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The President

CIVILIAN DEFENSE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on May 20, 1941, with a view to ensuring the most effective correlation and use of the instruments of civilian defense, I established by Executive order the Office of Civilian Defense¹; and

WHEREAS by my proclamation of May 27, 1941,² I declared that an unlimited national emergency confronts this country, which requires that its military, naval, air, and civilian defenses be put on a basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere; and

WHEREAS it is the manifest duty and desire of every person in the United States to participate in measures essential to civilian defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the period commencing on Armistice Day, Tuesday, November 11, 1941, and continuing through Sunday, November 16, as a time for all persons throughout the Nation to give thought to their duties and responsibilities in the defense of this country, and to become better informed of the many vital phases of the civilian defense program and of the opportunities which it offers for the participation of every individual American in the defense of our priceless heritage, and I request the Governors of the several States, Territories, and possessions of the United States to issue similar proclamations.

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

¹ 6 F.R. 2517.
² 6 F.R. 2617.

Done at the City of Washington this 22nd day of October in the year of our Lord nineteen hundred and [SEAL] forty-one 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. 2519]

[F. R. Doc. 41-7924; Filed, October 23, 1941; 10:57 a. m.]

EXECUTIVE ORDER

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE SINLAHEKIN DEER WINTER RANGE AND WILDLIFE REFUGE

WASHINGTON

WHEREAS the act of September 2, 1937, 50 Stat. 917 (U.S.C., title 16, sec. 69-669j), provides for Federal aid to States in wildlife-restoration projects; and

WHEREAS the State of Washington has set up a Federal Aid wildlife-restoration project and is acquiring certain lands therefor in Okanogan County, which lands are to be administered by the State of Washington through its Game Commission as the Sinlahekin Deer Winter Range and Wildlife Refuge; and

WHEREAS certain public lands within and adjacent to this area possess great wildlife value and could be administered advantageously in connection with the refuge; and

WHEREAS the act of March 10, 1934, 48 Stat. 401 (U.S.C., title 16, sec. 661-666), provides for cooperation with Federal, State, and other agencies in developing a Nation-wide program of wildlife conservation and rehabilitation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid rights, the public lands hereinafter described, comprising 2,833.83 acres, more or less, in Okanogan County,

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Washington, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game Commission of the State of Washington in connection with the Sinlahekin Deer Winter Range and Wildlife Refuge, under such conditions as may be prescribed by the Secretary of the Interior:

WILLAMETTE MERIDIAN

- T. 36 N., R. 25 E.,
 sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 9, S $\frac{1}{2}$ SE $\frac{1}{4}$;
- T. 37 N., R. 25 E.,
 sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$;
 sec. 19, E $\frac{1}{2}$;
 sec. 20, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 sec. 21, lots 6 and 7, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 sec. 22, lots 3 and 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 27, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;
- T. 38 N., R. 25 E.,
 sec. 1 $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 sec. 23, lots 8 to 11, inclusive;
 sec. 24, lot 11, and Tracts "A" and "B".

The reservation made by this order supersedes the temporary withdrawal for classification and other purposes made by Executive Order No. 6964, of February 5, 1935, as amended, so far as any of the above-described lands are affected by that order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
 October 22, 1941.

[No. 8920]

[F. R. Doc. 41-8003; Filed, October 23, 1941; 12:03 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 724—BURLEY TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR THE 1942-43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b) further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And, whereas, no amendments have been made which would cause a material revision of the farm allotments; and

Whereas, the Secretary conducted a referendum for Burley tobacco on the 23rd day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941-42, as proclaimed in the proclamation issued by the

Secretary, on the 31st day of December 1940, and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Tobacco (Burley), October 1-September 30

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And, whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 724.401 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1942*—(a) *Reserve supply level.* The reserve supply level of Burley tobacco is 1,030,000,000 pounds.

(b) *Total supply.* Total supply of Burley tobacco for the marketing year for such tobacco, beginning October 1, 1941,

¹Rounded to the nearest 1,000,000 pounds.

was 1,136,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for Burley tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 244,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for Burley tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 292,000,000 pounds. (52 Stat. 38-43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7895; Filed, October 23, 1941; 11:31 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

NATIONAL MARKETING QUOTA FOR FIRE-CURED TOBACCO

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312 (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And whereas said Act, in Section 312 (b), further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year

next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And whereas no amendments have been made which would cause a material revision of the farm allotments; and

Whereas the Secretary conducted a referendum for fire-cured tobacco on the 23rd day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941-42, as proclaimed in the proclamation issued by the Secretary, on the 31st day of December 1940; and

Whereas said Act contains, in Section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Tobacco (fire-cured), October 1-September 30

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act;

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 726.401 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1942.*—(a) *Reserve supply level.* The reserve supply level of fire-cured tobacco is 216,000,000 pounds.

(b) *Total supply.* Total supply of fire-cured tobacco for the marketing year for such tobacco, beginning October 1, 1941, was 260,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for fire-cured tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 62,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for fire-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 67,500,000 pounds. (52 Stat. 38-43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V, Sec. 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-7927; Filed, October 21, 1941; 11:30 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR DARK AIR-CURED TOBACCO FOR THE 1942-43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve sup-

¹ Rounded to the nearest 1,000,000 pounds.

ply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b) further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And, whereas no amendments have been made which would cause a material revision of the farm allotments; and

Whereas the Secretary conducted a referendum for dark air-cured tobacco on the 23d day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941-42, as proclaimed in the proclamation issued by the Secretary, on the 31st day of December 1940, and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * *
Tobacco (dark air-cured), October 1-September 30 * * *

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal

year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; and whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 726.451 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1942.*—(a) *Reserve supply level.* The reserve supply level of dark air-cured tobacco is 93,000,000 pounds.

(b) *Total supply.* Total supply of dark air-cured tobacco for the marketing year for such tobacco, beginning October 1, 1941, was 100,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for dark air-cured tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 25,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for dark air-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 27,300,000 pounds. (52 Stat. 38-43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V 1301 (b), 1312 (a), (b))

Done at Washington, D. C. this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7994; Filed, October 23, 1941; 11:30 a. m.]

¹ Rounded to the nearest 1,000,000 pounds.

PART 727—FLUE-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR THE 1942-43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b), further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And, whereas, no amendments have been made which would cause a material revision of the farm allotments; and

Whereas, the Secretary conducted a referendum for flue-cured tobacco on the 20th day of July, 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941-42, as proclaimed in the proclamation issued by the Secretary, on the 27th day of August 1940; and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *

"Carryover" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the

beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Tobacco (flue-cured), July 1-June 30 * * *

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And, whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 727.401 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1942*—(a) *Reserve supply level.* The reserve supply level of flue-cured tobacco is 1,863,000,000 pounds.

(b) *Total supply.* Total supply of flue-cured tobacco for the marketing year for such tobacco, beginning July 1, 1941, was 2,238,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for flue-cured tobacco which will make available during the marketing year beginning July 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 570,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of

¹ Rounded to the nearest 1,000,000 pounds.

the national marketing quota for flue-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1942, as increased, is 618,000,000 pounds. (52 Stat. 32-43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V, Sec. 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELEY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7893; Filed, October 23, 1941; 11:30 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 60-21, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CONTROL AIRPORT DESIGNATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of October, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 1, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.21 so as to include in the proper alphabetical order the designation of the following airports as control airports:

§ 60.21 *Control airport designation.**City and name of airport*

Albuquerque, N. Mex., Albuquerque Municipal Airport.
Augusta, Ga., Augusta Municipal Airport (Daniel Field).
Bangor, Maine, Bangor Municipal Airport.
Boise, Idaho, Boise Municipal Airport (Gowen Field).
Charlotte, N. C., Charlotte Municipal Airport.
Des Moines, Iowa, Des Moines Municipal Airport.
East Baton Rouge, La., East Baton Rouge Municipal Airport.
Fort Wayne, Ind., Fort Wayne Municipal Airport (Boer Field).
Fresno, Calif., Fresno Air Base.
Houlton, Maine, Houlton Municipal Airport.
Lake Charles, La., Lake Charles Municipal Airport.
Las Vegas, Nev., Las Vegas Municipal Airport.
Little Rock, Ark., Little Rock Municipal Airport (Adams Field).
Manchester, N. H., Manchester Municipal Airport.
Meridian, Miss., Meridian Municipal Airport (Key Airport).
Midland, Tex., Midland Municipal Airport.
Orlando, Fla., Orlando Municipal Airport.
Presque Isle, Maine, Presque Isle Municipal Airport.
Salinas, Calif., Salinas Municipal Airport (American Legion Airport).
Savannah, Ga., Savannah Municipal Airport.
Everett, Wash., Snohomish County Airport.

Tallahassee, Fla., Tallahassee Municipal Airport (Dale Mabry Field).
Tucson, Ariz., Tucson Municipal Airport.
West Palm Beach, Fla., West Palm Beach Municipal Airport (Morrison Field).
Wichita Falls, Tex., Wichita Falls Municipal Airport (Sheppard Field).

