19, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8138; Filed, August 20, 1942;
11:53 a. m.]

[Docket No. B-219]

FREEBROOK CORPORATION
ORDER CONDITIONALLY RESTORING CODE
MEMBERSHIP

A written complaint dated February 4, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on February 10, 1942, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division (the "Division"); and

An amended application filed pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for disposition of the above-entitled matter without formal hearing, dated April 30, 1942, having been duly filed with the Division on April 30, 1942; and

An order having been issued herein on July 31, 1942, granting the said amended application, revoking and cancelling the membership of Freebrook Corporation in the Bituminous Coal Code (the "Code") as of fifteen (15) days from the date of said order, and providing, pursuant to section 5 (c) of the Act for the payment to the United States of a tax in the amount of \$8,500.08 as a condition precedent to the restoration of Freebrook Corporation to membership in the Code and enjoining and restraining Freebrook Corporation

from violating the Act, the Code, and rules and regulations thereunder upon any restoration of Freebrook Corporation to membership in the Code pursuant to section 5 (c) of the Act; and

An agreement dated August 13, 1942, between Freebrook Corporation and Walter L. Miller, Collector of Internal Revenue for the 23rd District of Pennsylvania of the Treasury Department of the United States, at Pittsburgh, Pennsylvania, from which it appears that said Freebrook Corporation agrees to pay said tax in the amount of \$8,500.08 in installments as set forth in said agreement; and

An application dated August 14, 1942, for conditional restoration to membership in the Code together with the signed copy of the aforesaid agreement having been duly filed by Freebrook Corporation with the Division on August 14, 1942, in which it is provided that installment payments of said tax shall be made in the amount and in the manner as set forth in said agreement and that if Freebrook Corporation fails to make any installment payment as provided in said agreement, the entire balance of said tax then owing shall become due and payable and that all coal sold or otherwise disposed of by said Freebrook Corporation on and after August 16, 1942, shall be subject to 19½% tax provided by section 3520 (b) (1) of the Internal Revenue Code.

Now, therefore, it is ordered, That membership of Freebrook Corporation in the Code be and the same hereby is conditionally restored effective simultaneously with the effective date of said order of revocation and cancellation herein, dated July 31, 1942, and upon the following terms and conditions:

In the event of default by Freebrook Corporation in making any installment payment as provided in said agreement made August 13, 1942, between said Freebrook Corporation and Walter L. Miller, Collector of Internal Revenue, such conditional restoration of code membership shall become wholly ineffective as of August 16, 1942, the entire balance of said tax then owing shall become due and payable and that all coal sold or otherwise disposed of by said Freebrook Corporation on and after August 16, 1942, shall be subject to 19½% tax provided by section 3520 (b) (1) of the Internal Revenue Code.

It is further ordered, That upon payment of said tax in full in accordance with the terms of said agreement said Freebrook Corporation shall submit to the Division the receipt therefor issued by said Collector or a statement by said Collector that said tax has been paid in full and thereupon an order shall be issued restoring said Freebrook Corporation to full and unconditional membership in the Code.

Dated: August 15, 1942.

[SEAL]

E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-8139; Filed, August 20, 1942;
11:53 a. m.]

[Docket No. A-1578]

DISTRICT BOARD No. 10

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of price absorptions for the Flamingo Mine for shipment via The Chicago, Burlington and Quincy Railroad.

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 24, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, 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 all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 19, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 10 for the establishment of price absorptions for the Flamingo Mine (Mine Index No. 1450) of Fairview Collieries Corporation for shipment via the Chicago, Burlington and Quincy Railroad as

