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The President

EXECUTIVE ORDER

CONSOLIDATING THE HOUSING AGENCIES AND FUNCTIONS OF THE GOVERNMENT INTO THE NATIONAL HOUSING AGENCY

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 as President of the United States, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are consolidated into a National Housing Agency and shall be administered as hereinafter provided under the direction and supervision of a National Housing Administrator:

(a) The Federal Housing Administration and its functions, powers, and duties, including those of the Administrator thereof.

(b) All functions, powers, and duties of the Federal Home Loan Bank Board and of its members.

(c) The Home Owners Loan Corporation and the functions, powers, and duties of its Board of Directors.

(d) The Federal Savings and Loan Insurance Corporation and the functions, powers, and duties of its Board of Trustees.

(e) The United States Housing Authority and its functions, powers, and duties, including those of the Administrator thereof.

(f) All functions, powers, and duties relating to defense housing of (1) the Federal Works Administrator under the act of October 14, 1940, entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," as amended, and under acts making appropriations to carry out the purposes of said act, (2) the War Department and the Navy Department with respect to housing units for persons (with families) engaged in national defense activities (except housing units located on military or naval reservations, posts, or bases) under Title IV of the Naval Appropriation Act for the fiscal year 1941, and (3) any agencies heretofore designated (including the Fed-

eral Works Agency and the Farm Security Administration) to provide temporary shelter in defense areas under the Urgent Deficiency Appropriation Act, 1941, and the Additional Urgent Deficiency Appropriation Act, 1941, and the Third Supplemental National Defense Appropriation Act, 1942.

(g) All functions, powers, and duties of the Farm Security Administration relating to such housing projects as such Administration determines are for families not deriving their principal income from operating or working upon a farm.

(h) The Defense Homes Corporation and its functions, powers, and duties, including those of its officers and Board of Directors.

(i) All functions, powers, and duties of the Federal Loan Administrator, the Federal Works Administrator, and the head of any department or other agency relating to the administration or supervision of the agencies, functions, powers, and duties transferred hereunder.

(j) All functions, powers, and duties of the Division of Defense Housing Coordination established by Executive Order No. 8632¹ of January 11, 1941, and of the Coordinator of Defense Housing: *Provided*, That such Division and such Coordinator shall continue to exercise such functions, powers, and duties until the appointment or designation of the National Housing Administrator.

(k) All powers, rights, privileges, duties, and functions transferred to the Federal Works Administrator by Executive Order No. 8186² of June 29, 1939:

Provided, That with respect to any functions, powers, and duties enumerated in sub-paragraphs (f) and (g) above, any agency now engaged in the construction or management of any project shall continue such activities on behalf of the National Housing Agency until such time as the National Housing Administrator shall determine that it is expedient for the Federal Public Housing Authority, herein provided for, to discharge such functions, powers, and duties with respect to such project through its own facilities.

¹ 6 F.R. 295.

² 4 F.R. 2749.

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FEDERAL REGISTER

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2. The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of \$12,000 a year unless the Congress shall otherwise provide. Pending such appointment, an existing officer of the Government designated by the President shall act as National Housing Administrator.

3. There shall be three main constituent units in the National Housing Agency. Each such unit shall be administered by a commissioner acting under the direction and supervision of the National Housing Administrator. The unit administering the Federal Housing Administration and its functions, powers, and duties shall be known as the Federal Housing Administration, and the Federal Housing Administrator shall serve as Federal Housing Commissioner. The unit administering the functions, powers, and duties of the Federal Home Loan Bank Board and its members shall be known as the Federal Home Loan Bank Administration, and the Chairman of the Federal Home Loan Bank Board shall serve as

Federal Home Loan Bank Commissioner. The United States Housing Authority and its functions, powers, and duties shall be administered as the Federal Public Housing Authority, one of the main constituent units, and the Administrator of the United States Housing Authority shall serve as Federal Public Housing Commissioner. The agencies, functions, powers, and duties enumerated in sub-paragraphs (c), (d), and (k) of paragraph 1 shall be administered in the Federal Home Loan Bank Administration, and those enumerated in sub-paragraphs (f) and (g) shall be administered in the Federal Public Housing Authority. The agency, functions, powers, and duties enumerated in sub-paragraph (h) of paragraph 1 shall also be administered by the Federal Public Housing Commissioner. The Administrator of the National Housing Agency may centralize in the office of the National Housing Administrator such budget, personnel, legal, procurement, research, planning, or other administrative services or functions common to the said constituent units as he may determine.