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7986; Filed, October 23, 1941;
11:12 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50498]

PART 6—INVOICES, ENTRY, AND ASSESSMENT OF DUTIES

ADDITIONAL INFORMATION REQUIRED ON INVOICES OF LUMBER, PLANED OR DRESSED ON ONE OR MORE SIDES¹

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426, [§ 6.1 (c)], customs invoices of lumber (including sawed timber), planed or dressed on one or more sides, are required to set forth the following information in addition to all other information required by law and regulation:

- (1) The quantity in board feet of the rough lumber before dressing.
- (2) The sizes of the lumber in the rough before dressing.
- (3) The quantity of the lumber in board feet in dressed condition.
- (4) The sizes of the lumber after dressing.

This requirement shall be effective as to invoices certified after thirty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10)).

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

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7970; Filed, October 22, 1941;
12:09 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 50921]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

Regulations 109 Amended To Conform to Revenue Act of 1941

In order to conform Regulations 109² [Part 30, Title 26, Code of Federal Regu-

lations, 1941 Sup.] to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.710-1 the following:

SEC. 201. EXCESS PROFITS TAX RATES AND CREDITS. (Revenue Act of 1941, Title II.)

If the adjusted excess profits net income is:

Not over \$20,000.....	35% of the adjusted excess profits net income.
Over \$20,000, but not over \$50,000.....	\$7,000, plus 40% of excess over \$20,000.
Over \$50,000, but not over \$100,000.....	\$19,000, plus 45% of excess over \$50,000.
Over \$100,000, but not over \$250,000.....	\$41,500, plus 50% of excess over \$100,000.
Over \$250,000, but not over \$500,000.....	\$116,500, plus 55% of excess over \$250,000.
Over \$500,000.....	\$254,000, plus 60% of excess over \$500,000.

(2) Application of rates in case of certain exchanges. If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than \$500,000, then in the application of the table in paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such table, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to \$500,000.

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(e) Excess-profits credit carry-over. Section 710 (c) (1) (defining the unused excess-profits credit) is amended by adding at the end thereof a new sentence to read as follows: "For such purpose the excess-profits credit and the excess-profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941.

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 2. Section 30.710-2, as amended by Treasury Decision 5045, approved May 3, 1941, is further amended as follows:

(A) By inserting at the end of that portion of the first paragraph following item (c) the following new sentence:

In computing the unused excess-profits credit for a taxable year beginning in 1940, the excess-profits credit and the excess-profits net income for such taxable year shall be determined under the law applicable to taxable years beginning in 1941.

(B) By changing the first sentence of the third paragraph to read as follows:

The following tables show the excess profits tax (1) for taxable years beginning after December 31, 1939, and before January 1, 1941, and (2) for taxable years beginning after December 31, 1940, upon certain specified amounts of adjusted excess profits net income.

(C) By changing the heading of the excess profits tax table following the third paragraph to read as follows:

Table I—Taxable Years Beginning After December 31, 1939, and before January 1, 1941.

(a) Rates. Section 710 (a) of the Internal Revenue Code is amended to read as follows:

(a) Imposition.

"(1) General rule. There shall be levied, collected, and paid, for each taxable year, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) the tax shown in the following table:

The tax shall be:

35% of the adjusted excess profits net income.
\$7,000, plus 40% of excess over \$20,000.
\$19,000, plus 45% of excess over \$50,000.
\$41,500, plus 50% of excess over \$100,000.
\$116,500, plus 55% of excess over \$250,000.
\$254,000, plus 60% of excess over \$500,000.

(D) By inserting immediately after the existing table the following additional table:

Table II—Taxable years beginning after December 31, 1940

Adjusted excess profits net income	Per cent	Total excess profits tax
\$0 to \$20,000.....	35	\$7,000
\$20,000 to \$50,000.....	40	19,000
\$50,000 to \$100,000.....	45	41,500
\$100,000 to \$250,000.....	50	116,500
250,000 to \$500,000.....	55	251,000
\$500,000 up.....	60

(E) By striking from the first example "1940", "\$254,000", "204,000", "50 per cent", "50,000", and "254,000", wherever they appear, and inserting in lieu thereof "1941", "\$314,000", "254,000", "60 percent", "60,000", and "314,000", respectively.

(F) By changing the first paragraph following the first example to read as follows:

Adjustments are required in the above tables in the case of corporations which have been through certain tax-free exchanges or liquidations (after December 31, 1939) described in sections 750 and 752 and which, as a consequence, have a highest bracket amount of less than \$500,000. For definition and computation of highest bracket amount, see sections 750 (e) and 752. Such adjustments are accomplished by applying to the applicable table the ratio of the corporation's highest bracket amount, adjusted as provided in section 752, to what its highest bracket amount would have been if the adjustments required by section 752 had not been made, that is, \$500,000. Thus, if the highest bracket amount of a corporation as computed under section 752 is only \$300,000, the dollar amounts in Table I or Table II applicable to such corporation will be only $\frac{300,000}{500,000}$ or 60 percent, of

the amounts therein set forth. The left-hand column (headed "Adjusted Excess Profits Net Income") of Table I or Table II applicable to such corporation would therefore read \$0 to \$12,000, \$12,000 to \$30,000, \$30,000 to \$60,000, \$60,000, to \$150,000, \$150,000 to \$300,000, and \$300,000 up. The right-hand column (headed "Total Excess Profits Tax") in Table I

¹ This document affects 19 CFR 6.1 (c).
² 6 F.R. 856.

would read \$3,000, 8,400, 18,900, 54,900, and 122,400; and such column in Table II would read \$4,200, 11,400, 24,900, 69,900, and 152,400. The middle, or percentage, column in each table would remain unchanged.

(G) By striking "The table" from the first sentence of the second paragraph following the first example and inserting in lieu thereof "Table I or Table II," and by striking "in the table" from the second and third sentences of such paragraph and inserting in each case in lieu thereof "in the applicable table."

(H) By striking from the third paragraph following the first example "1940," "\$272,400," "\$122,400," "50 per cent," "150,000," and "272,400," and inserting in lieu thereof "1941," "\$332,400," "\$152,400," "60 per cent," "180,000," and "332,400," respectively.

(I) By striking from the first sentence of the fourth paragraph following the first example "of the excess profits tax table" and inserting in lieu thereof "of the applicable table."

(J) By striking "\$50,000" and "80,000" from the second column of the table in the last example and inserting in lieu thereof "\$50,000¹" and "80,000¹," respectively, and by inserting immediately after such table the following:

PAR. 3. There is inserted immediately preceding § 30.711 (a)-1 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(c) Computation of excess-profits net income.—

(1) Taxable years beginning after December 31, 1940.—

(A) Section 711 (a) (1) (A) (relating to adjustment for income taxes in computing excess-profits net income under income credit) is amended to read as follows:

(A) Income taxes. In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed;

(B) Section 711 (a) (2) (C) (relating to adjustment for income taxes in computing excess-profits net income under invested capital credit) is amended to read as follows:

(C) Income taxes. In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed.

(d) Computation of charitable, etc., deductions.—

(1) Section 711 (a) (1) of the Internal Revenue code is amended by inserting at the end thereof the following new subparagraph:

(G) Computation of charitable, etc., deductions.—In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

(2) Section 711 (a) (2) of the Internal Revenue Code is amended by adding at the end thereof the following new subparagraph:

(I) Computation of charitable, etc., deductions.—In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net

¹This amount is determined under the law applicable to taxable years beginning in 1941.

income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 4. § 30.711 (a)-2 is amended as follows:

(A) By changing the second paragraph to read as follows:

For taxable years beginning before January 1, 1941, section 711 (a) (1) (A) prior to its amendment by section 202 (c) (1) (A) of the Revenue Act of 1941 provides that the deduction of taxes is to be increased in an amount equal to the tax for the taxable year under Chapter 1 (not including the tax imposed under section 102). The amount of such adjustment is the amount of such tax after the allowance of the credit for foreign taxes as provided by sections 31 and 131. For taxable years beginning after December 31, 1940, no adjustment is to be made on account of the tax under Chapter 1. Furthermore, although the excess profits tax is allowed as a deduction in computing normal-tax net income for the purposes of Chapter 1, such deduction is not allowed under section 711 (a) (1) (A) as amended by section 202 (c) (1) (A) of the Revenue Act of 1941 in computing excess profits net income.

(B) By striking "1940" from the portion of the example preceding the numbered subdivisions and inserting in lieu thereof "1941".

(C) By inserting immediately after the word "corporation" in subdivision (1) of the example the following: "computed without regard to the deduction on account of the excess profits tax."

(D) By striking out subdivision (2) of the example and by changing the numbers of the next five subdivisions from "(3)", "(4)", "(5)", "(6)", and "(7)" to "(2)", "(3)", "(4)", "(5)", and "(6)", respectively.

(E) By striking from subdivision (3) (as renumbered by this paragraph) of the example "1930", "1949", "1940", and "1939", wherever they appear, and inserting in lieu thereof "1931", "1950", "1941", and "1940", respectively.

(F) By striking from subdivision (5) (as renumbered by this paragraph) of the example "1940" and inserting in lieu thereof "1941."

