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*Washington, Saturday, April 11, 1942*

*The President*

**EXECUTIVE ORDER 9126**

**TRANSFERRING COGNIZANCE OF THE DUTIES AND FUNCTIONS OF THE HYDROGRAPHIC OFFICE AND THE NAVAL OBSERVATORY FROM THE BUREAU OF NAVIGATION, NAVY DEPARTMENT, TO THE CHIEF OF NAVAL OPERATIONS**

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and for the more effective exercise and more efficient administration of my powers as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The duties and functions of the Hydrographic Office and Naval Observatory, Bureau of Navigation, Navy Department, are hereby transferred to the cognizance and jurisdiction of the Chief of Naval Operations under the direction of the Secretary of the Navy.

2. All personnel, together with the whole of the records and public property now under the cognizance of the Bureau of Navigation in the Hydrographic Office and the Naval Observatory are assigned and transferred to the Office of Chief of Naval Operations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 8, 1942.

[F. R. Doc. 42-3179; Filed, April 9, 1942; 2:41 p. m.]

**EXECUTIVE ORDER 9127**

**DESIGNATING THE DEPARTMENTS AND AGENCIES TO INSPECT THE PLANTS AND AUDIT THE BOOKS AND RECORDS OF DEFENSE CONTRACTORS UNDER TITLE XIII OF THE SECOND WAR POWERS ACT, 1942**

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, and Title XIII of the Second War Powers Act, 1942, as President of the United States

and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942. Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942, may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation, by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for

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**THE PRESIDENT**

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those purposes. The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies.

3. In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered; or repaired in accordance with or under any secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings.

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act, may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the

Navy, the Secretary of the Treasury, any member of the United States Maritime Commission, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be, or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5. Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

April 10, 1942.

[F. R. Doc. 42-3211; Filed, April 10, 1942; 1:30 p. m.]

#### Rules, Regulations, Orders

#### TITLE 7—AGRICULTURE

#### Chapter VIII—Sugar Service

#### PART 802—SUGAR DETERMINATIONS

#### DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE HARVESTING OF THE 1942 CROP OF SUGAR BEETS

Whereas, Section 301 (b) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the difference in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And Whereas the Secretary of Agriculture, pursuant to a notice of hearing, dated January 2, 1942,<sup>1</sup> held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1942 crop of sugar beets.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me,

<sup>1</sup> 7 F.R. 132.

do hereby make the following determination:

§ 802.14h *Fair and reasonable wage rates for persons employed in the harvesting of the 1942 crop of sugar beets.* Fair and reasonable wage rates for persons employed in the harvesting of the 1942 crop of sugar beets shall be as follows:

For any farm or part of a farm, which is covered by a separate labor agreement, from which sugar beets are contracted to be delivered to factories located in the following districts:

*District I—Ohio, Michigan, Indiana, and Wisconsin.* Topping: On a time basis 55 cents per hour. On a piecework basis:

Net tons per acre:	Rate per ton
3 or below.....	\$1.75
4.....	1.55
5.....	1.40
6.....	1.31
7.....	1.25
8.....	1.21
9.....	1.18
10.....	1.16
11.....	1.14
12.....	1.12
13.....	1.10
14.....	1.08
15.....	1.06
16 or above.....	1.05

(The rate for all fractional tonnages between 3 and 16 tons rounded to the nearest tenth of a ton shall be in proportion within each interval.)

*District II—Minnesota and Iowa.* Topping: \$1.15 for each ton up to and including 7 tons per acre plus \$1.05 for each ton per acre above 7 tons, with a minimum of \$6.90 per acre.

*District III—Nebraska, Colorado, Kansas, and Southern Wyoming.* Topping: \$1.05 for each ton up to and including 12 tons per acre plus 95 cents for each ton per acre above 12 tons, or 55 cents per hour.

*District IV—South Dakota.* Topping: \$1.05 for each ton up to and including 12 tons per acre plus 95 cents for each ton per acre above 12 tons, or 55 cents per hour.

*District V—Southern and Eastern Montana and Northern Wyoming.* Topping: \$1.05 for each ton up to and including 12 tons per acre plus 95 cents for each ton per acre above 12 tons.

*District VI—Western Montana.* Topping: \$1.05 for each ton up to and including 12 tons per acre plus 95 cents for each ton per acre above 12 tons.

*District VII—Northern Montana.* Topping and loading: \$1.25 for each ton up to and including 12 tons per acre plus \$1.15 for each ton per acre above 12 tons. When topping and loading are performed by different persons, the rate up to and including 12 tons per acre shall be \$1.05 for topping and 20 cents for loading and the rate above 12 tons per acre shall be 95 cents for topping and 20 cents for loading.

*District VIII—Utah, Idaho and Oregon.* Topping and loading: On a time basis, 55 cents per hour. On a piecework basis:

Net tons per acre:	Rate per ton
6 or below.....	\$1.55
7.....	1.48
8.....	1.41
9.....	1.35
10.....	1.30
11.....	1.26
12.....	1.22
13.....	1.19
14.....	1.16
15.....	1.14
16.....	1.12
17.....	1.11
18 or above.....	1.10

When topping and loading are performed by different persons, 30 percent of the above rates shall be paid for loading. (The rate for all fractional tonnages between 6 and 18 tons rounded to the nearest tenth of a ton shall be in proportion within each interval.)

*District IX—Washington.* Topping: 90 cents per ton, or 55 cents per hour. Loading: 35 cents per ton, or 55 cents per hour.

*District X—Southern California.*<sup>1</sup> Topping and loading: On a time basis, 50 cents per hour. On a piecework basis:

Net tons per acre:	Rate per ton
4 or below.....	\$2.43
5.....	2.13
6.....	1.88
7.....	1.70
8.....	1.57
9.....	1.47
10.....	1.39
11.....	1.32
12.....	1.26
13.....	1.21
14.....	1.16
15.....	1.12
16.....	1.08
17.....	1.05
18.....	1.02
19.....	1.00
20.....	.99
21.....	.98
22.....	.97
23.....	.96
24.....	.95
25 or above.....	.94

(The rate for all fractional tonnages between 4 and 25 tons rounded to the nearest tenth of a ton shall be in proportion within each interval.)

*District XI—Northern California.*<sup>2</sup> Topping and loading: On a time basis, 55 cents per hour. On a piecework basis:

Net tons per acre:	Rate per ton
4 or below.....	\$2.53
5.....	2.23
6.....	1.68
7.....	1.60
8.....	1.67
9.....	1.57
10.....	1.49
11.....	1.42
12.....	1.36
13.....	1.31
14.....	1.23
15.....	1.22

<sup>1</sup> Applicable to farms located in the following counties: Madera, Fresno, Tulare, Kings, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, Imperial.

<sup>2</sup> Applicable (a) to farms located in counties in California other than those specified in footnote 1, and (b) to farms located outside California from which beets are contracted to be delivered to factories located in counties in California other than those specified in footnote 1.

Net tons per acre—Continued.	Rate per ton
16.....	\$1.18
17.....	1.15
18.....	1.12
19.....	1.10
20.....	1.09
21.....	1.08
22.....	1.07
23.....	1.06
24.....	1.05
25 or above.....	1.04

(The rate for all fractional tonnages between 4 and 25 tons rounded to the nearest tenth of a ton shall be in proportion within each interval.)

*Provided, however,* (a) That in districts for which only piece rates are specified herein, if employment upon the basis of an hourly rate is preferred, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate for such work specified herein;

(b) That in instances in which the use of special machine methods of harvesting reduce the amount of labor required as compared with the method in common use in the area for the operations for which rates are specified herein, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate specified herein for the part of such work performed;

(c) That the foregoing shall not be construed to mean that a producer may qualify for payment who has not paid in full for all work in connection with the production, cultivation or harvesting of sugar beets the amount agreed upon between the producer and the laborer;

(d) That in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals; and

(e) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 9th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-3183; Filed, April 9, 1942; 4:14 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS<sup>1</sup>

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve

<sup>1</sup> 6 F.R. 5165; 7 F.R. 213, 738, 2183.

Corps are suspended with the following exceptions:

(g) Individuals who have met the requirements for appointment as aviation cadets, United States Army, or the requirements for entrance into the Army Air Force technical schools may be enlisted in the Air Corps Enlisted Reserve Corps. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423-427) [Cir. 204, W.D., Sept 30, 1941, as amended by Cir. 100, W.D., April 4, 1942]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3195; Filed, April 10, 1942;  
9:59 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Amendment 20-44, Civil Air Regs.]