4. The capital stock of the Defense Homes Corporation shall be transferred from the Federal Loan Administrator to the National Housing Administrator, and the Federal Loan Administrator and the Defense Homes Corporation shall take all necessary action to effectuate such transfer and carry out the purposes hereof.

5. The Central Housing Committee is hereby abolished, and all of its assets, contracts, property (including office equipment and records), and unexpended balances of funds available for its use are hereby transferred to the National Housing Agency.

6. All assets, contracts, and property (including office equipment and records) of any agency hereby consolidated, and all assets, contracts, and property (including office equipment and records) which other agencies, including departments, have been using primarily in the administration of any function, power, or duty hereby consolidated or transferred, are hereby transferred, respectively, with such agency, function, power or duty.

7. Except as provided in paragraph 8, hereof, (1) all personnel of any agency hereby consolidated, and (2) all personnel of other agencies, including departments, who have been engaged primarily in the administration of any function, power, or duty hereby consolidated or transferred and who within thirty days after the appointment or designation of the National Housing Administrator are jointly certified for transfer by said Administrator and the head of the department or agency to which such personnel is attached, shall be transferred, respectively, with such agency, functions, power or duty; but any personnel transferred with functions, powers, or duties pursuant to this paragraph who are found by the National Housing Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be re-transferred under existing law to other positions in the Government or separated from the service.

8. The following personnel are not transferred hereunder: (1) The Directors and Officers of the Defense Homes Corporation, (2) the members of the Federal Home Loan Bank Board other than the Chairman, (3) the Directors of the Home Owners' Loan Corporation, and (4) the Trustees of the Federal Savings and Loan Insurance Corporation. The offices of the foregoing personnel excepted from transfer by this paragraph (except in the case of the Defense Homes Corporation) are hereby vacated for the duration of this order: *Provided*, That the offices of the members of the Federal Home Loan Bank Board shall not be vacated until sixty days from the date of this order. The personnel of the Division of Defense Housing Coordination and of the Central Housing Committee are not transferred hereunder, except that the National Housing Administrator, within 60 days after his appointment or designation, may take over such of this personnel as are needed. During such period, all personnel of such Division and of such Committee may be retained by them in connection with the winding up of their affairs.

9. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds (not otherwise transferred hereunder) available for the use of any agency in the exercise of any function, power, or duty consolidated by this order, or for the use of the head of any department or agency in the exercise of any such function, power, or duty, as the Director of the Bureau of the Budget shall determine (with the approval of the President), shall be transferred, respectively, to the National Housing Agency or the main constituent unit therein concerned, for its use in connection with the exercise of the functions, powers, or duties, respectively, to be administered by it hereunder. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

10. All housing now owned by the United States and located on a military or naval reservation, post, or base is hereby transferred to the jurisdiction of the War or Navy Department, respectively, having jurisdiction of such reservation, post or base: *Provided*, That with respect to all housing developed by the War or Navy Department under Title II of Public 671, approved June 28, 1940, the Federal Public Housing Authority shall take all necessary steps to transfer such jurisdiction and carry out the purpose hereof, including the transfer of title to the United States and including repayment (out of any funds available therefor) of the cost of such housing for reimbursement of the Bond Account from which funds were transferred to pay such costs.

11. The Director of the Bureau of the Budget shall allocate to the National Housing Agency, from appropriations, authorizations, allocations, or other funds available for the administrative expenses of the Federal Loan Agency

and the Federal Works Agency (relating to the administration of the agencies and functions transferred therefrom hereunder) and of the agencies and functions, powers, and duties consolidated hereunder, such sums, and in such proportions, as he may find necessary for the administrative expenses of the National Housing Agency. None of the agencies established or consolidated hereunder shall incur any obligations for administrative expenses except pursuant to appropriations, allocations, or other authorizations of funds specifically available now or hereafter for administrative expenses.