(G) By changing the first paragraph after the last numbered subdivision of the example to read as follows:

If the income credit is used, the excess profits net income of the corporation for the calendar year 1941 is \$314,600, computed as follows:

Normal-tax net income (computed without deduction of the excess profits tax)	\$400,000
Plus:	
Long-term capital losses	75,000
	475,000

Less:

Long-term capital gains	\$100,000
Income from retirement of bonds	20,000
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400
Income from recovery of bad debts	5,000
Additional dividends received credit (100 percent of total dividends of \$120,000 received from domestic corporations including the China Trade Act Corporations, less credit of \$85,000 already allowed by section 26 (b) for dividends received, or \$120,000 minus \$85,000)	35,000
	160,400
Excess profits net income	314,600

PAR. 5. Section 30.711 (a)-3, as amended by Treasury Decision 5945, is further amended as follows:

(A) By striking "1940" and "(4)" from subdivision (a) of the example and inserting in lieu thereof "1941" and "(3)", respectively.

(B) By striking "1940" from subdivision (b) of the example, wherever it appears, and inserting in lieu thereof "1941".

(C) By changing the first paragraph after subdivision (c) of the example to read as follows:

If the invested capital credit is used, the excess profits net income of the corporation for the calendar year 1941 is \$324,600, computed as follows:

Normal-tax net income (computed without deduction of the excess profits tax)	\$400,000
Plus:	
Long-term capital losses	\$75,000
50 percent of interest on indebtedness included in borrowed capital	24,000
Interest on Government and State obligations	6,000
	105,000
	505,000

Less:

Long-term capital gains	\$100,000
Income from retirement of bonds	20,000
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400
Income from recovery of bad debts	5,000
Additional dividends received credit (\$140,000 dividends received from both domestic and foreign corporations less credit of \$85,000 already allowed by section 26 (b) for dividends received)	55,000
	180,400

Excess profits net income under section 711 (a) (2)

PAR. 6. There is inserted immediately preceding § 30.711 (b)-1 the following:

324,600

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(c) *Computation of excess-profits net income.*

(2) *Taxable years in the base period.* Section 711 (b) (1) (A) (relating to adjustment for income taxes for taxable years in the base period) is repealed.

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 7. Section 30.711 (b) -1, as amended by Treasury Decision 5045, is further amended by changing the first paragraph after the first example to read as follows:

In computing the income tax for which an adjustment is required to be made by section 711 (b) (1) (A) for the purpose of computing the excess profits tax for a

If the invested capital for the taxable year, determined under section 715, is:

Not over \$5,000,000.....

Over \$5,000,000.....

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 9. Section 30.714-1, as amended by Treasury Decision 5045, is further amended by changing the second sentence to read as follows:

Regardless of the ratio of earnings to invested capital for previous taxable years, such credit is an amount equal to 8 percent of the corporation's invested capital for the taxable year, except that, if such invested capital for any taxable year beginning after December 31, 1940, exceeds \$5,000,000, the credit for such taxable year is an amount equal to \$400,000 plus 7 percent of the excess over \$5,000,000.

PAR. 10. There is inserted immediately preceding § 30.718-1 the following:

SEC. 203. NEW CAPITAL. (Revenue Act of 1941, Title II.)

Section 718 (a) of the Internal Revenue Code is amended by striking out "and" at the end of paragraph (4); by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end thereof the following:

(6) *New capital.* An amount equal to 25 per centum of the new capital for such day. The term "new capital" for any day means so much of the amounts of money or property includible for such day under paragraphs (1) and (2) as was previously paid in during a taxable year beginning after December 31, 1940, and so much of the distributions in stock includible for such day under paragraph (3) as was previously made during a taxable year beginning after December 31, 1940, subject to the following limitations:

(A) There shall not be included money or property paid in by a corporation in an exchange to which section 112 (b), (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4),

taxable year beginning prior to January 1, 1941, the normal-tax net income or special-class net income for each base period year shall be that used in the determination of the average base period net income. By reason of the repeal of section 711 (b) (1) (A), no adjustment on account of income tax for any base period year shall be made in computing the excess profits tax for taxable years beginning after December 31, 1940.

PAR. 8. There is inserted immediately preceding § 30.714-1 the following:

SEC. 201. EXCESS PROFITS TAX RATES AND CREDITS. (Revenue Act of 1941, Title II.)

(b) *Excess profits credit*—Based on invested capital. Section 714 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 714. EXCESS PROFITS CREDIT—BASED ON INVESTED CAPITAL.

The excess profits credit, for any taxable year, computed under this section, shall be the amount shown in the following table:

The credit shall be:

8% of the invested capital.

\$400,000, plus 7% of the excess over \$5,000,000.

or (5) is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(B) There shall not be included money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group. As used in this subparagraph and subparagraph (C), a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (1) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (2) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(C) There shall not be included a distribution in stock described in paragraph (3) made to another corporation, if immediately after the distribution the taxpayer and the distributee are members of the same controlled group.

(D) *Increase in inadmissible assets.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the excess, if any, of the amount computed under section 720 (b) with respect to inadmissible assets held on such day, over the amount computed under section 720 (b) with respect to inadmissible assets held on the first day of the taxpayer's first taxable year beginning after December 31, 1940. For the purposes of this subparagraph, in determining whether obligations which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income are to be treated as admissible or inadmissible assets, such obligations shall be treated in the same manner as they are treated for the

taxable year for which tax under this subchapter is being computed.

(E) *Maximum new capital allowable.* The new capital for any day of the taxable year shall not be more than the amount, if any, by which—

(i) The sum of the equity invested capital (computed without regard to this paragraph) and the borrowed capital (as defined in section 719 (a)) of the taxpayer as of such day, reduced by the amount of money or property paid in which is excluded by reason of the limitation of subparagraph (A) or (B) of this paragraph, exceeds

(ii) The sum of such equity invested capital and borrowed capital as of the beginning of the first day of such taxpayer's first taxable year beginning after December 31, 1940, reduced by the amount, if any, by which the accumulated earnings and profits as of such first day of such first taxable year exceed the accumulated earnings and profits (computed without regard to distributions made in taxable years beginning after December 31, 1940) as of the beginning of the first day of the taxable year for which the tax under this subchapter is being computed.

(F) *Reduction on account of distributions out of pre-1941 accumulated earnings and profits.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the amount which, after the beginning of the first taxable year which begins after December 31, 1940, has been distributed out of earnings and profits accumulated prior to the beginning of such first taxable year.

PAR. 11. Section 30.718-1 is amended by inserting at the end of the fifth paragraph a new sentence reading as follows:

As to determination of additional amount to be included in daily equity invested capital on account of new capital, see § 30.718-4.

PAR. 12. Section 30.718-2 (a), is amended by striking "§ 30.718-4" from the second sentence and inserting in lieu thereof "§ 30.718-5".

PAR. 13. Section 30.718-3 is amended by inserting at the end thereof the following:

For new capital treatment of distributions in stock, see § 30.718-4.

PAR. 14. There is inserted immediately preceding § 30.718-4 the following:

§ 30.718-4 *Determination of daily equity invested capital; new capital*—(a) *In general.* The equity invested capital for any day of a taxable year beginning after December 31, 1940, as partially determined under section 718 (a) (1) to (5), shall be increased by an amount equal to 25 percent of the new capital, if any, for such day. The term "new capital" for any such day means the aggregate amount of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, and the amount of distributions in stock made, during a taxable year beginning after December 31, 1940, and includible for such day under section 718 (a) (1) to (3), subject, however, to the limitations provided in subparagraphs (A) to (F) of section 718 (a) (6).

(b) *Limitations under subparagraph (A) of section 718 (a) (6).* The limitations provided in subparagraph (A) of

section 718 (a) (6) exclude from the term "new capital" the amount of any equity invested capital acquired in an exchange occurring during a taxable year beginning after December 31, 1940, to which section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), is applicable. However, in determining whether an exchange is within section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), the control requirement is considered to mean the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock. These limitations also apply to all exchanges under Supplement R which would be subject to the statutory provisions referred to in the preceding sentence if it were not for section 371 (g). The application of these limitations may be illustrated by the following example:

Example. The A Corporation issues stock during a taxable year beginning after December 31, 1940, to the B Corporation in exchange for the transfer of certain property by the B Corporation. Immediately after the transfer the stock acquired by the B Corporation has a value of \$10,000, the total value of all classes of stock of the A Corporation then outstanding amounting to \$18,000. The A Corporation obtains no new capital, since the property for which the new stock was issued was obtained in an exchange to which section 112 (b) (5) would be applicable if the term "control" had been defined in section 112 (h) so as to include either the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of all classes of stock outstanding.

(c) *Limitations under subparagraph (B) of section 718 (a) (6).* The limitations provided in subparagraph (B) of section 718 (a) (6) exclude from the term "new capital" any money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group as that term is defined in such subparagraph. The application of these limitations may be illustrated by the following example:

Example. The A Corporation owns stock in the B Corporation, and the B Corporation owns stock in the C Corporation. The A Corporation transfers property to the C Corporation in exchange for stock of the C Corporation. Immediately after the transfer the stock owned by the A Corporation in the B Corporation possesses more than 50 percent of the total combined voting power of all

classes of stock entitled to vote. Also immediately after such transfer the stock owned by the B Corporation in the C Corporation has a value equal to more than 50 percent of the total value of all classes of stock of the C Corporation. The C Corporation obtains no new capital through the acquisition of the property from A Corporation in exchange for its stock, since immediately after transfer from A Corporation, the transferor, and the C Corporation, the transferee, are members of the same controlled group.