follows: (1) permission to absorb 5¢ per ton of the freight rate on shipments via the Chicago, Burlington and Quincy Railroad to the Peoria-Pekin District, (2) the establishment of effective minimum prices of \$2.00 per net ton for mine run and \$1.40 per net ton for screenings on coal sold to the Chicago, Burlington and Quincy Railroad for locomotive fuel use, (3) to make applicable on offline sales of railroad locomotive fuel originating on the Chicago, Burlington and Quincy Railroad, railroad locomotive price absorptions 1 (f), 2 (a), 6, 7, 8, 35 and 43 appearing in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, (4) to extend the relief granted Mine Index No. 1450 in Docket No. A-1311 so as to permit this mine to absorb not more than 48¢ per net ton of the freight charges on railroad locomotive fuel sold to the Peoria and Pekin Union Railway, when shipments of this fuel originate on the Chicago, Burlington and Quincy Railroad at Fairview, Illinois.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R" annexed hereto and made a part hereof.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8140; Filed, August 20, 1942;
11:54 a. m.]

DISTRICT BOARD NO. 13

NOTICE OF HEARING, ETC.

[Docket Nos. A-1548, A-1548, Part II]

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr, and for the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell for all shipments except truck.

Memorandum opinion and order severing Docket No. A-1548 Part II from Docket No. A-1548 and notice of and order for hearing in Docket No. A-1548, Part II.

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13.

As indicated in an Order issued today in Docket No. A-1548, a reasonable show-

ing of necessity has been made for the relief prayed by the petitioner except as to the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr and the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell, for all shipments except truck.

The proposed price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr, for all shipments except truck, do not conform to those for any known adjacent and analogous mines, nor is Odenville, Alabama, the proposed shipping point for this mine, shown in the tariffs of the SAL RR as a point of origin for coal. Also, petitioner has failed to explain the wide variations between the published truck prices and the proposed rail prices for this mine. It appears, therefore, that petitioner has not set forth sufficient facts to warrant establishing without a hearing its proposed price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) for all shipments except truck.

The petitioner proposed price classifications and minimum prices for the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell for all shipments except truck which would place this mine for rail shipments in Subdistrict 3, in Tennessee-Georgia, in the 15 size groups applicable to Subdistrict 3, whereas this mine is located in Jackson County, Alabama. By definition, all mines in Alabama are in Subdistricts 1 or 2 (or both) and are classified and priced in size groups numbered from 1 to 26, inclusive (with minor exceptions). It appears, therefore, that such price classifications and minimum prices proposed for the coals of this mine for all shipments except truck should not be established without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1548 relating to the coals of Mine Index Nos. 1273 and 276 be, and it hereby is, severed from the remainder of Docket No. A-1548 and designated as Docket No. A-1548, Part II.

It is further ordered, That a hearing in Docket No. A-1548, Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on September 29, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the 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, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform

all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of the Carr No. 2 Mine (Mine Index No. 1273) of W. C. Carr, and for the coals of the Tennessee Valley Mine (Mine Index No. 276) of R. D. Campbell, for all shipments except truck.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8141; Filed, August 20, 1942;
11:54 a. m.]

[Docket No. B-164]

REED AND RENNICK

ORDER DISMISSING COMPLAINT, CANCELLING HEARING AND TERMINATING MATTER

In the matter of Kenneth Reed and George H. Rennick, individually and as copartners doing business under the name and style of Reed and Rennick, Code Member.

The Bituminous Coal Producers Board for District No. 11, complainant herein, by motion filed with the Bituminous Coal Division on July 29, 1942, having moved that its complaint herein filed with the Division on December 4, 1941 against the above-named code member be dismissed without prejudice on the ground that Kenneth Reed and George H. Rennick, individually and as copartners doing business under the name and style of Reed and Rennick, are no longer engaged in the business of mining coal;

The Acting Director deeming it advisable to grant said motion;

Now, therefore, it is ordered, That the said complaint herein be, and it hereby is, dismissed without prejudice.

It is further ordered, That the hearing herein heretofore postponed by order dated July 29, 1942, to a date and place to be thereafter designated by appropri-

ate order, be, and the same hereby is cancelled; and

It is further ordered, That the matter herein, Docket No. B-164 be, and the same hereby is, terminated.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8142; Filed, August 20, 1942;
11:54 a. m.]

General Land Office.

