

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 31

Washington, Friday, February 13, 1942

The President

ESTABLISHING BOSTON MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described area as the Boston Maritime Control Area, and prescribe the following regulations for the control thereof:

BOSTON MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at the intersection of the western shore of Sandy Bay, Cape Ann, Massachusetts, and the parallel of latitude 42°40' North, in approximate Longitude 70°37'23" West;

thence along that parallel to Longitude 70°12'30" West;

thence along approximate true bearing 152° to position Latitude 42°00' North, Longitude 69°44' West; and

thence west true to the eastern shore of Cape Cod, Massachusetts, in approximate Longitude 72°01'10" West.

REGULATIONS FOR THE CONTROL OF BOSTON MARITIME CONTROL AREA

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the above-described Maritime Control Area except during daylight, when good visibility con-

ditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal

CONTENTS
THE PRESIDENT

	Page
Proclamation:	
Boston Maritime Control Area, establishment.....	963
Executive Orders:	
Foreign service pay adjustment regulations amended.....	964
Interior Department, provisions of prior order extended to contracts of.....	964
RULES, REGULATIONS, ORDERS	
TITLE 6—AGRICULTURE CREDIT:	
Farm Credit Administration:	
Federal Land Bank of Spokane, loan fees (2 documents).....	964, 965
TITLE 16—COMMERCIAL PRACTICES:	
Federal Trade Commission:	
Cease and desist orders:	
Queen Ann Mfg. Co.....	966
Rogers Silverware Exchange, etc.....	965
TITLE 32—NATIONAL DEFENSE:	
Office of Price Administration:	
Cotton textiles raw materials; combed yarns and processing, corrections.....	975
Procedure for the issuance, protest and amendment of maximum price regulations.....	971
War Production Board:	
Motor trucks, truck trailers and passenger carriers, limitation order amended (3 documents).....	970, 971
Passenger automobiles and light trucks, replacement parts (2 documents).....	971
Rubber and products, supplementary restriction order.....	967
NOTICES	
Department of Commerce:	
Bureau of Marine Inspection and Navigation:	
Life rafts approved.....	978

(Continued on next page)



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

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

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

CONTENTS—Continued

Department of the Interior:	Page
Bituminous Coal Division:	
Applications for disposition without hearing:	
Beisser, Walter V. (Ten X Coal Co.).....	978
Howard Coal & Coke Co., Inc.....	978
Hearings, postponements, etc.:	
Bituminous Coal Consumers' Counsel.....	978
Camp Creek Coal Co.....	977
Deer Creek Coal Co.....	975
District Board 10.....	977
District Board 23.....	976
Left Fork Fuel Co.....	977
Napier and Hensley (2 documents).....	977
Zimmerman Coal Co., time for filing application extended.....	978
Department of Labor:	
Division of Public Contracts:	
Uniform and clothing industry, wage hearing.....	979
Securities and Exchange Commission:	
Community Power and Light Co., et al., hearing reconvened.....	980
Cupples Station Light, Heat and Power Co., declaration effective.....	981
Empire Investment Co., hearing.....	981
NY PA NJ Utilities Co., filing notice.....	979

of the United States of America to be affixed.

DONE at the City of Washington this 10th day of February in the year of our Lord nineteen hundred and [SEAL] forty-two, 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. 2540]

[F. R. Doc. 42-1265; Filed, February 12, 1942; 10:36 a. m.]

EXECUTIVE ORDER

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE INTERIOR DEPARTMENT

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001¹ of December 27, 1941 to the Department of the Interior, with respect to all contracts made or to be made by that Department; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Interior, and such officers, employees, and agencies as he may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 10, 1942.

[No. 9055]

[F. R. Doc. 42-1264; Filed, February 11, 1942; 3:44 p. m.]

EXECUTIVE ORDER

AMENDING REGULATIONS CONCERNING FOREIGN SERVICE PAY ADJUSTMENT

By virtue of the authority vested in me by the act of March 26, 1934, 48 Stat. 466 (U.S.C., title 5, sec. 118c), the list of basic rates of exchange established by section 4 of Executive Order No. 7972² of September 15, 1938, as amended, pre-

¹ 6 F.R. 6787.
² 3 F.R. 2249.

scribing regulation for the payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of the appreciation of foreign currencies in their relation to the American dollar, is hereby amended, effective as of December 1, 1941; by deleting therefrom the designation of the countries appearing under the heading "Netherlands (Possessions)" and the monetary units and basic rates relating thereto, and substituting therefor the following:

Netherlands Indies.....	Florin..	40.19
Netherlands West Indies.....	Florin..	40.19
Surinam.....	Florin..	40.19

This order supersedes Executive Order No. 8800 dated June 22, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 11, 1942.

[No. 9057]

[F. R. Doc. 42-1266; Filed, February 12, 1942; 10:39 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 32—THE FEDERAL LAND BANK OF SPOKANE

LOAN FEES

Section 32.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.1 *Loan fees*—(a) *Loan application fees; payable with application.* On each loan application a fee is charged as follows:

Amount of application:	Appraisal fee
\$100 to \$5,000.....	\$10.00
\$5,100 to \$9,900.....	15.00
\$10,000 to \$14,900.....	20.00
\$15,000 to \$19,900.....	25.00
\$20,000 to \$24,900.....	30.00
\$25,000 to \$29,900.....	35.00
\$30,000 to \$34,900.....	40.00
\$35,000 to \$39,900.....	45.00
\$40,000 to \$50,000.....	50.00

If the application is cancelled or rejected before appraisal, the entire fee is refunded. If the application is cancelled or rejected after appraisal, the entire fee is retained by the bank.

If the applicant does not reside in the twelfth farm credit district, an additional fee of \$7.50 will be charged to cover the cost of securing an appraisal report from the district of his residence.

If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, another appraisal fee, fixed in accordance with the above schedule, will be charged.

(b) *Loan closing fees; payable when loan is closed.* A loan fee is charged on each single land bank loan, on each single Land Bank Commissioner loan, and on the aggregate amount of land bank and Land Bank Commissioner loans closed jointly, as follows: \$15.00 on the first \$1,000.00, or any fractional part thereof, and 25 cents for each additional \$100.00, or any fractional part thereof. The application fee collected by the bank is applied on the loan fee in determining the net fee to be charged. The loan fee is the total charge made by the bank for appraisal and determination of title. The loan fee on any additional loan closed shall be determined as above provided on the amount of the additional loan granted.

(c) *Local correspondent's fees; payable when loan is closed.* On direct land bank loans a local correspondent's fee equal to $\frac{3}{4}$ of 1 percent of the amount of the loan is charged (exclusive of \$1.00 local correspondent's fee).

(d) *Building inspection fee.* An inspection fee is charged a borrower when the proceeds of a loan is disbursed for buildings on the property mortgaged and where the value established by the bank is predicated on such new buildings to be constructed. The fee of \$7.50 is charged for the inspection made by the appraiser after the loan has been closed and the buildings erected, but before the loan is completed.

(e) *Other expenses.* Each applicant will also be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees, or other disbursements necessary for completion of the loan. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019-19.4022) [Res. Bd. Dir., January 22, 1942]

[SEAL] THE FEDERAL LAND BANK
(OF SPOKANE,
By R. E. BROWN, President.

[F. R. Doc. 42-1291; Filed, February 12, 1942;
11:36 a. m.]

PART 32—FEDERAL LAND BANK OF SPOKANE
FEES ON PREPAYMENT OF LOAN

Section 32.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.5 *Fees on prepayment of loan less than five years old.* A service fee of one per cent (1%) per annum will be charged for the unexpired portion of the first five year term of the loan, if it is paid from funds received from a new loan other than one made by the United States or by any agency or instrumentality thereof. (Sec. 12 "Second", 39 Stat. 370, as amended; 12 U.S.C. 771 "Second";

6 CFR 10.387) [Res. Bd. Dir., Jan. 22, 1942]

[SEAL] THE FEDERAL LAND BANK
OF SPOKANE,
By R. C. BROWN, President.

[F. R. Doc. 42-1292; Filed, February 12, 1942;
11:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE
COMMISSION

[Docket No. 4094]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF ROGERS SILVERWARE
EXCHANGE, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Identity.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, representing, through use of the word "Rogers", either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Onelda, Ltd., manufacturer of Wm. A. Rogers Silverware; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 5 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and Conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons

redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, (1) representing that certificates, gift cards, or other similar devices can be redeemed in silverware or other merchandise unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise; and (2) representing that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers without charge display sets of silverware, to become the property of such dealers, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Operations as special or other advertising:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (1) *Offering deceptive inducements to purchase—Sales assistance:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, representing that the sales-stimulation plan offered by respondent is authorized by Onelda Limited, or that sales literature will be distributed by the respondent on behalf of purchasers of said sales-promotion plan, or that said purchasers will be assisted by the respondent in any other manner; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, (1) representing that a complete set of silverware or any specific item of silverware can be acquired through the redemption of such certificates, gift cards or similar devices unless and until such is the fact; and (2) using any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the number of such certificates or gift cards actually required to obtain such merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

In the Matter of J. L. Ramsay, and G. P. Masters, Individually, and Trading as Rogers Silverware Exchange and as Rogers Redemption Bureau

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

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

It is ordered, That the respondent, J. L. Ramsay, individually and trading as Rogers Silverware Exchange and as Rogers Redemption Bureau or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through use of the word "Rogers", either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Oneida, Ltd., manufacturer of Wm. A. Rogers Silverware;

2. Representing that certificates, gift cards, or other similar device can be re-

deemed in silverware or other merchandise unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise;

3. Representing that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers without charge display sets of silverware, to become the property of such dealers, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware;

4. Representing that the sales-stimulation plan offered by respondent is authorized by Oneida Limited, or that sales literature will be distributed by the respondent on behalf of purchasers of said sales-promotion plan, or that said purchasers will be assisted by the respondent in any other manner;

5. Representing that a complete set of silverware or any specific item of silverware can be acquired through the redemption of such certificates, gift cards or similar devices unless and until such is the fact;

6. Using any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the number of such certificates or gift cards actually required to obtain such merchandise.

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

It is further ordered, That this proceeding be, and the same hereby is, closed as to the respondent G. P. Masters, individually, without prejudice to the right of the Commission, should the facts so warrant, to reopen the same and resume trial thereof as to said respondent, in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1295; Filed, February 12, 1942;
11:53 a. m.]