(d) *Limitations under subparagraph (C) of section 718 (a) (6).* The limitations provided in subparagraph (C) of section 718 (a) (6) exclude from the term "new capital" any distribution in stock described in section 718 (a) (3) made by the taxpayer to another corporation if immediately after the distribution the taxpayer and the other corporation are members of the same controlled group as that term is defined in subparagraph (B) of section 718 (a) (6). The application of these limitations may be illustrated by the following example:

Example. The A Corporation makes a distribution in taxable stock dividends to the B and C Corporations during a taxable year beginning after December 31, 1940. Immediately after the distribution the B and C Corporations own stock in the A Corporation which has a voting power of more than 50 percent of the combined voting power of all classes of stock entitled to vote. Also immediately after the transfer the B Corporation owns stock in the C Corporation which has a value of more than 50 percent of the total value of all classes of stock of the C Corporation. The taxable stock dividend distributed by the A Corporation does not constitute new capital to the A Corporation.

(e) *Limitations under subparagraph (D) of section 718 (a) (6).* The limitations provided in subparagraph (D) of section 718 (a) (6) require that the amount of new capital for any day of the taxable year, computed without the application of section 718 (a) (6) (E), shall be reduced by the excess of the amount of inadmissible assets held on the beginning of that day over the amount of such assets held on the beginning of the first day of the taxpayer's first taxable year beginning after December 31, 1940. The application of these limitations may be illustrated by the following example:

Example. The X Corporation makes its excess profits tax return on the calendar-year basis. On July 1, 1941, cash in the amount of \$100,000 is paid in for stock. There are no other changes made in either the amount of equity invested capital or the amount of borrowed capital at any time during the year 1941. The adjusted basis of inadmissible assets as of January 1, 1941, amounts to \$5,000. The adjusted basis of such assets as of July 2, 1941, is \$15,000. Under subpara-

graph (D) the new capital of \$100,000 is reduced to \$90,000 as of July 2, 1941, as shown by the following computation:

Money paid in for stock July 1, 1941	\$100,000
Less:	
Excess of inadmissible assets as of July 2, 1941, over such assets as of January 1, 1941 (\$15,000 minus \$5,000)	10,000
New capital as reduced under subparagraph (D)	90,000

(f) *Limitations under subparagraph (E) of section 718 (a) (6).* The limitations provided in subparagraph (E) of section 718 (a) (6) prevent new capital as of any day from exceeding the amount by which the total equity invested capital and borrowed capital as of such day (computed without including the 25 percent increase and reduced as provided in such subparagraph on account of amounts excluded under subparagraph (A) or (B)) exceeds the sum of the equity invested capital and borrowed capital as of the first day of the taxpayer's first taxable year beginning after December 31, 1940 (reduced as provided in such subparagraph on account of reduction in accumulated earnings and profits other than as the result of distributions). The application of these limitations may be illustrated by the following example:

Example. The Y Corporation makes its return on the calendar-year basis. Its equity invested capital as of January 1, 1941, amounts to \$30,000, consisting of money paid in for stock, \$20,000, and accumulated earnings and profits, \$10,000. Its borrowed capital as of January 1, 1941, consists of bonds outstanding in the amount of \$15,000. Accordingly, the total of its equity invested capital and borrowed capital as of January 1, 1941, is \$45,000. The corporation has no inadmissible assets at any time during the year 1941. On July 1, 1941, the following events occur:

- (1) The corporation distributes taxable stock dividends amounting to \$5,000 out of earnings and profits accumulated prior to January 1, 1941;
- (2) Money amounting to \$15,000 is paid in as a contribution to capital;
- (3) Property with an unadjusted basis of \$20,000 for determining loss is acquired for stock in an exchange to which section 112 (b) (4) is applicable; and
- (4) Bonds in the amount of \$10,000 are retired.

Only \$5,000 of the \$40,000 of new capital (tentative) arising out of the transactions which took place on July 1, 1941, constitutes new capital as of July 2, 1941, computed as follows:

(1) Sum of equity invested capital and borrowed capital as of July 2, 1941 (computed without regard to 25 percent increase in new capital)	\$70,000
(2) Property paid in for stock excluded under subparagraph (A)	20,000
(3) Item (1) minus item (2)	50,000

(4) Sum of equity invested capital and borrowed capital as of January 1, 1941..... 45,000

(5) New capital as of July 2, 1941 (item (3) minus item (4)).... 5,000

If the accumulated earnings and profits of the Y Corporation are reduced to zero as of January 1, 1942, because of the stock dividend distribution of \$5,000 made on July 1, 1941, and an operating loss of \$5,000 during the taxable year 1941, the new capital includible in equity invested capital as of January 1, 1942, would remain at \$5,000 under the application of subparagraph (E), as shown by the following computation:

(1) Sum of equity invested capital and borrowed capital as of January 1, 1942 (computed without regard to 25 percent increase in new capital)..... \$65,000

(2) Property paid in for stock excluded under subparagraph (A) 20,000

(3) Item (1) minus item (2)..... 45,000

(4) Sum of equity invested capital and borrowed capital as of January 1, 1941..... 45,000

(5) Excess of accumulated earnings and profits as of January 1, 1941, over earnings and profits, computed without regard to distributions, as of January 1, 1942 (\$10,000 minus \$5,000) 5,000

(6) Item (4) reduced by item (5).... 40,000

(7) New capital as of January 1, 1942 (item (3) minus item (6)) 5,000

¹The application of subparagraph (F) is not shown in the above computation since it does not change the result.

(g) *Limitations under subparagraph (F) of section 718 (a) (6).* The limitations provided in subparagraph (F) of section 718 (a) (6) require that new capital for any day of the taxable year (computed without the application of subparagraph (E)), shall be reduced by distributions made after the beginning of the first taxable year which begins after December 31, 1940, out of earnings and profits accumulated prior to the beginning of such first taxable year. The application of these limitations may be illustrated by the following examples:

Example (1). The Z Corporation makes its return on the calendar-year basis. Its total equity invested capital and borrowed capital as of January 1, 1941, is \$100,000, including \$10,000 of accumulated earnings and profits. The only capital acquired during the year amounts to \$10,000, resulting from the distribution of a taxable stock dividend on July 1, 1941. The corporation has no earnings and profits for 1941. The capital resulting from the stock dividend is excluded from new capital by subparagraph (F) (as well as by subparagraph (E)), for it is reduced by the amount distributed out of earnings and profits accumulated prior to January 1, 1941.

Example (2). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that the

Z Corporation has an operating loss of \$10,000 for the year 1941. Although under subparagraph (E), because of the adjustment relative to a reduction in accumulated earnings and profits not resulting from distributions, there would be new capital as of January 1, 1942, in the amount of \$10,000, the application of subparagraph (F) prevents the stock dividend distributed on July 1, 1941, from being new capital, inasmuch as the capital from the stock dividend (\$10,000) must be reduced by the amount of the distribution out of earnings and profits accumulated prior to January 1, 1941 (\$10,000).

Example (3). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that there are no earnings and profits in 1941 and no operating loss for such year and that its earnings and profits for 1942 are \$10,000. Although, because of the 1942 earnings and profits, there would be new capital under subparagraph (E) in the amount of \$10,000 as of January 1, 1943, subparagraph (F) prevents the stock dividend distributed on July 1, 1941, from being new capital, inasmuch as the capital resulting from such stock dividend (\$10,000) is reduced by the amount of the distribution (\$10,000) made out of earnings and profits accumulated prior to January 1, 1941.

PAR. 15. There is inserted immediately before § 30.718-1 and immediately after section 203 of the Revenue Act of 1941 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(f) *Equity Invested Capital.* Section 718 (c) (3) (relating to the computation of earnings and profits for invested capital purposes) is amended by adding after the word "subchapter" the words "or chapter I".

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 16. Section 30.718-4 is renumbered § 30.718-5 and is further amended as follows:

(A) By inserting immediately after "1940" in the second sentence of the first paragraph the words "or, in the case of taxable years beginning after December 31, 1940, by reason of the tax imposed by Chapter 1."

(B) By striking from the second paragraph "(without diminution by any distributions or the excess profits tax for the taxable year)" and inserting in lieu thereof "(without diminution by any distributions, the excess profits tax for the taxable year, or, in the case of taxable years beginning after December 31, 1940, the income tax for the taxable year)".

PAR. 17. Section 30.718-5 is renumbered § 30.718-6.

PAR. 18. There is inserted immediately preceding § 30.722-1 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(g) *Adjustment of Abnormal Base Period Net Income.* Section 722 (c) (placing a limit on the amount of relief afforded under section 722) is amended by adding at the end thereof a new sentence to read as follows: "For the purposes of this subsection and subsection (d) the taxpayer's normal-tax net income shall be computed without deduction of the tax imposed by this subchapter."

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 19. Section 30.722-4, as added by Treasury Decision 5045, is amended by inserting immediately after the second paragraph the following new paragraph:

Although in the case of taxable years beginning after December 31, 1940, the excess profits tax is allowed as a deduction in computing normal-tax net income for the purpose of Chapter 1, the normal-tax net income is required to be computed without regard to such deduction for the purposes of the above described 6 percent limitations.