[Public Land Order 23]

WASHINGTON

WITHDRAWING PUBLIC LAND FOR USE AS AN ADMINISTRATIVE SITE IN CONNECTION WITH THE COLUMBIA NATIONAL FOREST

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

The following-described public land in Washington is hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use by the Forest Service, Department of Agriculture, as the Swift Creek Administrative Site in connection with the administration of the Columbia National Forest, subject to valid existing rights and to the existing power project reservation covering the land:

WILLAMETTE MERIDIAN

T. 7 N., R. 5 E., sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres.

This withdrawal is made on condition that if and when the use of this site is needed for power purposes, it will be evacuated by the Forest Service.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 7, 1942.

[F. R. Doc. 42-8116; Filed, August 20, 1942;
9:30 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

PROCESSING OF SORGO INTO SORGO SYRUP
HEARING ON EXEMPTION AS SEASONAL
INDUSTRY

Notice of hearing in the matter of the application for the exemption of the processing of sorgo into sorgo syrup from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder.

Whereas upon consideration of an application filed by the American Sugar Cane League of the U. S. A., Inc., for the exemption of the processing of sorgo into

sorgo syrup in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for amendment of the exemption granted under section 7 (b) (3) of the Act to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, to include in the exemption granted to this branch of the industry the processing of sorgo into sorgo syrup; and

Whereas within fifteen days following the publication of that preliminary determination the Administrator received an objection and request for hearing, and also received an application from the Waconia Sorghum Company, Cedar Rapids, Iowa, for the exemption of the processing of sorgo into sorgo syrup outside of Louisiana as an industry of a seasonal nature;

Now, therefore, notice is hereby given of a public hearing to be held pursuant to §§ 526.5 and 526.6 of the regulations, at the National Offices of the Wage and Hour Division, 165 West 46th Street, New York, New York, at 10:00 a. m., on August 28, 1942, before Nathan Rubinstein, the duly authorized representative of the Administrator, hereby authorized to receive evidence and hear arguments for the purpose of determining:

Whether the processing of sorgo into sorgo syrup in Louisiana is an integral part of the cane sugar processing and milling branch of the cane sugar industry in Louisiana, and if so, whether the combined raw sugar processing and sorgo processing operations in Louisiana constitute an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations; and

Whether the processing of sorgo into sorgo syrup in the United States as a whole or in any one or more of the states constitutes an industry or a separable branch of an industry and is of a seasonal nature within the meaning of the Act and the regulations.

The term "processing of sorgo into sorgo syrup", as used in this notice, includes the operations of receiving, handling, unloading, and weighing the sorgo at the processing establishment; the extraction of the juice from the sorgo; the processing of this juice into sorgo syrup; the removal, handling, and conveying of the sorgo syrup to tank cars or storage tanks on or in the vicinity of the mill site; the removal, conveying, burning, bagging, baling, and piling and storing in bags or in baled form on or in the vicinity of the mill site of bagasse resulting from the processing of sorgo into sorgo syrup; and the operations necessary or incident to the foregoing.

Any person interested in supporting or opposing the application for exemption may file a written statement or may appear at the hearing in his own behalf or in behalf of any other person. Writ-

ten statements or notices of intention to appear must be filed with the Administrator at the National Offices of the Wage and Hour Division, 165 West 46th Street, New York, New York, not later than August 27, 1942. The notice of intention to appear must contain the following information:

1. The name and address of the person appearing.
2. If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether he is appearing in support of or in opposition to the application for exemption.

Signed at New York, New York, this 19th day of August 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-8117; Filed, August 20, 1942;
9:29 a. m.]

LEARNER EMPLOYMENT CERTIFICATES NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 20, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Gold-form Neckwear, Inc., 26 East 14th St., Bayonne, New Jersey; Men's & boys neckwear; 5 learners (T); August 20, 1943.

Timely Clothes, Inc., 1415 Clinton Ave., N. Rochester, New York; Men's suits & overcoats; 5 percent (T) August 20, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Beauty Brassiere Co., 227 High St., Newark, New Jersey; Brassieres; 3 learners (T); August 20, 1943.