[Docket No. 4652]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF QUEEN ANN MANUFACTURING COMPANY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or*

connections of advertiser — Producer status of dealer or seller—Manufacturer: § 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., of respondent's hair dye cosmetic, variously advertised as "Queen Ann Hair Dye," "Queen Ann Hair Coloring," and "Queen Ann Liquid Hair Coloring," or any other similar hair dye cosmetic or product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of his said preparation, which advertisements represent, directly or indirectly, that said preparation will stop hair from growing gray or give gray hair a permanent coloring; that it will preserve the natural beauty of the hair or make it smooth or silky; that it is an amazing new hair dye; that it can be applied in half the time required to apply other hair dyes; that it is quicker drying or causes the hair to hold its color longer than all other hair dyes; that it is used exclusively by better beauty shops; or that it is endorsed by the State Beauty Commission of New Jersey; or which advertisements contain the word "Manufacturing" or any other word of similar import as a part of respondent's trade name or otherwise represent that respondent owns or operates a manufacturing plant or manufactures the product sold by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Queen Ann Manufacturing Company, Docket 4652, February 9, 1942]

In the Matter of Clifford S. Donnell, an Individual, Trading as Queen Ann Manufacturing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

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

It is ordered, That the respondent, Clifford S. Donnell, an individual, trading as Queen Ann Manufacturing Company, or trading under any other name or names, his representatives, agents and employees, directly or through any cor-

porate or other device, in connection with the offering for sale, sale or distribution of this hair dye cosmetic variously advertised as Queen Ann Hair Dye, Queen Ann Hair Coloring and as Queen Ann Liquid Hair Coloring, or any other hair dye cosmetic or product of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation will stop hair from growing gray or give gray hair a permanent coloring; that it will preserve the natural beauty of the hair or make it smooth or silky; that it is an amazing new hair dye; that it can be applied in half the time required to apply other hair dyes; that it is quicker drying or causes the hair to hold its color longer than all other hair dyes; that it is used exclusively by better beauty shops; or that it is endorsed by the State Beauty Commission of New Jersey; or which advertisement contains the word "Manufacturing" or any other word of similar import as a part of respondent's trade name or otherwise represents that respondent owns or operates a manufacturing plant or manufactures the product sold by him;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1294; Filed, February 12, 1942; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE
CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

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

Supplementary Order No. M-15-b-1 To Restrict the Use of Rubber

It is hereby ordered, That:

§ 940.5 Supplementary Order No. M-15-b-1—(a) Applicability of Supplementary Order No. M-15-b (§ 940.3). This Order is issued pursuant to paragraph

(d) of Supplementary Order No. M-15-b (§ 940.3) issued by the Office of Production Management. All definitions and all other provisions of Supplementary Order No. M-15-b shall apply to this Order as fully as though set forth herein. Nothing in this Order shall be construed to permit the use of Rubber or Latex in the manufacture of any products except as permitted by Supplementary Order No. M-15-b or by special directions issued by the Director of Industry Operations.

(b) Specifications for certain rubber products. No Person shall use Rubber, Latex or reclaimed rubber in the manufacture of any product included in the Lists enumerated below and attached hereto except in accordance with the specifications therein prescribed; such specifications to be effective as to any product or class of products as of the effective date of this Order except where otherwise specified in the appropriate list (Provided that such restrictions shall not apply to the manufacture of products to fill War Orders or other purchase orders placed by or for the account of any other department or agency of the government of the United States, unless otherwise provided as to any product or class of products in the appropriate list):

- (1) Hose and tubing of the kinds listed List 1.
- (2) Conveyor, elevator and flat transmission belts and belting of the kinds listed List 2.

SPECIFICATIONS WHERE RECLAIMED RUBBER IS USED

Description of product	Minimum Inside diameter	Maximum Outside diameter	Color	Pressure test
(1) Low pressure spray hose.....	3/8"	1 1/8"	Black.....	230 pound per square inch 10 minute hold on 3 ft. sample.
(2) Curb line and garage air hose.....	1/4"	3/8"	Black.....	270 pound per square inch 10 minute hold on 16 inch sample.
(3) Curb line and garage air hose.....	3/8"	1/2"	Black.....	
(4) Fire extinguisher tubing.....	3/8"	3/4"	Black.....	
(5) Garden hose, 1-ply (the manufacture of 1-ply only is permitted).	3/8"	1"	Black.....	200 pound per square inch burst.
(6) Car heater hose, 1-ply (the manufacture of 1-ply only is permitted).	3/8"	3/4 1/2"	Black.....	200 pound per square inch burst.
(7) Automotive radiator hose shall be black only with a maximum wall gauge of 3/16".				

List 2—Specifications for the manufacture of certain types of conveyor, elevator and flat transmission belts and belting. (1) Conveyor belts and belting and elevator belts and belting shall be manufactured in two grades only, as follows:

(a) Grade A, having a 2500-3000 pound cover tensile and a 16-19 pound friction,

(b) Grade B, having an 800-1000 pound cover tensile, a 12-15 pound friction and no skim coats.

and shall have black covers only.

(2) All belts and belting designed for conveying food and grain shall be manufactured in Grade B only.

(3) All belts and belting designed for conveying food may have a cover other than black in color.

(4) Flat transmission belts and belting shall be manufactured in two grades only, as follows:

(a) Grade A, having a 20-24 pound friction,

(b) Grade B, having a 12-15 pound friction and no skim coats.

- (3) Occupational protective clothing (other than footwear and gloves) and rubberized fabric for firemen's and policemen's clothing. List 3.
- (4) Jar rings..... List 4.
- (5) Plain oxfords and laced-to-toe gym bals. List 5.
- (6) Waterproof boots, pacs, arctics, galters and overshoes. List 6.
- (7) Tires, tire casings, tire tubes and capping stock and compounds therefor. List 7.
- (8) Bicycle tires..... List 8.
- (9) Tires, tire casings and tire tubes to fill War Orders. List 9.
- (10) Fire hose and mill hose..... List 10.

(c) Effective date. This Order shall be effective as of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6620; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List 1—Specifications for the manufacture of certain types of hose and tubing. The following products may be manufactured only in accordance with these specifications and shall contain no rubber or latex:

(5) All belts and belting designed to transmit power to any Farm Machinery and Equipment (as defined in Preference Rating Order No. F-95) shall be of a Grade B quality, except those designed to transmit power to hammermills.

(6) Where flat transmission belts and belting are manufactured in a color other than black, no more Rubber shall be consumed than would be consumed in black belts and belting of an equivalent grade.

List 3—Specifications for the manufacture of occupational protective clothing (other than footwear and gloves) and rubberized fabric for firemen's and policemen's clothing. (1) Compounds used in the manufacture of the above products shall not contain more than 16% Rubber by weight.

(2) Single texture rubber-surfaced friction-lined material for firemen's coats shall not contain more than 18 ounces of such compounds per square yard.

(3) Single texture rubber-surfaced materials for policemen's coats and occupational jackets, pants, hats, aprons and coats shall not contain more than 13

ounces of such compounds per square yard.

(4) Double texture rubber-surfaced material for occupational protective clothing shall contain not more than 12 ounces of such compounds per square yard.

(5) Single texture rubber-surfaced material for occupational double-coated aprons shall contain not more than 20 ounces of such compounds per square yard.

List 4—Specifications for the manufacture of jar rings—(1) Compounds used in the manufacture of jar rings shall contain not more than 10% Rubber by weight and shall be such as to produce not less than 11,000 gross of rings from each long ton (2,240 pounds) of Rubber.

(2) Rings shall be cut 12 to the inch.

(3) Rings may have a single lip.

(4) With respect to internal diameter, width of flange, tensile strength and ultimate elongation, rings shall meet minimum requirements of dimensions, strength and elongation as set forth in Federal Specification ZZ-R-351.

List 5—Specifications for the manufacture of plain oxfords and laced-toe gym bals. (1) These products shall have tops of fabric only and Rubber shall be used only for outsoles, boxings, toe caps, toe guards, bonderizers, compounds for inside bottom work.

(2) The average amount of Rubber per pair used in the manufacture of these products shall not exceed the indicated weights in the case of each of the following types:

Type:	Maximum average weight of rubber (in pounds)
Men's.....	.25
Boy's.....	.20
Youth's.....	.15
Women's.....	.20
Misses'.....	.15
Child's.....	.10

List 6—Specifications for the manufacture of water-proof boots, pacs, arctics, gaiters and overshoes. (1) All such products shall be manufactured in a black color only.

(2) No rubber shall be used for label plasters.

(3) Production shall be confined to the following types, and the average amount of rubber per pair used in the manufacture of each type shall not be greater than the indicated maximum weight:

	Average weight of rubber (in pounds), maximum
Boots:	
Men's Short.....	1.25
Women's Short.....	.75
Men's Storm King.....	2.00
Men's Hip.....	2.30
Pacs:	
Men's 12" Toplace Pac.....	1.05
Men's Lumber Overs, Half Heel.....	.80
Arctics:	
Men's 5 Buckle Rubber Midweight Bal.....	1.15
Men's 4 Buckle Rubber Midweight Bal.....	1.05
Men's 4 Buckle Cloth Farmweight Blucher.....	.90
Men's 4 Buckle Height Lightweight Bal-Rubber.....	.75

	Average weight of rubber (in pounds), maximum
Arctics—Continued.	
Boy's 3 Buckle Height Lightweight Bal-Rubber.....	0.62
Youth's 3 Buckle Height Lightweight Bal-Rubber.....	.53
Women's 4 Buckle Height Lightweight Bal-Rubber.....	.54
Men's 4 Buckle Height Lightweight Bal-Cloth.....	.65
Gaiters:	
Women's 2 Snap Rubber.....	.30
Misses' 2 Snap Rubber.....	.30
Child's 2 Snap Rubber.....	.27
Rubbers:	
Men's Storms and/or Semi-Storms.....	.60
Boy's Storms and/or Semi-Storms.....	.50
Men's Storms and/or S. A. Overs (full lined).....	.35
Boy's Storms and/or S. A. Overs (full lined).....	.30
Youth's Storms and/or S. A. Overs (full lined).....	.25
Women's Storms and/or S. A. Overs (full lined).....	.25
Misses' Storms and/or S. A. Overs (full lined).....	.20
Child's Storms and/or S. A. Overs (full lined).....	.20

List 7—Specifications for the manufacture of tires, tire casings, tire tubes

Rubber.....	plus 0	minus 2.
Whole tire reclaimed rubber.....	plus 2	minus (not limited).

