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shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942: and *Provided, further*, if practice (i), (ii) or (iii), specified in subparagraph (2) of this paragraph, or any combination of such practices, is used to meet the requirements with respect to all the sugar beets on the farm, one-sixth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939; and one-third acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940: *Provided, further*, That a portion of the acres of soil-conserving practices required for rented acreage of any farm which would otherwise be part of another farm may consist of acres of practices carried out on the latter farm in excess of any practices required thereon, but an acreage of soil-conserving practices equal to not less than 12.5 percent of the acres planted to sugar beets on such rented acreage shall be carried out on the farm of which such rented acreage is a part in excess of any practices which would be required if such rented acreage were not a part of such farm.

For the purposes of paragraph (b) of this section:

(1) The term "crop year" means the calendar year, except where the grower requests that the crop year be a 12-month period beginning 120 days prior to the normal planting date of sugar beets for the community, in which case the crop year shall be such 12-month period, if approval is given by the county committee.

(2) Each of the following which is recommended by the county agricultural conservation committee and approved by the state agricultural conservation committee as a practice applicable to the county for preserving and improving fertility of the soil and for preventing soil erosion shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding during the crop year 1943 one-half acre of land to adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding and maintaining until after December 31, 1943, one acre of a good growth and a good stand of an adapted cover crop, or plowing under during the crop year 1943 one acre of a good stand and a good growth of an adapted green manure crop; or

(iv) Applying during the crop year 1943 eight short tons of animal manure, or the amount of manure normally produced in one year by any of the following: two head of cattle of more than one year of age, two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(v) Applying during the crop year 1943 not less than eight tons (air dry weight) of leguminous crop residues; or

(vi) Applying during the crop year 1943 three tons of lime, or 1,000 pounds of 18 percent gypsum or its sulphur equivalent; or

(vii) Applying during the crop year 1943 to land planted to sugar beets, or to or in connection with the seeding of legumes except when seeded in rows to be cultivated, or to or in connection with the seeding of perennial grasses, 64 pounds of net available P_2O_5 in the form of commercial fertilizers.

(3) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure or cover crops, shall be deemed to be those perennial and biennial legumes or perennial grasses or mixtures thereof, or green manure crops, and cover crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State.

(4) Acres of soil-conserving practices (other than acreage qualifying under practice (i)) carried out to meet similar requirements prescribed for the 1942 sugar beet crop shall not be used to meet the requirements set forth herein for the 1943 crop.

(c) *General provision*. All of the foregoing soil-conserving practices shall be carried out in accordance with the farming methods commonly used in the community in which the farm is located.

(Sec. 301, 50 Stat. 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C., this 11th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL, *Assistant Secretary*.

[F. R. Doc. 42-13241; Filed, December 12, 1942; 11:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 247]

AGE LIMITS FOR PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 5th day of December, 1942.

It appearing that:

1. Certain sections of Parts 20 and 22 relative to the issuance of pilot certificates require that if the applicant be less than 21 years of age at the time of making application he shall submit with his application the written consent of either parent, or legal or natural guardian, to the issuance of a pilot certificate;

2. The Administration is now training in the Civilian Pilot Training Program only those trainees who are enlisted in the service of the armed forces. Such trainees often report for training at schools far from their homes which makes it difficult to secure the required written consent thereby causing undue delays in the progress of their training; and

3. The armed forces require written consent prior to accepting trainees for enlistment and to require further consent appears unnecessary duplication;

The Board finds that:

Its action is necessary to the successful prosecution of the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205(a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

"Notwithstanding the provisions of Parts 20 and 22 of the Civil Air Regulations to the contrary, pilot certificates may be issued by the Administrator to applicants under 21 years of age without the written consent of either parent, or legal or natural guardian, if such applicant is a regular or reserve member of the armed forces at the time of making application. This regulation shall terminate at the end of the war."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary*.

[F. R. Doc. 42-13240; Filed, December 12, 1942; 10:22 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF BLUE CIVIL AIRWAY NO. 3

DECEMBER 7, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.1030 *Blue civil airway No. 3, (Birmingham, Ala., to Tampa, Fla.)*[1] the following:

"From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range; via the Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio

[1] 7 F.R. 9297.

range and the north leg of the Birmingham, Ala., radio range;"

and substituting in lieu thereof the following:

"From the Birmingham, Ala., radio range station; Gunter Field, Montgomery, Ala.; and the Dothan, Ala., radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Dothan, Ala., radio range and the northwest leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; via the Cross City, Fla., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range; to the Tampa, Fla., radio range station."