Blue Bell Globe Mfg. Co., Commerce, Georgia; Overall coats, denim jackets, H. B. T. jackets; 10 percent (T); August 20, 1943.

Alfred DeGennaro, 247 Bridge Ave., Red Bank, New Jersey; Women's dresses; 5 learners (T); August 20, 1943.

Roguecraft Sportswear, Inc., 7019 Santa Monica Boulevard, Hollywood, California; Boys & Men's sportswear; 6 learners (T); August 20, 1943.

S & W Dress Co., Russell St., Saugerties, New York; Ladies dresses; 5 learners (T); August 20, 1943.

Tony & Posell, 860 South Los Angeles St., Los Angeles, California; Ladies sportswear; 6 learners (T); August 20, 1943.

Trend Trousers, Inc., 509 Railroad St., North Judson, Indiana; Men's & boys dress trousers; 5 learners (T); August 20, 1943.

Vanity Silk Underwear Co., 208 West St. Clair Ave., Cleveland, Ohio; Ladies silk underwear, nightgowns, etc.; 4 learners (T); August 20, 1943.

Cigar

Bobrow Brothers, Inc., 220 South 5th St., Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators to have learning period of 320 hours and stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; August 19, 1943.

H. Fendrich, Inc., 101 Oakley St., Evansville, Indiana; Cigars; 10 percent (T); Cigar machine operators to have learning period of 240 hours and stemming machine operators to have learning period of 160 hours at 75 percent of

the applicable minimum wage; August 19, 1943.

George Zifferblatt & Co., 271-79 South Third St., Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators and packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; August 19, 1943.

Glove

Sterling Silk Glove Co., 25 Messinger St., Bangor, Pennsylvania; Knit fabric gloves; 5 percent (T); August 20, 1943.

Hosiery

Haltom Hosiery Mill, 918 Millis St., High Point, North Carolina; Seamless hosiery; 5 learners (T); August 20, 1943. The Meridian Hosiery Mills, 34th Ave. & 10th St., Meridian, Mississippi; Full-fashioned hosiery; 5 percent (T); August 20, 1943.

Knitted Wear

Haynes Textile Co., Inc., Main St., Mount Airy, North Carolina; Knitted underwear (cut and sew); 5 learners (T); August 20, 1943.

Textile

Lone Star Cotton Mills, Inc., 1800-12th St., El Paso, Texas; Sheetings: drill and duck; 3 percent (T); August 20, 1943.

Signed at New York, N. Y., this 18th day of August 1942.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-8118; Filed, August 20, 1942; 10:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 25 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant; Docket No. 3120-66]

JAMES M. MCINTYRE & COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion which has been issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,² It is ordered:

(a) James M. McIntyre & Company, Philadelphia, Pennsylvania may sell and deliver, and any person may buy and receive, the kinds and grades of bituminous coal produced at the Shreeve No. 1 Mine (Mine Index No. 469), District No. 1, and set forth in paragraph (b) below at prices not in excess of those stated therein.

(b) (1) The maximum prices for such coals in Size Groups 1 and 2 shall not exceed \$3.75 per net ton, f. o. b. the mine, for shipment other than by truck or wagon.

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272.

² 7 F.R. 971, 3663.

(2) The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of April 1, 1942, plus a sum not to exceed \$1.30 per net ton for coals in Size Group 1 and plus a sum not to exceed \$1.55 per net ton for coals in Size Group 2.

(c) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 25 shall become effective August 21, 1942.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8129; Filed, August 20, 1942; 11:58 a. m.]

[Order 7 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts; Docket No. 3148.24]

WHITE PACKING COMPANY, INCORPORATED
ORDER GRANTING ADJUSTMENT

On July 8, 1942, White Packing Company, Incorporated, Salisbury, North Carolina, filed a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, It is hereby ordered:

(a) White Packing Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from White Packing Company, Incorporated.