In the event that no friction compound or tread compound in use by any Person on January 26, 1942, contains as large a percentage of Rubber as specified above, such Person shall not use or adopt the grade A friction compound or the grade A tread compound without the prior approval of the Director of Industry Operations.

The specifications set forth in this subdivision (a) shall become effective not later than February 16, 1942.

(b) Tire casings and solid tires. The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of this list, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefor opposite the description or designation of such class (provided that in no event shall any such tire herein required to be made of both grades F friction compound and grade F tread compound contain more than one pound Rubber):

Description of product	Compounds to be used	
	Pas-senger friction	Tread
PASSENGER FRICTION		
(1) Passenger automobile tires—stand-ard grade.....	F	F
(2) Passenger automobile tires—pre-mium grade, size 7.50 and larger.....	B	B
(3) Passenger automobile tires—pre-mium grade, size 7.00 and smaller.....	O	B
(4) Low pressure road building equip-ment tires.....	E	O
(5) Agricultural equipment tires—Garded Tractor.....	F	F

and capping stock and compounds there-for.

(a) Compounds.

Description of product	Type	Grade	Maximum per-cent by volume	
			Rubber	Whole tire re-claimed rubber
(1) Tread and capping stock compounds.....			73	0
		A	59.5	17.5
		B	47.9	31.4
		D	40.4	41.3
		F	20.0	57.0
(2) Passenger friction com-pounds.....			0	59.3
		A	63.8	0
		B	78.0	15.2
		D	69.8	34.2
		F	43.2	60.3
(3) Truck friction com-pounds.....			18.8	73.1
		E	0	90.2
		FF	6.4	85.0
		A	88.5	0
		B	77.0	9.3
	C+	68.4	21.7	
	O	69.8	34.2	

Variations from the above specifica-tions are permitted as follows:

Description of product	Compounds to be used	
	Pas-senger friction	Tread
PASSENGER FRICTION—CON.		
(6) Agricultural equipment tires—Im-plements and Tractors, size 6.50 and larger.....	L	O
(7) Agricultural equipment tires—Im-plements and Tractors, size 6.00 and smaller.....	F	F
(8) Motorcycle tires.....	O	A
(9) Mileage tires—taxi.....	O	O
(10) Industrial pneumatic tires.....	D	A
(11) Industrial solid tires.....		F
(12) House trailer tires.....	E	F
TRUCK FRICTION		
(1) Truck tires, 17"-24" rims, size 6.50 and smaller.....	C+	O
(2) Truck tires, 17"-24" rims, size 7.00 to 7.50 inclusive, 8-ply and less.....	C+	O
(3) Truck tires, 17"-24" rims, size 7.00 to 7.50 inclusive, more than 8-ply, and 7.50-20-8 ply—standard grade.....	A	O
(4) Truck tires, 17"-24" rims, size 7.00 to 7.50 inclusive, more than 8-ply, and 7.50-20-8 ply—premium grade.....	A	A
(5) Truck tires, 17"-24" rims, size 8.25 and larger—standard grade.....	A	O
(6) Truck tires, 17"-24" rims, size 8.25 and larger—premium grade.....	A	A
(7) Truck tires, 13"-16" rims, 8-ply and less.....	O	O
(8) Truck tires, 13"-16" rims, more than 8-ply.....	A	O
(9) Off-highway equipment heavy service tires, 8-ply and less.....	B	O
(10) Off-highway equipment heavy service tires, more than 8-ply.....	A	A
(11) Mileage tires, city busses.....	B	O
(12) Mileage tires, inter-city busses.....	A	A

The specifications set forth in this paragraph (b) shall become effective not later than February 16, 1942.

(c) Capping stock. Capping stock of each of the classes listed below shall be

made from one of the grades of compounds listed in subdivision (a) (1) of this list, the appropriate grade of compound to be used for each such class being that hereinbelow specified therefor opposite the description or designation of such class:

Description of product	Tread compound to be used
(1) Capping Stock, 14/32 gauge and smaller	E.
(2) Capping Stock, 16/32 gauge and larger	A or C.
(3) Capping Stock, 12/32 and 14/32 gauge, Hawkinson die sizes only	A or C.

Capping stock may be manufactured only in gauges of 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32, and larger.

The specifications set forth in this subdivision (c) shall become effective not later than February 2, 1942.

(d) *Maximum material volume of tire tubes.* No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product		Maximum material volume (in cubic inches)	
Type	Size		
Passenger automobile tire tubes	5.50-16	51.2	
	CD 16	57.8	
	6.50-15	66.6	
	7.00-15	72.2	
	D 16	72	
	7.50-15	83.4	
	7.50-16	93.2	
	A 20/21	42.8	
	B 17/18	46.9	
	O 17	56.1	
	7.00-17	75.2	
	7.50-17	93.4	
Truck tire tubes, 15" and 16" rims	6.00-16	65	
	6.50-16	75	
	7.00-15	85	
	7.00-16	89	
	7.50-15	103	
	7.50-16	108	
	9.00-16	191	
	10.00-16	220	
	Truck tire tubes	6.00-20	75
		6.50-20	102
		7.00-20	135
		7.50-20	175
8.25-20		197	
9.00-20		235	
10.00-20		300	
11.00-20		350	
12.00-20		450	
13.00-20		525	
14.00-20		670	
Agricultural equipment tires		4.00-12	25.3
	5.00-15	38.6	
	6.00-9	26.8	
	6.00-16	59.0	
	DM 16	70.5	
	6.50-32	137.8	
	FM 24	153.5	
	8.50-10	223.0	
	9.00-28	223.0	
	HM 28	302.0	
	KM 28	414.0	
	5-40	92.5	
	5.5-40	92.5	
	6-40	118.0	
	7-32	112.0	
	8-32	157.0	
	9-32	220.0	
	10-28	242.0	
11-28	302.0		
12-30	385.5		
13-30	440.0		
14-20	498.0		
15-30	593.0		

Variations from the above maximum volumes shall be permitted to the extent of minus 3%.

Sizes not specifically set forth shall have maximum volumes proportional to the sizes listed.

In the event that the maximum volume herein permitted for a tube of a given type and size manufactured by any Person on the effective date of this Order is less than the maximum indicated above, such Person shall make no change in the maximum volume of such tube as then manufactured by him without the prior approval of the Director of Industry Operations.

The specifications set forth in this subdivision (d) shall become effective not later than March 2, 1942.

List 8—Specifications for the manufacture of bicycle tire casings and tire tubes. (1) No bicycle tire casing (designed for use with a separate tube) shall contain more than 1.5 ounces of Rubber.

(2) No bicycle tire tube shall contain more than 6 ounces of Rubber.

(3) No bicycle single tube casing (tire and tube in one piece) shall contain more than 7.5 ounces of Rubber.

(4) In those instances in which lightweight (26" x 1 3/8") tire casings and tubes are manufactured to equip new bicycles, either the tire casing or tube may exceed the respective limits set forth in (1) and (2), provided the total weight of Rubber in a tire casing and tube combined does not exceed 7.5 ounces.

List 9—Specifications for the manufacture of tires, tire casings and tire tubes to fill war orders. (a) Compounds used in the manufacture of tires and tire casings to fill War Orders shall be prepared in accordance with the specifications set forth in subdivision (a) of List 7 attached to this Order.

(b) The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of said List 7, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefor opposite the description or designation of such class:

Description of product	Compound to be used	
	Passenger friction	Tread
PASSENGER FRICTION		
(1) Passenger automobile tires—size 7.50 and larger	B	B
(2) Passenger automobile tires—size 7.00 and smaller	C	B
(3) Airplane tires, 4-ply and less	B	B
(4) Airplane tires, more than 4-ply	A	A
(5) Motorcycle tires, 16" and 16" rims	C	A
(6) Odd size tires, sizes 4.00-12 and 6.50-10	D	O
(7) Industrial pneumatic tires	O	O
(8) Industrial solid tires	D	A

Description of product	Compound to be used	
	Truck friction	Tread
TRUCK FRICTION		
(1) Truck tires, 17"-24" rims, size 6.50 and smaller and 7.00-20 8-ply	C+	B
(2) Truck tires, 17"-24" rims, size 7.00 to 7.50, inclusive, 8-ply and less, except 7.00-20 8-ply	B	B
(3) Truck tires, 17"-24" rims, size 7.00 to 7.50, inclusive, more than 8-ply	A	B
(4) Truck tires, 17"-24" rims, size 8.25 and larger, 8-ply and less	B	B
(5) Truck tires, 17"-24" rims, size 8.25 and larger, more than 8-ply	A	B
(6) Truck tires, 13"-16" rims, size 6.50 and smaller	C	B
(7) Truck tires, 13"-16" rims, size 7.00 and larger, 8-ply and less	B	B
(8) Truck tires, 13"-16" rims, size 7.00 and larger, more than 8-ply	A	B
(9) Run flat combat tires	A	A

(c) The skid depths of tires with mud and snow type treads shall be as follows:

Tire size:	Actual mold measurements in inches
8.25-10	.585
9.00-13	.62
6.00	.50
6.50	.52
7.00	.535
7.50	.56
8.25	.585
9.00	.62
10.00	.645
11.00	.67
6.00	.50
6.50	.52
7.00	.535
7.50	.56
8.25	.585
9.00	.62
10.00	.645
11.00	.67
12.00	.70
13.00	.74
14.00	.80

Variations from the above measurements shall be permitted to the extent of .01 inch plus or minus throughout the mold.

(d) The outside diameters of tires with mud and snow type treads shall be as follows:

Tire dimension	Outside diameter in inches—infated tire			
	Diameter	Section	Minimum	Maximum
16" rims	6.00		28.60	28.80
	7.50		31.40	31.60
	9.00		35.00	35.30
	10.00		36.50	36.90
20" rims	7.00		35.60	35.90
	7.50		36.60	36.90
	8.25		38.10	38.40
	9.00		40.10	40.50
24" rims	10.00		41.60	41.90
	11.00		42.80	43.30
	12.00		44.20	44.70
	14.00		48.30	48.90
	14.00		52.30	52.90

(e) Standard tread radii shall be between 80% and 95% of the maximum

cross section width of the Tire and Rim Association's standard tire sections.

(f) None of the specifications contained in subsections (c), (d) and (e) above shall be construed to make any change in present dimensions of airplane tires.