This amendment will become effective 0001 E. W. T. November 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13266; Filed, December 12, 1942; 12:08 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

REPURCHASE OF SECURITIES BY CLOSED-END INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 23 (c) (3) and 38 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors, hereby amends Section 270.23C-1 [Rule N-23C-1] to read as follows:

§ 270.23C-1 *Repurchase of securities by closed-end companies.* (a) A registered closed-end company may purchase for cash a security of which it is the issuer, subject to the following conditions:

(1) If the security is a stock entitled to cumulative dividends, such dividends are not in arrears.

(2) If the security is a stock not entitled to cumulative dividends, at least 90% of the net income of the issuer for the last preceding fiscal year, determined in accordance with good accounting practice and not including profits or losses realized from the sale of securities or other properties, was distributed to its shareholders during such fiscal year or within 60 days after the close of such fiscal year.

(3) If the security to be purchased is junior to any class of outstanding security of the issuer representing indebtedness (except notes or other evidences of indebtedness held by a bank or other person, the issuance of which did not involve a public offering) all securities of such class shall have an asset coverage of at least 300% immediately after such purchase; and if the security to be purchased is junior to any class of outstanding senior security of the issuer which is a stock, all securities of such class shall have an asset coverage of at least 200% immediately after such purchase, and shall not be in arrears as to dividends.

(4) The seller of the security is not to the knowledge of the issuer an affiliated person of the issuer.

(5) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase.

(6) The purchase is made at a price not above the market value, if any, or the asset value of such security, whichever is lower, at the time of such purchase.

(7) The issuer discloses to the seller or, if the seller is acting through a broker, to the seller's broker, either prior to or at the time of purchase the approximate or estimated asset coverage per unit of the security to be purchased.

(8) No brokerage commission is paid by the issuer to any affiliated person of the issuer in connection with the purchase.

(9) The purchase is not made in a manner or on a basis which discriminates unfairly against any holders of the class of securities purchased.

(10) If the security is a stock, the issuer has, within the preceding six months, informed stockholders of its intention to purchase stock of such class by letter or report addressed to all the stockholders of such class.

(11) The issuer files with the Commission, on or before the tenth day of the calendar month following the month in which the purchase occurs, two copies of a report of purchases made during the month, together with a copy of any written solicitation to purchase securities under this rule sent or given during the month by or on behalf of the issuer to ten or more persons. Form N-23C-1 is hereby prescribed as the form to be used for such report.

(b) Notwithstanding the conditions of paragraph (a), a closed-end company may purchase fractional interests in, or fractional rights to receive, any security of which it is the issuer.

(c) This rule does not apply to purchases of securities made pursuant to section 23 (c) (1) or (2) of the Act (54 Stat. 825; 15 U.S.C. 80a-23). A registered closed-end company may file an application with the Commission for an order under section 23 (c) (3) of the Act permitting the purchase of any security of which it is the issuer which does not meet the conditions of this rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the Act.

(d) This rule relates exclusively to the requirements of section 23 (c) of the Act, and the provisions hereof shall not be construed to authorize any action which contravenes any other applicable law, statutory or otherwise, or the provision of any indenture or other instrument pursuant to which securities of the issuer were issued.

Effective December 11, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13216; Filed, December 11, 1942; 2:54 p.m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter D—Munitions Control

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

UNLIMITED EXPORT AND IMPORT LICENSES

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939, as amended (54 Stat. 10; 56 Stat. 19; 22 U.S.C. 452), and to the proclamation issued pursuant thereto,[1] the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by him on June 2, 1942 (7 F.R. 4216) are hereby augmented by the following § 201.41:

§ 201.41 *Unlimited export and import licenses.* When the Secretary of State has determined that the issuance of unlimited export and import licenses will materially aid the war effort, he will issue such licenses to appropriately registered persons authorizing the exportation or importation, or both, by such persons of arms, ammunition, and implements of war, subject to specific terms imposed by him. No exportation or importation of arms, ammunition, or implements of war shall be made, or attempted to be made, under the authority of such an unlimited license without compliance with the specific terms thereof and the special provisions and instructions pertaining thereto and with the regulations of this part.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 10, 1942.