(b)

	<i>Cents per pound</i>
Hams, fresh or frozen.....	28¾
Skinned hams, fresh or frozen.....	30
Shoulders, fresh or frozen.....	26½
Loins, fresh or frozen.....	29½
Loins, fresh or frozen of other weights.....	28½
Bellies, fresh or frozen.....	21
Boston butts, fresh or frozen.....	29½
Hams boned and rolled.....	42
Sliced bacon, cellophane wrapped.....	33
Sliced bacon in cartons.....	31
Hockless picnics.....	29
Cottage rolls.....	41½
Dry salt bellies.....	17¼

(c) The permission granted to the White Packing Company, Incorporated, in this Order No. 7 is subject to the following condition: that the several prices

¹ 7 F.R. 3821, 4342.

² 7 F.R. 971.

specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the White Packing Company, Incorporated, may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from White Packing Company, Incorporated, each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

This Order No. 7 shall become effective August 21, 1942.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8128; Filed, August 20, 1942;
11:58 a. m.]

[Order 26 Under Maximum Price Regulation 120¹—Bituminous Coal Delivered From Mine or Preparation Plant; Docket No. 3120-51]

ALBUQUERQUE AND CERRILLOS COAL
COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,² it is ordered:

(a) Albuquerque and Cerrillos Coal Company, Madrid, New Mexico may sell and deliver, and any person may buy and receive the kinds and grades of bituminous coal set forth in paragraph (b) below at prices not in excess of those stated therein.

(b) Coals produced at the Jones Mine (Mine Index No. 11), located in Santa Fe County, New Mexico, District 18, may be sold for shipment by truck or wagon at the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding \$1.70 in Size Group 1 and 5; \$1.45 in Size Groups 3 and 6; \$1.35 in Size Groups 4 and 8; \$1.40 in Size Group 7; \$1.50 in Size Group 9; \$1.25 in Size Groups 11, 12 and 13; \$1.15 in Size Group 14, respectively.

(c) This Order No. 26 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835.

² 7 F.R. 971, 3663.

(e) Unless the context otherwise requires, the definitions set forth in § 1540.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 26 shall become effective August 22, 1942.

Issued this 20th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8133; Filed, August 20, 1942;
11:58 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 70-540]

TRI-CITY UTILITIES CO. AND KENTUCKY
UTILITIES CO.

ORDER PERMITTING DECLARATIONS TO BECOME
EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of August, A. D. 1942.

In the matter of Tri-City Utilities Company, successor in interest herein to Kentucky-Tennessee Light and Power Company, and Kentucky Utilities Company.

Applications and declarations, and amendments thereto, having been filed with this Commission by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, and Kentucky Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to sections 10 and 12 (d), and Rule U-44 thereunder, of the Public Utility Holding Company Act of 1935, regarding the sale and exchange of certain electric public utility properties; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter, and having made and filed its Findings and Opinion herein;

It is ordered, That the applications, as amended, be and hereby are granted forthwith, and that the declarations, as amended, be and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-8110; Filed, August 19, 1942;
1:56 p. m.]

[File No. 70-574]

TRUSTEES OF ASSOCIATED GAS AND ELECTRIC
CORP.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 18th day of August, A. D. 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application-declaration, together with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 7 and 10 thereof, and Rules U-42 and U-100 (a) of the General Rules and Regulations promulgated thereunder, and the following direct and indirect subsidiaries of Associated Gas and Electric Corporation, namely, NY PA NJ Utilities Company, General Gas & Electric Corporation, Associated General Utilities Company, The Lake Shore Gas Company, Pennsylvania Electric Company, Long Island Water Corporation, New Jersey Power & Light Company, New York State Electric & Gas Corporation, York Railways Company, and Utilities Employees Securities Company, and Stanley Clarke, Trustee of Associated Gas and Electric Company, having filed applications for exemption pursuant to Rule U-100 (a) of the General Rules and Regulations and such filing being with respect to various transactions described below. Of these transactions the Commission has before it for consideration only the issuance of a note by the Trustees of Associated Gas and Electric Corporation and applications for the exemption of certain acquisitions of securities by various companies.