(g) Maximum material volumes of tire tubes for passenger automobile tires and truck tires shall be subject to the limitations for those types of tubes as set forth in subdivision (d) of List 7 attached to this Order.

(h) No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product		Maximum material volume (in cubic inches)
Type	Size	
Combat.....	6.00-16	65
	7.50-16	120
	9.00-16	190
	7.50-20	160
	8.25-20	190
	9.00-20	220
	10.00-20	250
	10.00-22	275
	11.00-20	318
	12.00-20	370
	14.00-20	525
Lend-Lease Regular.....	9.00-13	145
	10.50-16	250
	12.00-20	450
	13.50-20	670
Run Flat (Rubber-Bead-Lock).....	7.00-18	95
	8.25-10	97
	9.00-16	165
	9.25-16	150
	10.50-16	210
	10.50-20	235
	12.00-20	335
	12.00-20	335
	13.50-20	400

Variations from the above maximum volumes shall be permitted to the extent of minus 3%.

Sizes not specifically set forth shall have maximum volumes proportional to the sizes listed.

(1) *Effective date.* These specifications shall become effective as follows:

(1) With respect to subsections (a) and (b) with the effective date of this Order.

(2) With respect to subsections (c), (d) and (e), at the earliest possible date for each type and size of tire casing specified, depending on length of time required to obtain changed or new molds.

(3) With respect to subsections (g) and (h), not later than March 2, 1942.

List 10—Specifications for the manufacture of fire hose and mill hose. (1) The following specifications (which, with respect to the use of Rubber, are identical with Federal Emergency Alternate Specifications E-ZZ-H-451a) shall apply to the manufacture of fire hose and mill hose.

(2) Fire hose and mill hose shall be manufactured only in the following sizes and the maximum amount of Rubber per 100 feet for each size shall not be greater than the amount specified for each size as follows:

Normal size	Maximum amount of rubber permitted, per 100 feet
1½ inch	4 pounds
2½ inch	7 pounds
3 inch	8.5 pounds
3½ inch	10 pounds

(3) The rubber lining shall be made either from calendered sheets of not less than three plies lap-jointed and vulcanized into one solid body, or from a single ply extruded tube. The lap joints of calendered tubes shall be as small as is consistent with best manufacturing practice.

(4) The rubber lining shall be of a thickness not less than .04 of an inch at any point when measured on specimens buffed just to the point where the fabric impressions left by the jacket are removed.

(5) Each set of hose couplings shall be provided with three rubber gaskets of good quality. One gasket shall fit accurately the swivel of the couplings, and one (not less than ⅓ of an inch thick) shall be placed under the end of each expansion ring. When the coupling is made up snugly, as in service, the gasket in the swivel shall not be compressed to such an extent as to project beyond the inside surface of the coupling.

(6) The hose shall have an internal diameter as shown by a tapered plug gauge of not less than the nominal size of the hose, except that in the case of 2½-inch hose, the internal diameter so measured shall not be less than 2⅞ inches.

(7) Unless otherwise specified, hose shall be furnished in lengths averaging not less than 50 feet, measured from back to back of couplings and under a pressure of 10 pounds per square inch. No length before sampling shall be less than 48 feet.

(8) The hose with coupings attached shall meet the following hydrostatic proof pressure test requirements without leakage in the hose or at the couplings or breaking any threads in the jacket.

	Numerical requirements for—				
	Single Jacket		Double Jacket		
	1½ in.	2½ in.	1½ in.	2½ in.	3 and 3½ in.
Test pressure for Initial requirements—pounds per square inch			10	10	10
Test pressure—pounds per square inch	300	300	400	400	400
Test pressure for kink test—pounds per square inch			350	350	250
Elongation at test pressure—maximum percent			8	8	8
Twist to right—maximum degrees per foot			29	12.5	12.5
Twist to left—maximum degrees per foot			0	0	0
Warp—maximum inches			20	20	20
Rise—maximum inches			0	0	0

The kink test may be required on only one sample per 100 lengths.

A twist to the right is indicated by a clockwise rotation of the coupling, look-

ing from the hose toward the coupling. A twist to the left is indicated by a counter clockwise rotation. A maximum twist to the left of 2 degrees per foot will be permitted while pressure is being raised, but any final twist must be to the right.

Warp is defined as deviation from a straight line.

(9) A three foot sample, when subject to a burst test while lying straight, shall not burst below the pressure specified in the following table:

Kind of hose	Burst pressure (pounds per square inch)
Single jacket.....	450
Double jacket.....	600

(10) The hose shall meet the following tests with respect to the rubber lining:

(a) Tensile strength of at least 800 pounds per square inch when tested across the fold.

(b) Ultimate elongation of at least 300%.

(c) Tensile strength, as determined with test pieces ½ inch wide prepared from strips cut transversely across the fold which have been subjected to the action of dry heat of 158 degrees ±2 degrees Fahrenheit for 96 hours, shall be not less than 75% of the strength before heating.

(11) The adhesion of the rubber lining to the jacket shall be such that a weight of 8 pounds suspended from a strip 1½ inches wide will cause separation at a rate not greater than 1 inch per minute. This requirement does not prohibit that construction wherein there is no adhesion between the jacket and lining along the fold, provided the surface over which there is no adhesion is not greater than 35% of the total surface.

[F. R. Doc. 42-1258; Filed, February 11, 1942; 11:53 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to General Limitation Order No. L-3 To Restrict the Production of Light Motor Trucks

Section 976.3¹ (*General Limitation Order L-3*) issued September 13, 1941, paragraph (a) (1) (defining "Light Motor Truck") is hereby amended to read as follows:

(a) *Definitions.* * * *

(1) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941 6 F.R. 6680; W.P.B. Reg.

¹ 6 F.R. 4733.

1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527, sec. 2 (a), Pub. No. 671, 76th Cong. 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 12th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1304; Filed, February 12, 1942; 11:44 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 5 to Supplementary General Limitation Order L-3-e Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9¹ (*Supplementary General Limitation Order L-3-e*) as amended, is hereby further amended by changing the expiration date thereof from February 11, 1942 to February 28, 1942 unless otherwise ordered.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1303; Filed, February 12, 1942; 11:45 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 5 to Supplementary General Limitation Order L-1-c Further Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10² (*Supplementary General Limitation Order L-1-c*) as amended, is hereby further amended by changing the expiration date thereof from February 11, 1942 to February 28, 1942 unless otherwise ordered.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 661, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1302; Filed, February 12, 1942; 11:45 a. m.]

¹ 7 F.R. 116, 218, 311, 435, 699.

² 7 F.R. 116, 219, 311, 425, 699.

PART 983—MATERIALS ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 3 to Limitation Order L-4 to Restrict the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Section 983.1¹ (*General Limitation Order L-4*) issued September 18, 1941 paragraph (a) (2) (defining "Light Trucks") is hereby amended to read as follows:

(a) *Definitions.* * * *

(2) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis or body therefor.

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 12th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1301; Filed, February 12, 1942; 11:44 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 2 of Limited Preference Rating Order P-57—Material Entering Into the Production of Replacement Parts for Passenger Automobiles and Light Trucks

Section 983.2² (*Limited Preference Rating Order No. P-57*), issued September 18, 1941, paragraph (a) (2) (defining "Light Trucks") is hereby amended to read as follows:

(a) *Definitions.* * * *

(2) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis or body therefor.

This amendment shall take effect immediately. (P.D. Reg. 1, amended De-

¹ 6 F.R. 4819, 5954; 7 F.R. 516.

² 6 F.R. 4819, 5809; 7 F.R. 516.

ember 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 12th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1300; Filed, February 12, 1942; 11:44 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1300—PROCEDURE

PROCEDURAL REGULATION NO. 1—PROCEDURE FOR THE ISSUANCE, PROTEST, AND AMENDMENT OF MAXIMUM PRICE REGULATIONS

Sec.

1300.1 Definitions.

ISSUANCE OF MAXIMUM PRICE REGULATIONS

- 1300.2 Investigation prior to issuance.
- 1300.3 Price hearing prior to issuance.
- 1300.4 Notice of pre-issuance hearing.
- 1300.5 Conduct of pre-issuance hearing.
- 1300.6 Statement of considerations.
- 1300.7 Notice of provisions of a maximum price regulation.
- 1300.8 Effective date.

PROTESTS

- 1300.9 Right to protest.
- 1300.10 Action by representative.
- 1300.11 Time and place for filing protests.
- 1300.12 Form of protest.
- 1300.13 Assignment of docket number.
- 1300.14 Contents of protest.
- 1300.15 Affidavits or other written evidence in support of protest.
- 1300.16 Submission of brief by protestant.
- 1300.17 Amendment of protest and presentation of supplemental evidence.
- 1300.18 Protest and evidential material not conforming to the foregoing rules.
- 1300.19 Action by the administrator on protest.
- 1300.20 Statements in support of maximum price regulation.
- 1300.21 Inclusion of material in the record by the Administrator.
- 1300.22 Consolidation of protests.

ORAL HEARINGS ON PROTESTS

- 1300.23 Nature of oral hearing.
- 1300.24 Conference prior to oral hearing.
- 1300.25 Continuance or adjournment of oral hearing.
- 1300.26 Conduct of the oral hearing.
- 1300.27 Filing of briefs.
- 1300.28 Subpoenas.
- 1300.29 Witnesses.
- 1300.30 Contemptuous conduct.
- 1300.31 Stenographic report of oral hearing.

OPINION AND TRANSCRIPT

- 1300.32 Opinion denying protest in whole or in part.
- 1300.33 Treatment of protest as petition for amendment or for adjustment or exception.
- 1300.34 Transcript for judicial review.

PETITION FOR AMENDMENT

- 1300.35 Right to file petition.
- 1300.36 Method of filing, form, and contents.
- 1300.37 Action by the administrator on petition.

PETITION FOR ADJUSTMENT OR EXCEPTION
Sec.

- 1300.38 Right to file petition.
- 1300.39 Method of filing, form, and contents.
- 1300.40 Action by the administrator on petition.
- 1300.41 Protest of denial of petition.

PRICE SCHEDULES

- 1300.42 Effective date of Price Schedule.
- 1300.43 Reprinting of Price Schedules.
- 1300.44 Protest of Price Schedule.
- 1300.45 Amendment of Price Schedule and adjustment or exception pursuant thereto.