PAR. 20. There is inserted immediately preceding § 30.731-1 the following:

SEC. 204. CORPORATIONS ENGAGED IN MINING STRATEGIC METALS. (Revenue Act of 1941, Title II.)

Section 731 of the Internal Revenue Code (exempting from excess-profits tax income derived from mining certain metals) shall not apply with respect to any taxable year beginning after December 31, 1940.

PAR. 21. Section 30.731-1 (a) is amended by striking out the first sentence and inserting in lieu thereof the following:

Section 731 is applicable only to taxable years beginning before January 1, 1941, and provides that, if a domestic corporation is engaged in mining tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin (hereinafter referred to as strategic metals), within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from the excess profits tax.

(This Treasury Decision is issued under authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62), as made applicable by section 729 of the Internal Revenue Code, added by the Second Revenue Act of 1940 (Public, No. 801, 76th Congress, third session), and sections 201 to 205 of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

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

Approved: October 21, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7888; Filed, October 23, 1941; 11:17 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-1050]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-
LIEF IN THE MATTER OF THE PETITION OF
DISTRICT BOARD NO. 1 FOR THE ESTABLISH-
MENT OF PRICE CLASSIFICATIONS AND MIN-
IMUM PRICES FOR THE COALS OF CERTAIN
MINES IN DISTRICT NO. 1

An original petition, and amendment
thereof, 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 estab-
lishment, both temporary and perma-

nent, of price classifications and mini-
mum prices for the coals of certain mines
in District No. 1; 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 that his action
is 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 forth-
with, § 321.7 (*Alphabetical list of code*
members) is amended by adding thereto
Supplement E, 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 pleadings in
opposition to the original petition in the
above-entitled matter, and applications
to stay, terminate or modify the tempo-
rary relief herein granted, may be filed
with the Division within forty-five (45)
days from the date of this Order, pur-
suant to the Rules and Regulations Gov-
erning 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.

No price classifications or minimum
prices are established herein for the coals
of Mine Index Nos. 1417, 604 and 721 for
the reason that such price classifications
and minimum prices have already been
established for these coals.

No rail loading points are established
here for the coals of Mine Index Nos.
1417, 604, 721, 1023, 919, 870, 860, 2619
and 2093, and no price classifications or
minimum prices are established for the
coals of Mine Index Nos. 1023, 919, 870,
860, 2619 and 2093 for all shipments ex-
cept truck for the reasons set forth in an
Order designating that portion of Docket
No. A-1050 relating to such coals as Doc-
ket No. A-1050 Part II.

Dated: October 8, 1941.

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

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 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement E

(Alphabetical listing of code members having railway loading facilities, showing price classification by the group Nos.)

Mine Index No.	Code member	Mine name	Sub-district No.	Scam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
018	Anderson, J. Bruce (Helen Jennings Coal Co.)	Jennings #2	33	B	Dumbo, Pa.	P. R. R.	49	(1)	(1)	A	(1)	(1)
223	Barton & George Creek Coal Co.	Barton & George Creek Coal Co.	43	B	Barton, Md.	C. & P.	60	(1)	(1)	II	(1)	(1)
1172	Canaan Coal Mining Co. (Fred Grant)	Canaan	6	F	Juncos, Pa.	B. & O.	112	(1)	(1)	C	(1)	(1)
1172	Canaan Coal Mining Co. (Fred Grant)	Canaan	25	B	Keward, Pa.	P. R. R.	51	(1)	(1)	C	(1)	(1)
223	King, A. C.	King	23	F	Mohrstown, Pa.	C. & D. L.	47	F	F	C	F	F
621	Leclairing, Ohio	Leclairing #2	22	F	W. Leclairing, Pa.	B. & O.	112	(1)	(1)	C	F	F
621	Leclairing, Ohio	Leclairing #1	23	F	W. Leclairing, Pa.	B. & O.	112	(1)	(1)	C	F	F
223	Phillips, Harry	Phillips	33	B	Wind, Pa.	P. R. R.	49	(1)	(1)	C	(1)	(1)
557	Snyder, Herman (East Hill Coal Co.)	East Hill	6	B	Dora, Pa.	P. & S.	110	F	F	C	F	F
017	Steele, E. V.	Steele #1	5	B	Stanton, Pa.	P. & S.	110	F	F	C	F	F
873	Steele, E. V.	Steele #2	5	B	Stanton, Pa.	P. & S.	110	F	F	C	F	F
2103	Silver Bros. (Edgar Miller)	Kilgenschmitt	23	B	Shickel, Pa.	B. & O.	112	(1)	(1)	C	(1)	(1)

*Indicates coal in this size group previously classified and priced.
†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	Subdistrict No.	County	Seam	All lump coal double screened, top size				
						1	2	3	4	5
Anderson, J. Bruce (Helen Jennings Coal Co.)	918	Jennings #2	33	Cambria	B	245	245	245	245	245
Bailey, Robert	919	Bailey #4	8	Clearfield	D & E	230	230	230	230	230
Berkoblo Brothers (Freeman Berkoblo)	922	Berkoblo	37	Somerset	B	225	225	225	225	225
Black, W. W.	898	Black Diamond	37	Somerset	D	225	225	225	225	225
Card, Grant	870	Card #1	2	Clearfield	B	210	210	210	210	210
Catalano, Arch	1195	Catalano	6	Indiana	B	210	210	210	210	210
Copeland, Charles R.	806	Copeland	44	Mineral	Big Vein	230	230	230	230	230
Johnson & Johnson (Carl G. Johnson)	923	Johnson & Johnson #2	8	Clearfield	B	225	225	225	225	225
King, A. C.	252	King	29	Cambria	E	245	220	220	210	200
Liesearing, Otto	920	Liesearing #2	22	Indiana	Fgh.	225	215	205	215	205
Liesearing, Otto	921	Liesearing #3	22	Indiana	Fgh.	225	215	205	215	205
Liesearing, Otto	2323	Liesearing #4	22	Indiana	Fgh.	225	215	205	215	205
Phillips, Henry	897	Phillips	33	Somerset	B	245	245	245	245	245
Reller, V. M.	890	Laurel Run #3	2	Clearfield	B	210	210	210	210	210
Richard, A. J.	872	Guy Murray	1	Clarion	A	240	215	205	205	195
Schwartz, David	865	Schwartz	44	Mineral	Big Vein	230	230	230	230	230
Shomo-Moshannon Coal Co. (Charles Cohen)	921	Shomo-Mosh. #2	18	Cambria	E	245	220	220	210	200
Snyder, Iorance (Lost Hill Coal Co.)	697	Lost Hill	6	Jefferson	E	245	220	220	210	200
Staley, James H.	2010	Staley	6	Jefferson	D	215	215	205	205	205
Steen, Tracy (C. M. Steer)	2013	Steen	6	Jefferson	D	215	215	205	205	205
Stell, E. V.	817	Kinnear #1	2	Jefferson	D	225	225	215	215	205
Stell, E. V.	872	Kinnear #2	2	Jefferson	D	230	225	215	205	205
Woods, Coal Mines, Inc., J. O. J. C. Woods	2216	Mc. Alto	44	Mineral	Bakerstown	235	210	190	180	180
Zacherl Brothers (Bernard Zacherl)	925	Zacherl-Corner #2	1	Clarion	B	245	220	220	210	200
Zacherl Brothers (Bernard Zacherl)	926	Zacherl-Coleman	4	Clarion	B	240	215	215	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-7953; Filed, October 23, 1941; 10:22 a. m.]

[Docket No. A-932]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD OF DISTRICT NO. 8 FOR PRELIMINARY OR TEMPORARY AND PERMANENT ORDER OF CHANGE IN CLASSIFICATIONS OF COALS PRODUCED IN DISTRICT 8 BY E. H. HORNE (VIRGINIA RED ASH COAL COMPANY) AND REX BANDY (BANDY MINE) FOR TRUCK SHIPMENT

An original petition having been filed with the Bituminous Coal Division on

June 23, 1941, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the minimum prices established for the coals produced for shipment by truck at the Virginia Red Ash Coal Company Mine (Mine Index No. 2708) of E. H. Horne and the Bandy Mine (Mine Index No. 2448) of Rex Bandy, Code members in District 8;

A hearing having been held in this matter pursuant to an Order of the Director dated July 22, 1941, before a duly designated Examiner of the Bituminous

Coal Division, at a hearing room of the Division in Washington, D. C., at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

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

The undersigned having made Findings of Fact, and Conclusions of Law and

having rendered an Opinion in this matter which are filed herewith;

Now therefore it is ordered, That § 328.42 (General prices for low volatile coals) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it hereby is amended in accordance with Supplement T hereto attached and made a part hereof.

Dated: October 7, 1941.
[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 8

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 Price Schedule No. 1 for this District and supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.42 General prices for low volatile coals—Supplement T

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

Code member index	Mine	Mine Index No.	Seam	All lump	Sieve sizes				
					1	2	3	4	5
2010	Staley	6	Jefferson	E	245	220	220	210	200
2013	Steen	6	Jefferson	D	215	215	205	215	205
817	Stell	2	Jefferson	D	225	225	215	215	205
872	Stell	2	Jefferson	D	230	225	215	215	205
2216	Woods	44	Mineral	Bakerstown	235	210	190	180	180
925	Zacherl	1	Clarion	B	245	220	220	210	200
926	Zacherl	4	Clarion	B	240	215	215	200	190

*Indicates change in price classification from previous price classification for the respective size group.

