FEDERAL REGISTER

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The President

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT—OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on September 17, 1941, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II[1] (53 Stat. 1431):

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS IN HARNEY COUNTY, OREGON

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds, is not permitted certain lands and waters in Harney County, Oregon, and being all of the lands and waters within the record meander lines of Malheur and Harney Lakes and the streams and waters connecting said lakes, as shown on the official plats of the following-listed townships:

[1] 4 F.R. 2731.

WILLAMETTE MERIDIAN

	Plat Approved
T. 26 S., R. 29 E.	March 24, 1820
T. 27 S., R. 29 E.	Dec. 20, 1892
T. 27 S., R. 29½ E.	Nov. 2, 1904
T. 28 S., R. 29¾ E.	Nov. 2, 1904
T. 26 S., R. 30 E. (North of Malheur Lake)	May 19, 1913
T. 26 S., R. 30 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 30 E.	Dec. 21, 1896
T. 26 S., R. 31 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 31 E. (South of Malheur Lake)	Dec. 21, 1896
T. 25 S., R. 32 E.	Dec. 21, 1896
T. 26 S., R. 32 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 32 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 32 E.	Dec. 21, 1896
T. 25 S., R. 32½ E.	Dec. 21, 1896
T. 25 S., R. 33 E.	Dec. 21, 1896
T. 26 S., R. 33 E.	Dec. 21, 1896

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.

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

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DONE at the City of Washington this 1st day of October in the year of our Lord nineteen hundred and forty-one [SEAL] and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2516]

[F. R. Doc. 41-7409; Filed, October 3, 1941; 10:20 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 35—PAYMENT OF BILLS AND ACCOUNTS [1]

§ 35.1 *Certification, general*—(a) *By creditor.* A voucher for funds disbursed will be made out in full before being certified by a public creditor. The original voucher must be signed and certified to in the space provided in the voucher form by the creditor or by his duly authorized agent, except that if a payee submits for payment an invoice or bill on which is shown the required certificate or certificates duly signed (see paragraph (b) below), such invoice or bill may be accepted if it constitutes a valid claim against the Government, and will be fastened securely to the voucher in lieu of stating the invoice or bill in detail on the voucher form and securing the payee's certificate thereon.

(b) *Vendor's certificate.* "I certfy that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed." *See MS. Comp. Gen. A-51607, A-49009, August 15, 1941.*

(c) *Form in which vendor's certificate will be furnished.* The prescribed certificate may be printed, stamped, typed, or written on vendor's bill of sale or invoice and must be signed (in original only) by the vendor or its duly authorized representative. (See MS. Comp. Gen. A-51607, August 26, 1937, and A-51607, A-49009, August 15, 1941.) In cases where it is physicaly impossible to include the additional certificate on the face of the voucher or invoice, the certificate will be placed on the reverse of the voucher or invoice. Additional (separate) sheets for, duplicates, or copies of certifications only will not be acecpted by the General Accounting Office. (See MS. Comp. Gen. A-51607, A-49009, April 2, 1938.) Under no conditions should the certificate on Government vouchers or on invoice forms to be attached to such vouchers be signed in blank or at any time prior to the submission of the voucher or invoice but only after delivery or performance by the claimant. To do so may result in the submission of a false claim against the Government for which the person signing the certificate may be held liable under the law. *See MS. Comp. Gen. A-51607, A-49009, April 2, 1938, June 2, 1938, and August 15, 1941.*

NOTE.—The Comptroller General of the United States in his letter, A-51607, A-49009, August 15, 1941, stated that in order to avoid unnecessary delay and confusion in the payment of vouchers otherwise properly prepared it appeared desirable that until such time as vendors and contractors have had ample opportunity to become acquainted with the above-prescribed certificate, the various Government agencies and the General Accounting Office accept certifications that have heretofore been approved.

(d) *Zones to be stated on vouchers covering payments for gasoline under TPS contracts.* The zone in which delivery was made will be stated on vouchers covering payments for gasoline under TPS contracts, where such zone deliveries are specified in such contracts and noted on purchase orders or other procuring instruments. (R.S. 161; 5 U.S.C. 22) [Pars. 4*a*, 2*c*, 2*e*, 2*f* and 2*g*, AR 35-1040, Aug. 1, 1938, as amended by Cir. 198, W.D., Sept. 22, 1941]

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

[F. R. Doc. 41-7406; Filed, October 3, 1941; 9:53 a. m.]

[1] § 35.1 is superseded.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

SEPTEMBER 12, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 501 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby:

1. Strike Part 01 of the Civil Air Regulations as it relates to the registration of aircraft and aircraft registration certificates.

2. Adopt the following regulations:

Sec.
501.1 Application.
501.2 Duration.
501.3 Transferability.
501.4 Display.
501.5 Invalidation.
501.6 Surrender.

§ 501.1 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed and furnished by the Administrator, and shall be accompanied by proper documentary evidence of the ap-

plicant's ownership of the aircraft sought to be registered.*

*§§ 501.1 to 501.6, inclusive, issued under the authority contained in secs. 308, 501, 52 Stat. 986, 1005; 49 U.S.C., Sup., 458, 521.

§ 501.2 *Duration.* The registration and certificate issued pursuant thereto shall be of sixty days' duration and, unless the holder thereof is otherwise notified by the administrator within such period, shall continue in effect indefinitely thereafter except that it shall immediately expire upon the date (1) the aircraft is registered under the laws of any foreign country, (2) the registration of the aircraft is cancelled at the written request of the owner, (3) the aircraft is totally destroyed or scrapped, or (4) the ownership of the aircraft is transferred, unless on the date the registered owner transfers ownership of such aircraft he endorses the registration certificate in the manner provided thereon and the purchaser makes application for the registration of the aircraft in his name.*

§ 501.3 *Transferability.* A registration certificate is not transferable except that upon the transfer of ownership of an aircraft registered as a civil aircraft of the United States, the registration and certificate issued pursuant thereto may be transferred to the purchaser upon the following conditions:

(a) The purchaser is a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, as amended;

(b) On the date the registered owner transfers ownership of such aircraft he shall endorse the registration certificate in the manner provided thereon and deliver such certificate to the purchaser; and

(c) On the date of transfer, an application for registration of the aircraft in the name of the purchaser is either mailed to the Administrator or delivered directly to an inspector of the Administrator.*

§ 501.4 *Display.* A registration certificate shall be carried at all times in the aircraft and shall be presented upon the request of any duly authorized representative for the Administrator or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.*

§ 501.5 *Invalidation.* Any registration of an aircraft by the Administrator shall be null and void if at the time of registration (a) the aircraft was registered under the laws of any foreign country; or (b) the person registered as owner was not the true and lawful owner of the aircraft; or (c) the person registered as owner was not a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, as amended, or the interest of such person in the aircraft was created by any transaction not entered into in good faith but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.*

§ 501.6 *Surrender.* Upon the suspension, revocation, expiration or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any officer or employee of the Administrator.*

These regulations shall become effective at 12:01 A. M., the 1st day of November, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-7407; Filed, October 3, 1941; 9:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3926]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FEDERAL YEAST CORPORATION

§ 3.45 (c) *Discriminating in price—Direct discrimination — Charges and prices:* § 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices—Product not charged for:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of bakers' yeast, discriminating in price as found in Paragraphs Four, Five and Seven of the findings of fact [i. e., (1) discriminating in price between different competing purchasers of respondent's products of like grade and quality, by giving and allowing some purchasers of its said yeast, used in the manufacture of bread and allied products, different prices from those given and allowed to others of said purchasers competitively engaged, one with the other, in sale and distribution of such products, selling, in some instances, yeast of like grade and quality and in like quantities to competing customers at different prices wherein the differential amounted to 7 per cent and upwards, and affording, through aforesaid discrimination, savings in price to the beneficiaries which were substantial in nature and constituted material and vital factors of competition; (2) discriminating in price between different purchasers, as above described, by delivering large quantities of its said yeast without specific charge therefor to certain purchasers in addition to its yeast actually sold and delivered to them, and thereby substantially reducing average cost of its said yeast to said purchasers, while concurrently selling its said product to others without delivering, in addition to quantities purchased, yeast for which no specific charge was made, so that while both classes might be charged same price for yeast sold and billed, actual cost to former is less by 5 per cent or more than actual cost to nonfavored customers, it thereby affording savings to the beneficiaries of such discrimination in price which were substantial in nature and constituted material and vital factors of competition; and (3) discriminating in price between competing purchasers by granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers which are not granted to others who pay in the same manner and within the same time as those thus favored]; or otherwise discriminating in price between different purchasers of bakers' yeast of like grade and quality where the effect of such discriminations may be substantially to lessen competition or to injure, destroy or prevent competition with respondent or any such purchaser unless the differential in price in any such discrimination makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such commodities are to such purchasers sold or delivered; prohibited. (Sec. 2a, 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13a) [Cease and desist order, Federal Yeast Corporation, Docket 3926, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the substitute answer of the respondent, in which answer respondent admits all the material allegations of said complaint with the exception of the illustration therein set forth regarding specific price discriminations and states that it waives all intervening procedure and further hearing as to said facts, and a stipulation of facts filed herein, and the Commission being of the opinion that said respondent has violated the provisions of section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13), and having made its findings as to the facts and its conclusion, which findings as to the facts and its conclusion are hereby made a part hereof:

It is ordered, That the respondent, Federal Yeast Corporation, its officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bakers' yeast in commerce, as "commerce" is defined in the Clayton Act, do forthwith Cease and Desist:

From the discriminations in price as found in Paragraphs Four, Five and Seven of the findings of fact or otherwise discriminating in price between different purchasers of bakers' yeast of like grade and quality where the effect of such discriminations may be substan-

[1] 4 F.R. 4272.

tially to lessen competition or to injure, destroy or prevent competition with respondent or any such purchaser unless the differential in price in any such discrimination makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such commodities are to such purchasers sold or delivered.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7418; Filed, October 3, 1941; 11:27 a. m.]

[Docket No. 4122]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FOOD DISPLAY MACHINE CORPORATION ET AL.

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings.* In connection with offer, etc., in commerce, or respondents' potato chip machines, corn chip machines and doughnut machines, (1) representing that amazing earnings or profits may be made or fortunes acquired through the operation of respondents' machines; (2) representing as possible or maximum earnings or profits which may be made during any specified period through the use of their machines, any amounts in excess of those which have actually been earned during such specified period by users of their machines under normal conditions in due course of business; and (3) representing as usual or customary earnings or profits which may be made during any specified period through the use of their machines, any amounts in excess of the average, usual and customary amounts which have actually been earned by users of their machines under normal conditions in due course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Food Display Machine Corporation et al., Docket 4122, September 23, 1941]

In the Matter of Food Display Machine Corporation, a Corporation, and A. H. Kulikowski (Referred to in the Complaint as M. J. Kulikowski), Mrs. A. H. Kulikowski (Referred to in the Complaint as Mrs. M. J. Kulikowski), and George H. Hardt, Individuals.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and exceptions thereto, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Food Display Machine Corporation, a corporation, its officers, and A. H. Kulikowski and George H. Hardt, trading under the names King Korn Company, King K Company and Brown Bobby Company, or trading under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' potato chip machines, corn chip machines and doughnut machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that amazing earnings or profits may be made or fortunes acquired through the operation of respondents' machines;

(2) Representing as possible or maximum earnings or profits which may be made during any specified period through the use of respondents' machines, any amounts in excess of those which have actually been earned during such specified period by users of respondents' machines under normal conditions in due course of business;

(3) Representing as usual or customary earnings or profits which may be made during any specified period through the use of respondents' machines, any amounts in excess of the average, usual and customary amounts which have actually been earned by users of respondents' machines under normal conditions in due course of business.