TEMPORARY MAXIMUM PRICE REGULATIONS

- 1300.46 Effective date of temporary maximum price regulation.
- 1300.47 Protest of temporary maximum price regulation.
- 1300.48 Amendment of temporary maximum price regulation and adjustment or exception pursuant thereto.

INTERPRETATIONS

- 1300.49 Interpretations not to be given orally.
- 1300.50 Requests for interpretation; form and contents.

MISCELLANEOUS

- 1300.51 Service of Papers.
- 1300.52 Secretary; office hours.
- 1300.53 Photostatic copies of material in the administrative record.
- 1300.54 Former employee not to be representative.
- 1300.55 Amendment of this regulation.

EFFECTIVE DATES

- 1300.56 Effective date of Procedural Regulation No. 1.

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following Rules are hereby prescribed for the issuance, protest and amendment of maximum price regulations, price schedules, and temporary maximum price regulations, and for adjustment or exception pursuant thereto and interpretation thereof:

§ 1300.1 *Definitions.* As used in this Regulation (§§ 1300.1 to 1300.56 inclusive) unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942.

(b) "Administrator" means the Price Administrator of the Office of Price Administration or such person as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum price regulation" means any regulation or order establishing a maximum price or prices as defined in section 302 (i) of the Act, except that the term shall not include a "price schedule" or "temporary maximum price regulation" as defined below.

(e) "Price schedule" means any price schedule establishing a maximum price or prices issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior

to February 11, 1942, the date upon which the Administrator took office under the Act.

(f) "Temporary maximum price regulation" means any temporary regulation or order, issued pursuant to section 2 (a) of the Act, establishing as a maximum price or prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulation or order.

(g) "Date of issuance", with respect to a maximum price regulation, means the date on which such maximum price regulation is filed with the Division of the Federal Register.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(i) "Protestant" means a person subject to any provision of a maximum price regulation or price schedule who files a protest against such provision in accordance with section 203 (a) of the Act.

(j) "Price hearing" means any formal or informal opportunity to present evidence which may be ordered by the Administrator in connection with any action or proceeding related to price control.*

*1300.1 to 1300.56, inclusive, issued pursuant to Pub. No. 421, 77th Cong., 2nd Sess.

ISSUANCE OF MAXIMUM PRICE REGULATIONS

§ 1300.2 *Investigation prior to issuance.* A maximum price regulation may be issued by the Administrator after such studies and investigations as he deems necessary or proper. Before issuing a maximum price regulation the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation.*

§ 1300.3 *Price hearing prior to issuance.* Whenever the Administrator deems it necessary or proper that a price hearing be held prior to the issuance of a maximum price regulation, he may provide for such hearing in accordance with §§ 1300.1 and 1300.5 of this Regulation (§§ 1300.1 to 1300.56, incl.)*

§ 1300.4 *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a maximum price regulation shall be given by publication of such notice in the FEDERAL REGISTER, and may be supplemented by notice given in any other appropriate manner. The notice shall state the time and place of the price hearing and shall contain an appropriate indication of the purposes of such hearing.*

§ 1300.5 *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a maximum price regulation shall be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of evidence by such persons as are, in the judgment of the Administrator, best qualified to pro-

vide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.*

§ 1300.6 *Statement of considerations.* Every maximum price regulation shall be accompanied by a statement of the considerations involved in its issuance. Such statement may include economic data and other facts of which the Administrator has taken official notice and facts found by the Administrator as a result of action taken under section 202 (a) of the Act.*

§ 1300.7 *Notice of provisions of a maximum price regulation.* Notice of the provisions of a maximum price regulation shall be given by filing such regulation with the Division of the Federal Register. As soon as possible after the filing of such regulation, the Administrator shall make copies thereof available to the press.*

§ 1300.8 *Effective date.* A maximum price regulation shall become effective five days after the date of its issuance, unless an earlier or later date is specified therein.*

PROTESTS

§ 1300.9 *Right to protest.* Any person subject to any provision of a maximum price regulation may file a protest against such provision in the manner set forth below. A person is, for the purposes of this Regulation, (§§ 1300.1 to 1300.56, incl.) subject to a provision of a maximum price regulation only if such provision prohibits or requires action by him. Any protest filed by a person not subject to the provision protested may be dismissed by the Administrator.*

§ 1300.10 *Action by representative.* Any action which by this Regulation (§§ 1300.1 to 1300.56, incl.) is required of, or permitted to be taken by, a protestant may, unless otherwise expressly stated, be taken on his behalf by any person whom the protestant has by written power of attorney authorized to represent him. Such power of attorney signed by the protestant, shall be filed with the protest.*

§ 1300.11 *Time and place for filing protests.* Any protest against a provision of a maximum price regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of 60 days after the date of issuance of such regulation, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely upon grounds arising after the expiration of 60 days after the date of issuance of a maximum price regulation may be filed at any time after the grounds for such protest arise.*

§ 1300.12 *Form of protest.* Every protest shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation against a provision of which the protest is made. One original and four copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quo-

tations shall be single-spaced and indented.*

§ 1300.13 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the number and date of issuance of the maximum price regulation protested.*

§ 1300.14 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the maximum price regulation protested.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum price regulation, the specific changes which he seeks to have made in the provision.

(f) In cases where the protest is filed on grounds arising after the expiration of 60 days after the issuance of the maximum price regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement, signed and sworn to by the protestant personally, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information, and belief. The protestant shall specify which of the facts alleged are known to him to be true and which are alleged on information and belief.*

§ 1300.15 *Affidavits or other written evidence in support of protest.* Every protestant shall file in conjunction with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limited for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence.*

§ 1300.16 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.*

§ 1300.17 *Amendment of protest and presentation of supplemental evidence.*

(a) Within a period of 60 days after the issuance of the maximum price regulation against a provision of which his protest is filed or, in the case of a protest properly filed more than 60 days after the issuance of a maximum price regulation, within 15 days after such protest is filed, the protestant may amend his protest or the affidavits and briefs submitted therewith, or may add to such material.

(b) After the time prescribed in section (a) of this § 1300.17 a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest.

(c) No amendment which adds a new ground of protest will be permitted.*

§ 1300.18 *Protest and evidential material not conforming to §§ 1300.12, 1300.14 and 1300.15.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to §§ 1300.12, 1300.14 and 1300.15 of this Regulation (§§ 1300.1 to 1300.56, incl.), the Administrator may dismiss such protest.*

§ 1300.19 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with §§ 1300.12, 1300.14 and 1300.15, but in no event more than 30 days after such filing or 90 days after the issuance of the maximum price regulation against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) grant or deny such protest in whole or in part;

(2) notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.23 to 1300.31, inclusive, of this Regulation (§§ 1300.1 to 1300.56, incl.); or

(3) provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.*

§ 1300.20 *Statements in support of maximum price regulation.* (a) Any person affected by the provisions of a maximum price regulation may at any time after the issuance of such regulation submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum price regulation in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.12 of this Regulation (§§ 1300.1 to 1300.56, inclusive).

(b) In the event that a protest has been, or is subsequently, filed to a provision of a maximum price regulation in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.*

§ 1300.21 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.*

§ 1300.22 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.*

ORAL HEARINGS ON PROTESTS

§ 1300.23 *Nature of oral hearing.* In the event that the Administrator orders an oral hearing in connection with a protest, notice shall be served on the protestant not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice.*

§ 1300.24 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the Administrator may request the protestant to appear at a conference to consider: (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; and (c) such other

matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the Administrator shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, the Administrator may direct that such negotiations be conducted by correspondence.*

§ 1300.25 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.*

§ 1300.26 *Conduct of the oral hearing.* (a) The oral hearing shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. Any such appointment or designation may be made or revoked by the Administrator at any time.

(b) The oral hearing shall be conducted in such manner as will permit the protestant to present evidence and argument to the fullest extent compatible with expeditious decision of the issues raised by the protest. To this end:

(1) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to all protestants, may restrict oral argument and the examination and cross-examination of witnesses: *Provided, however,* That in no event shall this section be taken to limit the right of any protestant to submit affidavits or other written evidence or arguments.*

§ 1300.27 *Filing of briefs.* The presiding officer shall allow the protestant to file briefs or written arguments within such time as he shall designate.*

§ 1300.28 *Subpoenas.* (a) Applications for subpoenas, when made prior to the oral hearing, may be filed by the protestant with the Secretary. The Administrator may grant or deny the application or refer it to the presiding officer appointed or designated under § 1300.26, who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued

at the instance of the Administrator fees and mileage need not be tendered.*

§ 1300.29 *Witnesses.* Witnesses summoned before the presiding officer at any protest hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.*

§ 1300.30 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.*

§ 1300.31 *Stenographic report of oral hearing.* A Stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C.*

OPINION AND TRANSCRIPT

§ 1300.32 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.*

§ 1300.33 *Treatment of protest as petition for amendment or for adjustment or exception.* Any protest filed against a provision of a maximum price regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or exception pursuant thereto, when the facts produced in connection with the protest justify such treatment.*

§ 1300.34 *Transcript for judicial review.* The transcript for judicial review shall include: (a) the maximum price regulation against a provision of which the protest was filed; (b) the statement of considerations accompanying such regulation; (c) the protest; (d) a statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and (e) such other portions of the proceedings in connection with the protest as are material under the complaint.*

PETITION FOR AMENDMENT

§ 1300.35 *Right to file petition.* A petition for amendment may be filed: (a) by any person subject to any provision of a maximum price regulation who has failed to file a proper protest within the time specified in § 1300.11; (b) by any other person subject to any provision of a maximum price regulation who proposes an amendment thereof; or (c) by any person who desires modification in any provision of a maximum price regulation by which he is affected but to which he is not subject within § 1300.9 of this Regulation (§§ 1300.1 to 1300.56 inclusive).*

§ 1300.36 *Method of filing, form, and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C., and shall conform in all respects to the requirements set forth in § 1300.12 of this Regulation. (§§ 1300.1 to 1300.56 inclusive) The petition shall state the name and post office address of the petitioner, shall specify the manner in which the petitioner is affected by the provision of the maximum price regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition may be accompanied by affidavits setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.*

§ 1300.37 *Action by the Administrator on petition.* In the consideration of any petition for amendment the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment.*

PETITION FOR ADJUSTMENT OR EXCEPTION

§ 1300.38 *Right to file petition.* A petition for adjustment or exception may be filed by any person subject to any provision of a maximum price regulation who requests such adjustment or exception pursuant to a provision of the maximum price regulation authorizing such action.*