Pursuant to orders of the United States District Court for the Southern District of New York (and an order of this Commission exempting the acquisitions), the Trustees of Associated Gas and Electric Corporation and the Trustee of Associated Gas and Electric Company acquired various assets in compromise of certain claims against Howard C. Hopson, members of his family, and certain companies, trusts and partnerships, directly or indirectly owned by him or them (hereinafter referred to as "the Hopson Group").

As a plan of distribution of the assets acquired from the Hopson Group and held in trust by the three trustees (hereinafter referred to collectively in such capacity as "Trustees of the Hopson assets"), the Trustees of the Hopson assets propose to pay and deliver to each of the distributee companies, listed in the appendix to this order, the securities and amounts of cash there indicated. The plan provides that as a set-off against distributee companies the Trustees of the Hopson assets shall cancel and discharge all accounts payable by any distributee company owing to the Hopson fund.

The plan further provides that such tax as may finally be determined to be owing to the City of New York (the total amount claimed is \$127,406.91) shall be borne pro rata by all distributee companies. In the case of companies receiving securities only, their pro rata burden of the tax will be paid by them in cash to the Trustees of the Hopson assets. According to the tabulation of the per-

centages of the tax claim to be borne by distributee companies, the Trustees of Associated Gas and Electric Corporation are to pay slightly more than one-third; the Trustee of Associated Gas and Electric Company, 7.1195%; while the various direct and indirect subsidiaries of Associated Gas and Electric Corporation will pay from 8.1788% of the claim (New York State Electric & Gas Corporation) to less than 1%.

The Trustees of the Hopson assets propose to turn over to the Trustees of Associated Gas and Electric Corporation, to be held and used by the latter for the sole use and benefit of the estate of Associated Gas and Electric Corporation, all Hopson assets other than those specifically referred to in the appendix to this order. These include securities of a number of non-system companies; notes receivable in the face amount of \$85,335; one equal undivided half interest, formerly owned by Harold C. Hopson, in and to a certain trust, under a declaration of trust, dated June 1, 1924; miscellaneous assets including a mortgage, municipal bonds, real estate, federal and state excise stamps, tax lien certificates, furniture and fixtures and the following securities of system companies:

Issuing company	Security	Principal amount
Associated General Utilities Companies.	4%, due 1961.	\$87,590
Associated General Utilities Companies.	5%, due 1956.	421,550
Utilities Employees Securities Company.	Income Notes, due 1981.	721,390

In accordance with the program proposed, these securities are to be held by the Trustees of Associated Gas and Electric Corporation, limited and restricted as to interest, voting rights, and the right of recovery thereon.

The Trustees of Associated Gas and Electric Corporation propose to execute and deliver to the Trustees of the Hopson assets their non-interest bearing note in the amount of \$442,060.40. This note is to be junior to the administration expenses of the Estate of Associated Gas and Electric Corporation, to the Trustees' certificate of the Trustees of Associated Gas and Electric Corporation, in the principal amount of \$5,000,000, and to allowable claims of the federal government against the Estate of the Corporation for additional unpaid federal income and excess profits taxes accrued prior to January 10, 1940. Under certain conditions the note is also junior to the administration expenses and Trustee's certificate of Associated Gas and Electric Company.

The Trustees of the Hopson assets propose to pay over at this time to each of the distributee companies 50% of the amount appearing after the names of such companies under the caption "Cash Dividends" in the appendix, and all of the securities itemized under the caption

"Securities to be Received". As the Trustees of Associated Gas and Electric Corporation liquidate the residue of the Hopson assets which will come to them, payment is to be made to the Trustees of the Hopson assets upon the note in the amount of \$442,060.40. Such payment is to be applied to payment of the cash dividends referred to, but the Trustees of Associated Gas and Electric Corporation shall be liable for the full amount of the note, whether or not the residual Hopson assets, which they acquire, are liquidated.

On August 13, 1942, the United States District Court for the Southern District of New York entered an order approving the program outlined above. The Commission is not required to pass upon the settlement of claims inasmuch as the settlement has been approved by such order of the Court.