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

It is further ordered, That this proceeding be, and it hereby is, dismissed as to respondent Mrs. A. H. Kulikowski.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7422; Filed, October 3, 1941; 11:28 a. m.]

[1] 5 F.R. 3742.

[Docket No. 4157]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RADIO DISTRIBUTORS

§ 3.99 (b) *Using or selling lottery devices.—In merchandising.* In connection with offer, etc., in commerce, of radios and other articles of merchandise, (1) supplying, etc., others with push cards or other devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift, enterprise, or lottery scheme; (2) shipping, etc., to members of the purchasing public push cards or other devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Radio Distributors, Docket 4157, September 22, 1941]

In the Matter of Leona Johnson and Aubrey M. Graff, Individually and Trading as Radio Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence before W. W. Sheppard, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent Leona Johnson, individually and trading as Radio Distributors, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Leona Johnson, individually and trading as Radio Distributors, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios and other articles of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying or placing in the hands of others, push cards or other devices which are to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Shipping, mailing, or transporting to members of the purchasing public push cards or other devices which are to be used or may be used in the sale

[1] 6 F.R. 661.

or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

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

It is further ordered, That the complaint be dismissed as to the respondent Aubrey M. Graff.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7419; Filed, October 3, 1941; 11:28 a. m.]

[Docket No. 4354]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AMERICAN BANDAGE CORPORATION

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., in connection with offer, etc., of any medicated bandage sold and distributed by respondent under the trade name "A B C Gauzband", or under any other trade name or designation, any advertisements in newspapers, etc., by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, of its said product, which advertisements represent, directly or by implication, that its said product possesses antiseptic and germicidal properties sufficient to inhibit the growth of, or to destroy, all types of bacteria; or which advertisements represent, directly or indirectly, that said product is a self-sterilizing agent, or that it remains sterile after it has been removed from the container; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec, 45b) [Cease and desist order, American Bandage Corporation, Docket 4354, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, evidence introduced before a duly appointed trial examiner of the Commission designated by it to serve in this proceeding, the report of the trial examiner thereon, the stipulation as to the facts entered into between the attorney for the Commission and the attorney for respondent, and brief filed on behalf of the Commission; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, American Bandage Corporation, a corporation, its officers, directors, agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any medicated bandage sold and distributed by it under the trade name "A B C Gauzband", or under any other trade name or designation, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement in newspapers, periodicals, circulars, leaflets, pamphlets, or otherwise, by means of the United States Mails, or by any means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that its said product possesses antiseptic and germicidal properties sufficient to inhibit the growth of, or to destroy, all types of bacteria, or which represents, directly or indirectly, that said product is a self-sterilizing agent, or that it remains sterile after it has been removed from the container.

(2) Disseminating, or causing to be disseminated, any advertisement in newspapers, periodicals, circulars, leaflets, pamphlets, or otherwise, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's said product, which advertisement contains any of the representations prohibited in Paragraph One hereof.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7420; Filed, October 3, 1941; 11:28 a. m.]

[Docket No. 4416]

PART 3—DIGEST OF CEASE AND DIGEST ORDERS

IN THE MATTER OF JOSEPH WARNER FURNITURE CORPORATION

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Retailer as wholesaler or jobber:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Retail as wholesale, jobbing or discounted:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.65 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Retailer as wholesaler or jobber:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Retail as dealer's.* In connection with offer, etc., in commerce, of furniture or allied merchandise, (1) representing, directly or by implication, that respondent is a wholesaler or that it sells its furniture and other merchandise to purchasers thereof at wholesale prices; (2) representing, directly or by implication, that respondent sells its furniture and merchandise only to or through dealers purchasing for resale; and (3) using and distributing among prospective customers so-called admittance permits or cards which, through use of such statements as "Trade Showrooms", "Exclusive Distributor", "Serving the Trade", "This card entitles (Name of Holder) and party to all showroom privileges, including price quotation", or other similar statements, import and imply that respondent sells only to or through dealers; or that respondent is a wholesaler and sells to holders of such cards at wholesale prices; or that respondent's business is anything other than that of selling furniture and other merchandise to the general public; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Joseph Warner Furniture Corporation, Docket 4416, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and a stipulation entered into by and between counsel for the Commission and counsel for the respondent, wherein it was stipulated and agreed that a statement of facts thereupon read into and made a part of the record in this proceeding may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the Commission may proceed upon such statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceedings without the presentation of argument or the filing of briefs or of a report upon the evidence by the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Joseph Warner Furniture Corporation, a corporation, its officers, representatives, agents and employees, directly or

[1] 6 F.R. 451.

[1] 6 F.R. 2670.

through any corporate or other device, in connection with the offering for sale, sale and distribution of furniture or allied merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent is a wholesaler or that it sells its furniture and other merchandise to purchasers thereof at wholesale prices;

(2) Representing, directly or by implication, that respondent sells its furniture and merchandise only to or through dealers purchasing for resale;

(3) Using and distributing among prospective customers so-called admittance permits or cards which, through use of such statements as "Trade Showrooms," "Exclusive Distributor," "Serving the Trade," "This card entitles (Name of holder) and party to all showroom privileges, including price quotation," or other similar statements, import and imply that respondent sells only to or through dealers; or that respondent is a wholesaler and sells to holders of such cards at wholesale prices; or that respondent's business is anything other than that of selling furniture and other merchandise to the general public.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F.R. Doc. 41-7421; Filed, October 3, 1941, 11:28 a. m.]

[Docket No. 4485]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF W. K. STERLINE, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* §3.6 (y) *Advertising falsely or misleadingly—Safety:* §3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent Sterline's "Hay Fever Treatment", consisting of the medicinal preparation "W. K. Sterline's Compound", and his "Asthma Treatment", consisting of the medicinal preparations "W. K. Sterline's Compound", "W. K. Sterline's Elixir" and "W. K. Sterline's Korana Powder", and the individual preparations of which aforesaid "Hay Fever Treatment" and "Asthma Treatment" are composed, or in connection with offer, etc., of any other substantially similar preparation or combination of preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said "Hay Fever Treatment" or said "Asthma Treatment", or of the individual medicinal preparations of which each is composed, which advertisements represent, directly, indirectly or through inference, (1) that respondent Sterline's "Hay Fever Treatment", or the medicinal preparation "W. K. Sterline's Compound" (a) is a cure or remedy for, or possesses any therapeutic value whatever in the treatment of persons suffering from, Hay Fever, or (b) possesses any properties which will be effective in fortifying the system against, or enable one to avoid, Hay Fever, or (c) will check sneezing and discharging from the nose; and (2) that respondent Sterline's "Asthma Treatment", or the medicinal preparations "W. K. Sterline's Compound", "W. K. Sterline's Elixir" or "W. K. Sterline's Korana Powder", separately, jointly or when used in any combination of the one with the other, (a) is a cure or remedy for, or possesses any therapeutic value in the treatment of, asthma in excess of affording mild temporary relief from the paroxysms usually associated with asthma, or (b) will prevent the return of asthma or restore one to health, or (c) possesses any therapeutic value in the treatment of bronchitis, when bronchitis is associated with asthma, in excess of that furnished by a mild expectorant; and (3) that respondent Sterline's medicinal preparation "W. K. Sterline's Elixir" possesses any therapeutic value in the treatment of bronchitis in excess of that furnished by a mild expectorant, whether bronchitis is associated with asthma or not; or which advertisements of the medicinal preparation "W. K. Sterline's Compound" fail to reveal that said preparation should not be used by persons suffering from active or latent tuberculosis, and that use of said preparation over a long period of time is likely to cause mental derangement; prohibited, subject to the provision, however, that if the label of said "W. K. Sterline's Compound" contains a warning of the potential dangers existing in the said medicinal preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only as Directed on the Label. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, W. K. Sterline, et al., Docket 4485, September 23, 1941]

In the Matter of W. K. Sterline, an Individual, and Mumm, Romer, Robbins & Pearson, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

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

It is ordered, That respondent W. K. Sterline, his agents, representatives and employees, and that respondent Mumm, Romer, Robbins & Pearson, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of W. K. Sterline's "Hay Fever Treatment", consisting of the medicinal preparation "W. K. Sterline's Compound" and W. K. Sterline's "Asthma Treatment", consisting of the medicinal preparations, "W. K. Sterline's Compound", "W. K. Sterline's Elixir" and "W. K. Sterline's Korana Powder", and the individual preparations of which the aforesaid "Hay Fever Treatment" and the aforesaid "Asthma Treatment" are composed, or in connection with the offering for sale, sale or distribution of any other preparation or combination of preparations, consisting of substantially similar composition or possessing substantially similar properties, whether represented as a treatment or treatments and under whatever name or names designated, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents directly, indirectly or through inference:

A. That respondent W. K. Sterline's "Hay Fever Treatment", or the medicinal preparation "W. K. Sterline's Compound"

(a) is a cure or remedy for, or possesses any therapeutic value whatever in the treatment of persons suffering from, Hay Fever; or

(b) possesses any properties which will be effective in fortifying the system against, or enable one to avoid, Hay Fever; or

(c) will check sneezing and discharging from the nose; and

B. That respondent W. K. Sterline's "Asthma Treatment", or the medicinal preparations "W. K. Sterline's Compound," "W. K. Sterline's Elixir" or "W. K. Sterline's Korana Powder", separately, jointly or when used in any combination of the one with the other:

(a) is a cure or remedy for, or possesses any therapeutic value in the treatment of, asthma in excess of affording mild temporary relief from the paroxysms usually associated with asthma; or

[1] 6 F.R. 2774.

(b) will prevent the return of asthma or restore one to health; or

(c) possesses any therapeutic value in the treatment of bronchitis, when bronchitis is associated with asthma, in excess of that furnished by a mild expectorant;

C. That respondent W. K. Sterline's medicinal preparation "W. K. Sterline's Elixir" possesses any therapeutic value in the treatment of bronchitis in excess of that furnished by a mild expectorant, whether bronchitis is associated with asthma or not;

2. Disseminating or causing to be disseminated any advertisement of the medicinal preparation "W. K. Sterline's Compound" by means of United States mail or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which fails to reveal that said medicinal preparation should not be used by persons suffering from active or latent tuberculosis and that use of said preparation over a long period of time is likely to cause mental derangement; *Provided, however,* That if the label of said preparation contains a warning of the potential dangers existing in the said medicinal preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only As Directed on the Label.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of W. K. Sterline's "Hay Fever Treatment" or of W. K. Sterline's "Asthma Treatment", or of the individual medicinal preparations of which each treatment is composed, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to comply with the requirements set forth in paragraph 2 hereof.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7423; Filed, October 3, 1941; 11:29 a. m.]

[Docket No. 4542]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STERLING APPLIANCE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.7 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's Sterling Short Wave Diathermy device, or any other substantially similar device, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device, which advertisements represent, directly or through inference, that respondent's device, when used by the unskilled lay public, constitutes a scientific, safe, harmless and effective means or method for the relief, cure or treatment of rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble and colds, painful menstruation, female disorders, ulcers or innumerable other ailments, or for the alleviation of pain resulting therefrom; or which advertisements fail to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sterling Appliance Company, Docket 4542, September 23, 1941]

In the Matter of Nolan B. Stadley, an Individual, Trading as Sterling Appliance Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

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

It is ordered, That the respondent, Nolan B. Stadley, an individual, trading as Sterling Appliance Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his device advertised as Sterling Short Wave Diathermy, or any other device of substantially similar construction, whether sold under the same name or any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondent's device when used by the unskilled lay public constitutes a scientific, safe, harmless and effective means or method for the relief, cure or treatment of:

Rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble and colds, painful menstruation, female disorders, ulcers or innumerable other ailments, or for the alleviation of pain resulting therefrom;

or which advertisement fails to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined by the Federal Trade Commission Act, of said device, which advertisement contains any of the representations prohibited in paragraph 1 hereof; or which advertisement fails to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health.