#### PART 20—PILOT CERTIFICATES

##### FLIGHT AREA LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of April 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 4, 1942, Part 20 of the Civil Air Regulations is amended as follows:

By striking the words "50-mile radius" and "100-mile radius" appearing in § 20.56 (b) and inserting in lieu thereof the following: "150-mile radius" and "250-mile radius" respectively.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-3209; Filed, April 10, 1942;  
11:57 a. m.]

[Regulations, Serial No. 217]

#### PART 40—AIR CARRIER OPERATING CERTIFICATION

##### SPECIAL REGULATION AUTHORIZING EASTERN AIR LINES TO OPERATE AIRCRAFT INTO THE BATON ROUGE AIRPORT UPON CERTAIN CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of April 1942.

Having had under consideration the regular use of the new Baton Rouge Airport in scheduled air transportation,

The board finds that:

1. The new Baton Rouge Airport located at Baton Rouge, Louisiana has reached a stage of construction which will permit its regular use by aircraft operated in scheduled air transportation; and

2. First pilots serving in air transportation for Eastern Air Lines, Inc., between Atlanta, Georgia and Houston, Texas have flown over the new Baton Rouge Airport at a low altitude and have familiarized themselves with the location of the airport, obstructions, surrounding terrain, and the general layout of runways and taxi strips, so that compliance with the provisions of the Civil Air Regulations requiring each first pilot to have landed at least once at each terminal, scheduled intermediate stop, and intermediate field is not required in the interest of safety, provided that the familiarity of the first pilot with the new Baton Rouge Airport be sufficiently demonstrated as hereinafter provided.

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provisions of the Civil Air Regulations requiring a first pilot of an air carrier, prior to carrying passengers in scheduled air transportation, to have landed at least once at each terminal, scheduled intermediate stop, and intermediate field located along the route or a part thereof on which he will pilot aircraft, any first pilot listed in Eastern Air Lines' air carrier operating certificate at the time said air carrier is authorized to commence operations at the new Baton Rouge Airport, as qualified to operate an aircraft in scheduled air transportation between Atlanta, Georgia and Houston, Texas, may operate aircraft into and out of the new Baton Rouge Airport under daylight contact conditions in such air transportation upon furnishing to Eastern Air Lines and to the Chief, Air Carrier Branch of the Civil Aeronautics Administration of the Second Region, Municipal Airport, Atlanta, Georgia, a satisfactory sketch of the new Baton Rouge Airport and a written inspection report describing its condition, construction, and surrounding terrain. Such sketch and report shall be preserved by Eastern Air Lines as specified in § 40.2611 (b) of the Civil Air Regulations for written reports and sketches of intermediate fields. Each pilot must give evidence satisfactory to the Administrator's representative of his thorough familiarity with the form and condition of the field and with the location and nature of the obstructions around it.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-3208; Filed, April 10, 1942;  
11:57 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 3971]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF INDIANAPOLIS SOAP COMPANY, ET AL.

§ 3.55 *Furnishing means and instrumentality of misrepresentation or deception*: § 3.66 (f) *Misbranding or mislabeling—Price*: § 3.69 (c) *Misrepresenting oneself and goods—Prices—Eagerated as regular and customary*: § 3.69 (c) *Misrepresenting oneself and goods—Prices—Fictitious marking*. In connection with offer, etc., in commerce, of soap or other products, and among other things, as in order set forth, representing, by the use of fictitious price marks or in any other manner, that soaps or other products have retail values or prices in excess of the prices at which such products are regularly and customarily sold at retail; and using, on or in connection with soap or other products, fictitious price representations or marks which import or imply, or placing in the hands of others such means of representing, that the retail value or price of any product, either alone or in combination with other products, is in excess of the price at which such product or combination of products is regularly and customarily sold at retail; 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, Indianapolis Soap Company, et al., Docket 3971, April 6, 1942]

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties*: § 3.66 (1) *Misbranding or mislabeling—Quality*. In connection with offer, etc., in commerce, of soap or other products, and among other things, as in order set forth, (1) representing that soaps which are water-filled or contain an excessive quantity of water are of superior quality; and (2) representing that respondents' soaps "open up the pores and give nature the opportunity to function properly," by the use of the words stated or by the use of any other words or terms of similar import or meaning; 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, Indianapolis Soap Company, et al., Docket 3971, April 6, 1942]

*In the Matter of Indianapolis Soap Company, a Corporation; Williams Soap Company, a Corporation; Jesse M. Daily, Maude S. Daily, Robert S. Daily, and Sidney F. Daily, Jr., Individually and as Officers of Indianapolis Soap Company and Williams Soap Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the an-

swers of respondents, certain stipulated facts read into the record, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, and briefs filed herein in support of and in opposition to the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondents Indianapolis Soap Company, a corporation, Williams Soap Company, a corporation, their directors, officers, agents, and employees; Jesse M. Daily, an individual, Robert S. Daily, an individual, and Sidney F. Daily, Jr., an individual, and their agents, representatives, or employees; jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of soap or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease, and desist from:

(1) Representing, by the use of fictitious price marks or in any other manner, that soaps or other products have retail values or prices in excess of the prices at which such products are regularly and customarily sold at retail;

(2) Using, on or in connection with soap or other products, fictitious price representations or marks which import or imply, or placing in the hands of others such means of representing, that the retail value or price of any product, either alone or in combination with other products, is in excess of the price at which such product or combination of products is regularly and customarily sold at retail;

(3) Representing that soaps which are waterfilled or contain an excessive quantity of water are of superior quality;

(4) Representing that respondents' soaps "open up the pores and give nature the opportunity to function properly," by the use of the words stated or by the use of any other words or terms of similar import or meaning.

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

*It is further ordered,* That for the reason stated in the findings as to the facts in this proceeding the complaint herein be, and the same hereby is, dismissed as to respondent Maud S. Daily.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3202; Filed, April 10, 1942;  
10:59 a. m.]

**TITLE 25—INDIANS**

Chapter I—Office of Indian Affairs,  
Department of the Interior  
Subchapter I—Grazing

**PART 71—GENERAL GRAZING REGULATIONS**

Title 25, Chapter I, Subchapter I, Grazing, Part 71, General Grazing Regula-

tions, pages 116-125 (792-801), § 71.21 is amended to read as follows:

§ 71.21 *Trespass.* The owner of any livestock grazing in trespass on restricted Indian lands is liable to a penalty of \$1 per head for each animal thereof together with the reasonable value of the forage consumed and damages to property injured or destroyed.

The following acts are prohibited:

(a) The grazing upon or driving across any restricted Indian lands of any livestock without an approved grazing or crossing permit, except such Indian livestock as may be exempted from permit.

(b) Allowing livestock not exempt from permit to drift and graze on restricted Indian lands without an approved permit.

(c) The grazing of livestock upon restricted Indian lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by a permittee upon an area of restricted Indian lands withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Superintendent of such withdrawal, or refusal to remove livestock upon instructions from the Superintendent when an injury is being done to the Indian lands by reason of improper handling of livestock. (R.S. 2117; 25 U.S.C. 179.)

W. C. MENDENHALL,  
Acting Assistant Secretary  
of the Interior.

MARCH 24, 1942.

[F. R. Doc. 42-3207; Filed, April 9, 1942;  
9:48 a. m.]

**TITLE 30—MINERAL RESOURCES**

Chapter III—Bituminous Coal Division

[Docket No. A-1182, Part II]

**PART 324—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 4**

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
MEMORANDUM OPINION AND ORDER IN THE  
MATTER OF THE PETITION OF DISTRICT  
BOARD NO. 4 FOR THE ESTABLISHMENT OF  
PRICE CLASSIFICATIONS AND MINIMUM  
PRICES FOR THE COALS OF THE DAVIS MINE,  
MINE INDEX NO. 1285, OF THE L. & R.  
COAL COMPANY, (JOHN R. LANDERS) AND  
THE CHARTER OAK NO. 2 MINE, MINE INDEX  
NO. 14, OF THE CHARTER OAK COAL COM-  
PANY (M. L. FRENCH)

Docket No. A-1182 was instituted upon a petition filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition proposed and sought, *inter alia*, the establishment of effective minimum prices for the coals of code members in District 4 for which no minimum prices have heretofore been established. The petition also proposed the designation of two rail shipping points, to-wit: Pomeroy, Ohio, on the C. & O. Railroad and Hobson, Ohio, on the New York Central Railroad, for the Davis Mine, Mine Index No. 1285 of the L. & R. Coal Company. Petitioner further proposed the establishment of an

additional rail shipping point, to-wit: Hobson, Ohio on the N. Y. C. Railroad, for the coals of Charter Oak No. 2 Mine of the Charter Oak Coal Co. (M. L. French) heretofore classified and priced for shipment from Pomeroy, Ohio, in General Docket 15.