§ 1300.39 *Method of filing, form, and contents.* A petition for adjustment or exception shall be filed with the Secretary, Office of Price Administration, Washington, D. C. and shall conform in all respects to the requirements set forth in § 1300.12 of this Regulation. The petitioner shall state the name and post office address of the petitioner, and shall specify the manner in which the petitioner is affected by the provision of the maximum price regulation involved and the facts which justify his special classification pursuant to that regulation. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in support of the fact alleged in his petition.*

§ 1300.40 *Action by the Administrator on petition.* In the consideration of any petition for adjustment or exception the Administrator may afford to the petitioner such opportunity to present evidence or argument in support of the petition as is consistent with expeditious determination of the issues raised thereby.*

§ 1300.41 *Protest of denial of petition.* Any person whose petition for adjustment or exception is denied by the Administrator may, within 60 days after issuance of the order denying such petition, file a protest against such order. Such protest shall be filed and determined in accordance with the provisions of §§ 1300.9 to 1300.34, inclusive, of this Regulation (§§ 1300.1 to 1300.56, inclusive).*

PRICE SCHEDULES

§ 1300.42 *Effective date of Price Schedule.* Every price schedule issued by the Administrator of the Office of Price Administration or the Office of Price Administration and Civilian Supply prior to February 11, 1942, shall from such date have the same effect as if issued as a maximum price regulation under section 2 of the Act until such price schedule is superseded or withdrawn.*

§ 1300.43 *Reprinting of Price Schedules.* Every price schedule shall be reprinted in the FEDERAL REGISTER within 10 days after February 11, 1942: *Provided, however,* That such price schedule need not be accompanied by a statement of the considerations involved in its issuance.*

§ 1300.44 *Protest of Price Schedule.* (a) Any provision of a price schedule shall be subject to protest within a period of 60 days after February 11, 1942: *Provided, however,* That any protest based solely on grounds arising after the expiration of such 60 days may be filed at any time after the grounds for such protest arise.

(b) A protest to a provision of a price schedule shall be filed, considered, and determined in the same manner as is provided for the protest of maximum price regulations by §§ 1300.9 to 1300.34 inclusive, of this Regulation (§§ 1300.1 to 1300.56, inclusive).*

§ 1300.45 *Amendment of Price Schedule and adjustment of exception pursuant thereto.* Sections 1300.35 to 1300.37, and 1300.38 to 1300.41, of this Regulation (§§ 1300.1 to 1300.56, inclusive), applicable to maximum price regulations, shall be applicable to petitions for amendment of, or adjustment or exception pursuant to, any price schedule.*

TEMPORARY MAXIMUM PRICE REGULATIONS

§ 1300.46 *Effective date of temporary maximum price regulation.* A temporary maximum price regulation shall be effective from the date of the filing of such regulation with the Division of the Federal Register, unless a different date is specified in such regulation.*

§ 1300.47 *Protest of temporary maximum price regulation.* A temporary maximum price regulation shall be subject to protest in the manner provided for the protest of maximum price regulations by §§ 1300.9 to 1300.34, inclusive, of this Regulation (§§ 1300.1 to 1300.56, incl.)*

§ 1300.48 *Amendment of temporary maximum price regulation and adjustment or exception pursuant thereto.* Sections 1300.35 to 1300.37, and 1300.38 to 1300.41, of this Regulation, (§§ 1300.1 to 1300.56, incl.) applicable to maximum price regulations, shall be applicable to petitions for amendment of, or adjustment or exception pursuant to, any temporary maximum price regulation.*

INTERPRETATIONS

§ 1300.49 *Interpretations not to be given orally.* No interpretation of a maximum price regulation, price schedule, or temporary maximum price regulation shall be given except in writing, signed by the Administrator or such person as he may appoint or designate to make such interpretations.*

§ 1300.50 *Requests for interpretation; form and contents.* Any person desiring an interpretation of a maximum price regulation, price schedule, or temporary maximum price regulation may make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall state the names and post office addresses of all persons involved. No interpretation shall be given with respect to any hypothetical situation or in response to any hypothetical question.*

MISCELLANEOUS

§ 1300.51 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.*

§ 1300.52 *Secretary; office hours.* The office of the Secretary, Office of Price Administration, Washington, D. C., shall be open, on week days, from 9 A. M. until 5 P. M. and on Saturdays from 9 A. M. until 1 P. M. Any person desiring to file any papers, or to inspect any documents filed with the Secretary, at any time other than the regular office hours stated, may file a written application with the Secretary requesting permission therefor.*

§ 1300.53 *Photostatic copies of material in the administrative record.* Photostatic copies of any material included in the record of proceedings on any protest may be purchased by the protestant or other interested person at 10 cents per photostatic copy of each page.*

§ 1300.54 *Former employee not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection with any protest, petition for amendment, petition for adjustment or exception, or other proceeding before the Office of Price Administration.*

§ 1300.55 *Amendment of this Regulation (§§ 1300.1 to 1300.56, incl.).* Any provision of this Regulation (§§ 1300.1 to 1300.56, incl.) may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.*

§ 1300.56 *Effective date of Procedural Regulation No. 1.* This Regulation (§§ 1300.1 to 1300.56, incl.) shall become effective February 12, 1942.*

— Issued this 12th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1305; Filed, February 12, 1942; 12:07 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF

Corrections

The word "charged" should read "changed" in the second line of § 1307.3 (b) on page 708 of the issue for Wednesday, February 4, 1942.

Under "Cotton content" in § 1307.8 (g) on page 709, "25s to 30s, inclusive" should be followed by "1 $\frac{3}{32}$ ".

Footnote 10 under the table headed "Plied Twist" on page 711 has "plied" instead of "plled" in the last line.

The first item of the second table in the third column on page 711 should read "20s and below".

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-196]

IN THE MATTER OF B. A. HOWARD, (DEER CREEK COAL COMPANY), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on July 30, 1941, referred to District Board No. 20 information in its possession bearing on whether or not violations of the Act, the Code and rules and regulations thereunder have been committed by B. A. Howard, the Code member above-named (hereinafter referred to as the "Code member") who operates the Deer Creek Mine, Mine Index No. 131, located in Emery County, Utah, Subdistrict 1 of District No. 20 in connection with:

(a) the allowance of discounts from applicable minimum prices to K. B. Cornia, a registered distributor, No. 2209, located at Salt Lake City, Utah, on approximately 101 tons of coal produced at said mine which the Code member sold in less than railroad carload lots during the period of October 1, 1940, to February 14, 1941, to said registered distributor for resale, resulting in a violation of Rule 1 of section III of the Marketing Rules and Regulations; and

(b) the extension of the due date of the invoices for the coal referred to in 2 (a) hereof beyond the 20th day of the month following the month in which shipment was made without charging the buyer, K. B. Cornia, interest thereon from and after the due date thereof at the rate of not less than 5 per cent per annum, resulting in violations of section

4 II (i) of the Act; Rule 1 (A) (I) and (M) of section VII; and Rules 6 and 7 of section XIII of the Marketing Rules and Regulations; and

(c) the failure to file with the Division's field office for District No. 20, copies of spot orders received from K. B. Cornia for the coal referred to in 2 (a) hereof, within 10 days from the date of acceptance, of such orders respectively, resulting in violations of Order 14, Paragraph 5, dated July 15, 1937, issued pursuant to section 4 Part II (a) of the Act by the National Bituminous Coal Commission and adopted by the Division on July 1, 1939;

3. By letter dated September 24, 1941, the Division notified said Board that unless it took action on this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

4. District Board No. 20 has not taken any action on this matter.

5. Section 6 (a) of the Act provides in part that in the event that a district board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the District Board.

6. District Board No. 20 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) whether or not the Code member has wilfully violated section 4 II (i) of the Act and Part II (i) of the Code; Rule 1, section III; Rule 1 (A), (I) and (M), section VII; and Rules 6 and 7, Section XIII, of the Marketing Rules and Regulations, and Order 14, Paragraph 5, dated July 15, 1937, issued pursuant to section 4, Part II (a) of the Act, by the National Bituminous Coal Commission and adopted by the Bituminous Coal Division on July 1, 1939; and

(b) whether or not in the event that the Code member is found to have so violated the Act, the Code, and rules and regulations thereunder, an order should be entered revoking the Code membership of B. A. Howard, or directing B. A. Howard to cease and desist from violating the Act, the Code, and the rules and regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder be held on March 14, 1942, at 10 a. m., at a hearing room of the Division at the Federal Court House, Price, Utah.

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

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

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

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

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1267; Filed, February 12, 1942;
10:59 a. m.]

[Docket No. A-1294]

PETITION OF DISTRICT BOARD NO. 23 FOR PERMISSION TO CODE MEMBERS TO GRANT MOISTURE ALLOWANCES FROM THE EFFECTIVE MINIMUM PRICES FOR CERTAIN WASHED OR WET SCREENED COALS, FOR SHIPMENT BY TRUCK, PRODUCED IN DISTRICT NO. 23

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 28, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 23 for permission to code members to grant moisture allowances not exceeding 3% of and from the effective minimum prices for the washed or wet screened coals with top sizes not exceeding 2" in Size Groups 12 through 18, and 21 through 25, for shipment by truck, produced in District No. 23, and for the amendment of the Schedule of Effective Minimum Prices for District No. 23 for All Shipments by inserting therein a price exception providing for the granting of such allowances.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1268; Filed, February 12, 1942;
10:59 a. m.]

[Docket No. A-1293]

PETITION OF DISTRICT BOARD NO. 10 FOR THE REVOCATION OF RELIEF GRANTED IN DOCKET NO. A-450 WHICH ESTABLISHED PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 17 THROUGH 25 FOR THE COALS OF THE MINES IN PRICE GROUP NO. 20 IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING

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

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

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 5, 1942.

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

The matter concerned herewith is in regard to the petition of District Board

No. 10 for the revocation of relief granted in Docket No. A-450 which established permanent price classifications and minimum prices in Size Groups 17 through 25 for the coals of the mines in Price Group No. 20 in District No. 10, for all shipments except truck.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1269; Filed, February 12, 1942;
10:59 a. m.]