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

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7424; Filed, October 3, 1941; 11:29 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5073]

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

Withdrawal of Wines, Free of Tax, for Supplies of Certain Vessels and Aircraft (Amending Regulations No. 7)

Section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress) provides in part as follows:

That section 309 (a) of the Tariff Act of 1930, as amended, be further amended by inserting after the words "internal revenue tax" a comma and the words "or from any

internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax."

Pursuant to the above provisions of law and sections 3170 and 3176, Internal Revenue Code, Part 178, Title 26, Code of Federal Regulations, [Paragraph 143, Regulations No. 7, as amended] is hereby amended to read as follows:

§ 178.143 *Removals free of tax to American possessions and for supplies of vessels and aircraft* (a) The provisions of the regulations in this part, and the forms prescribed, in respect to the removal of wines, free of tax for exportation to foreign countries, apply to like removals and shipments to the Philippine Islands, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Hawaii and Alaska are territories of the United States, and all shipments of domestic wines thereto must be tax-paid before withdrawal from bonded wineries or other bonded premises, unless transferred in bond to a bonded winery or storeroom located in one of those Territories.

(b) *Withdrawals for supplies of certain vessels and aircraft.* The provisions of the regulations in this part, in respect to the removal of wines, free of tax for exportation to foreign countries, are extended to withdrawals of wines for lading as supplies upon the following vessels or aircraft:

(1) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(2) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(3) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(4) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States.

Application to withdraw wine free of tax for supplies of vessels and aircraft must be made on Form 711, modified appropriately. Wine which is to be withdrawn from bonded wineries or bonded storerooms free of tax for use as supplies on vessels and aircraft must be covered by a bond, Form 186. Such bond will be executed in the same manner as bonds for wine withdrawn free of tax for exportation, but must be accompanied by consent of surety, Form 1533, specifically stipulating that the terms thereof will cover wine withdrawn for use as supplies on vessels and aircraft. Exporters who have on file bonds on Form 186, covering the exportation of wine, and who desire to withdraw wine free of tax from a bonded winery or bonded storeroom for use as supplies on vessels and aircraft, may file a consent of surety containing a similar stipulation, provided that such bonds are of a sufficient penal sum. Wine so withdrawn shall not be unladen at any port or place in the United States or in any of its possessions. (Secs. 3170, 3176, I.R.C., sec. 3 of the Act of July 22, 1941, Public Law 187, 77th Congress)

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

Approved: OCTOBER 2, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7411; Filed, October 3, 1941; 10:24 a. m.]

[T.D. 5072, Amending Regulations 10]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

1. Section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress), reads in part as follows:

That section 309 (a) of the Tariff Act of 1930, as amended, be further amended by inserting after the words "internal revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax."

That section 2907 of the Internal Revenue Code be repealed.

2. Pursuant to the foregoing provisions of law, and sections 2905, 3170 and 3176 of the Internal Revenue Code, Regulations 10 are hereby amended in these respects:

3. Section 185.395 (b) and § 185.401 are revoked.

4. Sections 185.382 and 185.395 (a) are amended to read as follows:

§ 185.382 *Inspection of bottled spirits.* The inspector at the port of export will in every instance carefully inspect cases containing spirits for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The inspector will report on Form 691 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancy as to each case. When the inspector has completed his inspection and report as prescribed, the entire shipment may be laden without detention of the deficient cases, unless the circumstances indicate fraud, in which event such cases will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported. (Secs. 2905, 3176, I.R.C.)

§ 185.395 *Losses in transit*—(a) *Leakage or unavoidable accident.* Under the provisions of sections 2889 and 2890, I.R.C., allowance may be made for distilled spirits lost by leakage or by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a bonded warehouse to the port of export, except that where the spirits are covered by a valid claim of insurance in excess of the market value thereof, exclusive of the tax, the tax shall not be remitted to the extent of such excessive insurance. (Sec. 3176, I.R.C.)

5. The following new article and sections are added:

ARTICLE XLVII—*Supplies for Certain Vessels and Aircraft*

§ 185.499 *General.* Distilled spirits in packages and in cases which have been bottled in bond for export may be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on the following vessels and aircraft:

(a) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(b) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(d) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.500 *Procedure.* Application to remove distilled spirits in packages and in cases bottled in bond for export from internal revenue bonded warehouses for use as supplies on vessels or aircraft will be made on Form 206, properly modified. The procedure prescribed in §§ 185.315–185.411 [Article XXXIII] of the regulations in this part, as it relates to the withdrawal of packages from internal revenue bonded warehouses for exportation, is hereby made applicable to the withdrawal of packages for use as supplies on vessels or aircraft. The procedure prescribed in §§ 185.366, 185.367 and 185.368, relating to the transfer and withdrawal of spirits bottled in bond for export, is hereby made applicable to the transfer and with-

drawal of bottled spirits free of tax for use as supplies on vessels or aircraft. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.501 *Bond.* Distilled spirits which are to be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on vessels or aircraft must be covered by a bond on Form 547 or Form 657. Such bonds will be executed in the same manner as bonds for distilled spirits withdrawn free of tax for exportation, but must be accompanied by consent of surety, Form 1533, specifically stipulating that the terms thereof will cover distilled spirits withdrawn for use as supplies on vessels or aircraft. Exporters who have on file bonds on Form 657, covering the exportation of distilled spirits, and who desire to withdraw spirits free of tax from an internal revenue bonded warehouse for use as supplies on vessels or aircraft, may file a consent of surety containing a similar stipulation, *Provided,* That such bonds are of sufficient penal sum. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.502 *Export entry.*—Before the spirits may be laden on the vessel or aircraft, the owner must file Form 691, properly modified, with the Collector of Customs. The provisions of §§ 185.379, 185.380, 185.382, as amended herein, 185.383 and 185.384 will be observed in so far as applicable. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.503 *Evidence of use as supplies on vessels and aircraft.* If the distilled spirits were laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor, within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the spirits were laden, having knowledge of the facts, showing that the spirits have been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided,* That in the case of any shipment, the amount of tax thereon does not exceed $25.00, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.504 *Account with bond, Form 657.* The district supervisor will keep an account with each bond, Form 657, similar to that kept for distilled spirits exported free of tax. In cases where exportations free of tax and withdrawals free of tax for use as supplies on vessels or aircraft are made under the same bond, only one account covering both transactions need be kept. Upon receipt of satisfactory evidence of the use of the spirits as supplies, the bond will be credited with the quantity so reported. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.504 *Records.* When spirits are withdrawn for use as supplies on vessels or aircraft, the quantity so removed will be reported on Forms 1513 and 1514 or Forms 1516 and 1517, as the case may be, as "Withdrawn as supplies for vessels and aircraft." (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187–77th Congress))

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

Approved: OCTOBER 2, 1941.
HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7410; Filed, October 3, 1941; 10:24 a. m.

[T. D. 5074, Amending Regulations No. 18]

PART 192—FERMENTED MALT LIQUORS

Pursuant to the provisions of sections 3153 (b) and 3176 of the Internal Revenue Code, and section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress) §§ 192.197 and 192.230, of Regulations No. 18 (Title 26, Part 192, Code of Federal Regulations), are hereby amended, and new §§ 192.261 to 192.266 are added, to read as follows:

§ 192.197 *Bond.* Brewers who desire to export fermented malt liquors without the payment of tax shall be required to furnish the district supervisor of the district in which the brewery is located, a bond, in duplicate, on Form 263, with acceptable corporate surety, individual sureties, or by the deposit of proper collateral. Bond Form 263 must be filed with the district supervisor prior to the filing of the first application for withdrawal and entry for exportation on Form 550 if exportation is made in barrels, or prior to the filing of the first notice on Form 127 if beer is bottled for export. Separate bonds are not required for the exportation of beer in barrels and bottles. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.230 *Proof of landing not furnished.* In case the brewer, from causes beyond his control, is unable to furnish the required proof of landing or loss on land or at sea within the time prescribed, he may make application to the supervisor for an extension of time for production of the evidence. Such application must state specifically the cause of failure to produce the evidence and be verified under oath. One extension of three months may be granted by the supervisor and, if necessary, upon a second application, an additional extension of three months may be granted by him. (Secs. 3153 (b), 3176, I. R. C.)

ARTICLE XXXIII—*Supplies for Vessels and Aircraft*

§ 192.261 *Supplies for vessels and aircraft.* Fermented malt liquor may be removed from breweries and brewery bottling houses free of tax for use as supplies on the following vessels and aircraft:

(a) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(b) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(d) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. (Secs. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.262. *Procedure applicable.* The removal, shipment, examination by customs officers, and evidence of lading on vessels and aircraft, of fermented malt liquor from a brewery or brewery bottling house for use as supplies will, so far as applicable, follow the procedure of §§ 191.192–191.239 [Article XXVII], concerning the Exportation, Free of Tax, of Fermented Malt Liquor. (Secs. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.263 *Form 550.* Application will be made on Form 550, properly modified, for the removal of fermented malt liquor from a brewery or from the bottling house of a brewery for use as supplies on vessels and aircraft. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.264 *Bond.* Before any beer is removed from the bottling house for use as supplies on vessels or aircraft, consent of surety on Bond Form 263 must be obtained in accordance with § 192.65 of the regulations in this part. If no Bond Form 263 is on file with the supervisor, the brewer, prior to bottling beer for use on vessels or aircraft, will be required to obtain and file such bond properly modified. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.265 *Beer bottled for export.* Beer which has been bottled for export and is stored in the bottling house of the brewery, may be removed for use as supplies on vessels and aircraft. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of

July 22, 1941, Public Law 187—77th Congress)

§ 192.266 *Evidence of use.* When fermented liquor has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the fermented malt liquor has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided,* That in the case of any shipment the tax on which does not exceed $25, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required. (Secs. 3153 (b), 3176, I. R. C.; section 3 of the Act of July 22, 1941, Public Law 187-77th Congress)

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

Approved: October 2, 1941.
HERBERT B. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7412; Filed, October 3, 1941; 10:24 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-268]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR RECLASSIFICATION AND PRICE CHANGES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED

This proceeding was instituted upon an original petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by District Board No. 1. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices heretofore established for the coals of certain code-member producers in District No. 1.

Pursuant to the request for temporary relief, and after notice to interested persons, an informal conference was held in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, and temporary relief was granted as prayed for in the original petition.

In accordance with an Order of the Director and after notice to all interested persons, a hearing in this matter was held before Floyd McGown, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared. At the conclusion of the hearing, the preparation and filing of a report by the Examiner was waived and the record thereupon was submitted to the undersigned, who has considered the record in this matter.

The petition of District Board 1 herein requests a revision in the price classifications and effective minimum prices established for the coals produced at some twenty different mines in District 1. The classifications and minimum prices requested for the coals of these mines are shown in the schedules hereto attached. With the exception of the coals produced at the Shaffer Mine (Mine Index No. 457) of I. Shaffer & Sons, all of the coals in question are shipped by truck only. The Shaffer Mine ships the coal produced at its mine both by truck and by rail.

The testimony of a representative of the District Board shows that when minimum prices were originally established for the coals in question, errors or mistakes were made either in designating the seams in which the coals were produced or in designating the subdistricts in which the mines were located; that as a result of these errors, minimum prices were established which are not in proper coordination with other coals produced in District 1.

An exhibit was introduced showing in detail the corrections which are required for each particular mine. It appears that the classifications and minimum prices as set forth in the schedules, based upon these corrections, will effect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices, as well as the seam and sub-district designations, shown in the schedules hereto attached for the coals specified therein, are proper and should be established; that said classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District 1, and will preserve fair competitive opportunities for the producers of said coals.