By order, dated January 6, 1942, 7 F.R. 463, temporary and provisionally final relief was granted as requested except that only one loading point each was assigned to the Charter Oak No. 2 Mine and the Davis Mine. By the same order that portion of the proceeding relating to the propriety of assigning two loading points for The Charter Oak No. 2 and Davis Mine was severed from Docket No. A-1182, and designated Docket No. A-1182, Part II, and a hearing thereon was scheduled to be held, and it was held, on February 6, 1942, in Washington, D. C. before W. A. Shipman, a duly designated Examiner of the Division. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered in behalf of District Board 4, petitioner, and District Board 6, which had intervened.

At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner. The record was thereupon submitted to the Acting Director.

Neither the L. & R. Coal Company nor the Charter Oak Coal Company had a representative at the hearing. Ezra Van Horn, Chairman of District Board 4, testified that these operators had requested the additional rail shipping points. Mr. Van Horn exhibited four letters which were filed as exhibits. These exhibits reveal that witness Van Horn on January 16, 1942, wrote both L. & R. Coal Company and Charter Oak Coal Company calling their attention to the hearing in this matter on February 6, 1942, and requested the above-named coal producers to advise him as to whether or not they would be present at the hearing, and if not, to further advise him as to which rail shipping point would be preferable to them, provided the Division should permanently establish only one shipping point. Replies were received from both the L. & R. Coal Company and Charter Oak Coal Company, which letters were also filed as exhibits, wherein the L. & R. Coal Company stated they would prefer Pomeroy on the C. & O. Railroad as a shipping point should the Division allow them only one rail shipping point. The Charter Oak Coal Company stated they would prefer Hobson on the New York Central Railroad, provided the Division should allow them only one rail shipping point.

The testimony further discloses that the two mines involved in this hearing are small producers, the Davis Mine producing 1,415 tons, 701 tons, 371 tons and 1,116 tons, respectively, for the years 1937 to 1940, inclusive, and the Charter Oak No. 2 Mine produced 1,049 tons, 1,113 tons, 742 tons and 1,763 tons, respectively, for the same years. No figures of either mine are available for the year 1941.

The witness further testified that he believed one shipping point would be sufficient for the Charter Oak No. 2 Mine, and that that one should be Hobson on



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

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

Name of railroad	Mine index Nos. <sup>1</sup>	Additional mine index Nos.
Chesapeake & Ohio Railway Co.-----	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 165, 170, 171.	Add mine index No. 1255.
New York Central System-----	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add mine index No. 14.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad. Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co. For all Railroads not shown above-----	From all mine index numbers except those shown below:          From all mine index numbers except those shown below:	Add mine index No. 1255.          Add mine index No. 1255.

<sup>1</sup> Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional mine index numbers hereinabove noted.

[F. R. Doc. 42-3153; Filed, April 9, 1942; 10:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1001—TIN

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER NO. M-43

Section 1001.1 (*General Preference Order M-43*<sup>1</sup>), as amended January 13, 1942, is hereby further amended as follows:

Paragraph (f) of this section is hereby amended to read as follows:

(f) *Restrictions on sales and deliveries of certain tin products.* Hereafter, no person, other than a person regularly engaged in a retail business, shall sell or deliver any solder having a tin content of more than 16% by weight, any tin-bearing babbitt, or tin oxide, except:

- (1) In fulfillment of a purchase order to which a preference rating of A-9 or higher shall have been assigned by preference rating order or certificate, duly authorized or extended to the supplier; or
- (2) Where the purchase order specifies that the material is to be used for maintenance or repair of existing equipment, and a preference rating of A-10 shall have been assigned thereto by preference rating order or certificate, duly issued or extended to the supplier; or
- (3) Solder to be used in the manufacture or sealing of cans as defined in, and subject to all the provisions, limitations, and restrictions of, Conservation Order M-81, as the same may be from time to time amended.

Nothing contained in this paragraph (f) shall be construed as altering or modifying any of the provisions, limitations or restrictions of Conservation Order M-43-a, as from time to time amended.

<sup>1</sup> 6 F.R. 6519; 7 F.R. 251.

*Effective date.* This Amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 10th day of April 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-3205; Filed, April 10, 1942; 11:08 a. m.]

PART 1001—TIN

AMENDMENT NO. 2 TO CONSERVATION ORDER M-43-a AS AMENDED MARCH 17, 1942

Section 1001.2 (*Conservation Order M-43-a*)<sup>1</sup>, as amended March 17, 1942, is hereby further amended as follows:

Paragraph (c) (1) of said Order is hereby amended to read as follows:

§ 1001.2 *Conservation Order M-43-a.*

(c) *Exceptions*—(1) *Exceptions to paragraph (b)*<sup>2</sup>—(i) *Exceptions to paragraphs (b) (1) and (b) (2).* The prohibitions and restrictions contained in paragraph (b) of this Order shall not apply to the use of tin in "implements of war", as hereinafter defined, which are produced for the Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," (Lend-Lease Act): *Provided,*

<sup>1</sup> 7 F.R. 2127, 2629.

however, That tin shall not be used in any "implements of war" or in the content of any material incorporated therein, to a greater extent than is required by the pertinent current specifications, nor shall it be used to the extent that the substitution of a less critical material or a lower tin content of tin-bearing material is practicable.

For the purposes of this paragraph (c) (1) (i), the term, "implements of war" means:

- (a) Combat end-products, complete for tactical operations, including but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, vehicles;
- (b) Parts, assemblies and materials to be physically incorporated in any of the foregoing items.

The term does not include facilities or equipment used to manufacture "implements of war".

(ii) *Exceptions to paragraph (b) (1) only.* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations, and restrictions contained in paragraph (b) (1) shall not apply to the manufacture of any product which is being produced:

- (a) With the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-1-k or higher; or
- (b) For use as bearing metal with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-3 or higher.

This Amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 10th day of April 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-3206; Filed, April 10, 1942; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 80<sup>1</sup>—LITHOPONE

A statement of the considerations involved in the issuance of this Amendment has been prepared, and is issued simultaneously herewith.<sup>2</sup>

The grade "zinc sulphide" in § 1335.659 (a) and (b) thereof, and § 1335.657 (b) are amended to read as set forth below and a new paragraph (c) is added to § 1335.657 and a new paragraph (b) is added to § 1335.658a as set forth below:

§ 1335.657 *Definitions.*

(b) "Lithopone" means the grades of lithopone referred to in Appendix A, incorporated herein as § 1335.659, and pure zinc sulphide as defined in paragraph (c) of this section.

<sup>1</sup> 7 F.R. 1355, 1643, 1836, 2132.

<sup>2</sup> Filed with Division of Federal Register; requests for copies should be addressed to the Office of Price Administration.

(c) "Pure zinc sulphide" means all grades of zinc sulphide except:

(1) C. P. zinc sulphide used as a laboratory reagent or otherwise.

(2) Fluorescent zinc sulphide used in the manufacture of fluorescent lamps or otherwise.

§ 1335.659 *Appendix A: Maximum prices for lithopone—(a) Deliveries in Eastern Territory.*<sup>1</sup>

Per pound delivered in bags  
Less than

Grade	Carload lots	Carload lots
Pure zinc sulphide...	.0825	.0850

(b) *Deliveries in Western Territory.*<sup>2</sup>

Pure zinc sulphide...	.0850	.0875
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§ 1335.658a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1335.657 (b) and (c), 1335.658a (b), and 1335.659 (a) and (b)) to Revised Price Schedule No. 80 shall become effective April 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3190; Filed, April 9, 1942;  
4:54 p. m.]

#### PART 1345—COKE

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 29<sup>2</sup>—BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>3</sup>

Section 1345.6 is amended, a new subparagraph (11) is added to § 1345.9 (b) and a new § 1345.12 is added, as set forth below:

§ 1345.6 *Petitions for amendment, adjustment or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 29 or an adjustment or exception not provided herein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1<sup>4</sup> issued by the Office of Price Administration.

(b) Any person, who is prepared to show that (1) its cost of production of by-product foundry or by-product blast furnace coke is above its oven net realization at maximum prices or (2) its oven net realization is inadequate in view of its high operating costs for continued operations at maximum prices, may file a petition for an adjustment of the maximum prices established by Revised Price Schedule 29. In such cases the peti-

<sup>1</sup> When used in this Appendix, the term "Eastern Territory" means the States of New Mexico, Colorado, Wyoming, Montana and all States east thereof, and the term "Western Territory" means all other States of the United States.