*1Indicates change in seam designation.

[F. R. Doc. 41-7956; Filed, October 23, 1941; 10:23 a. m.]

[Docket No. A-1067]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 12

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. 12; 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, § 333.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*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.

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: October 9, 1941.
[SEAL] H. A. GRAY, Director.

[Docket No. A-1042]

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 A. B. C. SMOKELESS FUEL CORPORATION, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 513 IN THAT DISTRICT

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 additional price classifications and minimum prices for the coals produced at Mine Index No. 513 in that district; 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 this 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 of 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: October 9, 1941.
[SEAL] H. A. GRAY, Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 12

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 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 Alphabetical list of code members—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
316	Carter Coal Co. (Charles R. Fisher)	Carter*	Mystic	C. M. St. P. & P.	16
773	Haines, Chas. (Haines Coal Co.)	No. 2*	Elden	C., R. L. & P.	34
774	Hayes Coal Company (Everett Hayes)	Everett Hayes Coal Co.*	Knoxville	C. B. & Q.	39
72	Howard, Neal (Neal Howard Coal Co.)	Neal Howard Coal Co.*	Knoxville	C. B. & Q.	73
743	K. C. B. Coal Co., (William Bolton)	K. C. B.*	Harvey	C. C. B. & Q.-Wab	73
522	O. K. Coal Co. (G. C. Ruttan)	O. K.*	Lovilla	C. C. B. & Q.-Wab	75
			Bucsey	C. C. B. & Q.-Wab	
			Albia	M. & St. L.-Wab	
				C. B. & Q.	

*Indicates Mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 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 name	Mine No.	Group No.	County																
					Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1 1/2"	Mine run	Nut 2 x 1/2", 1 1/2 x 3/4"	Dom. stoker 1 1/2", 1 x 3/8"	Screening 2", 1 1/2"	Ind. stoker 1 1/2", 1 1/4" x 0	3/8" x 0						
					1	2	3	4	5	6	7	8	9	10						
Drake & Carter Coal Co. (Wm. Drake)	Drake & Carter	769	33	Adams	350	350	375	375	375	375	375	375	375	375	375	375	375	375	375	375
Haines, Chas. (Haines Coal Co.)	No. 2	773	6	Davis	295	295	270	270	270	270	270	270	270	270	270	270	270	270	270	270
Hayes Coal Company, Everett (Everett Hayes)	Everett Hayes Coal Co.	774	15	Marion	295	295	270	270	270	270	270	270	270	270	270	270	270	270	270	270
Leslie, Joe M. (Leslie Coal Co.)	No. 2	775	22	Mahaska	315	315	290	290	290	290	290	290	290	290	290	290	290	290	290	290
Padovich Coal Co. (Fred Padovich)	Padovich Coal Co.	771	2	Appanoose	285	285	260	260	260	260	260	260	260	260	260	260	260	260	260	260
Ray, C. V.	Ray Mine	776	31	Boone	285	285	260	260	260	260	260	260	260	260	260	260	260	260	260	260

[F. R. Doc. 41-7954; Filed, October 22, 1941; 10:22 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

CORRECTION

Attention is directed to an error in § 4.44 *Frequency assignment*, appearing in the Friday, August 22, 1941 issue of the FEDERAL REGISTER on page 4303, as follows:

Group D (kc): "15230" should read "15250".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7975; Filed, October 23, 1941;
10:37 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1941 Department Circular No. 671]

1 PERCENT TREASURY NOTES OF SERIES A-1946 DATED AND BEARING INTEREST FROM NOVEMBER 1, 1941, DUE MARCH 15, 1946, INTEREST PAYABLE MARCH 15 AND SEPTEMBER 15

I. OFFERING OF NOTES AND INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for 1 percent notes of the United States, designated Treasury Notes of Series A-1946, the offering to be limited to the amount of subscriptions entered as provided in the two next succeeding paragraphs.

2. The Secretary of the Treasury offers to apply the proceeds of payment of Reconstruction Finance Corporation Notes of Series P, maturing November 1, 1941, tendered for payment in accordance with Sections III and IV of this circular, to payment for Treasury notes subscribed for hereunder. Tenders of Series P notes for that purpose are invited.

3. The Secretary of the Treasury, on behalf of Commodity Credit Corporation, offers to purchase on November 1, 1941, at par and accrued interest, Commodity Credit Corporation Notes of Series E, maturing November 15, 1941, to the extent to which the holders thereof subscribe for Treasury notes hereunder. Tenders of Series E notes for that purpose are invited.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 1, 1941, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on March

15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington, and should be accompanied by Reconstruction Finance Corporation notes of Series P tendered for payment, or Commodity Credit Corporation notes of Series E tendered for purchase, to a par amount equal to the par amount of Treasury Notes of Series A-1946 subscribed for. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made on or before November 1, 1941, or on later allotment, and may be made only through application of the principal proceeds of payment of a like par amount of Reconstruction Finance Corporation notes of Series P, maturing November 1, 1941, or of Commodity Credit Corporation notes of Series E, maturing November 15, 1941. Commodity Credit Corporation notes of Series

E tendered for purchase must have coupons dated November 15, 1941, attached, and payment will be made at par and accrued interest to November 1, 1941. Accrued interest from May 15, 1941 to November 1, 1941 on Series E notes (\$4.619565 per \$1,000) will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-7933; Filed, October 23, 1941;
11:17 a. m.]

WAR DEPARTMENT.

[Contract No. W-6144 qm-101; O. I. No. 101-41]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: CHAS. H. TOMPKINS CO., 907
16TH ST. N.W., WASHINGTON, D. C.

Contract for construction: Miscellaneous structures and utilities.

Location: Fort Belvoir, Virginia.

Fixed fee: \$92,695.00.

Estimated construction cost exclusive of fixed fee: \$3,471,746.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM17710 through 17718, 17304, 17432, 17467, 2981, 8422 and 8899 of CBU & A A0540-12.

This contract,¹ entered into this 27th day of June, 1941.

ARTICLE I. *Statement of work.* 1. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of various buildings and structures, utilities and appurtenances thereto at Fort Belvoir, Virginia.

¹ Approved by the Under Secretary of War, June 30, 1941.

3. It is estimated that the construction cost of the work covered by this contract will be three million, four hundred seventy one thousand, seven hundred forty-six dollars (\$3,471,746.00) exclusive of the Constructors' fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of ninety-two thousand, six hundred ninety-five dollars (\$92,695.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

6. The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for constructor's equipment.* Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public No. 703—76th Congress, approved July 2, 1940.

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

[F. R. Doc. 41-7980; Filed, October 23, 1941;
10:42 a. m.]

[Contract No. W 6144 qm-100; O. I. No. 1-41]

SUMMARY OF FIXED-FEE CONTRACT FOR
ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: BASKERVILL & SON,
2207 CENTRAL NATIONAL BANK BUILDING,
RICHMOND, VIRGINIA

Amount fixed fee: For Title I \$21,410,
for Title II \$9,180.

Estimated cost of construction project: \$2,074,000.00.

Type of construction project: Construction of Quarters for Engineer Board, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Fort Belvoir, Virginia.

Type of service: Architect Engineer.

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 No. Eng 133 P1-3211, A 0141-01 the available balance of which is sufficient to cover the cost of same.

This contract,¹ entered into this 11th day of April, 1941.

Title I

ARTICLE I-A. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of Quarters for Engineer Board, including necessary buildings, temporary structures, utilities and appurtenances thereto at Fort Belvoir, Virginia.

ART. I-B. *Character and extent of services.* 1. The Architect-Engineer shall perform the following services:

c. Prepare preliminary studies, sketches, and reports for all structures, utilities and appurtenances.

d. Adapt Government designs, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for utilities and other structures for which Government designs are incomplete or unavailable.

g. When preliminary drawings are approved by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary

for the effective coordination and efficient execution of the construction work and revise the drawings and specifications as required by the Contracting Officer.

h. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

ART. I-D. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of twenty one thousand four hundred ten and no/100 dollars (\$21,410.00) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III-D hereof.

Title II

Upon satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II. Upon such election, the Contracting Officer shall, by a written order, direct the Architect-Engineer to proceed with such work and services. Title II of this contract shall become operative only if and when such an order is issued by the Contracting Officer and received by the Architect-Engineer.

ART. II-A. *Services to be furnished by architect-engineer.* The Architect-Engineer shall:

a. Assist the Contracting Officer in obtaining, analyzing and evaluating proposals or bids for a construction contract or contracts based upon the approved drawings and specifications.

c. Supervise the work designed by him to insure the construction of every part of the work in accordance with the approved drawings and specifications referred to in Paragraph "d" of Article I-B above, and within the areas and boundaries designated for the project.

ART. II-C. *Fixed fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of nine thousand one hundred eighty and no/100 dollars (\$9,180.00) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III.

Title III

The provisions of this title shall apply to this entire contract, to-wit: to Title I

¹ Approved by the Under Secretary of War May 15, 1941.

and likewise to Title II, should Title II become operative as provided therein.