I further find from the uncontroverted evidence that the McGarvey No. 2 Mine (Mine Index No. 2346) of McGarvey Brothers should be deleted from the District 1 price schedule for truck shipments, for the reason that this same mine is properly listed in said schedule as the Swope Mine (Mine Index No. 2493) of McGarvey Brothers.

I further find that a minimum price for truck shipments was erroneously established for coal in Size Group 5 produced at Askey's Mine (Mine Index No. 1026) of Askey Coal Company and that said price should be deleted from the price schedule.

Upon the basis of the foregoing Findings of Fact, I conclude:

1. That the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and for Truck Shipments should be amended in accordance with the schedules, marked Supplement R and Supplement T, annexed hereto and made a part hereof.
2. That McGarvey No. 2 Mine (Mine Index No. 2346) of McGarvey Brothers should be deleted from the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.
3. That the minimum price for truck shipments for the coal in Size Group 5 produced at Askey's Mine (Mine Index No. 1026) of Askey Coal Company should be deleted from the schedule.
4. That such amendments of the price schedules for District No. 1 are required in order to effectuate the purposes of sections 4 II (a) and (b) of the Act and to comply with the standards thereof.

Now therefore it is ordered, That commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the McGarvey Mine (Mine Index No. 2346) of McGarvey Brothers, be and it hereby is deleted from the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.

It is further ordered, That the minimum price established for coal in Size Group 5 of Askey's Mine (Mine Index No. 1026) of Askey Coal Company be and it hereby is deleted from the Schedule of Effective Minimum Prices for District 1 for Truck Shipments.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
457	Shaffer & Sons, I.	Shaffer	29	B	49	(†)	(†)	F	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

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

Code member index	Mine index No.	Mine	Sub.-dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Askey Coal Company (Millard Askey).	1026	Askey's	9	Clearfield	B			215		
Bloom, J. Wade (Brockway Coal Co.).	1110	Larimer	6	Jefferson	E	245	220	220	210	200
Cromwell & Son, H. L.	1252	Cromwell #7	30	Bedford	Barnett			240		
Cross Fuel Co. (Bernard Cross)	1253	Cross	43	Allegany	E			210		
Daugherty Est., W. A.	1262	Daugherty	6	Jefferson	E	245		220	210	
Deabenderf & Caldwell (Cameron Deabenderf).	2310	Deabenderf	15	Indiana	D			220		
Dougherty, John H.	1299	Rusty "B"	27	Cambria	A			220		
Knees, Ralph and Willard Gearhart.	1623	Knees & Gearhart	6	Clearfield	D			225		
Leahey, J. A.	1664	John Leahey Est.	27	Cambria	E			220		
McKee, G. B., W. G., & H. S., V. A. Holt & Albert Spencer.	1745	Botsford	15	Indiana	D			220		
Montgomery & Son, Michael	1780	Montgomery	18	Cambria	B			230		
Proctor, W. E. (Proctor Coal Company).	301	McIntyre	3	Lycoming	B & E	250	235	235	225	215
Reghetti & Swires (Leslie Reghetti).	2368	Reghetti & Swires	18	Cambria	B			230		
Sanders Coal Company (Harry Sanders).	1930	Sanders	27	Cambria	E			220		
Sandy, Joseph	1932	Sandy	27	Cambria	E			220		
Shaffer & Sons, I.	457	Shaffer	29	Cambria	B			220		
Shanaberger Coal Co. (Carl B. Shanaberger).	2029	Ankeny	36	Somerset	E			225		
Shank & Wallace (Raymond Wallace).	1421	Shank & Wallace	18	Clearfield	C'			225		
Ticcosi, Joseph	2165	Joseph Ticcosi Coal Co.	2	Elk	B			210		

[F. R. Doc. 41-7386; Filed, October 2, 1941; 10:39 a. m.]

[Docket Nos. A-381, A-386, A-387]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 AND CERTAIN INDIVIDUAL CODE MEMBER PRODUCERS IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3 NOT HERETOFORE CLASSIFIED AND PRICED

This proceeding was instituted upon petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3 (Docket No. A-381); David Morgan, a code member producer; operating the Morgan Mine (Mine Index No. 1120) at Valley Point, West Virginia, (Docket No. A-386); and the Marlin Coal Company, a code member producer, operating the Byrne Mine (Mine Index No. 31[1] at Jordan, West Virginia, (Docket No. A-387), respectively. The petitions propose the establishment of certain minimum prices for certain mines not heretofore classified, as set forth in more detail therein. District Board 3 amended its petition in certain respects at the hearing.

Pursuant to Order of the Director, the petitions herein were consolidated, temporary relief was granted to each petitioner in accordance with the requests contained in its petition, and a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioners appeared. The preparation and filing of a report by the Examiner was waived by stipulation of the interested parties, and the record was thereupon submitted to the undersigned.

[1] Now operated by Clark Collieries, J. A. Clark.

Daniel T. Buckley, chairman of District Board 3, testified that the prices which District Board 3 seeks to have established herein coincide with already established prices and classifications of coals of comparable quality. The witness Buckley further testified that district Board 3 is in accord with the requests made in the petitions of the Marlin Coal Company and David Morgan herein. In his opinion, if the prices herein requested are established, the fair competitive opportunities of producers in District 3 will be maintained.

Upon the basis of the uncontroverted evidence I find and conclude that the classifications and minimum prices shown in § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments be and they hereby are amended in accordance with the schedules hereto attached, marked "Supplement R" and "Supplement T," respectively, and made a part hereof.

Dated: September 3, 1941.

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

DISTRICT NO. 3

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
187	Adams & Guiliani Coal Co.	Brookside	Bakerstown	70	G	G	G	G	G	G	G	G	G	G	--	--	--	--	--	--
31	Clark Collieries, J. A. Clark	Byrne	Pittsburgh	52	F	F	F	F	F	F	F	F	F	F	--	--	--	--	--	--
637	Greaser, Pete	Greaser	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	--	--	--	--	--	--
189	West Fork Coal & Coke Co.	Vincent #2	Pittsburgh	61	F	F	F	F	F	F	F	F	F	F	--	--	--	--	--	--

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

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) in part 323, Minimum Price Schedule. Group No. 1: 186, 31-A; Group No. 3: 637; Group No. 6: 187.

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

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 186, 31-A; Group No. 3: 637; Group No. 6: 187.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

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

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Adams & Guiliani Coal Co.	187	Brookside	Bakerstown	Preston	235	235	235	210	210	200	190
Bavely, Joe James	1110	Bavely	Sewickley	Marion	208	203	203	178	178	163	153
Bragg, Chester E.	5745	Orth #1	Pittsburgh	Marion	223	218	218	193	193	178	168
Clark Collieries, J. A. Clark.	31	Byrne	Pittsburgh	Marion	223	218	218	193	193	178	168
Cossell, Harry	1107	Cossell	Waynesburg	Monongalia	203	198	198	178	178	163	153
Delong and Cronin Coal Co. (R. E. Delong).	1116	Cow Creek	Sandstone	Pleasants	223	218	218	193	193	178	168
Ford, John	1114	Scott #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Gooden, F. D.	1117	Red Ash #1	H. V. Kitt	Barbour	208	203	203	178	178	168	158
Kittle & Bumgardner (A. N. Kittle).	1109	Stone Coal	Bakerstown	Barbour	218	213	213	188	188	173	163
Knotts, Ona	1111	Evans	Pittsburgh	Preston	230	230	230	205	205	195	185
May, William S.	1112	May	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Myers & Moffatt	1122	Chaffin #2	Peerless	Webster	233	248	248	223	223	213	193
Morgan, David	1126	Morgan	U. Freeport	Preston	225	225	225	200	200	190	180
Nuce, Frank	1108	Nuce	Waynesburg	Monongalia	208	203	203	178	178	163	153
Petitto, Angelo	1118	Kath. #1, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Petitto, Angelo	1119	Kath. #2, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Petitto, Angelo	1120	Kath. #3, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Rogers, C. O.	1115	Rogers	Sandstone	Pleasants	223	218	218	193	193	178	168
West Fork Coal & Coke Co.	186	Vincent #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Wood, Jack	1113	Consol. #97 Slate Dump.	Pittsburgh	Marion	223	218	218	193	193	178	168

[F. R. Doc. 41-7384; Filed, October 2, 1941; 10:38 a. m.]

[Docket No. A-1110]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

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

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices have not been established herein for certain coals for which they were proposed in the original petition because such coals have heretofore been classified and priced.[1]

The petition proposed price classifications and minimum prices for the coals of the Muddy Duck Mine, Mine Index No. 755, of the Orbiston Coal Company. It appears from the official records of the Division that this mine was abandoned on December 31, 1939, and that the only mine now operated in District No. 4 by Orbiston Coal Company is Muddy Duck No. 2 Mine, Mine Index No. 2214. Accordingly, price classifications and minimum prices have been established for the coals of the Muddy Duck No. 2 Mine, Mine Index No. 2214 For All Shipments Except Truck.

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

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

Dated: September 15, 1941.

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

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[1] Price classifications and minimum prices have heretofore been established in the following proceedings for coals of the mines listed below:

In Docket No. A-937 for coals of Lone Pine Coal Co. Mine, Mine Index No. 227, of Frank Stewart, Jr.

In Docket No. A-462 for coals of Ambrose Mine, Mine Index No. 2626, of Ambrose & Co., Sam (Allen Alexander), under the name of Alexander & Company (Allen Alexander).

On Sup. 2, A-4-T, Page 7, for coals of Frog Pond Mine, Mine Index No. 2113, of Shumaker & Compston (Earl Shumaker), under the name of Fred Powell.

In Docket No. A-260 for coals of Anderson Mine, Mine Index No. 502, of Hubert Anderson (Anderson Coal Co.).

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
266	Anderson, Hubert (Anderson Coal Co.).	Poultney Ridge	1	8	Deep	Barnesville	B. & O.	11	O	O	O	O	O	O	O	O	O	------	------	O
224	Ayers, Joe	Ayers	1	8	Deep	Crescent	B. & O.	12	O	O	O	O	O	O	O	O	O	------	------	O
768	Bennett, E. L. (Elm Brook Coal Co.)	Elm Brook	5	6	Deep	Nelsonville	C. & O.	22	K	K	O	O	O	O	Q	Q	Q	------	------	Q
248	Buskirk Coal Co. (Sherman Buskirk)	Buskirk	8	8	Deep	Pomeroy, Rutland	C. & O., N. Y. C.	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
1231	Frasier Coal Co. (Pearl Frasier)	Frasier	8	8	Deep	Hobson, Cheshire	N. Y. C., C. & O.	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
250	Hell Coal Company (Lawrence C. Hell).	Penova	1	8	Strip	Adena	W. & L. E.	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
261	Hufnagel, R. C.	Hufnagel Coal Co.	1	8	Deep	Smithfield	P. & W. V.	17	O	O	O	O	O	O	O	O	O	------	------	O
257	Liberty Coal Co. (Denzil Venable)		8	8	Deep	Pomeroy, Hobson	C. & O., N. Y. C.	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
1870	M. & K. Coal Company (Andy Keith).	Reservoir	2	7	Deep	Cambridge	P. R. R.	16	R	R	R	Q	O	O	O	O	O	------	------	O
263	Metcalf Mining Co. (Tom Metcalf)	Linda Lou	8	8	Deep	Pomeroy, Hobson	C. & O., N. Y. C.	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
2214	Orbiston Coal Co.	Muddy Duck #2	5	6	Deep	Nelsonville	C. & O.	22	K	K	O	O	O	O	Q	Q	Q	------	------	Q
856	Thomas Coal Company (D. S. Thomas).	May	6	6	Deep	Crooksville	N. Y. C.	32	O	O	O	O	O	O	Q	Q	Q	------	------	Q
732	W. & J. Fuel Company (Chas. Jenkins).	Allen	3	5	Deep	Bergholz	N. Y. C.	52	O	O	O	O	O	O	O	O	O	------	------	O

[1] Subject to Exception No. 4, § 324.1 in Part 324, Minimum Price Schedule.