<sup>2</sup> 7 F.R. 1258, 1836, 2132.

<sup>3</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

<sup>4</sup> 7 F.R. 971.

tioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the coke or on the oven to the total over-all return of the petitioner, and the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1345.9 (b) *Exceptions.*

(11) *Place of delivery within Holt, Alabama, switching district.* When shipment is made from an oven plant located within the Holt, Alabama, switching district to a place of delivery within the same switching district, the maximum delivered price shall be \$9.00 per net ton.

§ 1345.12 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1345.6, 1345.12) to Revised Price Schedule No. 29, shall become effective April 11: *Provided*, That § 1345.9 (b) (11) shall be effective as of March 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3189; Filed, April 9, 1942;  
4:54 p. m.]

#### PART 1345—COKE

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 77<sup>5</sup>—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

A statement of the consideration involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>3</sup>

Section 1345.57 is amended to read as follows and a new § 1345.61 is added:

§ 1345.57 *Petitions for amendment, adjustment, or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 77, or an adjustment or exception not provided herein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1<sup>4</sup> issued by the Office of Price Administration.

(b) Any person who is prepared to show that (1) its costs of production of beehive oven furnace coke is above its oven net realization on such coke at maximum prices or (2) its oven net realization is inadequate in view of its high operating costs for continued operations at maximum prices, may file a petition for adjustment of, or exception to the maximum prices established by Revised Price Schedule No. 77. In such cases, the petitioner should submit, and the Office of Price Administration will consider, all

<sup>5</sup> 7 F.R. 1362, 1836, 2132, 2000.

relevant data, including the relation of the current, requested, and projected realization on the coke or on the oven to the total over-all return of the petitioner, and the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this Section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1345.61 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1345.57 and 1345.61) to Revised Price Schedule No. 77, shall become effective April 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3188; Filed, April 9, 1942;  
4:53 p. m.]

#### PART 1369—METAL ORES

CORRECTION TO MAXIMUM PRICE REGULATION NO. 113—IRON ORE PRODUCED IN MINNESOTA, WISCONSIN AND MICHIGAN

Maximum Price Regulation No. 113 as published in the FEDERAL REGISTER for April 8, 1942 (7 F.R. 2680), entitled "Part 1339" and "§§ 1339.1 to 1339.12, inclusive" is hereby corrected to read "Part 1369" and "§§ 1369.1 to 1369.12, inclusive".

Issued this 9th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3192; Filed, April 9, 1942;  
4:55 p. m.]

#### PART 1370—ELECTRICAL APPLIANCES

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 18<sup>5</sup>—DOMESTIC ELECTRICAL APPLIANCES

Section 1370.51 (b) is amended to read as set forth below and a new § 1370.62 is added:

§ 1370.51 *Maximum prices for domestic electrical appliances.*

(b) The maximum price for any domestic electrical appliance shall be the highest net price for which an appliance of the same make and model was sold or contracted to be sold, on March 30, 1942, by the manufacturer, wholesaler, dealer, or other seller, to a purchaser of the same general class. In the event that there was no such sale, the maximum price shall be the highest net price for which an appliance of the same make and model was sold, or contracted to be sold, by the same seller, on the nearest preceding date on which such a sale was made, to a purchaser of the same general class.

<sup>5</sup> 7 F.R. 2635.

§ 1370.62 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1370.52 (b), 1370.62) to Temporary Maximum Price Regulation No. 18 shall become effective April 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3187; Filed, April 9, 1942;  
4:53 p. m.]

PART 1380—HOUSEHOLD AND SERVICE  
INDUSTRY MACHINES

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 110<sup>1</sup>—RESALE OF NEW HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

"The General Motors Corporation, Frigidaire" table, § 1380.110 (a) (1) is amended to read as set forth below and a new § 1380.111 is added:

§ 1380.110 *Appendix A: Maximum prices for the resale of household mechanical refrigerators—(a) Maximum prices for sales to consumers—(1) Models having recommended retail prices.*

Manufacturer: The General Motors Corporation  
Brand: Frigidaire

Model	1st zone	2nd zone	3rd zone
<b>1941 MODELS<sup>1</sup>:</b>			
S-3	\$119.75	\$121.75	\$123.75
SV-3	119.75	121.75	123.75
S-4	119.75	121.75	123.75
R-6-41	122.75	124.75	126.75
S-6-41	127.75	129.75	132.75
LS-6-41	127.75	129.75	132.75
L-6-41	140.75	142.75	145.75
LP-6-41	160.75	162.75	166.75
L-8-41	167.75	169.75	173.75
M-6-41	155.75	157.75	160.75
MP-6-41	175.75	177.75	181.75
C-6-41	180.75	182.75	186.75
CP-6-41	200.75	202.75	206.75
C-9-41	210.75	212.75	217.75
CD-6-41	217.75	220.75	224.75
CPD-6-41	237.75	240.75	244.75
CPD-9-41	267.75	271.75	275.75
CPD-13	420.75	423.75	432.75
<b>1942 MODELS<sup>1</sup>:</b>			
AH-4	122.49	124.49	126.49
AH-6	125.54	127.54	129.54
S-7-42	130.66	132.66	135.66
M-7-42	143.91	145.91	148.91
MP-7-42	164.34	166.34	170.34
D-7-42	159.07	161.07	164.07
DP-7-42	179.44	181.44	185.44
CD-7-42	222.10	225.10	229.10
CPD-7-42	242.50	245.50	249.50
CPD-9-42	273.11	277.11	281.11
CPD-13	429.07	435.07	441.07

<sup>1</sup> For sales outside the area covered by these three zones, the seller may add to the 3rd zone price the normal differential existing for each model on February 2, 1942, in his locality.

<sup>2</sup> The seller may add to prices on 1941 models the actual amount of the additional 4½% Federal Excise Tax if he paid the tax to his vendor.

<sup>3</sup> For a sale made by a dealer of any particular 1942 model on which the Federal Excise Tax has been computed on the basis of the selling price to the dealer, the said dealer may add to the price the amount by which said Federal Excise Tax exceeds the Federal Excise Tax on an identical model computed on the basis of the selling price to a distributor.

<sup>1</sup> 7 F.R. 2311, 2543.

<sup>2</sup> Filed as part of the original document.

§ 1380.111 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1380.110 (a) (1) and 1380.111) to Maximum Price Regulation No. 110 shall become effective April 10, 1942.

(Public Law 421, 77th Cong.)

Issued this 9th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3191; Filed, April 9, 1942;  
4:55 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 2]

PART 402—ANNUAL WATER CHARGES<sup>1</sup>

YAKIMA PROJECT, WASHINGTON, ROZA DIVISION—ANNUAL WATER RENTAL CHARGES<sup>2</sup>

MARCH 17, 1942.

1. Whereas, I have determined that it is factually impossible, in view of provision for construction of distribution works by the United States under the contract with the Roza Irrigation District dated December 13, 1935, to make water available for diversion by said District for irrigation use as contemplated in article 16 of the contract of July 8, 1921, as amended by the contract with the said District dated April 15, 1935; and

2. Whereas it is factually impossible to promulgate during this year, 1942, any of the public notices of construction charges contemplated in article 12 of said contract dated December 13, 1935, because construction work contemplated by said contract is not sufficiently advanced; therefore

3. Announcement is hereby made, pursuant to article 31 of the contract dated December 13, 1935, that, upon adoption of a resolution by the Board of Directors of the Roza Irrigation District approving this notice and agreeing to be bound thereby, water may be furnished, if and when available, during the irrigation season of 1942 (from April 1 to October 31, inclusive) for the irrigation of Roza Irrigation District lands, hereinafter described, upon a water rental basis, at rates and upon terms following:

(a) For privately owned lands under the Yakima Ridge Canal in the following Sections:

Sections 17, 20, 29, and 32, Township 14 North, Range 19 East, W. M.;

Sections 16, 22, 23, 25, 26, and 36, Township 13 North, Range 19 East, W. M.;

Sections 30, 31, and 32, Township 13 North, Range 20 East, W. M.;

Sections 4, 5, 6, 7, 8, 9, 17, 18, 28, 29, 30, 31, 32, 33, and 34, Township 12 North, Range 20 East, W. M.;

Sections 1, 11, 12, 13, and 14, Township 12 North, Range 19 East, W. M.;

Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 24, and 25, Township 11 North, Range 20 East, W. M.;

Sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, Township 11 North, Range 21 East, W. M.