12. The National Housing Administrator may appoint necessary personnel and make necessary expenditures to carry out the functions, powers, and duties of the National Housing Agency. The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. Until the appointment or designation of a National Housing Administrator, the Commissioners respectively shall exercise such of the functions, powers, and duties of the National Housing Administrator as relate to the agencies, functions, powers, and duties to be administered by such Commissioners respectively.

13. Nothing herein shall impair or affect any outstanding obligations or contracts of any agency consolidated hereunder or of the United States of America (including its pledge of faith to the payment of all annual contributions now or hereafter contracted for pursuant to the United States Housing Act, as amended), or of any Insurance Funds created under the National Housing Act.

14. All orders, rules, regulations, permits, or other privileges made, issued or granted by or in respect of any agency, function, power, or duty consolidated hereunder shall continue in effect to the same extent as if such consolidation had not occurred until modified, superseded, or repealed, except that the regulations of January 11, 1941, relating to defense housing coordination shall hereby be revoked upon the appointment or designation of the National Housing Administrator.

15. All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

16. Transfers of available funds under this order shall include funds available for the fiscal year ending June 30, 1943.

17. This order shall become effective as of the date hereof and shall be in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9070]

[F. R. Doc. 42-1663; Filed, February 25, 1942;
12:16 p. m.]

EXECUTIVE ORDER

TRANSFERRING FUNCTIONS OF THE FEDERAL LOAN AGENCY TO THE DEPARTMENT OF COMMERCE

Whereas by an Executive order issued this date¹ under Title I of the First War Powers Act several agencies were transferred from the Federal Loan Agency to the National Housing Agency established by such order, and it is deemed advisable that the remaining functions of the Federal Loan Agency be administered in the Department of Commerce;

Now, therefore, by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, it is hereby ordered as follows:

SEC. 1. *Transfer of Functions.* All functions, powers, and duties of the Federal Loan Agency and of the Federal Loan Administrator which relate to the Reconstruction Finance Corporation, Electric Home and Farm Authority, RFC Mortgage Company, Federal National Mortgage Association, Disaster Loan Corporation, Export-Import Bank of Washington, Defense Plant Corporation, Rubber Reserve Company, Metals Reserve Company, Defense Supplies Corporation, and War Insurance Corporation, together with all other functions, powers, and duties not transferred by the Executive order establishing the National Housing Agency, are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce.

SEC. 2. *Transfer of Records, Property, and Personnel.* All records and property (including office equipment) and all personnel of the Federal Loan Agency used in the administration of the functions transferred by this order are transferred to the Department of Commerce for use in the administration of the functions transferred by this order.

SEC. 3. *Transfer of Funds.* So much of the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the use of the Federal Loan Agency in the exercise of any function transferred by this order, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department of Commerce for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

SEC. 4. *Effective and Termination Dates.* This order shall become effective as of the date hereof and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9071]

[F. R. Doc. 42-1664; Filed, February 25, 1942;
12:17 p. m.]

¹ E.O. 9070, *supra*.

EXECUTIVE ORDER

TRANSFERRING CERTAIN VESSELS AND PERSONNEL FROM THE COAST AND GEODETIC SURVEY TO THE WAR AND NAVY DEPARTMENTS

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U.S.C., title 33, sec. 855), and as President of the United States, and in view of the existing national emergency, it is hereby ordered as follows:

1. The following-named vessels are transferred from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department:

PIONEER (Ex ARGUS)
GUIDE (Ex ANDRADITE)
PRATT (Ex (YP-96)

2. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department:

Lieut. Comdr. Lyman D. Graham
Lieut. Comdr. George L. Bean
Lieut. Charles M. Thomas
Lieut. William M. Gibson
Lieut. (jg) Walter J. Chovan
Lieut. (jg) Junius T. Jarman
Lieut. (jg) Edgar F. Hicks, Jr.
Ensign Ernst E. Stohsner
Ensign Charles A. Schoene

3. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the War Department:

Lieut. Ralph W. Woodworth
Lieut. Albert J. Hoskinson
Lieut. H. Arnold Karo
Lieut. Hubert A. Paton
Lieut. Riley J. Sipe
Lieut. Frank G. Johnson
Lieut. Alvin C. Thorson
Lieut. (jg) Maurice A. Hecht
Lieut. (jg) William C. Russell
Ensign Fair J. Bryant

4. The above-named officers shall, while under the jurisdiction of the War or Navy Department, serve under their commissions in the Coast and Geodetic Survey, and while so serving shall constitute a part of the active military or naval forces of the United States and shall be under direct orders of the War or Navy Department and subject to the laws, regulations, and orders for the government of the Army or Navy so far as they may be applicable.

5. The above-named vessels and officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9072]

[F. R. Doc. 42-1665; Filed, February 25, 1942;
12:17 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

**CHAPTER VI—ORGANIZED
RESERVES**

PART 64—ENLISTED RESERVE CORPS¹

§ 64.5 *Enlistments*—(a) *Eligibility*. Subject to the provisions of paragraph 6, enlistments will be limited to persons eligible for enlistment in the Regular Army except that for original enlistments in all affiliated units the maximum age limit will be 45 years. The grade in which a particular enlistment may be made will be determined by the applicant's previous military or technical training as set forth below: (39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U.S.C. 421, 423-427) [Par. 5, AR 150-5, as amended by Cir. 50, W.D., February 20, 1942]

[SEAL]

E. S. ADAMS,
*Major General,
The Adjutant General.*

[F. R. Doc. 42-1654; Filed, February 25, 1942;
11:35 a. m.]

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM²

§ 79.25 *Insignia of grade.*

(d) *Enlisted men*. (1) Noncommissioned officers, technicians, and privates, first class, will have insignia of grade on a background forming an edging around the entire insignia and between each chevron, as follows:

(i) Cotton, khaki chevrons, arcs, Ts, and lozenge on a dark blue cotton background.

(ii) Olive-drab wool chevrons, arcs, Ts, and lozenge on a dark blue wool background.

(6) *Technician (third grade)*. Three chevrons and an arc of one bar forming a tie to the lower chevron. In the angle between lower chevrons and bar a letter T.

(7) *Sergeant (fourth grade)*. Three chevrons.

(8) *Technician (fourth grade)*. Three chevrons above a letter T.

(9) *Corporal (fifth grade) and acting corporal*. Two chevrons.

(10) *Technician (fifth grade)*. Two chevrons above a letter T.

(11) *Private, first class (sixth grade)*. One chevron. (R.S. 1296; 10 U.S.C. 1391) [Par. 25d, AR 600-35, as amended by Cir. 49, W.D., February 19, 1942]

[SEAL]

E. S. ADAMS,
*Major General,
The Adjutant General.*

[F. R. Doc. 42-1655; Filed, February 25, 1942;
11:35 a. m.]

¹ § 64.5 (a) is amended.

² § 79.25 (d) is amended.

**CHAPTER VIII—PROCUREMENT AND
DISPOSAL OF EQUIPMENT AND
SUPPLIES**

**PART 81—PROCUREMENT OF MILITARY
SUPPLIES AND ANIMALS¹**

§ 81.10 *Invitations for bids.*

(f) *Special conditions authorized or required to be included.*

(25) *Wage scales in connection with purchase of coal*. In conformity with § 81.10 (a) (8) invitations for bids for coal will have included therein the following:

WAGE SCALES

Bidder's attention is directed to the fact that paragraph 3, "Wage scales," of Standard Government Purchase Conditions for Coal (Standard Form No. 43) has been deleted and the following provisions included as a part of Standard Form No. 43 shall be substituted therefor:

The contract price specified herein for the coal is based upon the wage scale in effect with mine employees on the date of opening of bids, and any changes in the said wage scale shall increase or decrease the contract price of coal by the method herein stated.