[F.R. Doc. 42-13196; Filed, December 11, 1942; 2:32 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

[T.D. 5200]

PART 458—INSPECTION OF RETURNS

SUBPART E—INSPECTION BY CONGRESSIONAL COMMITTEE

Regulations governing the inspection of income, excess-profits, declared value excess-profits, and capital stock tax returns by the Special Committee on Un-American Activities, House of Representatives.[2]

§ 458.201 *Examination of returns by House Committee on Un-American Ac-*

[1] Proclamation 2549 of Apr. 9, 1942 (7 F.R. 2769).

[2] See E.O. 9281, 7 F.R. 10355.

tivities.[2] Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1932, as amended by section 218 (h) of the National Industrial Recovery Act; sections 215 (e) and 216 (b) of the National Industrial Recovery Act; sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936; sections 55 (a), 409, 601 (e) and 602 (c) of the Revenue Act of 1938; and sections 55 (a), 508, 603, 729 (a), and 1204, of the Internal Revenue Code, income tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, capital stock and declared value excess-profits tax returns made under the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, and excess-profits tax returns made under the Internal Revenue Code for the year 1940 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 420 (Seventy-seventh Congress, second session), passed March 11, 1942. The inspection of returns herein authorized may be by the Committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee to the House.

[2] 4 F.R. 2031.

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

Approved: December 9, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-13315; Filed, December 14, 1942; 11:18 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1521]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, ETC.

Findings of fact, conclusions of law memorandum opinion and order in the matter of the petition of District Board No. 7 for changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine, Mine Index No. 62, of the Crab Orchard Improvement Company in size group Nos. 1 and 2.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 29, 1942, by District Board No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine (Mine Index No. 62) in District No. 7. Consumers' Counsel intervened on August 13, 1942. Pursuant to Orders of the Acting Director and after due notice to interested persons, a hearing was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.[1] Interested persons were afforded an opportunity to be present, present evidence, cross-examine witnesses, and otherwise be heard. The petitioner and Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of the Report of the Examiner. The record was thereupon submitted to the undersigned.

Eccles No. 5 Mine, Mine Index No. 62, is an old mine taken over in 1930 by the Crab Orchard Improvement Company. At the time that minimum prices and price classifications were established in General Docket No. 15, the company was removing "squeezed" coal from a large number of pillars in the mine. These pillars had been standing for over fifteen years and as a result, the coal in them had become soft in structure and badly fractured. Since structure and ash content are factors considered in the establishment of minimum prices and price classifications of lump and egg coal, the poor structure of the Eccles No. 5 coals and consequent degradation in transit were among the reasons for establishing the Classification "B" for the Size Groups 1 and 2 coals of this mine.

[1] The order of July 11, 1942, designated W. A. Cuff to preside as Examiner. The order of August 22, 1942, designated Charles S. Mitchell vice Examiner Cuff.

B. R. Gebhart, Vice President of the Crab Orchard Improvement Company, testified that since 1940 the Eccles No. 5 Mine has been decreasing the amount of "squeeze" coal produced and steadily increasing the amount of new and firm coal. By April 1942 the last of this pillar coal had been worked out. With the decrease in the amount of "squeeze" coal produced a decided improvement in the structure of the coal was noted by retailers with the result that Eccles No. 5 lump and egg coal has been competing with coals having Classification "A" since the beginning of 1942. H. A. Thompson, Technical Advisor to District Board No. 7, testified that when a comparison was made of the results of the stability tests conducted by the Commercial Testing and Engineering Company in 1938 and 1942 on lump and egg coal from the Eccles No. 5 Mine, there was found a noticeable improvement, both from the standpoint of structure and in the analytical value as to ash content. It was Thompson's opinion that "The change in structure of the coal was sufficient reason alone for changing its classification from (B) to (A)." On the basis of these findings, District Board No. 7 has concluded that owing to the improved structure of the coal of Eccles No. 5 Mine, Size Groups 1 and 2 should be in Classification "A" rather than "B".

The Consumers' Counsel contended that if the structure of the coals of Eccles No. 5 Mine had improved to such an extent that Size Groups 1 and 2 should have a new classification, then Size Groups 8 and 9 slack coal for this mine should also be reclassified. It was pointed out, however, that the analysis of the coal had not changed and that structure was not an item to be considered in the price classification of slack sizes.

Upon the basis of the uncontroverted evidence, I find that the establishment of effective price classifications and minimum prices requested is proper and will effectuate the purpose of section 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.