(b) A minimum charge of one dollar (\$1.00) per irrigable acre for each ir-

rigable acre of the legal subdivision for which such service is requested for two (2) acre-feet per acre per annum, and payable by the District to the United States in advance of delivery of water. Additional water will be furnished at the following rates payable by the District in advance:

	Per acre-foot
Third acre-foot per acre	\$0.75
Fourth acre-foot per acre	1.00
Fifth acre-foot per acre	1.25

4. Water will be delivered and measured at the tap or weir nearest to the individual farms.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of said Reclamation Act of June 17, 1902 (32 Stat., 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 13, 1935, between the United States and the Roza Irrigation District, including:

(a) The execution and delivery of the recordable contract,

(b) the execution and delivery of an application for water service, as provided for in article 28 of said contract; and

(c) the execution and delivery of a valid recordable contract, in the case of ownership of excess land, as provided for in article 29 of said contract.

6. Applications for water on the basis of this announcement will be received at the office of the Secretary of the Roza Irrigation District at Zillah, Washington, and payments will be made to that office.

E. K. BURLEW,  
First Assistant Secretary.

[F. R. Doc. 42-3197; Filed, April 10, 1942;  
9:54 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 325—RESTRICTION OF EMPLOYMENT OF CERTAIN FOREIGN NATIONALS ON VESSELS

AUTHORITY: § 325.1 and § 325.5 issued under authority contained in E.O. 9054, 7 F.R. 837.

§ 325.1 *American flag vessels.* All owners, operators, and agents of vessels registered under the laws of the United States of America, are hereby instructed not to employ on any vessel registered under the laws of the United States of America any Norwegian, Netherlands, Belgian, Polish, Yugoslavian, Greek or British national who was not so employed on April 8, 1942, or had not been so employed prior thereto, except by consent of a properly accredited consular representative of the nation involved.

§ 325.5. *Panamanian and Honduran flag vessels.* All owners, operators, and agents of vessels registered under the laws of the Republics of Panama and Honduras, are hereby instructed not to employ on any vessel registered under the laws of the Republics of Panama or Honduras any Norwegian, Netherlands, Bel-

<sup>1</sup> Affects tabulation in § 402.2c.

<sup>2</sup> Act of June 17, 1902, 32 Stat., 388, as amended and supplemented.

gian, Polish, Yugoslavian, Greek or British national who was not so employed on April 8, 1942, or had not been so employed prior thereto, except by consent of a properly accredited consular representative of the nation involved.

By Order of the War Shipping Administration.

[SEAL] W. C. PEET, Jr.,  
Secretary.

APRIL 9, 1942.

[F. R. Doc. 42-3210; Filed, April 10, 1942; 12:44 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 8—RULES GOVERNING SHIP SERVICE

#### MODIFICATION OF THE COMMISSION'S AUTOMATIC-ALARM-SIGNAL KEYING DEVICE REQUIREMENTS AND TYPE APPROVAL TESTS—NOTICE TO MANUFACTURERS OF MARINE RADIO EQUIPMENT AND OTHERS CONCERNED

In view of the increased burden imposed upon manufacturers of the components of the automatic-alarm-signal keying device because of their responsibilities in behalf of the war effort, the Commission on April 7, 1942, modified its Automatic-Alarm-Signal Keying Device Requirements and Type Approval Tests with respect to the procedure for demonstrating compliance with the "Manufacturers' Tests" specified therein. The involved modification for the present permits compliance with one or more items of these tests to be demonstrated either as previously designated in mimeograph no. 46975,<sup>1</sup> or by tests conducted by the National Bureau of Standards, by the Federal Communications Commission, or by any other cooperating U. S. Government Department or Agency, to be designated by the Federal Communications Commission; at the expense of the manufacturer of the keying device or person submitting the components for test and approval.

The existing Requirements and Type Approval Tests (mimeograph no. 46975 of January 25, 1941) are amended specifically by adding the designator "1" to the third paragraph under "Testing and Approval", and to the first paragraph under "Manufacturers' Tests" of the existing Automatic-Alarm-Signal Keying Device Requirements and Type Approval Tests, and by adding the corresponding footnote 1 which shall read as follows:

<sup>1</sup>In lieu of tests conducted by manufacturers of Automatic-Alarm-Signal Keying Devices, compliance with any item of "Manufacturers' Tests" may be demonstrated alternatively by means of the same tests conducted by the National Bureau of Standards, by the Federal Communications Commission, or by any other cooperating U. S. Government Department or Agency, to be designated by the Federal Communications Commission; at the expense of the manufacturer of the keying device or other person submitting the components for test and approval.

<sup>1</sup>6 F.R. 626.

This modification is effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3204; Filed, April 10, 1942; 11:06 a. m.]

## Notices

### WAR DEPARTMENT.

#### MAIL ADDRESS FOR MILITARY PERSONNEL

1. *Previous instructions rescinded.* Section III, Circular No. 256, War Department, 1941, is rescinded.

2. *Correct address.* Apparent confusion exists as to the proper mail addresses for military personnel. Accordingly, the following instructions will be followed:

*a. Outside continental United States.* Mail addressed to Army personnel serving outside the continental limits of the United States should clearly show:

(1) Grade, first name in full, middle initial, and last name of person addressed, followed by his Army serial number, if known.

(2) Letter or number of the company or other similar organization of which the addressee is a member.

(3) Designation of the regiment or separate battalion, if any, to which the company belongs.

(4) Army post office number in care of the appropriate postmaster.

(5) Name and address of the sender in the upper left corner.

*b. Within continental United States.*

(1) Mail addressed to Army personnel at posts, camps, or stations within the continental limits of the United States should show the same information as prescribed by *a* above, except that the post office address of the post, camp, or station will be used, preceded in appropriate cases by the APO number if applicable.

(2) Mail addressed to Army personnel on maneuvers within the continental United States should show the same information as prescribed by *a* above. Prior to beginning of maneuvers, the Post Office Department, with the concurrence of the Army will designate the postmaster in whose care mail for personnel involved will be addressed.

*c. Envelopes.* There should be sufficient space at the left of the address to allow for indorsements by forwarding agencies if it is not possible to deliver the piece of mail at the address given.

(1) The following are examples of correctly addressed envelopes:

From John R. Doe,  
205 W. State St.,  
Boston, Mass.

Pvt. Willard J. Roe (Army serial No.)  
Company F,  
167th Infantry,  
APO 801, % Postmaster,  
New York, N. Y.

From John R. Doe,  
205 W. State St.,  
Boston, Mass.

Pvt. Willard J. Roe (Army serial No.)  
Company F,  
167th Infantry,  
Fort Bragg, N. C.

From John R. Doe,  
205 W. State St.,  
Boston, Mass.

Pvt. Willard J. Roe (Army serial No.)  
Company F,  
167th Infantry,  
APO 304, % Postmaster,  
Ragley, Louisiana.

(2) The return address on mail from Army personnel will be shown in the upper left corner, as follows:

From Pvt. Willard J. Roe,  
Company F. 167th Infantry,  
APO 801, c/o Postmaster,  
New York, N. Y.

Mr. John R. Doe,  
205 W. State St.,  
Boston, Mass.

[SEAL] J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-3196; Filed, April 10, 1942; 9:59 a. m.]

### DEPARTMENT OF THE INTERIOR.

#### Bituminous-Coal Division.

[Docket No. A-1355]

PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES EFFECTIVE FOR THE COALS OF MINE INDEX NOS. 224, 503, 762, 952, 1422, 2130, 2637, 2847, 3299, AND FOR CERTAIN CHANGE OF SEAM DESIGNATIONS AND SUBDISTRICT NUMBERS

#### NOTICE OF AN 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 May 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 Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommenda-

tion 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 May 1, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 1 for the revision of the price classifications and minimum prices effective for the coals of certain code members in District No. 1 for all shipments except truck and for truck shipments; and, more particularly, as follows:

1. To revise the effective price classifications and minimum prices for the coals of Imperial #2 Mine, Mine Index No. 224, of W. O. Gulbranson, Inc., in Size Groups 1 to 5, inclusive, from Price Classification "D" to "E" for all shipments except truck, and from 255, 230, 230, 220 and 210 to 250, 225, 225, 215 and 205 cents per net ton, respectively, for truck shipments, and for mixing such coals with those of Mine Index No. 225.

2. To revise the effective price classification and minimum price for the coals of Thayerton Mine, Mine Index No. 503, of Ferncliff Coal Corp., in Size Group 5, from Price Classification "H" to "J" for all shipments except truck, and from 190 to 185 cents per net ton for truck shipments.