Notice of the proposed transactions having been duly given in the form and manner prescribed by Rule U-23, promulgated by the Public Utility Holding Company Act of 1935; and the Commission not having received a request for a hearing with respect to the said declaration and applications within the period speci-

fied in the notice or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the circumstances under which the distribution is to be made and the note issued; and

The Commission finding with respect to said declaration that the requirements of section 7 (c) of said Act are satisfied, and that no adverse findings are necessary under section 7 (d) of said Act; and

It appearing to the Commission that an exemption of the transactions from the applicable sections of the Act, and rules thereunder, will not be detrimental to the public interest or the interest of investors or consumers;

It is ordered, That pursuant to Rule U-23 and the applicable provisions of the Act, and subject to the terms and conditions prescribed in Rule U-24, the aforesaid applications are granted and the aforesaid declaration is permitted to become effective.

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

[SEAL] ORVAL L. DuBois, Secretary.

APPENDIX

Distributee company	Securities to be received	Cash dividend to be received
Trustee of Associated Gas and Electric Company.	\$20,000 P. A. Ageco 5 1/4% Conv. Int. Certs. extended to 1943. \$132,800 P. A. Ageco 4 1/4% Sinking Fund Inc. Debs. due 1986. \$111,000 P. A. Ageco 5% Sinking Fund Inc. Debs. due 1986. \$6,756,440 P. A. Ageco Conv. Obligations—various series. 48,112 Shs. Ageco Common Stock. 179,957 Shs. Ageco Class A Stock. 250 Shs. Ageco Original Series Preferred. 5 Shs. Ageco Preferred Stock. 19 Shs. Ageco \$5.50 Preferred Stock. 2,143 Shs. Ageco \$6.50 Preferred Stock. 699 Shs. Ageco \$6.50 Preferred Stock. 145 Shs. Ageco \$5.50 Preference Stock. 10 Shs. Ageco \$6.00 Preference Stock. 33 Shs. Ageco \$6.50 Preference Stock. 3,087,008 Ageco Optional Stock Purchase Warrants. 5 Ageco \$8.00 Interest Bearing Allotment Certificates. \$8.75 P. A. Ageco Interest Bearing Scrip. \$300 P. A. Ageco Conv. Deb. Cfs.—1929. 6,672.5 Ageco Common Stock Purchase Warrants (detached from Agecorp 8's 1940).	\$78,392.08
Trustee of Associated Gas and Electric Corporation.	\$814,485 P. A. Agecorp Debentures due 1973, various series. \$3,799,260 P. A. Agecorp Debentures due 1978, various series.	0
Utilities Employees Securities Co.	\$252,470 P. A. Agecorp 8% Gold Bonds due 1940 \$143,080.00 P. A. UESCO Notes due 1981 \$12,600.00 P. A. New England Capital Corp. 6% Debentures due 1964. 3,000 Shs. UESCO Class A Stock. 486 Shs. UESCO \$5.00 Preferred Stock. \$25,880 P. A. AGU 5% Debentures due 1956.	0
Associated General Utilities Company		0
Employees Welfare Ass'n. (Del.)		4,680.75
Associated Real Properties, Inc.		1,993.73
Dover Casualty Insurance Co.		202.77
Paul Smith's Electric Lt. & Pr. & R. R. Co.		395.66
Paul Smith's Hotel Co.		48.28
Shinn & Co.:		
Railway & Bus Associates		3,871.28
Gas & Electric Associates		59.35
Richmond Railways, Inc.		1,526.54
Rochester Transit Corp.		1.88
Northeastern Water & Electric Corp.		309.58
Northeastern Water & Electric Service Corporation.		95.73
Caribou Water, Light & Power Co.		18.51
Clarion Water, Light & Power Co.		0
United Coach Company		1,510.63
Broom Electric Corp.		3,293.85
Lockport Light, Heat & Power Co.		1,284.04
Mass N. E. Transportation Co.		463.05
New Jersey & Staten Island Ferry Co.		229.42
Reading Street Railway Co.		1,420.13
Reading Traction Company		168.48
Schenectady Rapid Transit, Inc.		125.91
The Valley Public Service Co.		283.55