[Docket No. B-64]

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

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of January 21, 1942, by Order of the Director dated November 22, 1941, and subsequently having been rescheduled for hearing on February 25, 1942 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky, before Joseph A. Huston, trial examiner, by Order of the Acting Director dated January 19, 1942; and

The Acting Director deeming it advisable to further postpone said hearing; *Now, therefore, it is ordered,* That the hearing in the above-entitled matter be and the same hereby is postponed from February 25, 1942 at 10 a. m. to March 11, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky, before the same officer or officers heretofore designated to preside at said hearing by Order of the Acting Director dated January 19, 1942.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1270; Filed, February 12, 1942;
11:00 a. m.]

[Docket Nos. B-117, B-118]

IN THE MATTERS OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL CO.); AND IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBERS, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matters having heretofore been scheduled for hearings on February 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

It appearing to the Acting Director that it is advisable to postpone said hearings; *Now, therefore, it is ordered,* That the hearings in the above-entitled matters be

and the same hereby are postponed from 10 o'clock in the forenoon of February 25, 1942 to 10 o'clock in the forenoon of March 11, 1942, before the officer or officers previously designated to preside, and at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1271; Filed, February 12, 1942;
11:00 a. m.]

[Docket No. B-124]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND HENSLEY, (JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)), CODE MEMBER, DEFENDANTS

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in the Notice of and Order for Hearing, dated January 14, 1942, in the above-entitled matter.

The last paragraph, line 5, reads, "delivered to the United States Post Office at Pineville" whereas this line should read "delivered to the Jail, Court House, and Relief Office at Pineville."

Now, therefore, it is ordered, That the words "United States Post Office" in the last paragraph, line 5, be deleted, and the words "Jail, Court House and Relief Office" inserted in place thereof.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1272; Filed, February 12, 1942;
11:00 a. m.]

[Docket No. B-123]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND SHELBY HENSLEY, (JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)), CODE MEMBER, DEFENDANTS

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in the Notice of and Order for Hearing, dated January 14, 1942, in the above-entitled matter.

The last paragraph, line 5, reads, "delivered to the United States Post Office at Pineville" whereas this line should read "delivered to the Jail, Court House, and Relief Office at Pineville."

Now, therefore, it is ordered, That the words "United States Post Office" in the last paragraph, line 5, be deleted, and the words "Jail, Court House and Relief Office" inserted in place thereof.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1273; Filed, February 12, 1942;
11:00 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL & COKE COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION No. 4541, RESPONDENT

NOTICE OF FILING APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that the Howard Coal & Coke Company, Inc., Registered Distributor, Registration No. 4541, a corporation having its principal place of business at 6th Street and 2nd Avenue, Brooklyn, New York, being the respondent in the above-entitled matter, filed an application dated January 23, 1942, with the Bituminous Coal Division on January 27, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application respondent admits that it purchased 1457.75 tons of 2" N/S from the Forks Coal Mining Company, a code member, which coal was produced at said code member's Hughes No. 11 Mine, Mine Index No. 219, District No. 1, and paid \$1.85 per net ton to the said code member which price was below the effective minimum f. o. b. mine price of \$2.10 per net ton for such coal.

The respondent further admits that the aforesaid coal was purchased in carload lots and resold in truckload lots after being physically handled by the respondent, such resale being made by respondent acting in the capacity of a retailer.

The respondent agrees to restore to code members or others entitled thereto the amounts unlawfully accepted by respondent as discounts or sales commissions on the transactions involving the aforesaid coal, and consents to the entry of an order revoking or suspending its registered distributor's Certificate No. 4541 in connection with the alleged violations of section 4 II (h) of the Act and paragraph (a) of the Distributor's Agreement, as set forth in the Notice of and Order for Hearing, as amended, in the above-entitled proceeding.

Interested parties may file within fifteen (15) days from the date of this Notice recommendations or requests for informal conferences with respect to the above-described application.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1274; Filed, February 12, 1942; 11:01 a. m.]

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, DOING BUSINESS AS TEN X COAL COMPANY, DEFENDANT

NOTICE OF FILING APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that Walter V. Beisser, doing business as Ten X Coal Company, Code member, District 4, de-

fendant in the above-entitled matter, on January 14, 1942 filed an application dated January 7, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application, the defendant,

1. Admits selling and delivering during the months of January 1941 through June 1941, 166.7 tons of 4" lump coal to City Coal Co., Marion, Ohio, 68.9 tons of 2 x 4" egg coal to Ideal Electric Company, Mansfield, Ohio, 116.8 tons of 4" lump coal to Mansfield Transfer Company, Mansfield, Ohio, 17.1 tons of 4" lump coal to Marion Metal Products Company, Marion, Ohio, 71.1 tons of 1 1/4" x 2" nut coal, 52.1 tons of 2 x 4" egg coal, 362.7 tons of 1 1/4" x 4" egg coal and 322.8 tons of run of mine coal, to Pittsburgh Plate Glass Company, Fultonham, Ohio, in violation of section 4 II (g) of the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments (the "Schedule") and Price Instruction No. 6 (the "Price Instruction") contained in said Schedule; and

2. Consents to the entry of an Order revoking his membership in the Code, and to the imposition of a tax of \$1,052.74 for the admitted violations of the Act, the price provisions of the Act and Code, the Schedule and Price Instruction, and agrees to pay such tax as a condition to the restoration of membership in the Code.

Interested parties desiring to do so may within fifteen (15) days from the date of this Notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1275; Filed, February 12, 1942; 11:01 a. m.]

[Docket No. A-1192]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL TO AMEND RULE 2 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

ORDER GRANTING POSTPONEMENT

Bituminous Coal Consumers' Counsel, the original petitioner, and District Board No. 7, an intervener, having severally moved that the hearing in the above-entitled matter be postponed until a later date, and having shown good cause why their several motions should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of February 12, 1942, to 10 o'clock in the forenoon of April 13, 1942, at the place heretofore designated and before

the officers previously designated to preside at said hearing.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1276; Filed February 12, 1942; 11:01 a. m.]

[Docket No. B-146]

IN THE MATTER OF ZIMMERMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION No. 9985, RESPONDENT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF PROCEEDINGS WITHOUT FORMAL HEARING, AND EXTENDING TIME TO FILE ANSWER

A Notice of and Order for Hearing having been entered herein on January 21, 1942, and having been served on January 28, 1942 upon Zimmerman Coal Company, Registered Distributor, Registration No. 9985, respondent herein; and

Said registered distributor, by its attorney, Lloyd C. Adamson, having filed with the Division on February 4, 1942, a motion requesting an extension of not less than two weeks in which to prepare and file herein its application for disposition without hearing or answer; and

The undersigned deeming it advisable to grant said request;

It is therefore ordered, That the time within which said registered distributor may file herein its verified application pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division, relating to applications based upon admissions for the disposition without formal hearings of compliance proceedings, be and the same is hereby extended to and including the 18th day of February, 1942.

It is further ordered, That the time within which said respondent is required to file its answer herein be and the same is hereby extended to and including February 25, 1942.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1277; Filed, February 12, 1942; 11:01 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 210]

LIFE RAFTS APPROVED

FEBRUARY 12, 1942.

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened their regular annual session in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following life rafts were approved for use on vessels subject to the Bureau's jurisdiction:

Life raft (Drawing No. NL-R-18, dated Dec. 31, 1941, and supplemental drawing

dated Jan. 7, 1942), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

Life raft (Drawing No. 443-A, dated Dec. 15, 1941), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Life raft (Drawing No. CS-301, dated 1-13-42), manufactured by Colvin-Slocum-Boats, Inc., New York, N. Y.

Life raft (Drawing No. LR-15, dated 1-10-42), manufactured by Booth Metallic Boat Co., Beaumont, Texas.

Life raft (Drawing No. 47-CREV, dated Jan. 3, 1942), manufactured by Geo. W. Kneass Co., San Francisco, Calif.

Life rafts (Drawing dated Jan. 22, 1942), manufactured by Globe-American Corp., Kokomo, Ind.

Life rafts (Drawing No. G-281, dated 1-12-42), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

Life raft (Drawing No. 4008, dated 1-27-42) manufactured by Welding Engineers, Inc., Philadelphia, Pa.

Life raft (Drawing No. H-758, dated Jan. 22, 1942), manufactured by Newport News Shipbuilding and Dry Dock Co., Newport News, Va.

Life raft (Drawing dated 1-14-42), manufactured by General Engineering Works, Inc., Philadelphia, Pa.

Life raft (Drawing No. 2158, dated Jan. 10, 1942), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Life raft (Drawing dated Jan. 27, 1941), manufactured by Mystic Steamship Co., Boston, Mass.

Life raft (Drawing 11-A-5, dated 1-28-42), manufactured by Bethlehem Steel Co., Shipbuilding Division, East Boston, Mass.

Life rafts (Drawing No. L. R. 6-A, dated Feb. 2, 1942), manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (R. S. 4405, 4417a, 4426, 4488, 4491, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 489, 395, 396, 367)

[SEAL]

BOARD OF SUPERVISING INSPECTORS,

R. S. FIELD,
Director, Chairman.

CHARLES M. LYONS,
U. S. Supervising Inspector,
1st District, Boston, Mass.

GEORGE FRIED,
U. S. Supervising Inspector,
2d District, New York, N. Y.

EUGENE CARLSON,
U. S. Supervising Inspector,
3d District, Norfolk, Va.

JOHN F. OETTL,
U. S. Supervising Inspector,
4th District, New Orleans, La.

ROBERT E. COOMBS,
U. S. Supervising Inspector,
5th District, Pittsburgh, Pa.

EARL H. HULL,
U. S. Supervising Inspector,
6th District, Cleveland, Ohio.

WILLIAM FISHER,
U. S. Supervising Inspector,
7th District, San Francisco, Calif.

Approved:

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1290; Filed, February 12, 1942; 11:34 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGES IN WOOL TROUSERS BRANCH OF UNIFORM AND CLOTHING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3135, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Thursday, February 19, 1942 on the petition of the Amalgamated Clothing Workers of America that the Secretary of Labor amend the determination of January 25, 1941 made under the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act, for the wool trousers branch of the uniform and clothing industry by finding that the prevailing minimum wage is 60 cents an hour with a 20 percent tolerance for auxiliary workers at a minimum wage of 40 cents an hour.

Auxiliary workers are understood to be workers engaged in the following or similar occupations:

- Bundle boys and floor boys (or girls).
- Pairers and matchers.
- Fitters' helpers and thread markers.
- Examiners' helpers and brushers.
- Finishers.
- Bushelwomen.
- Cleaning and basting pullers.
- Boxers, stampers, and labelers.