3. To revise the effective price classification and minimum price for the coals of Rolling Stone Mine, Mine Index No. 762, of Rolling Stone Coal Company, in Size Group 3, from Price Classification "E" to "H" for all shipments except truck, and from 225 to 210 cents per net ton for truck shipments, and to change the seam designation from E to C.

4. To revise the effective price classifications and minimum prices for the coals of Straitiff #6E Mine, Mine Index No. 952, of D. W. Straitiff, in Size Groups 4 and 5, from Price Classification "G" to "H" for all shipments except truck, and from 205 and 195 to 200 and 190 cents per net ton, respectively, for truck

shipments, and to change the subdistrict number for this mine from 5 to 4.

5. To revise the effective price classification and minimum price for the coals of Hotchkiss Mine, Mine Index No. 1422, of Andrew Hotchkiss and Sons (Andrew Hotchkiss) in Size Group 3, from Price Classification "G" to "F" for all shipments except truck, and from 215 to 220 cents per net ton for truck shipments.

6. To revise the effective price classification and minimum price for the coals of Cambria #3 Mine, Mine Index No. 2130, of Cambria Fuel Co., in Size Group 3, from Price Classification "E" to "B" for all shipments except truck, and from 225 to 240 cents per net ton for truck shipments.

7. To revise the effective price classification and minimum price for the coals of Wilpat Mine, Mine Index No. 2637, of Patterson & Williams (Arthur Williams), in Size Group 3, from Price Classification "E" to "G" for all shipments except truck, and from 225 to 215 cents per net ton for truck shipments.

8. To revise the effective minimum price for the coals of Reams Mine, Mine Index No. 2847, of Samuel G. Reams, in Size Group 3, from 225 to 215 cents per net ton for truck shipments.

9. To revise the effective minimum prices for the coals of Servey #7 Mine, Mine Index No. 3299, of Zacherl Coal Company, in Size Groups 1 to 5, inclusive, from 245, 220, 220, 210 and 200 to 240, 215, 215, 205 and 195 cents per net ton, respectively, and to change the seam designation for this mine from B to A'.

10. To change the seam designation of the Fox Mine, Mine Index No. 2989, of the Rimersburg Coal Mining Co., Inc., from B to E.

Dated: April 9, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3198; Filed, April 10, 1942; 10:13 a. m.]

[Docket No. A-1340]

PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 18

[Docket No. A-1340 Part II]

PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NO. 8 MINE (MINE INDEX NO. 161) OPERATED BY RUSSELL SIMPSON AND WARNER WATSON IN SUBDISTRICT 8 IN DISTRICT NO. 18

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1340 PART II FROM DOCKET

NO. A-1340 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1340 PART II

The original petition, in the above-entitled matter, filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 18 for both rail and truck shipments.

As indicated in a separate order issued in Docket No. A-1340, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, in so far as the establishment of price classifications and minimum prices for truck shipments are concerned, except with respect to the establishment of permanent price classifications and minimum prices for the coals of the No. 8 Mine (Mine Index No. 161) operated by Russell Simpson and Warner Watson in Subdistrict 8 in District No. 18.

District Board No. 18 on December 31, 1941, filed a petition in Docket No. A-1256 praying, among other things, that the minimum prices heretofore established for the coals produced in Subdistrict 8 in District No. 18 be revised. In view of this requested revision in the minimum prices for the coals produced in Subdistrict 8, it appears that no permanent price classifications or minimum prices should be established for the coals of Mine Index No. 161 pending determination of the issues raised by the original petition in Docket No. A-1256.

It does appear, however, that a reasonable showing of necessity has been made for the granting of the temporary relief requested by petitioner for the coals of Mine Index No. 161 and that temporary price classifications and minimum prices should be established for such coals pending a final determination in Docket No. A-1256.

Now, therefore it is ordered, That the portion of Docket No. A-1340 relating to the coals of the No. 8 Mine (Mine Index No. 161) of Russell Simpson and Warner Watson be, and it hereby is, severed from the remainder of that docket and designated Docket No. A-1340 Part II.

It is further ordered, That temporary relief pending final disposition of Docket No. A-1340 Part II is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 18 for all Shipments is supplemented to include the price classifications and minimum prices set forth below for the coals of the No. 8 Mine (Mine Index No. 161) of Russell Simpson and Warner Watson.

Page 2: The following shall be listed in alphabetical order:

Producer	Mine	Mine Index No.	County	Subdistrict price group	Prices page	
					Rail	Truck
Simpson, Russell & Watson, Warner.....	No. 8	161	San Juan, N. M.	8		8

Page 8. Insert the following code member name, mine name, county and minimum prices under Subdistrict 8.

SUBDISTRICT NO. 8	County	Size groups				
		2	9	10	11	15
Simpson, Russell & Watson, Warner No. 8 Mine...	San Juan, N. M.	250	150	100	50	200

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

Dated: April 9, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3189; Filed, April 10, 1942;  
10:13 a. m.]

#### Bureau of Reclamation.

COLUMBIA BASIN PROJECT, WASHINGTON  
FIRST FORM RECLAMATION WITHDRAWAL  
MARCH 31, 1942.

#### THE SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat. 388).

COLUMBIA BASIN PROJECT, WASHINGTON  
Willamette Meridian

Township 26 North, Range 28 East, Section 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Township 27 North, Range 29 East, Section 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; Section 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Township 27 North, Range 30 East, Section 7, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur: April 2, 1942.

FRED W. JOHNSON,  
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,  
Under Secretary.

APRIL 2, 1942.

[F. R. Doc. 42-3200; Filed, April 10, 1942;  
9:55 a. m.]

#### General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 48,  
IDAHO No. 3, ENLARGED

APRIL 1, 1942.

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Idaho are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 48, Idaho No. 3:

#### BOISE MERIDIAN

T. 10 N., R. 13 E.,  
sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
aggregating 120 acres.

The withdrawal made by this order is subject to the reclamation withdrawal affecting portions of the land, and to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 49 Stat. 846; 16 U.S.C. 818 and Sup.), as to those tracts classified as power sites.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

APRIL 1, 1942.

[F. R. Doc. 42-3201; Filed, April 10, 1942;  
9:56 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Farm Security Administration.

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

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans

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

#### Region XI—Washington

Okanogan County. Locality I—Consisting of the precincts of Chesaw, Havilah, and Kipling, \$7,706.

Locality II—Consisting of the precincts of Aeneas; Anglin; Beeman; Bodie; Boston; Brewster; Cameron; Carlton; Conconully; Disautel; Duley Lake; Elmerton; Ellisforde; Huntley; Kartar; Loomis; Malott; Mason City; Mazama; Methow; Molson; Monse; Nespelem; Nighthawk; Okanogan Precincts 1 and 2; Omak Precincts 1, 2, 3, and 4; Pateros; Pine Creek; Oroville Precincts 1, 2, 3, and 4; Riverside; San Poll; Siwash; Spring Coulee; Tonasket Precincts 1 and 2; Tunk Creek; Twisp Precincts 1 and 2; Wauconda; and Winthrop, \$6,198.

The purchase price limit previously established for the county above-mentioned is hereby canceled.

Approved: April 1, 1942.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 42-3185; Filed, April 9, 1942;  
4:14 p. m.]

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

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

#### Region XI—Oregon

Lincoln County. Locality I—Consisting of the precinct of Bay View, \$6,336.

Locality II—Consisting of the precinct of Kern, \$8,344.

Locality III—Consisting of the precinct of Ocean Lake, \$8,824.

Locality IV—Consisting of the precinct of Rock Creek, \$4,844.

Locality V—Consisting of the precinct of South Beach, \$4,800.

Locality VI—Consisting of the precinct of Taft, \$8,527.

Locality VII—Consisting of the precinct of Yachats, \$8,146.

Locality VIII—Consisting of the precinct of Yaquina, \$6,017.

Locality IX—Consisting of the precincts of Devils Lake and Rose Lodge, \$3,239.

Locality X—Consisting of the precincts of Agate Beach, Alsea, Beaver Creek, Big Elk, Bittner, Elk City, Five Rivers, Fruitvale, Little-Elk, Moody, Nashville, Newport, Nye Creek, Pacific, Salado, Seal Rock, Siletz, Spruce, Todelo, Tidewater, Tum-Tum, and Upper Yachats, \$3,915.

*Region XI—Washington*

**Lewis County.** Locality I—Consisting of the precincts of McCormick, Mauer-mann, Doty, Dryad, Meskill, Eagleton, Bunker, Lincoln Creek, Park, Independence, and Pe Ell, \$4,582.