ART. III-A. *Services to be performed by architect-engineer.* 1. The Architect-Engineer shall:

b. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III-B. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. III-D. *Reimbursement.* In addition to the payment of the fixed fee as specified in Article I-D and Article II-C hereof, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III-F. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. III-G. *Drawings and other data to become property of Government.* All drawings and specifications are to become the property of the Government.

ART. III-K. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

ART. III-J. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

This contract is authorized by the following laws: Public No. 611, 76th Congress, Approved June 13, 1940. Public No. 703, 76th Congress, Approved July 2, 1940.

[Change Order No. A, 6-28-41]

Change order to Cost-Plus-A-Fixed-Fee Contract No. W 6144, qm-100, Dated April 11, 1941, between the United States of America and Baskerville & Son, Richmond, Virginia, for architectural-engineering services in connection with the construction of a Quarters for Engineer Board at Fort Belvoir, Virginia.¹

No. 208-3

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to form the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work;

Add * * * to the description of the work now set forth in Article I of the principal contract.

The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the Estimated Construction Cost by-----	\$1,091,057
Total Estimated Cost including this Change Order-----	\$3,165,657
Total Fixed-Fee including this Change Order-----	\$ 35,365
Increase in Architect-Engineer's Fixed-Fee-----	\$ 4,775
Period of Services-----	No Change

Funds are available under Procurement Authority No. QM-18804-PL-29-77 A 0540-12.

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

[F. R. Doc. 41-7978; Filed, October 23, 1941; 10:42 a. m.]

[Contract No. W 6665 qm-91; O. I. No. 501]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: CAHILL BROTHERS, INC., 206 SANSOME STREET, SAN FRANCISCO, CALIF.

Contract for: Construction of Motor Transport Facilities.

Location: Fort Ord, California.

Fixed fee: \$35,883.

Estimated construction cost exclusive of fixed fee: \$1,176,948.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 18037 PL 29 77 AO540-12.

This contract,² entered into this 25th day of June, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of motor transport facilities and shops for Fourth Echelon

¹ Approved by the Under Secretary of War June 28, 1941.

² Approved by the Under Secretary of War June 30, 1941.

Base at Fort Ord, California, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be one million one hundred seventy-six thousand nine hundred forty-eight and no/100 dollars (\$1,176,948) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty five thousand eight hundred eighty three and no/100 dollars (\$35,883) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

Payment of the fixed fee. Ninety per cent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

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

[F. R. Doc. 41-7978; Filed, October 23, 1941; 10:41 a. m.]

[Contract No. W 6105 qm-279]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: TEUFEL AND CARLSON, 1141 HENRY BUILDING, SEATTLE, WASH.

Contract for construction: of Fourth Echelon Base Motor Shop.

Location: Fort Lewis, Washington.

Fixed fee: \$32,517.00.

Estimated construction cost, exclusive of fixed fee: \$1,000,704.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18036 PL 29 77 A0540-12.

This contract, entered into this 23rd day of June, 1941.

ARTICLE I. Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of Fourth Echelon Base Motor Shops together with all temporary structures, necessary utilities and appurtenances thereto at or near Fort Lewis, Washington.

It is estimated that the construction cost of the work covered by this contract will be one million, seven hundred four dollars (\$1,000,704.) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty-two thousand, five hundred seventeen dollars (\$32,517) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may without notice to the sureties, if any, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. Payments—1. Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by

¹ Approved by the Under Secretary of War June 30, 1941.

the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

2. Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

5. Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public No. 703, 76th Congress, Approved July 2, 1940.

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

[F. R. Doc. 41-7977; Filed, October 23, 1941; 10:41 a. m.]

[Contract No. W 569 eng. 2797]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: MION CONSTRUCTION COMPANY, 377 TECHWOOD DRIVE, NW, ATLANTA, GEORGIA

Contract for: Construction of flying field and cantonment area.

Amount: \$4,212,319.47.

Place: Advanced Twin Engine Flying School, Columbus, Mississippi.

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 Eng. 1055 P 1-32 A-0540-12, the available balance of which is sufficient to cover cost of same.

This contract entered into this 22d day of August 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for Construction of Flying Field and Cantonment Area at Advanced Twin Engine Flying School, Columbus, Mississippi, for the consideration of \$4,212,319.47, in strict accordance with the specifications schedules and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes

in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages 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 until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractors and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Fifth Supplemental National Defense Appropriation Act, 1941, April 5, 1941.

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

[F. R. Doc. 41-7976; Filed, October 23, 1941; 10:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-909]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A public hearing in the above-entitled matter having been continued from October 6, 1941 to November 13, 1941 by

Order of the Director dated October 15, 1941; and

It appearing appropriate and necessary that the date of said hearing be advanced to an earlier date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of November 5, 1941 at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7981; Filed, October 23, 1941; 10:44 a. m.]

[Docket No. A-616]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOW HERETOFORE CLASSIFIED AND PRICED

ORDER TO SHOW CAUSE AND NOTICE OF AND ORDER FOR HEARING THEREON

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party requesting the establishment of price classifications and minimum prices for the coals produced at certain mines in District No. 8 which had not theretofore been classified and priced.

The Director entered an Order on February 6, 1941 in Docket No. A-616 establishing price classifications and minimum prices for the coals of the Hearn Mine of R. A. Hearn and assigning Mine Index No. 4048 to this mine. It now appears, however, that prior to the date of the aforesaid Order, price classifications and minimum prices had already been established for the coals of this mine and Mine Index No. 3256 had been assigned to it by Order of the Director, dated January 31, 1941 in Docket No. A-528.

Now, therefore, it is ordered, That the petitioner in the above-designated docket be required to show cause why the aforesaid Order dated February 6, 1941, in Docket No. A-616, should not be amended by striking therefrom all reference to and matters concerning the said Hearn Mine.

It is further ordered, That a hearing on the above Order to Show Cause under the applicable provisions of said Act and the rules of the Division be held on November 5, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held. Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7982; Filed, October 23, 1941; 10:44 a. m.]

[Docket No. A-1011]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1448) AND THE JEANNE ANNE NO. 3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION COMPANY, IN MASON COUNTY, WEST VIRGINIA, KANAWHA SUBDISTRICT IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A public hearing in the above-entitled matter having been continued from September 29, 1941 to November 13, 1941 by Order of the Director dated October 15, 1941; and

It appearing appropriate and necessary that the date of said hearing be advanced to an earlier date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of November 5, 1941 at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7983; Filed, October 23, 1941; 10:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 629]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
New York 2019A1 Otsego.....	\$432,000
New York 2020A1 Delaware.....	307,000
New York 2021A1 Steuben.....	664,000
New York 2022A1 Allegany.....	311,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7990; Filed, October 23, 1941; 11:30 a. m.]

[Administrative Order No. 630]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

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

Project designation:	Amount
Colorado 2017E2 Frowers.....	\$30,000
Indiana 2109E1 Newton.....	48,000
Kansas 2039A2 Pottawatomie.....	22,000
Louisiana 2010C3 Washington.....	82,000
Louisiana 2015B2 Polkate Coupee.....	42,000
Maryland 2034G7 St. Marys.....	35,000
Mississippi 2023E2 Copiah.....	31,000
Mississippi 2024C2 Lafayette.....	20,000
Mississippi 2033G1 Covington.....	2,100,000
Missouri 2019D3 Boone.....	25,000
Montana 2009E1 Yellowstone.....	7,000
Ohio 2033D1 Auglaize.....	46,000
Ohio 2033D1 Huron.....	82,000
South Carolina 2040A3 Hampton.....	30,000
Tennessee 2001E2 Meigs.....	40,000
Texas 2077B2 Johnson.....	40,000
Wyoming 2011D2 Lincoln.....	3,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7991; Filed, October 23, 1941; 11:30 a. m.]

[Administrative Order No. 631]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 2037A1 Douglas.....	\$181,000
Florida 2023B1 Madison.....	165,000
Indiana 2091D1 Greene.....	165,000
Indiana 2011C1 Warren.....	63,000
Indiana 2027C1 Decatur.....	42,000
Iowa 2039D1 Benton.....	123,000
Michigan 2033D1 Charlevoix.....	113,000
Minnesota 2038G1 Pope.....	1,500,000
Missouri 2019E1 Boone.....	154,000
Missouri 2033C1 Polk.....	300,000
Montana 2018C1 Flathead.....	10,000
New Mexico 2014A1 Mora.....	177,000
North Dakota 2019D1 Grand Forks.....	558,000
Ohio 2032E1 Belmont.....	117,000
Oregon 2026B1 Wasco.....	90,000
South Dakota 2007D1 Lincoln.....	232,000
South Dakota 2017A1 Hamlin.....	160,000
Texas 2036C1 Victoria.....	77,000
Wisconsin 2014G1 Oconto.....	200,000
Wisconsin 2025E1 Monroe.....	130,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7992; Filed, October 23, 1941; 11:30 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401 (B)-4, 426, 153, 196, 393]

IN THE MATTER OF THE APPLICATIONS OF CONTINENTAL AIR LINES, INC., UNITED AIR LINES TRANSPORT CORPORATION, BRANIFF AIRWAYS, INC., TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF CHANGE OF TIME OF ORAL ARGUMENT

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (c) and 1001 of said Act, oral argument before the Board in the above-entitled proceeding, previously assigned to be held on October 27, 1941, at 10 a. m. (Eastern Standard Time) is hereby re-assigned to begin at 9:30 a. m. (Eastern

Standard Time) October 27, 1941, in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., October 23, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7987; Filed, October 23, 1941;
11:12 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6004]

NOTICE RELATIVE TO COMMODORE BROADCASTING, INC. (WSOY)

Application, dated November 15, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Decatur, Illinois; operating assignment specified: Frequency, 1,560 kc.; power 10 kw. (DA night); hours of operation, unlimited.