Distributee company	Securities to be received	Cash dividend to be received	Distributee company	Securities to be received	Cash dividend to be received
Associated Electric Company		\$18,590.63	Litchfield Elec. Lt. & Pr. Co.		\$2,830.36
Arizona General Utilities Company		344.21	Long Island Water Corp.	\$20,000 Demand Note dated 8/5/38—Maker, Long Island Water Corp. (5%).	3,316.55
Beckley Utilities Company		16,731.11	Metropolitan Edison Co.	\$15,000 P. A. New Jersey Power & Light Co. 4 1/2% Bonds due 1960.	44,779.01
Blue Ridge Gas Company	\$5,000 P. A. Lake Shore 6 1/2% Bonds due 1960.	1,151.87	New Jersey Power & Light Company		14,444.73
California Public Utilities Company		2,134.75	Jersey Central P. & L. Co.		9.70
Central Electric Company		13,036.00	New Jersey Northern Gas Co.	\$6,000 P. A. Elmira Water, Light & R. R. Co. 5% Bonds due 1936.	34.20
Consolidated Gas Company		766.94	New York State Elec. & Gas Corp.		156,453.52
Florida Power Corp.		2,023.88	The Patchogue Elec. Lt. Co.		4,185.48
General Public Service Co.		332.80	Staten Island Edison Corp.		24,968.44
Illinois Public Service Co.		119.26	Richmond Light & R. R. Co.		4,381.17
Indiana Public Service Co.		2,055.70	Northern Pennsylvania Power Co.		10,392.63
Iowa Public Service Co.		676.60	Waverly El. Lt. & Pr. Co.		19.55
Kentucky Public Service Co.		339.51	Pennsylvania Edison Co.		5,431.31
Michigan Public Service Co.		227.47	Blair Engineering & Supply Co.		62.61
Minnesota Public Service Co.		54,076.89	Rocheater Gas & Electric Corp.		25,238.68
Missouri Public Service Co.			Spring Brook Water Company	\$20,000 P. A. York Railways Co. 5% Bonds due 1947. \$1,000 P. A. York Railways Co. 5% Bonds due 1937.	883.15
Montana Public Service Co.			Edison Light & Power Co.		0
Nebraska Public Service Co.		307.70	York Steam Heating Co.		1,238.69
Nevada Public Service Co.		614.49	Atlantic Utility Service Corporation		42.72
New Hampshire Public Service Co.		393.15			18,678.80
New Jersey Public Service Co.		910.51			
New York Public Service Co.		1,292.89			
North Carolina Public Service Co.		317,957.99			
Ohio Public Service Co.		260.73			
Oklahoma Public Service Co.		2,123.54			
Pennsylvania Public Service Co.		124.49			
Rhode Island Public Service Co.		3,874.45			
South Carolina Public Service Co.		17.98			
Tennessee Public Service Co.		12.09			
Virginia Public Service Co.		41.53			
Washington Public Service Co.		3,057.51			
West Virginia Public Service Co.		87			
Wisconsin Public Service Co.		9,560.82			
Wyoming Public Service Co.		1,120.71			
		4,417.98			
		280.43			
		17,371.98			
		1,728.52			
		82.30			
		63,723.39			
		581.98			
		282.18			
		121.50			
		375.60			
		707.63			
		14.69			

[F. R. Doc. 42-8111; Filed, August 19, 1942; 1:55 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 10]

DIRECTIVE OF PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL:

Pursuant to the provisions of Section 12 of Public Law No. 603, 77th Congress, I enclose Petroleum Directive No. 57¹ of the Petroleum Coordinator for War, which I have approved.

¹ See Title 32, Chapter XIII, *supra*.

After consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

August 19, 1942.

[F. R. Doc. 42-8126; Filed, August 20, 1942; 11:56 a. m.]