§ 324.8 *Numerical list of mines*—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
224	Ayers	Ayers, Joe	Ohio No. 8	12	B. & O.	1
248	Buskirk	Buskirk Coal Co. (Sherman Buskirk).	Pomeroy	29	C. & O., N. Y. C.	8
250	Penova	Hell Coal Company (Lawrence C. Hell).	Ohio No. 8	18	W. & L. E.	1
257		Liberty Coal Co. (Denzil Venable).	Pomeroy	29	C. & O., N. Y. C.	8
261	Hufnagel Coal Co.	Hufnagel, R. C.	Ohio No. 8	17	P. & W. V.	1
266	Poultney Ridge	Anderson, Hubert (Anderson Coal Co.).	Ohio No. 8	11	B. & O.	1
263	Linda Lou	Metcalf Mining Co. (Tom Metcalf).	Pomeroy	29	C. & O., N. Y. C.	8
732	Allen	W. & J. Fuel Company (Chas. Jenkins).	Middle	52	N. Y. C.	3
768	Elm Brook	Bennett, E. L. (Elm Brook Coal Co.).	Hocking	22	C. & O.	5
856	May	Thomas Coal Company (D. S. Thomas).	Crooksville	32	N. Y. C.	6
1231	Frasier	Frasier Coal Co. (Pearl Frasier)	Pomeroy	29	C. & O., N. Y. C.	8
1870	Reservoir	M. & K. Coal Company (Andy Keith).	Cambridge	16	P. R. R.	2
2214	Muddy Duck #2	Orbiston Coal Co.	Hocking	22	C. & O.	5

§ 324.2 *Seasonal discounts*—Supplement R-III

[*Seasonal discounts.* On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 68 and 69 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— Apr.	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 221-231-250.	30	20	10	----	----
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 110, 161	Add Mine Index No. 250.	30	20	10	----	----
Cambridge	16		11, 169	Add Mine Index No. 1870.	30	20	10	----	----
Hocking	21, 22, 26, 27, 28.		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 80, 90, 109, 120, 130, 163, 170, 171.	Add Mine Index Nos. 768, 2214.	50	40	30	20	10
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 248, 257, 263, 1231.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36.		4, 23, 60, 85, 91, 104, 106, 125, 133, 143, 146, 155, 160, 169, 162, 165.	Add Mine Index No. 856.	30	20	10	----	----
Middle	52		6, 158, 172	Add Mine Index No. 732.	30	20	10	----	----

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R-IV

Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34; 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 224, 261, 266.
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 250.
Cambridge	16		11, 169	Add mine index No. 1879.
	16		11, 169 (subject to exception No. 4, page 3)	Add mine index No. 1879.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index Nos. 768, 2214.
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 248, 257, 268, 1231.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 856.
Middle	52		6, 168, 172	Add mine index No. 732.

Prices as shown § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index number hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a).]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162	Add Mine Index Nos. 224, 266.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 248, 257, 268, 768, 1231, 2214.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index Nos. 248, 257, 268, 732, 856, 1231.
Pennsylvania Railroad Co.	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index No. 1879.
Pittsburgh & West Virginia Railway Co.	123, 167	Add Mine Index No. 261.
Wheeling & Lake Erie Railway Co.	5, 12, 37, 48, 110, 119	Add Mine Index No. 250.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 113, 153, 159, 161, 166.	Add Mine Index No. 250.
For all Railroads not shown above.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 250.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

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

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

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3", 4", 5" lump (2)	2" lump (3)	2" x 4" egg, 2" x 3" egg (4)	1¼" lump, 1¼" x 4" egg (5)	Mine run nut and pea (6)	2" x 0 slack (7)	¾" x 0 slack (8)
SUB-DISTRICT NO. 1, EASTERN OHIO											
BELMONT COUNTY											
Anderson, Hubert (Anderson Coal Co.).	Poultney Ridge	266	8	285	275	260	235	230	220	200	190
Griffiths, William T.	Griffith Coal Mine	241	8	285	275	260	235	230	220	200	190
HARRISON COUNTY											
Heil Coal Company (Lawrence C. Heil).	Penova	250	8	275	265	250	225	220	210	190	180
JEFFERSON COUNTY											
Doersch, Chester G.		251	8	285	275	260	235	230	220	200	190
Hass, Henry	Hass	235	8	285	275	260	235	230	220	200	190
Hufnagel, R. C.	Hufnagel Coal Co.	261	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 4, MIDDLE											
CARROLL COUNTY											
Gantz Coal Co. (Robert Gantz)	Gantz Coal Co.	254	Harlem	275	265	250	235	235	220	190	180
TUSCARAWAS COUNTY											
Hott, M. B. (M. B. Hott Coal Co.).	M. B. Hott Coal Co.	256	5	275	265	250	235	235	210	190	180
SUB-DISTRICT NO. 5, HOCKING											
ATHENS COUNTY											
Giffin, Worley (Giffin Coal Company).	Giffin	255	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
Todd & Sharb (Arthur Todd)	Todd & Sharb	260	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6, CROOKSVILLE											
MORGAN COUNTY											
Pickenpaugh & Hill (James Pickenpaugh).	P. & H.	258	9	280	270	260	235	230	195	165	165
PERRY COUNTY											
Baird, Fred W.	Baird	253	5	280	270	260	235	230	195	165	155
Shumaker Brothers (Wm. Shumaker).	Shumaker Bros.	259	6	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 8, POMEROY											
GALLIA COUNTY											
Leading Creek Coal Co. (Worley Haley).	Romine	267	8	295	285	275	250	245	195	140	140
Metcalf Mining Co. (Tom Metcalf)	Linda Lou	263	8	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Buskirk Coal Co. (Sherman Buskirk).	Buskirk	248	8	295	285	275	250	245	195	140	140
Liberty Coal Co. (Denzil Venable)		257	8	295	285	275	250	245	195	140	140

[F. R. Doc. 41-7383; Filed, October 2, 1941; 10:40 a. m.]

[Docket Nos. A-617 and A-628]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICT NO. 7, FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7, FOR ESTABLISHMENT OF MINIMUM PRICES FOR LOW VOLATILE SIZE GROUP 8 SCREENINGS PRODUCED AT THE ROBIOUS MINE OF THE NATIONAL INDUSTRIAL ENGINEERS, INC.

Original petitions having been filed with the Bituminous Coal Division on January 23 and 27, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that classifications and minimum prices be established for certain coals produced in District 7, not heretofore classified and priced; and

A hearing having been held in this matter pursuant to an Order of the Director, dated March 21, 1941, on April 18, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated March 22, 1941, 6 F.R. 1613; and

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

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

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayers contained in the original petition in so far as they seek relief inconsistent with or other than the relief granted herein be and they are hereby denied.

Dated: September 6, 1941.

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

PERMANENT SUPPLEMENT, DISTRICT NO. 7

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

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

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size, group Nos.									
								1	2	3	4	5	6	7	8	9	10
703	National Industrial Engineers, Inc.	Robious	7	Dingley Pit.	Midlothian, Va.	So. Ry.	90	--	--	--	--	--	--	--	(*)	--	--

*For all coals in size group 8 a price of $1.80 per ton f. o. b. railroad cars at Midlothian, Virginia applies for shipments only to within the switching limits of Richmond, Virginia, in Market Area 100.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

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

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea 1¼", top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
National Industrial Engineers, Inc.	703	Robious	7	Chesterfield	Dingley Pit.	315	250	230	215	180	----
Red Wing Coal Co.	710	Red Wing	2	Raleigh	Sewell	330	250	230	215	195	190
Vance, Richard	711	Vance	4	McDowell	Red Ash	315	250	230	215	190	185

[F. R. Doc. 41-7387; Filed, October 2, 1941; 10:40 a. m.]

[Docket No. A-744]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR TEMPORARY AND PERMANENT ORDERS PROVIDING FOR REVISIONS OF THE PRICES FOR RAIL LOCOMOTIVE FUEL PURCHASED BY CHICAGO GREAT WESTERN RAILWAY COMPANY FROM CODE MEMBER PRODUCERS IN DISTRICT NO. 11

This is a proceeding instituted upon an original petition filed on March 13, 1941, by District Board No. 11 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition prays for both temporary and permanent orders granting code members in District No. 11 (1) a reduction of 12 cents per net ton on mine run coals, (2) an increase of 22 cents per net ton on screenings, and (3) the privilege of substituting coals included in Size Groups 8 to 20, inclusive, on sales of screenings, on shipments of railroad locomotive fuel to the Chicago Great Western Railway Company.

District Board No. 10 and the Sahara Coal Company, a code member of District No. 10, filed petitions of intervention.

Pursuant to Order of the Director and after due notice to all interested parties, a hearing was held on May 23 and May 27, 1941, before D. C. McCurtain, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared at the hearing on May 23, 1941.[1]

A stipulation between District Boards 10 and 11 was filed with the Division on June 30, 1941, consenting to the granting of the relief prayed for by the petitioner, but stipulating further that certain prices be established for the coals of the Danville subdistrict of District No. 10 for sale to the Chicago Great Western Railway Company for delivery at Sycamore, Illinois.[2]

The preparation and filing of a report by the Examiner were waived and the matter thereupon was submitted to the Acting Director.

[1] The Sahara Coal Company, one of the interveners, entered its appearance, but expressly stated it would not participate in the hearing.

[2] Despite the execution of a stipulation, the additional relief requested for the Danville subdistrict cannot, of course, be granted in the absence of adequate supporting evidence demonstrating that such relief is necessary to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act.

The original petition alleges that delivered prices for District No. 11 mine run coals sold to the Chicago Great Western Railway Company on shipments consigned to Sycamore, Illinois, are 10 to 14 cents per ton higher than delivered prices for the Central Illinois subdistrict mine run coals of District No. 10 consigned to the same destination; that delivered prices on District No. 11 screenings to the same consignee at Sycamore, Illinois are from 20 to 23 cents per ton less than those for the Central Illinois subdistrict screenings; and that code members of District No. 11 do not have the privilege of substituting coals included in Size Goups 8 to 29, inclusive, on orders for screenings, while such privilege is accorded to code members of the Central Illinois subdistrict of District No. 10. The petition prays for an equalization of the above prices between code members of Districts Nos. 10 and 11, and requests that the substitution privilege referred to be extended to code members of District No. 11.

The only witness for the original petitioner is in charge of purchases for railroad fuel for the Chicago Great Western Railway Company. The witness described the divisions of rates applicable on locomotive fuel from Districts Nos. 10, 11, and 15. He testified that prior to October 1, 1940, the Chicago requirements of the railroad were purchased largely from Indiana fields and the Sycamore coaling station in Central Illinois; that since October 1, 1940, the railroad has purchased only a small emergency supply of fuel for locomotive purposes from District No. 11 because the prices fixed by the Division for District No. 11 made it prohibitive for the railroad to make purchases from District No. 11; and that fuel requirements formerly supplied by District No. 11 are now almost entirely supplied by the Central Illinois subdistrict. He admitted testifying in proceedings in General Docket No. 15 that coal of District No. 11 was worth slightly more than the Central Illinois coal, but stated that such appraisal was based on the fact that the coal purchased from the Central Illinois subdistrict had been entirely nut coal, while purchases from District No. 11 were largely egg coal. Certain testimony from General Docket No. 15, incorporated by reference into this record, indicates that the railroad purchased 2" x 1¼" nut coal from Central Illinois at that time while purchases in Indiana were 4" x 1¼" egg coal.