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

1. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

2. To determine the extent of any interference which would result from simultaneous operation of Station WSOY as proposed and Station WQXR.

3. To determine the areas and populations which would lose interference-free primary service particularly from Station WQXR as a result of the operation of Station WSOY as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which would lose secondary service particularly from Station WQXR as a result of the operation of Station WSOY as proposed, and what other broadcast services are available to these areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of Station WSOY as proposed and Station KPMC as proposed in application B5-P-3118, as well as the areas and populations affected thereby (in both the interference-free primary and secondary service areas), and what other broadcast service is available to these areas and populations.

6. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice particularly in view of the expected nighttime interference limitation to the service of Station WSOY as proposed.

7. To determine whether (a) the authorization requested herein is the best available assignment, and (b) operation of Station WSOY as proposed would prevent in the United States the present or future rendition of secondary service on the frequency 1,560 kc.

8. To determine the areas and populations which would gain interference-free primary service from Station WSOY operating as proposed, and what other broadcast service is available to these areas and populations.

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

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

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

The applicant's address is as follows:

Commodore Broadcasting, Inc., Radio Station WSOY, 353-357 North Main Street, Decatur, Ill.

Dated at Washington, D. C., October 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7973; Filed, October 23, 1941;
10:02 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5635]

IN THE MATTER OF IOWA UNION ELECTRIC COMPANY

ORDER POSTPONING HEARING

OCTOBER 21, 1941.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in this proceeding;

The Commission orders that: The hearing in this proceeding heretofore set to commence on October 27, 1941, be and it is hereby postponed until November 10, 1941, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission:

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7974; Filed, October 23, 1941;
10:08 a. m.]

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER CHANGING PLACE OF HEARING AND POSTPONING HEARING

OCTOBER 22, 1941.

It appearing to the Commission that: On October 14, 1941, the hearing in the above-entitled proceeding was set to reconvene on October 27, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina;

The Commission finds that:

(1) The Federal Court Room is not available for use as a hearing room; and
(2) Good cause exists for further postponement of the hearing;

The Commission orders that:

The hearing in this proceeding heretofore set to reconvene October 27, 1941, be and it is hereby postponed to October 28, 1941, at 9:45 a. m., in the auditorium of the North Carolina State Laboratory of Hygiene Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8002; Filed, October 23, 1941;
11:42 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4550]

IN THE MATTER OF INLAND EMPIRE BAKERS ASSOCIATION, INC. ET AL.

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 20th day of October, 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 William W. Shepard, 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 Tuesday, November 18, 1941, at ten o'clock in the forenoon of that day (Pacific Standard time) in Room 418, Federal Building, Spokane, Washington.

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] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7985; Filed, October 23, 1941;
11:04 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF MEDICAL SUPPLIES, ETC.

By virtue of the authority vested in him by OPM Regulation No. 3¹ and pursuant to § 944.4² of Regulation No. 1 of the Division of Priorities, the Director of Priorities issued on September 30, 1941, an Order amending Preference Rating Order P-29 by expanding and adding to the list of Health Supplies the manufacturers of which may apply for preference ratings. Individual Orders assigning a preference rating to specified quantities of materials will be issued to manufacturers of the following items for medical, surgical, dental, or veterinarian uses:

1. Acoustic aids.
2. Anaesthesia apparatus and supplies.
3. Atomizers (medical use only).
4. Biologicals, anti-toxins, serums, sterile ampoules and intravenous solutions.
5. Clinical thermometers.
6. Diagnostic equipment and supplies.
7. Hospital carts, racks and charts.
8. Hypodermic syringes and needles.
9. Infant incubators.
10. Instruments.
11. Invalid chairs, walkers and crutches.
12. Laboratory equipment and supplies.
13. Medicinal chemicals (limited to medical use only).
14. Operating room supplies and equipment.
15. Ophthalmic products and instruments.
16. Physical therapy equipment (limited to medical use only).
17. Respirators, resuscitators and iron lungs.
18. Rubber hospital sundries.
19. Sick room furniture, equipment and supplies.
20. Splints and fracture equipment.
21. Sterilizers, blanket and solution warmers.
22. Surgical dressings and adhesive plasters.
23. Surgical and orthopaedic appliances (including artificial limbs and arms).
24. Sutures and suture needles.
25. X-Ray equipment and supplies.

And such additional items as may be added to the foregoing from time to time by order of the Director of Priorities. Notice of such additional items will be released through appropriate trade journals.

Any manufacturer of the foregoing products who wishes to qualify for such an Order should apply to the Health Supplies Section, Office of Production Management, Washington, D. C.

Dated: October 23d, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7972; Filed, October 23, 1941; 9:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT
NOTICE OF AND ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Commission having issued, on September 30, 1941, a Notice of and Order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935; said order requiring that respondents make reply to certain allegations contained therein on or before October 22, 1941, and further designating October 29, 1941, as the day for a public hearing on matters embraced by the said order; and

Respondents having sought by written request a postponement of the date for submitting the required answer;

It is ordered, That the time within which respondents may answer be and is hereby extended to November 10, 1941, and that the date of the scheduled hearing on such matters be and is hereby postponed to November 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7996; Filed, October 23, 1941; 11:35 a. m.]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY, AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION, AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY, AND VIRGINIA PUBLIC SERVICE COMPANY, RESPONDENTS

NOTICE OF AND ORDER FOR THIRD POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Commission having issued, on October 3, 1941, a Notice of and Order for Second Postponement in the above captioned matter extending the time to October 15, 1941, within which respondents might submit an answer in said proceedings and postponing until October 23, 1941 the scheduled public hearing on such matters; representatives of Virginia Public Service Company, one of the respondent companies herein, having requested that the staff of the Public Utilities Division of the Securities and Exchange Commission prepare a report outlining the factual material, and the problems arising therefrom, particularly to be considered at the public hearing; such a report now being in the process of preparation for release in the very near future; and respondents having sought by written request an extension of time for submitting the required answer until they have considered the above referred to report, and having also

requested a postponement of the scheduled public hearing;

It is ordered, That the time within which respondents may answer be, and is, hereby extended to seven days after the date of the service on them of the above referred to report, and that the date of the scheduled hearing on such matters be, and is, hereby postponed to November 12, 1941, at 10 o'clock A. M.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7937; Filed, October 23, 1941; 11:35 a. m.]

[File No. 1-2747]

IN THE MATTER OF LAKESIDE MONARCH MINING COMPANY, 10½ PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Salt Lake Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 10½ Par Value Common Stock of Lakeside Monarch Mining Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 6, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7933; Filed, October 23, 1941; 11:35 a. m.]

[File No. 70-330]

IN THE MATTER OF THE NEWPORT GAS LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Newport Gas Light Company, a subsidiary of Pennsylvania Gas & Electric Corporation, a registered holding

¹ 6 F.R. 1596.

² 6 F.R. 4490.

company, having filed application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, relative to the issue and sale to John Hancock Mutual Life Insurance Company of \$400,000 principal amount of First Mortgage Bonds maturing October 1, 1961, and bearing interest at the rate of 3¼% per annum payable semi-annually, such sale to be for a consideration of \$400,000 in cash together with accrued interest from October 1, 1941 to the date of such payment;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that the above-named applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to the proposed transaction, subject to the terms and conditions prescribed by Rule U-24;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

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

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8000; Filed, October 23, 1941;
11:36 a. m.]

[File Nos. 2-737, 2-2581]

IN THE MATTER OF COMSTOCK-DEXTER
MINES, INC.

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

A proceeding having been instituted pursuant to section 8 (d) of the Securities Act of 1933 by the Commission on the registration statements of Comstock-Dexter Mines, Inc., an Arizona corporation, after confirmed telegraphic notice by the Commission to the registrant that it appears that said registration statements include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; and

The Commission having duly considered the matter, and finding that the registration statements include untrue statement of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises,

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statements filed by Comstock-Dexter Mines, Inc., an Arizona corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7999; Filed, October 23, 1941;
11:36 a. m.]

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS AND
ELECTRIC COMPANY (KENTUCKY)
ORDER APPROVING APPLICATION AS AMENDED,
ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

Louisville Gas and Electric Company, a Kentucky corporation and a subsidiary of a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated under said Act, with respect to the following:

(1) The issue and sale by said company of 150,000 shares of common stock at a price to the public of \$23.50 per share, said sale to take place in the manner provided in said application; and

(2) Exemption of such issue and sale from the provisions of Rule U-50 (b) and (c);

Public hearings having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That the said applications, as amended, be and they hereby are approved subject, however, to the terms and conditions prescribed in Rule U-24, and provided, however, that the applicant includes in or appends to the prospectus relating to said sale, a copy of our findings and opinion herein or such extracts therefrom as we may approve.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8001; Filed, October 23, 1941;
11:36 a. m.]