Locality II—Consisting of the precincts of Greenwood, Whealdon, Sears, Seminary Hill, Skookumchuck, Clark, Fords Prairie, and Centralia, \$5,697.

Locality III—Consisting of the precincts of Boistfort, Stillwater, Cowlitz Bend, Drews Prairie, and Vader, \$6,610.

Locality IV—Consisting of the precincts of Hanaford, Kopiaha, Salzer, Coal Creek, Parcuvia, Claquato, Adna, and Chehalis, \$8,467.

Locality V—Consisting of the precincts of Agate, Logan, Union, Newaukum, Emery, Forest, Guerrier, Onalaska, and Nap-avine, \$5,594.

Locality VI—Consisting of the precincts of Prescott, Ainslie, Veness, Crego, Meyer, and Winlock, \$3,981.

Locality VII—Consisting of the precincts of Mendota, Cinebar, Alpha, Granite, Tilton, Harmony, Temple, Mineral, Big Bottom, and Morton, \$4,358.

Locality VIII—Consisting of the precincts of Salkum and Klickitat, \$6,969.

Locality IX—Consisting of the precincts of Ethel, Eden, Cowlitz, Salmon Creek, Ferry, Sulphur Creek, Verndale, Randle, and Toledo, \$5,308.

The purchase price limits previously established for the counties above-mentioned are hereby canceled.

Approved: April 1, 1942.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 42-3203; Filed, April 10, 1942; 11:04 a. m.]

**CIVIL SERVICE COMMISSION.**

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, MARCH 31, 1942

**Important.** The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long

as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Virgin Islands.....	18	0
2. Puerto Rico.....	1,313	51
3. Hawaii.....	297	24
4. Alaska.....	51	14
5. California.....	4,852	1,427
6. Louisiana.....	1,660	638
7. Michigan.....	3,692	1,579
8. Arizona.....	351	174
9. Texas.....	4,505	2,359
10. Georgia.....	2,194	1,233
11. Kentucky.....	1,999	1,178
12. Alabama.....	1,990	1,213
13. South Carolina.....	1,334	819
14. Ohio.....	4,832	3,192
15. Mississippi.....	1,534	1,007
16. Arkansas.....	1,390	933
17. North Carolina.....	2,529	1,750
18. Nevada.....	77	55
19. New Jersey.....	2,922	2,151
20. New Mexico.....	373	251
21. Indiana.....	2,408	1,900
22. Oregon.....	765	629
23. Tennessee.....	2,048	1,620
24. Illinois.....	5,547	4,622
25. Florida.....	1,333	1,120
26. Delaware.....	187	164
27. Connecticut.....	1,201	1,063
28. Wisconsin.....	2,204	1,979
29. Idaho.....	360	332
30. Washington.....	1,219	1,133
31. Vermont.....	232	210

State	Number of positions to which entitled	Number of positions occupied
<b>IN EXCESS</b>		
32. Rhode Island.....	501	505
33. Pennsylvania.....	6,934	7,075
34. Missouri.....	2,658	2,777
35. West Virginia.....	1,336	1,395
36. Massachusetts.....	3,632	3,201
37. Utah.....	367	412
38. New Hampshire.....	345	375
39. Maine.....	595	655
40. Oklahoma.....	1,641	1,963
41. Colorado.....	789	928
42. Iowa.....	1,753	2,285
43. Minnesota.....	1,991	2,516
44. New York.....	9,428	12,620
45. Montana.....	393	424
46. Wyoming.....	176	212
47. Kansas.....	1,265	1,847
48. North Dakota.....	451	691
49. Virginia.....	1,681	3,011
50. South Dakota.....	452	795
51. Nebraska.....	924	1,803
52. Maryland.....	1,279	3,222
53. District of Columbia.....	456	10,069

<b>GAINS</b>	
By appointment.....	1,577
By transfer.....	97
By reinstatement.....	11
By classification.....	14
By correction.....	3
<b>Total.....</b>	<b>1,702</b>

<b>LOSSES</b>	
By separation.....	685
By transfer.....	505
By correction.....	6
<b>Total.....</b>	<b>1,196</b>
<b>Total appointments.....</b>	<b>94,153</b>

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934—20,551.

By direction of the Commission.

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

[F. R. Doc. 42-3193; Filed, April 10, 1942; 9:21 a. m.]

**FEDERAL POWER COMMISSION.**

[Docket Nos. G-209, G-208]

IN THE MATTERS OF LONE STAR GAS COMPANY, AND CITY OF DALLAS, TEXAS, (A MUNICIPAL CORPORATION), COMPLAINANT, V. LONE STAR GAS COMPANY, DEFENDANT

ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING AND FIXING DATE OF HEARING

APRIL 7, 1942.

It appearing to the Commission that:

(a) On June 14, 1941, the City of Dallas, Texas, a municipal corporation, filed with the Commission a formal complaint (Docket No. G-208) alleging among other matters that the wholesale gate rate charged by Lone Star Gas Company to its affiliate, Dallas Gas Company, for natural gas resold by the latter company in the City of Dallas is unreasonable and discriminatory and requesting the Commission to institute an investigation of said Lone Star Gas Company and after hearing to fix just and reasonable and non-discriminatory rates and charges;

(b) On June 27, 1941, the Commission received communications from the Railroad Commission of Texas and the Corporation Commission of Oklahoma indicating the interest of the said agencies in the matter of an investigation of the rates and charges of said Lone Star Gas Company; and on June 28, 1941, a similar communication was received from the City of Terrell, Texas;

(c) On July 3, 1941, the Commission on its own motion instituted an investigation of Lone Star Gas Company (Docket No. G-209) for the purpose of enabling the Commission to determine (1) whether the said company is a natural-gas company within the meaning of the Natural Gas Act, and (2) whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential; and if the Commission after hearing has been had shall find that the said company is a natural-gas company within the meaning of the Natural Gas Act, and that any of its rates, charges, classifications, rules, regulations, practices or contracts subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

(d) The said order instituting an investigation was duly served upon the said Lone Star Gas Company at its offices in Dallas, Texas;

The Commission finds that: The above-entitled proceedings are related and the public interest would be served by consolidating them for hearing; and

The Commission orders that:

(A) Docket Nos. G-208 and G-209 be and they are hereby consolidated for purposes of hearing thereon;

(B) A public hearing in these proceedings be held commencing on June 8th, 1942, at 9:45 o'clock a. m. in Courtroom No. 2 of the Federal Building, Dallas, Texas;

(C) Interested State Commissions may participate in the said hearing, as provided for in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-3194; Filed, April 10, 1942;  
9:48 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-519]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE OHIO FUEL GAS COMPANY, AND NORTHWESTERN OHIO NATURAL GAS 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 Philadelphia, Pennsylvania, on the 7th day of April 1942.

Declarations and applications having been filed with this Commission by Columbia Gas & Electric Corporation, The Ohio Fuel Gas Company and Northwestern Ohio Natural Gas Company, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6 (b), 9 (a), 10 and 12 (f) of said Act and Rule U-43 thereunder, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER or otherwise as provided by Rule U-23 under said Act; and the declarations and applications concerning the following:

The parties propose to merge Northwestern Ohio Natural Gas Company, a wholly owned subsidiary of Columbia Gas & Electric Corporation, into The Ohio Fuel Gas Company, also a subsidiary of Columbia Gas & Electric Corporation, all of whose outstanding shares and indebtedness other than current indebtedness and \$3,000,000 principal amount of 4% Serial Notes (guaranteed as to principal and interest by its parent) are owned by the parent. As stated in the applications or declarations, the following steps will be necessary or incidental to the consummation of the proposed transaction:

(a) Northwestern will declare and pay a dividend on its common stock in an amount equal to its Earned Surplus since December 31, 1937 (as of December 31, 1941, such surplus amounting to \$66,714.88).

(b) Northwestern will be merged into Ohio Fuel pursuant to the provisions of the Ohio General Corporation Law, with Ohio Fuel continuing as the surviving corporation. Such merger is to be carried out pursuant to the provisions of

the Agreement of Merger which is filed with the application or declarations.

(c) In the merger, Ohio Fuel will issue 58,354 shares of common stock, par value \$45, in exchange for the 55,505 shares of common stock, par value \$50, of Northwestern, presently outstanding. Ohio Fuel presently has 443,517 authorized but unissued shares of common stock.

The proposed merger involves the following transactions which are covered by this combined application:

(a) The issue by Ohio Fuel of 58,354 shares of common stock, par value \$45.

(b) The transfer by merger of all of the assets of Northwestern to Ohio Fuel.