The witness further tesified that the railroad would be unwilling to pay more for Indiana screenings, with the substitution privilege, than for Central Illinois screenings with the same privilege; that one District does not afford a better locomotive fuel than the other; and that if the prayer of the petition is granted, it is the intention of this railroad to continue to purchase coal from the two Districts in about the same proportion that it had prior to October 1, 1940.

The petitioner has set out its requested minimum f. o. b. mine prices in Schedules 1 and 2, attached to its petition. In order to avoid double absorptions, however, on shipments of locomotive fuel to the Chicago Great Western Railway Company from District No. 11 mines, these Schedules must be revised as follows: (1) Footnotes (e) and (f) of Schedule (1) should be deleted; and (2) actual divisions instead of constructed divisions should be used in Schedule (2) to establish f. o. b. mine prices.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) That the minimum prices shown in the Supplement annexed hereto and made a part hereof for the coals specified therein are proper and should be established in lieu of the presently effective minimum prices for such coals; and (2) that such revision of the rail price schedule for District No. 11 is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That, effective ten days from the date hereof, § 331.10 (*Special prices: Railroad locomotive fuel*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be and it is hereby amended by establishing the minimum prices set forth in the Supplement, annexed hereto and made a part hereof, in lieu of the presently effective minimum prices for the coals specified therein.

Dated: September 17, 1941.

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

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement. Delete all reference to f. o. b. mine prices for CGW Railway and substitute in lieu thereof the following:

[Prices f. o. b. mines for shipment to railroads, as indicated, for locomotive fuel only]

Division	Mine index Nos.	Size dimensions	Name of railroad	Price f. o. b. mine
99.2	1, 2, 3, 23, 30, 38, 56, 68, 70, 73, 102, 104, 108, 111, 112, 120, 122, 125, 126, 439.	Mine Run[a]	C. G. W.	171.8
		Screenings (any size up to 2")[d]	C. G. W.	130.8
99.4	7, 8, 11, 16, 22, 42, 55, 59, 74, 75, 82, 83, 84, 89, 93, 94, 98, 118, 121, 124, 748.	Mine Run[a]	C. G. W.	171.6
		Screenings (any size up to 2")[d]	C. G. W.	130.6
99.7	6, 28, 54, 86, 90, 99	Mine Run[a]	C. G. W.	171.3
		Screenings (any size up to 2")[d]	C. G. W.	130.3
100.1	13, 14, 24, 103	Mine Run[a]	C. G. W.	170.9
		Screenings (any size up to 2")[d]	C. G. W.	135.9
108.7	10, 19, 20, 21, 26, 33, 39, 40, 46, 51, 52, 53, 60, 63, 65, 67, 71, 72, 78, 85, 91, 101, 130, 205, 238, 360, 378, 720, 1168, 1279.	Mine Run[a]	C. G. W.	162.3
		Screenings (any size up to 2")[d]	C. G. W.	127.3
108.9	32, 50, 100, 107, 119, 895	Mine Run [a]	C. G. W.	162.1
		Screenings (any size up to 2") [d]	C. G. W.	127.1
109.6	48, 49, 69, 392, 394	Mine Run [a]	C. G. W.	161.4
		Screenings (any size up to 2") [d]	C. G. W.	126.4
116.6	9, 31, 35, 47, 79, 96, 105, 114, 115, 117, 127, 309.	Mine Run [a]	C. G. W.	154.4
		Screenings (any size up to 2") [d]	C. G. W.	119.4
117.8	5	Mine Run [a]	C. G. W.	153.2
		Screenings (any size up to 2") [d]	C. G. W.	118.2
119.6	57, 58, 80, 81, 87, 88, 773, 926	Mine Run [a]	C. G. W.	151.4
		Screenings (any size up to 2") [d]	C. G. W.	116.4
125.2	36, 41, 92, 97	Mine Run [a]	C. G. W.	145.8
		Screenings (any size up to 2") [d]	C. G. W.	110.8

[a] [d] For explanation see § 331.10 in Part 331, Minimum Price Schedule for District No. 11, For All Shipments Except Truck.

[F. R. Doc. 41-7380; Filed, October 2, 1941; 10:37 a. m.]

[Docket No. A-948]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE GLEN AYR #1 MINE, MINE INDEX NO. 743, TO THE STANDARD FUEL COMPANY, INCORPORATED, FOR SHIPMENT BY RAIL

This preceeding is instituted upon an original petition and an amendment thereto filed by District Board No. 11 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications in minimum prices for the coal to be produced at the Glen Ayr #1 Mine, Mine Index No. 743, of the Standard Fuel Company, Incorporated, for shipment by rail to all market areas.

An informal conference was, upon due notice to interested parties, held on July 18, 1941, at which time all interested parties were given the opportunity to express their views concerning the prayer for temporary relief. Only the original petitioner was represented.

The petitioner made the following representations at the informal conference: The Glen Ayr #1 Mine, Mine Index No. 743, located in the Standard Fourth Vein of the Brazil Clinton subdistrict of District No. 11, has been in operation for some years. Minimum prices and price classifications have been established for said mine for shipment by truck. It is now desired to ship coal produced at the said mine by rail and it is necessary that

minimum prices and price classifications therefor be established. Throughout District No. 11 constant relationships have been established as between f. o. b. mine prices for coal shipped by truck and for coal shipped from the same mine by rail and as between the various size groups, and these relationships should be preserved.

The petitioner further represented that the Glen Ayr #1 Mine, which is in Freight Origin Group No. 33, will enjoy a freight rate lower by 10 cents into Market Area No. 33 than that applying to certain other mines in the same freight origin group. It was requested, therefore, that the Glen Ayr #1 Mine not be granted the absorption of 10 cents of the freight rate to Market Area No. 33, which is granted to other mines in the same freight origin group having a higher freight rate. It was further urged by the petitioner that unless temporary relief be granted as prayed, Standard Fuel Company, Incorporated, will be deprived of an opportunity to ship its coal to markets by rail.

In view of the foregoing circumstances, it appears to the Director that a reasonable showing of necessity has been made for the granting of the temporary relief requested, pending final disposition of this proceeding; and that an adequate showing has been made that other interested persons will not be unduly prejudiced pending the final disposition of this proceeding.

Now, therefore, it is ordered, That temporary relief in the above-entitled matter is granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 331.8 (*General prices*) is amended by adding thereto Supplement R-II, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R-III, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: September 6, 1941.

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R-I

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group No.	Price group
[1] 743	Standard Fuel Co., Inc.	Standard (Glen Ayr #1)	IV	BO	33	20

[1] Mine Index No. 743 shall be included in Price Group 20, which will be an additional Price Group to District No. 11, Schedule No. 1, for all shipments except truck. It shall be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to Mine Index No. 83.

§ 331.8 *General prices*—Supplement R-II

[F. o. b. mine prices and size group numbers]

Price table No.	1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	26	27	28, 29	33
1	250	245	240	230	225	220	215	215	190	180	150	140	90	60	160	150	110	115
2	250	245	240	230	225	220	215	215	190	180	150	140	90	60	160	150	110	115
3	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
4	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
5	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
6	220	215	210	200	195	190	185	185	160	150	120	110	60	30	130	120	80	85

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R-III

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group No.	Price group
[1] 743	Standard Fuel Co., Inc.	Standard (Glen Ayr #1)	IV	BO	33	20

[1] Mine Index No. 743 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 7, 8, 10, 55, 82, 83, 84, 89, 93 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for all shipments except truck.

[F. R. Doc. 41-7385; Filed, October 2, 1941; 10:39 a. m.]

[Docket No. A-1020]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipment; and

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

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

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

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

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

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

Dated: September 12, 1941.

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

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

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

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SULLIVAN COUNTY																															
Green, Herschel	145	Green	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Mason, Wm. C	148	Mason Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----	----
Mason, Wm. C	140	Mason Rib	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----	----

[F. R. Doc. 41-7382; Filed, October 2, 1941; 10:38 a. m.]

[Docket No. A-992]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF 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

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 13; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.6 (*General prices*) is amended by adding thereto Supplement R-IV, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T-II and T-III, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of Mine Index Nos. 1171, 332, 385, 353, 110, 965, 512, 1166, 790, 608, 576 and 1185 for the reason that the coals of the above-enumerated mines have been previously classified and priced in prior proceedings before this Division and the original petition in this matter requests no modification of, or addition to, those price classifications and minimum prices heretofore established.

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

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

Dated: September 8, 1941.

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R-I

[Prices f. o. b. mines for shipment by railroad. Applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BLOUNT COUNTY, ALA				
238	Wilson, J. E.	J. E. Wilson [1]	1	Jagger	31
	JEFFERSON COUNTY, ALA.				
332	Bennett, J. W.	R. P. Hodge [2]	1	Pratt	50
	WALKER COUNTY, ALA.				
155	Cordova Clay Co. (W. E. Moseley)	Riceton [3]	1	Mt. Carmel	101

[1] This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 43.

This mine shall have a price in size groups 7, 11, 13, 22, and 23 on all price tables, 10 cents under the prices listed in size groups 6, 10, 12, 17 and 18, respectively, for mine with Index Number 31.

[2] This mine shall have the same prices in size groups 1, 2, 13, 19, 20, 21, 23 and 24 on all price tables as listed for mine with Index Number 71.

This mine shall have a price in size groups 7 and 22 on all price tables, 10 cents under the prices listed in size groups 6 and 17, respectively, for mine with Index Number 71.

[3] This mine shall have a price in size group 13 on all price tables, 10 cents under the price listed in size group 12 for mine with Index Number 31.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
52	Alabama By-Products Corp.	Labuco [1]	1	Mary Lee	31
332	Bennett, J. W.	R. P. Hodge [1]	1	Pratt	50
	WALKER COUNTY, ALA.				
155	Cordova Clay Co. (W. E. Moseley)	Riceton [1]	1	Mt. Carmel	101

[1] The above mines in the two counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.6 in Part 333 Minimum Price Schedule.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad. Applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
52	Alabama By-Products Corp.	Labuco [1]	1	Mary Lee	31
332	Bennett, J. W.	R. P. Hodge [2]	1	Pratt	50

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 30, 31, etc.
[2] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 71.

§ 333.6 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad. Applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
522	Avery, J. W. (Avery Coal Co.)	Avery Coal Co.	1	Millidale	[1] 44
1166	Williams, Ben (Williams Coal Co.)	Ben Williams #2	1	Millidale	[2] 44

[1] This F. O. G. number was incorrectly listed as 101 in Docket A–438.
[2] This F. O. G. number was incorrectly listed as 31 in Docket A–846.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

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

Code member index	Mine	Subdistrict	Mine index No.	Seam	Lump: over 2" egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bottom size over ½"		Chestnut: Top size 3" and under, bottom size 1½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal [1]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY																			
Ingram & Ingram (Sam P. Ingram)	Ingram #1	2	163	Upper Nunnally	280	280	275	295	275			270	250	230	235	200	230	180	230
Robinson, Henry	Sicard Slope #1	2	168	Helena	365	365	340	335	315	315	290	300	275	275	290	190	230	175	275
Alabama By-Products Corp.	Labuco	2	52	Mary Lee	275	275		295						235	240		235		245
MARION COUNTY																			
Bowen, Sam	Bowen	2	164	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marrow, W. B.	Poplar Hollow	2	160	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Self, Dickinson & Jones (Carma Self)	Holcomb Hill #3	2	170	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
TUSCALOOSA COUNTY																			
Hallman Brothers (J. W. Hallman)	James	2	169	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WALKER COUNTY																			
Cordova Clay Co. (W. E. Moseley)	Riceton	2	155	Mt. Carmel	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Keeton, W. M.	Tucker #10	2	157	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290

[1] For sizes included see Size Group Table, § 332.22.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II

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

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump, over 2"; egg, top size over 6"	Egg, top size 6" and under, bottom size 2" and under	Lump, 2" and under	Nut, top size 2" and under; bottom size 1" and under	Stoker, top size 1½" and under; bottom size ½" and under	Stoker, top size ¾" and under; bottom size ⅜" and under	Straight and modified M/R	Resultants, 6" and under	Resultants, 4" and under	Screenings, 2" and under	Screenings, 1½" and under	Screenings, 1¼" and under	Screenings ¾" and under	Screenings, ⅜ and under	Industrial coal[1]
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.																			
Cannon, Fred M.	Cannon	159	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Garner, D. W.	Garner	177	4	Battle Creek			330				235	235	235	205	205				285
DADE COUNTY, GA.																			
Prince & Wallace (G. A. Prince)	Prince	156	4	Old Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260
Lofty & Morgan (Wilburn M. Lofty)	Lofty	158	4	Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260

[1] For sizes included see Size Group Table, §333.22.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T-III

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

Code member index	Mine	Subdistrict	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
					1	2	3	4	5	6	7	8
WHITE COUNTY, TENN.												
Prater, Charlie	Bon Air #4¼	4	167	Bon Air	250	230	205	210	185	195	135	130
Randolph & Smith	Deer Hollow	4	1244	Bon Air	250	230	205	210	185	195	135	130

[F. R. Doc. 41-7381; Filed, October 2, 1941; 10:37 a. m.]