Interested parties may file briefs for or against the adoption of the proposal or may recommend the substitution of such rate as they consider now prevails in the

industry, up to the time of the hearing and will be given opportunity to be heard at the hearing either in person or by duly appointed representatives.

For the convenience of interested parties a digest of wage information furnished by the Amalgamated Clothing Workers of America in support of its proposal and showing the distribution of wages in the manufacture of uniform clothing and in the manufacture of wool trousers as of the years 1940-1941 respectively has been made by the Research Section of the Division of Public Contracts and is attached.

Attention is called to the fact that on January 25, 1941 the Secretary of Labor determined the minimum wage for the coat and suit branch of the uniform and clothing industry to be 60 cents an hour, and that on the same date the Secretary determined the minimum wage for the wool trousers branch of the uniform and clothing industry to be 40 cents an hour.

The minimum wage determined will apply only to contracts for wool or part wool uniform trousers or breeches awarded by agencies of the United States Government subject to the provisions of the Public Contracts Act.

Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

[SEAL] **L. METCALFE WALLING,**
Administrator.

FEBRUARY 11, 1942.

PERCENTAGE DISTRIBUTION OF ALL WORKERS EXCLUSIVE OF AUXILIARY WORKERS IN THE UNIFORM CLOTHING INDUSTRY, 1940 AND IN THE WOOL PANTS INDUSTRY, 1941

Hourly earnings (cents)	October 1940		Summer 1941		
	Men's clothing	Dress and semi-dress trousers	Total	Single pants	Suiting pants
Number of workers with wages reported.....	30,391	3,445	7,415	2,219	5,196
Percent.....	100.0	100.0	100.0	100.0	100.0
Under 40.0.....	3.5	28.7	0.9	2.6	0.2
40.0 and under 45.0.....	5.2	23.9	6.6	16.3	2.4
45.0 and under 50.0.....	6.0	11.8	6.0	11.5	3.6
50.0 and under 55.0.....	7.4	9.6	6.7	10.8	4.9
55.0 and under 60.0.....	7.8	5.7	8.1	9.9	7.3
60.0 and under 70.0.....	14.9	7.2	16.0	13.7	16.1
70.0 cents and over.....	53.2	11.1	53.7	33.2	65.5
Under 50 cents.....	14.7	66.4	13.5	30.4	6.2
Under 60 cents.....	29.9	81.7	28.3	51.1	18.4

Source: Survey of Wages in the Uniform Clothing Industry 1940 and the Survey of Wages in the Wool Pants Industry, 1941—Amalgamated Clothing Workers of America.

[F. R. Doc. 42-1293; Filed, February 12, 1942; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY, THE GENERAL FINANCE CORPORATION, AND METROPOLITAN INVESTING COMPANY

NOTICE REGARDING FILING

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

office in the City of Washington, D. C. on the 11th day of February, A. D. 1942.

Notice is hereby given that declarations have been filed by The General Finance Corporation and Metropolitan Investing Company, and an amendment to its application and declaration, previously filed, by NY PA NJ Utilities Company.

All interested persons are referred to said declarations and the amendment to the application-declaration, which are on

file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

The General Finance Corporation, a subsidiary of Shinn & Company, which in turn is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to merge Metropolitan Investing Company, its subsidiary, into itself, and thereby acquire all the assets of such company and assume all its liabilities. After the merger, The General Finance Corporation proposes to sell the following securities to NY PA NJ Utilities Company, a registered holding company, and a subsidiary of said Trustees of Associated Gas and Electric Corporation:

(a) 53,850 shares of \$6 Cumulative Preferred Stock of Metropolitan Edison Company at 105 or for \$5,654,250;

(b) \$4,308,500 principal amount of National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978 at 25% of face value or for \$1,077,125;

(c) \$10,927,000 principal amount of Certificates of Deposit for National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978 at 25% of face value or for \$2,731,750;

(d) \$213,500 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961 at 96% of face value or for \$204,960;

(e) \$396,600 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1991; at 103% of face value or for \$408,498.

At the same time, NY PA NJ Utilities Company will acquire such securities in consideration of the assumption by it of certain liabilities of The General Finance Corporation, and the liquidation and satisfaction by NY PA NJ Utilities Company of indebtedness payable by The General Finance Corporation to NY PA NJ Utilities Company, in an amount equal to the excess of the purchase price over the liabilities assumed. The liabilities to be assumed by NY PA NJ Utilities Company include a 3% promissory demand note, dated October 1, 1938, in the face amount of \$1,024,338.26, payable to Associated Utilities Corporation, a registered holding company, and a subsidiary of said Trustees of Associated Gas and Electric Corporation, on which \$500,000 is presently owed.

Notice is further given that any interested person may, not later than February 25, 1942, at 4:45 P. M., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations and amendment to the application and declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[F. R. Doc. 42-1296; Filed, February 12, 1942; 11:42 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, GENERAL PUBLIC UTILITIES, INC., SOUTHWESTERN PUBLIC SERVICE COMPANY, TEXAS-NEW MEXICO UTILITIES COMPANY, AND GULF PUBLIC SERVICE COMPANY

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

The above-named parties having filed in the form of an amendment an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the simplification of the corporate structure of the holding-company system of Community Power and Light Company, which plan embraces, *inter alia*, the following proposed transactions:

Community Power and Light Company and General Public Utilities, Inc. are to be merged into Southwestern Public Service Company and common stock of Southwestern Public Service Company will be issued to the holders of the common stock of Community Power and Light Company and to the public holders of the common stock of General Public Utilities, Inc.

The \$5 Preferred Stock of General Public Utilities, Inc. will be redeemed at \$100 per share, with accrued and unpaid dividends to the date fixed for redemption.

As a result of the merger, Southwestern Public Service Company will acquire:

(1) All of the assets of Community Power and Light Company, including all of the Common Stock and certain other securities of Texas-New Mexico Utilities Company and all of the outstanding Common Stock and other securities of Arkansas Utilities Company; and

(2) All of the assets of General Public Utilities, Inc., including utility assets located in the State of Texas, all of the Common Stock and other securities (except \$1,305,000 principal amount of First Mortgage Bonds presently outstanding) of Gulf Public Service Company, and all of the outstanding Common Stock and other securities of Royal Palm Ice Company which will acquire from General Public Utilities, Inc. its ice properties located in the State of Florida.

Southwestern Public Service Company will assume all of the liabilities, including funded debt, of Community Power and Light Company and General Public Utilities, Inc. The funded debt and bank loans of these companies will be retired.

Texas-New Mexico Utilities Company will be liquidated; its assets and proper-

ties will be transferred to Southwestern Public Service Company; and its funded debt, together with its 7% Preferred Stock and \$4 Second Preferred Stock, will be retired.

The \$1,305,000 principal amount of First Mortgage Bonds of Gulf Public Service Company will be purchased by Southwestern Public Service Company. Thereupon, Southwestern Public Service Company, as owner of all of the outstanding securities of Gulf Public Service Company, will cause the said company to be recapitalized, and will acquire all of the new securities issued in such recapitalization. The assets of Gulf Public Service Company located in the State of Texas will be transferred to Southwestern Public Service Company.

Southwestern Public Service Company will purchase for the sum of \$7,250,000 (plus adjustment for current position) from Continental Gas & Electric Company all of the outstanding securities of Panhandle Power and Light Company, Cimarron Utilities Company and Guymon Gas Company. These companies will be liquidated and their assets transferred to Southwestern Public Service Company.

Southwestern Public Service Company will issue and sell \$18,000,000 principal amount of First Mortgage and Collateral Trust Bonds, \$5,500,000 principal amount of unsecured Serial Notes, and 85,000 shares of Cumulative Preferred Stock, \$100 par value, the proceeds from which sale will be used to make the purchases and retirements above described and for the payment of expenses incidental to the plan.

The hearing in the above-entitled matter having been continued on October 27, 1941, subject to the call of the examiner; and

It further appearing that the trial examiner heretofore designated to preside is engaged on another matter and is unable so to preside;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at such room as may be designated on such date by the hearing room clerk in Room 1102 at 10:00 o'clock A. M., on the 26th day of February, 1942, at which hearing the parties above-named will be given an opportunity to be heard as to whether or not the plan for simplification of the corporate structure of the public-utility holding-company system of Community Power and Light Company, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 as well as being fair and equitable to the persons affected by such plan and whether the Commission should enter an order approving such plan.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sec-

tion 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order, by registered mail, to Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company; and that notice of said hearing shall be and hereby is given to all security-holders of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company and their subsidiaries, to all consumers of said companies, to all states, municipalities or political subdivisions thereof in which are located any of the utility assets of any of the said companies or under the laws of which any of the said companies are incorporated, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other bodies politic or subdivisions thereof having jurisdiction over Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company, or any subsidiaries thereof, or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER:

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 24th day of February 1942 a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided in Rule X-II of the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, —
Secretary.

[F. R. Doc. 42-1297; Filed, February 12, 1942;
11:42 a. m.]

[File No. 70-482]

IN THE MATTER OF CUPPLES STATION LIGHT,
HEAT AND POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

Cupples Station Light, Heat and Power Company, a wholly owned subsidiary company of Union Electric Company of Missouri which is a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereunder, regarding the following proposed transaction: Cupples Station Light, Heat and Power Company proposes, after the completion of the sale of its distribution system to Union Electric Company of Missouri and the reduction in par value of its 10,000 shares of capital stock from \$100 per share to 50¢ per share, to declare a partial liquidating dividend to Union Electric Company of Missouri in the amount of \$565,599.07; and

Said declaration having been filed on January 9, 1942 and amendments thereto having been filed on January 29, 1942 and February 4, 1942, notice of said filing having been duly given in the form and manner prescribed in Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Cupples Station Light, Heat and Power Company having requested that the effective date of said declaration, as amended, be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, pursuant to section 12 (c) of said Act to become effective, and finding with respect thereto that no adverse findings are necessary under said section; and

The Commission being satisfied that the date permitting said declaration, as amended, to become effective should be advanced;

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 there-

under, that the aforesaid declaration, as amended, be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1298; Filed, February 12, 1942;
11:42 a. m.]

[File No. 812-261]

IN THE MATTER OF EMPIRE INVESTMENT
COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 2, 1942.

It is ordered, That a hearing on the aforesaid application be held on February 16, 1942, at 10:00 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

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

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1299; Filed, February 12, 1942;
11:43 a. m.]