(c) The assumption, by operation of law, by Ohio Fuel of all of the liabilities of Northwestern, which at the date of the merger will consist of current liabilities only.

(d) The acquisition by Columbia Gas of 58,354 shares of common stock, par value \$45, of Ohio Fuel in exchange for 55,505 shares of common stock, par value \$50, of Northwestern.

The number of shares to be issued by The Ohio Fuel Gas Company in exchange for the outstanding shares of Northwestern Ohio Natural Gas Company is said to have been determined by dividing the capital stock and special capital surplus of The Ohio Fuel Gas Company by the number of shares outstanding and dividing the result into the sum of the capital stock and surplus prior to January 1, 1938 of Northwestern-Ohio Natural Gas Company. The earned surplus of The Ohio Fuel Gas Company prior to January 1, 1938, in the amount of \$6,949,606.37, and the earned surplus of that company since December 31, 1937, in the amount of \$1,407,974.08, as well as the earned surplus of Northwestern Ohio Natural Gas Company since December 31, 1937 of \$66,714.88 are stated not to have been used in the computation referred to; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations and applications and that said declarations shall not become effective or said applications be granted except pursuant to the further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules and Regulations thereunder be held on April 14, 1942 at 10:00 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c)

of said Act and to a Trial Examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file notice to that effect with the Commission on or before April 12, 1942.

It is further ordered, That, without limiting the scope of issues presented by said application and declarations, particular attention will be directed at said hearing to the following matters and questions:

(1) The extent of any terms and conditions that may be appropriate in the public interest or the interest of investors or consumers in connection with the issue and sale of common stock by The Ohio Fuel Gas Company;

(2) The reasonableness of the consideration to be paid for such stock and the adaptability of the securities to the earning capacity of, or the sums invested in, the assets of Ohio Fuel Gas;

(3) The relationship of Northwestern and the assets owned and operated by it to Ohio Fuel Gas and other companies in the Columbia system;

(4) The effect of the proposed merger as to management and operating functions, economies and cost, and the effect of regulation by State and Federal authorities;

(5) Whether the transactions involved in the proposed merger and the other matters connected therewith will (a) serve the public interest by tending toward the economical and efficient development of an integrated public utility system, (b) be detrimental to the carrying out of the provisions of section 11 (c) or tend to circumvent the provisions of the Act or any Rules, Regulations and Orders of the Commission thereunder; and

(6) Whether (a) the fees, commissions or other remunerations to be paid, directly or indirectly, in connection with the proposed transactions are reasonable; and (b) the terms and conditions of the proposed transactions generally are detrimental to the public interest or to the interest of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3180; Filed, April 9, 1942;  
3:09 p. m.]

[File No. 70-527]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY AND WASHINGTON RAILWAY AND ELECTRIC COMPANY

##### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 8th day of April, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been

[File No. 70-524]

IN THE MATTER OF COMMONWEALTH  
UTILITIES CORPORATIONORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of April 1942.

Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the proposed sale to a non-affiliated private purchaser of all of the issued and outstanding 22,000 shares of common stock of its subsidiary, St. Louis County Water Company for \$3,260,000; and

The Commission having issued an Order on July 30, 1941, affirmed and made effective as of September 24, 1941, in the proceedings under section 11 (b) (1) of the Act with respect to The United Gas Improvement Company and its subsidiaries (File No. 59-6), which Order, in part, directed The United Gas Improvement Company to sever its relationship with St. Louis County Water Company, by disposing or causing the disposition of, its direct or indirect ownership, control or holding of securities issued by St. Louis County Water Company; and

Said declaration having been filed on April 2, 1942, and amendments thereto having been filed on April 4, and April 6, 1942, and April 7, 1942, and notice of said filing having been duly given, in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named party having requested that the effective date of said declaration, as amended, be advanced; and

The Commission observing no basis for making adverse findings under the provisions of the Act with respect to the proposed transaction, including the purchase price; and deeming the proposed transaction to have been negotiated at arm's-length and to be fair and equitable to the persons affected thereby; and that such action is appropriate to effectuate compliance with the aforesaid portion of the Commission's Order of September 26, 1941; and being satisfied that the effective date of said declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith, jurisdiction being reserved to pass upon the use or

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than April 24, 1942 at 5:30 P. M., E. W. T., 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 declaration or application, 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, Philadelphia, Pa.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Potomac Electric Power Company, a subsidiary of Washington Railway and Electric Company, a registered holding company and a subsidiary of The North American Company, a registered holding company, proposes to issue and sell to said Washington Railway and Electric Company 30,000 shares of common stock for cash at the par value of \$100 per share. Washington Railway and Electric Company presently owns all of the 60,000 shares of issued and outstanding common stock, \$100 par value, of Potomac Electric Power Company, which had a surplus as at February 28, 1942 stated to be \$29,178,229.90.

Washington Railway and Electric Company would pledge the shares of Potomac Electric Power Company acquired in this transaction, under the provisions of its Consolidated Mortgage or Deed of Trust dated March 1, 1902.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3181; Filed, April 9, 1942;  
3:09 p. m.]

[File No. 70-525]

IN THE MATTER OF THE EASTERN SHORE  
PUBLIC SERVICE COMPANY OF MARYLAND,  
THE DELMARVA POWER COMPANY, AND  
EASTERN SHORE PUBLIC SERVICE COM-  
PANY (DELAWARE)

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of April A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act

of 1935 by the Eastern Shore Public Service Company of Maryland, The Delmarva Power Company, and Eastern Shore Public Service Company (Delaware); and

Notice is further given that any interested person may, not later than April 27, 1942, at 5:30 p. m., E. W. T., 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 declaration or application, 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, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Eastern Shore Public Service Company of Maryland proposes to acquire all of the assets and assume all of the current obligations of Delmarva Power Company. The sole assets of Delmarva Power Company consist of cash, receivables, inventories and a 19,500 K. W. steam electric generating station located at Vienna, Maryland. The liabilities of Delmarva Power Company are of a current nature and approximate \$60,000.

Eastern Shore Public Service Company of Maryland further proposes to issue \$1,750,000 in aggregate principal amount of First Mortgage Bonds, 4% Series, due 1969, and 4,500 shares of Common Stock, par value \$100 per share. Said bonds and stock will be issued to Eastern Shore Public Service Company (Delaware) in exchange for all of the outstanding securities of Delmarva Power Company consisting of \$1,750,000 principal amount of First Mortgage Bonds, 4% Series, due 1969 and 18,000 shares of Common Stock, stated value \$25 per share. All of the securities of Delmarva Power Company are presently owned by Eastern Shore Public Service Company (Delaware), a registered holding company, and the parent of Delmarva Power Company and Eastern Shore Public Service Company of Maryland.

The application-declaration states that the proposed merger is a step in a program looking toward the merger or consolidation of Eastern Shore Public Service Company (Delaware) and its Maryland subsidiaries into a single corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3182; Filed, April 9, 1942;  
3:09 p. m.]

disposition of the net proceeds of the proposed sale.

By the Commission.

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

[F. R. Doc. 42-3183; Filed, April 9, 1942;  
3:10 p. m.]

IN THE MATTER OF MORRISON BOND CO.  
LTD., 222 PACIFIC AVENUE, LONG BEACH,  
CALIFORNIA

ORDER REVOKING REGISTRATION AND EXPELL-  
ING REGISTRANT FROM NATIONAL SECURI-  
TIES ASSOCIATION

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

office in the City of Philadelphia, Pa., on  
the 8th day of April, A. D. 1942.

The Commission having instituted pro-  
ceedings pursuant to sections 15 (b) and  
15A (1) (2) of the Securities Exchange  
Act of 1934 to determine whether the  
registration of Morrison Bond Co. Ltd. as  
a broker and dealer should be suspended  
or revoked; and whether registrant  
should be suspended or expelled from the  
National Association of Securities Deal-  
ers, Inc., a registered securities associa-  
tion;

A hearing having been held after ap-  
propriate notice; an advisory report  
having been filed by the trial examiner;  
and the Commission having this day  
issued its Findings and Opinion herein;

*It is ordered*, on the basis of the said  
Findings and Opinion, and pursuant to  
sections 15 (b) and 15A (1) (2) of the  
Securities Exchange Act of 1934;

1. That the registration of the said  
Morrison Bond Co. Ltd. as a broker and  
dealer be, and the same hereby is, re-  
voked; and

2. That Morrison Bond Co. Ltd. be,  
and hereby is, expelled from the National  
Association of Securities Dealers, Inc.

By the Commission.

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

[F. R. Doc. 42-3184; Filed, April 9, 1942;  
3:10 p. m.]