[Docket No. A-1007]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF ROCK CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT ITS ROCK CREEK MINE (MINE INDEX NO. 205) IN SIZE GROUP NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, or price classifications and minimum prices for the coals in Size Group No. 11 produced at the Rock Creek Mine, Mine Index No. 205, of the Rock Creek Coal Company, a code member in District No. 14; and

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

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

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

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*)

is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: September 17, 1941.

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 14

NOTE: The material contained in this "Supplement R" and "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

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

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Rock Creek Coal Co. (J. O. DeMoss).	205	Rock Creek Mine.	Sebastian.	5	--	--	--	--	--	--	--	--	--	--	355	--	--	--	--	--	--	--	--	--

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

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Frt. origin grp. No.	Price classification group																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
205	Rock Creek Coal Co. (J. O. DeMoss).	Rock Creek Mine.	5	11	--	--	--	--	--	--	--	--	--	--	F	--	--	--	--	--	--	--	--	--

[F. R. Doc. 41-7383; Filed, October 2, 1941; 10:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1337—RAYON

PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Price Schedule No. 23, Rayon Grey Goods,[1] is hereby amended by substituting the words "Office of Price Administration" for the words "Office of Price Administration and Civilian Supply" wherever they appear in the Schedule and by §§ 1337.14, 1337.15 and 1337.16 thereof to read as follows:

§ 1337.14 *Records.* (a) Every person making purchases or sales of rayon grey goods after August 25, 1941, whether or not of the constructions enumerated in Appendix A hereof, shall keep for inspection by the Office of Price Administration for a period of not less than 1 year: (1) complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received and the quantity in yards of each construction purchased or sold; and (2) copies of each contract of sale and invoice or similar document containing the details required in § 1337.15 hereof.

(b) Every manufacturer of rayon grey goods shall keep for inspection by the Office of Price Administration for a period of not less than 1 year complete and accurate records setting forth: (1) a full description of each construction of rayon grey goods whether or not of the constructions enumerated in Appendix A, manufactured or sold, including (i) the width, specifying whether in or off the loom, (ii) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (iii) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended; and (2) the quantity in yards of each construction of rayon grey goods, whether or not of the constructions enumerated in Appendix A, produced during each calendar month. (Executive Order No. 8734)

§ 1337.15 *Details required in contract of sale and invoice.* (a) Every seller of rayon grey goods of the constructions enumerated in Appendix A shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, a full description of each construction of rayon grey goods sold, including (1) the width, specifying whether in or off the loom, (2) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (3) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended.

(b) With each delivery of rayon grey goods, whether or not of the constructions enumerated in Appendix A, there shall be transmitted to the purchaser an invoice or similar document which shall contain a style number or symbol sufficient to identify in the manufacturer's records maintained pursuant to § 1337.14 hereof, the details of each construction so delivered. (Executive Order No. 8734)

§ 1337.16 *Reports.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer of rayon grey goods shall submit to the Office of Price Administration a report on Form 123:1 setting forth in the detail required by the Form all the constructions of rayon grey goods, other than the constructions enumerated in Appendix A, manufactured by such person in quantities in excess of 25,000 yards per month, and the highest prices at which each such construction was sold, both for immediate and future delivery, if sold during such month. Such reports shall be submitted even although the rayon grey goods so manufactured were not sold in the grey state but were further processed by the manufacturer thereof. Copies of Form 123:1 can be procured from the Office of Price Administration. (Executive Order No. 8734)

This amendment shall become effective October 3, 1941.

Issued this 2d day of October 1941.

LEON HENDERSON, *Administrator.*

[F. R. Doc. 41-7393; Filed, October 2, 1941; 4:03 p. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT OF PRICE SCHEDULE NO. 32[1]—PAPERBOARD SOLD EAST OF ROCKY MOUNTAINS

The head notes of §§ 1347.61 and 1347.62 are amended to read as follows:

§ 1347.61, *Appendix A, maximum prices for paperboard used in the manufacture*

[1] 6 F.R. 4371.

[1] 6 F.R. 5012.

of folding paper boxes and set-up cartons, and for all other purposes.

§ 1347.62, *Appendix B, maximum prices for paperboard used in the manufacture of corrugated and solid fiber boxes, single faced sheets, rolls, and for all other purposes.* (Executive Order No. 8734)

Issued this 3d day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7425; Filed, October 3, 1941; 11:29 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE EVAPORATED MILK INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

At my direction the Public Contracts Board, created in accordance with the provisions of section 4 of said Act by Administrative Order dated October 6, 1936, held a public hearing in the matter of prevailing minimum wages in the manufacture of evaporated and condensed milk. Notice of the hearing was sent to all manufacturers of those commodities listed in recognized commercial registers, to interested labor organizers, trade associations, and all other known interested parties. Invitation to attend the hearing was also extended through the national press and by publication in the FEDERAL REGISTER (3 F.R. 2510).

On the basis of the evidence presented at the hearing, the Board made and submitted its findings and recommendations which were circularized on February 24, 1940, by the Assistant Administrator of the Division of Public Contracts, to afford parties an opportunity to register objection or approval before a decision was made by me.

The recommendations of the Board were that the prevailing minimum wages in the manufacture or supply of evaporated milk should be determined by me to be 50 cents an hour in the States of Washington, Oregon, and California; 40 cents an hour in the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio; and 32.5 cents an hour in the remaining States and the District of Columbia. The Board excluded condensed milk from the scope of its recommendation for the reason that the Government has not purchased condensed milk in the past twenty years and will probably not do so in the future, and dry milk for the reason that it was not included in the subject of the hearing.

Because of the possibility that the wage structure of the Evaporated Milk Industry had experienced a change since the hearing held before the Public Contracts Board and since its findings and recommendations were circularized, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause on August 16, 1941 why I should not adopt the findings and recommendations of the Board and determine the aforementioned wage rates to be the presently prevailing minimum wages in the Evaporated Milk Industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to known members of the industry, trade unions, trade publications and to trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 4170).

Two statements have been filed in response to the notice, one by the Organization of the Evaporated Milk Industry under the Agricultural Adjustment Administration, and the other by a leading member of the industry. The first reasserts the position taken throughout by the Organization that all dairy products without limitation are exempted from the operation of the Walsh-Healey Public Contracts Act by virtue of the provisions of section 9 relating to such products. Assuming for the purposes of its argument that the Act does apply, the Organization directs the second half of its statement to a summarization of the points and arguments which it had previously advanced in opposition to the Board's findings and recommendations respecting the minimum wage rates prevailing in the industry. A concise statement of its objections is found in the Organization's brief dated March 6, 1940.

The statement filed by the individual member of the industry urges a 5-cent differential for women workers in the two areas for which the Board has found and recommended the rates to be 50 cents and 40 cents; in other words, that the rates of 50 cents and 40 cents for the respective areas be limited to men workers, with rates of 45 and 35 cents for women workers; no differential or change was urged with respect to the recommended rate of 32.5 cents for the area embracing the remaining States and the District of Columbia.

The jurisdictional question of the applicability of the Walsh-Healey Public Contracts Act to contracts for evaporated milk otherwise subject to the Act has been considered by the Department of Labor, both prior to and during the progress of the proceedings in this matter, resulting in the issuance of the ruling that the pertinent provisions of section 9 exempted only products perishable in fact and that evaporated milk was not such a product. I see no reason to alter the position heretofore taken on the question.

The disagreement on the part of industry with the wage rates recommended by the Board is predicated generally upon the ground that the Board based its recommendations upon the survey of wages made and presented by the Women's Bureau of the Department of Labor and failed to consider the wage data furnished by the Evaporated Milk Association. I have, however, given careful thought to all of the enumerated objections in the terms in which they have been expressed in the brief of March 6, 1940 and in the statement in response to the notice of opportunity to show cause. My consideration of the wage data from both of the sources mentioned convinces me that no prejudicial error has resulted from such emphasis as the Board may have given to the wage survey of the Women's Bureau. Standing alone, the wage data furnished by the industry would be inadequate for the purposes of this determination. Weighed with the former, I do not find sufficient cause for modifying the rates recommended by the Board.

As to the requested differential for women workers, the determination of the prevailing minimum wages in a given industry pursuant to the provisions of section 1 (b) of the Act, does not permit of consideration of the distinction in sex of the workers engaged in the industry. The minimum wage levels must be considered irrespective of sex in arriving at the basic minimum prevailing in the industry for a given area.

In approving and adopting the findings and recommendations of the Board, I also concur in the exclusion of condensed milk and dry milk from further consideration for the reasons given by the Board.

In consideration of the foregoing and on the facts and circumstances,

I hereby determine:

§ 202.40 *Evaporated milk industry.* The prevailing minimum wages for persons employed in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture and supply of evaporated milk, to be the amount indicated for each of the following groups of States, whether arrived at upon a time or piece work basis:

(a) 50 cents per hour or $20.00 per week of forty hours in the States of Washington, Oregon, and California;

(b) 40 cents per hour or $16.00 per week of forty hours in the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio;

(c) 32.5 cents per hour or $13.00 per week of forty hours in the remaining States of the United States and the District of Columbia.

This determination shall be effective and the minimum wages hereby estab-

lished shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after November 3, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: October 3, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-7426; Filed, October 3, 1941; 11:37 a. m.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 155]

PART 2—ENTRY OF VESSELS

OCTOBER 2, 1941.

Section 2.2 *Vessels not required to enter,* is amended to read as follows:

§ 2.2 *Vessels not required to enter.* In addition to the vessels specifically exempted by statute from entry, any vessel of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided,* That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R. S. 161, Sec. 2, 23 Stat. 118; 5 U. S. C. 121; 46 U. S. C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

PART 5—FOREIGN CLEARANCES

Section 5.1 (a) *Requirements of clearance,* is amended to read as follows:

§ 5.1 *Requirements of clearance.* (a) A vessel bound for foreign port or ports must be cleared for definite port or ports in the order of its itinerary, but an application to clear for a port or place "for orders" (instructions to masters as to destination of vessel) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared. Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided,* That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R. S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

PART 6—COASTWISE PROCEDURE

Section 6.14 *Domestic vessels touching at foreign ports: departure* is amended to read as follows:

§ 6.14 *Domestic vessels touching at foreign ports: departure.* (a) The master of every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on Commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

(b) Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided,* That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

Part 6—*Coastwise Procedure,* is further amended by the addition of a new § 6.16, to read as follows:

§ 6.16 *Domestic vessels touching at foreign ports on the Great Lakes: arrival.* Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided,* That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

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

[F. R. Doc. 41-7413; Filed, October 3, 1941; 11:07 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-237-sc-3361]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BELMONT RADIO CORPORATION, CHICAGO, ILLINOIS

Contract for: Radio Receivers * * * spare parts, and Instruction Books.

Amount: $2,106,758.18.

Place: Chicago Signal Corps Procurement District, 1819 W. Pershing Rd., Chicago, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC 2024 P 5-30 A 0605-12, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 28th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Radio Receivers, * * * Spare Parts and Instruction Books for the consideration stated two million one hundred six thousand seven hundred fifty-eight dollars and eighteen cents ($2,106,758.18) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The total amount which the Government agrees to pay the contractor for the complete and faithful performance of this contract is the sum of two million one hundred six thousand seven hundred fifty-eight dollars and eighteen cents ($2,106,758.18), subject to a discount of one percent (1%) for payment within ten (10) calendar days.

Increase option. The Government reserves the right at any time during the life of this contract to increase the quantity or quantities of the supplies called for herein at not more than the unit prices stated, to any amount that would not exceed * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items set forth hereinabove at the option of the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

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

[F. R. Doc. 41-7401; Filed, October 3, 1941; 9:51 a. m.]

[Contract No. W 669 qm-13102; O. I. No. 1107]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC., 54 WORTH STREET, NEW YORK, N. Y.

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Amount: $5,968,812.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this twenty-ninth day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling five million, nine hundred sixty-eight thousand, eight hundred twelve dollars and fifty cents ($5,968,812.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-108 (42).

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

[F. R. Doc. 41-7402; Filed, October 3, 1941; 9:51 a. m.]

[Contract No. W 669 qm-13100; O. I. No. 1105]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED, 44 LEONARD STREET, NEW YORK, N. Y.

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

Amount: $10,294,797.28.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki, for the consideration stated totaling ten million, two hundred ninety-four thousand, seven hundred ninety-seven dollars and twenty-eight cents ($10,294,797.28) in strict accordance with the specifications, schedules and drawings all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government, for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-108 (42).

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

[F. R. Doc. 41-7403; Filed, October 3, 1941; 9:52 a. m.]

[Contract No. W 669 qm-13107; O. I. No. 1112]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRAMERTON MILLS, INCORPORATED, CRAMERTON, NORTH CAROLINA

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Amount: $2,230,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling two million, two hundred thirty thousand dollars ($2,230,000.00) in strict accordance with the specifications, schedules

and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days 1%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-108 (42).

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

[F. R. Doc. 41-7404; Filed, October 3, 1941; 9:52 a. m.]

[Contract No. W 669 qm-13106; O. I. No. 1111]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLIAM WHITMAN COMPANY INC., 261 FIFTH AVENUE, NEW YORK, NEW YORK

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

Amount: $1,279,780.00.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling one million, two hundred seventy-nine thousand, seven hundred eighty dollars ($1,279,780.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-108 (42).

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

[F. R. Doc. 41-7405; Filed, October 3, 1941; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

ORDER SUSPENDING THE LICENSE FOR MILK—LEAVENWORTH, KANSAS, SALES AREA

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended, issued on May 15, 1934, effective May 16, 1934, the license for milk—Leavenworth, Kansas, sales area, such license having been last amended July 5, 1935, effective July 6, 1935.

There being reason to believe from recent developments in this sales area, and in the Kansas City, Missouri, marketing area, that both areas should be under the same regulation, notice was given and a public hearing conducted at Kansas City, Missouri, on May 14, 15, and 16, 1941. This hearing was reopened at Kansas City, Missouri, on July 7 and 8, 1941. All interested parties were afforded an opportunity to be heard on proposed amendments to the order regulating the handling of milk in the Kansas City, Missouri, marketing area, including a proposal to extend such marketing area to include the Leavenworth, Kansas, sales area.

After such hearings and after compliance with all conditions precedent, an order was issued regulating the handling of milk in the combined areas designated as the Greater Kansas City marketing area.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that the license for milk—Leavenworth, Kansas, sales area, as amended, shall be, and the same is hereby, suspended until the further order of the Secretary.

This order of suspension shall be effective as of 11:59 p. m., c. s. t., October 1, 1941.

This order of suspension shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which has arisen, or which shall have arisen at the time when this order of suspension becomes effective, in connection with any of the terms and provisions of such license. In addition, this order of suspension shall not release or waive any violations of said license occurring prior to the effective date of this suspension.

Max M. Morehouse, market administrator under such license, is hereby ordered and directed to liquidate immediately the business of the market administrator's office in accordance with the terms and provisions of such license.

Done at Washington, D. C., this 2d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7415; Filed, October 3, 1941; 11:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that the special certificates for the employment of learn-

ers issued to the West Shirt Company, Union, Mississippi effective on February 27, 1940, October 29, 1940 and December 2, 1940 have been cancelled as of March 16, 1940, October 29, 1940 and December 2, 1940 respectively pursuant to the terms thereof which provide among other things for cancellation as of the first date of violation if it is found that any of the terms have been violated.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under Section 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 30th day of September 1941.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 41-7428; Filed, October 3, 1941; 11:57 a. m.]

DISSOLVING INDUSTRY COMMITTEE NO. 12 FOR THE CARPET AND RUG INDUSTRY: INDUSTRY COMMITTEE NO. 14 FOR THE CONVERTED PAPER PRODUCTS INDUSTRY: INDUSTRY COMMITTEE NO. 16 FOR THE PORTABLE LAMP AND SHADE INDUSTRY: INDUSTRY COMMITTEE NO. 18 FOR THE ENAMELED UTENSIL INDUSTRY: INDUSTRY COMMITTEE NO. 19 FOR THE DRUG, MEDICINE, AND TOILET PREPARATIONS INDUSTRY: AND INDUSTRY COMMITTEE NO. 22 FOR THE RUBBER PRODUCTS MANUFACTURING INDUSTRY

Whereas the Administrator by Administrative Order No. 50, dated May 13, 1940, appointed Industry Committee No. 12 for the Carpet and Rug Industry; by Administrative Order No. 56, dated July 8, 1940, appointed Industry Committee No. 14 for the Converted Paper Products Industry; by Administrative Order No. 65, dated October 23, 1940, appointed Industry Committee No. 16 for the Portable Lamp and Shade Industry; by Administrative Order No. 72, dated November 23, 1940, appointed Industry Committee No. 18 for the Enameled Utensil Industry; by Administrative Order No. 77, dated December 17, 1940, appointed Industry Committee No. 19 for the Drug, Medicine, and Toilet Preparations Industry; and by Administrative Order No. 85, dated February 17, 1941, appointed Industry Committee No. 22, for the Rubber Products Manufacturing Industry; which Committees have duly investigated conditions in said industries and recommended minimum wage rates therefor; and

Whereas such recommendations have been approved and carried into effect by the Administrator in a wage order for the Carpet and Rug Industry, Regulations, Part 592, approved February 28, 1941; and in a wage order for the Converted Paper Products Industry, Regulations, Part 598, approved May 29, 1941; and in a wage order for the Portable Lamp and Shade Industry, Regulations, Part 595, approved April 30, 1941; and in a wage order for the Enameled Utensil Industry, Regulations, Part 594, approved March 28, 1941; and in a wage order for the Drug, Medicine, and Toilet Preparations Industry, Regulations, Part 600, approved June 14, 1941; and in a wage order for the Rubber Products Manufacturing Industry, Regulations, Part 601, approved June 27, 1941; and

Whereas the functions of the said Committees having been completed:

Now, therefore, it is ordered, That Industry Committee No. 12 for the Carpet and Rug Industry, No. 14 for the Converted Paper Products Industry, No. 16 for the Portable Lamp and Shade Industry, No. 18 for the Enameled Utensil Industry, No. 19 for the Drug, Medicine, and Toilet Preparations Industry, and No. 22 for the Rubber Products Manufacturing Industry, in accordance with Section 511.22 of Part 511 of said regulations, be, and hereby are dissolved.

Signed at Washington, D. C., this 2d day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7427; Filed, October 3, 1941; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-216]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 30, 1941.

It appearing to the Commission that:

(a) On September 24, 1941, the United Gas Pipe Line Company, a Delaware corporation, having its principal office in Shreveport, Louisiana, filed an application for permission to remove and relocate certain natural gas pipe line facilities, which facilities are owned and operated by Applicant and are utilized by it in rendering natural gas service at the city gates of Port Arthur, Nederland and Port Neches, Texas, as fully described on map attached to said application;

(b) The Peoples Gas Company, the distributing company in Port Arthur, Nederland, and Port Neches, Texas, purchases its requirement of natural gas from Applicant under the terms and conditions of United Gas Pipe Line Company Rate Schedule FPC No. 4 and supplements thereto, which Rate Schedule, as supplemented, provides that it will continue in effect until November 6, 1941, and thereafter until terminated by either party upon six months prior written notice to the other party; on April 30, 1941, said Peoples Gas Company notified Applicant that said Rate Schedule and supplements thereto would expire at 7:00 a. m., on November 6, 1941, and that from and after said date, the natural gas requirements of Peoples Gas Company would be supplied from another source;

(c) On August 30, 1941, Applicant states that, acting pursuant to the provisions of Section 54.5, as amended, of the Provisional Rules of Practice and Regulations under the Natural Gas Act, it filed with the Commission notice that, effective November 6, 1941, said Rate Schedule FPC No. 4 and supplements thereto would terminate;

(d) If Applicant's service of natural gas to said Peoples Gas Company is discontinued, said facilities as shown on the map attached to said application will no longer be in use, and that Applicant desires to remove the materials in said facilities for relocation and use, wherever necessary, in other parts of its natural gas system; Applicant states, "The National Defense Program is causing an acute shortage in materials and supplies necessary for the maintenance of its (Applicant's) pipe line system," rendering it difficult to obtain them, and that the materials which Applicant may salvage, if it is permitted to remove them from their present location, will be used by it in its pipe line system, as aforesaid;

(e) Applicant has sent a copy of said application, with attached exhibits, to each of the following, by registered mail:

Peoples Gas Company, Address: Port Arthur, Texas.

The City of Port Arthur, Address: Port Arthur, Texas.

The Town of Nederland, Address: Nederland, Texas.

The Town of Port Neches, Address: Port Neches, Texas.

Railroad Commission of Texas, Address: Austin, Texas.

(f) Applicant prays that it be granted permission to remove and relocate the said facilities, and that such removal be not held to be an abandonment of facilities within the meaning of section 7 (b) of the Natural Gas Act; or, in the alternative, Applicant prays that this matter be set down for hearing at an early date;

(g) On September 26, 1941, a request was received from the Railroad Commission of Texas to hold a joint hearing on said application and that said hearing be held at Port Arthur, Texas.

The Commission orders that:

(A) A public hearing on said application be held on October 21, 1941, at 9:45 a. m., in the Goodhue Hotel, Port Arthur, Texas;

(B) The Railroad Commission of Texas and other interested State com-

missions be and they are hereby permitted to participate in said hearing, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

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

[F. R. Doc. 41-7400; Filed, October 3, 1941; 9:51 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4545]

IN THE MATTER OF GRANITE RAILWAY COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A.D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7416; Filed, October 3, 1941; 11:27 a. m.]

[Docket No. 4546]

IN THE MATTER OF J. S. SWINGLE, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7417; Filed, October 3, 1941; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-351]

IN THE MATTER OF CONTINENTAL FUND, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of October, A. D. 1941.

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

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

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

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

By the Commission.

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

[F. R. Doc. 41-7414; Filed, October 3, 1941; 11:16 a. m.]