In event of a change in the wage rate for the herein specified predominant occupational class of mine employees, approved generally for the mining district in which the mine herein named is located, the contract price shall be increased or decreased on any tonnage shipped from the mine after date of such increase or decrease in the wage rate, according to whether the wage rate is increased or decreased, by an amount which is the product of the f. o. b. mine price times 0.6, times the percent change in the wage rate expressed as a decimal (the percent increase or decrease in the wage rate shall be computed to the nearest tenth percent and the increase or decrease in the contract price shall be computed to the nearest tenth of a cent). If the change is an increase in the wage rate for the stated class of employees, the right is reserved to the contracting officer to disallow any increase in the contract price if in his opinion the increase in the wage rate as reported by the contractor was not approved generally by the operators of mines in the mining district in which the mine named is located, and the contracting officer's decision shall be final and conclusive on the parties hereto subject only to appeal, within 60 days, by the contractor to the head of the department concerned, whose decision on such appeal shall be final and conclusive on the parties hereto. Such determined increase or decrease in the contract price shall be final and conclusive, and no additional claim by the contractor will be considered covering any changes in wage rates of other classes of mine labor employed on a per ton, or a monthly, or a daily, or an hourly, or in any other labor factor or factors entering into the cost of producing coal at the mine named.

In the event of a change in the wage rate for the specified predominant occupational class of mine employees there shall be furnished to the contracting officer, within 60 days from the date of the change in the wage rate, authenticated copies of the new wage scale and of the wage scale which was in effect on the date of opening of bids.

When there has been no change in the wage rate, subsequent to the date of opening of bids and during the contract period, the contractor shall so certify on each invoice or voucher submitted for payment.

¹ § 81.10 (f) (25) is added.

In connection with the changed wage scale provisions included in Standard Form No. 43, the following is the prescribed method for changing contract price in event of a change in the wage scale with mine employees during the term of this contract:

The bidder must specify on the appropriate bidding form that particular occupational class of mine employees receiving the same wage rate that has a predominant effect on the cost of producing coal at the mine named by him; i. e., that particular occupational class of employees receiving the same wage rate to which on the payroll a predominant amount is regularly paid for producing coal. The class selected shall not be for supervisory or clerical employees.

The predominant wage rate class of employees so specified must be described in such a manner that it may be clearly identified in the wage agreement between the operator of the mine and the mine employees in effect on the date of opening of bids.

In the event of a change in the wage rate for the predominant occupational class of labor specified by the bidder, the f. o. b. mine price is multiplied by a percentage factor of 60 percent, and the product thereof is multiplied by the percent change in the wage rate, and the resultant obtained is the amount that the contract price will be increased or decreased on account of an increase or decrease in the wage rate.

It is to be noted that this method is based on the f. o. b. mine price. If the invitation calls for bids for coal on any other than the f. o. b. mine basis (the bid price including freight rate and/or cost of trucking), the bidder must state also in his bid the f. o. b. price at the mine named.

Following is an example of applying the above stated method: The f. o. b. mine price stated in the contract is \$2.00 per ton. The predominant occupational class of mine employees specified in the contract is "Coal drillers." (This classification is given only for information purposes, being quoted from the wage agreement of a certain district. For other districts the predominant occupational class may contain an entirely different listing of employees receiving the same wage rate. Bidder must not specify more than one occupational class.) The wage rate in effect on the date of opening of bids, for the said predominant occupational class of mine employees is \$0.729 per hour. The new wage rate therefor is \$0.802 per hour. The increase in such wage rate is 10.0 percent. The increase in the contract price, using the following indicated formula and by computation, is:

\$2.00 by 0.6 by 0.100 = 12.0 cents per ton

Conversely, if there is a reduction in the wage scale, the contract price would be decreased in like manner. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. 15, W.D., February 6, 1942]

[SEAL]

E. S. ADAMS,
*Major General,
The Adjutant General.*

[F. R. Doc. 42-1634; Filed, February 24, 1942;
4:16 p. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION
 [Docket No. A-1017]
PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
MEMORANDUM OPINION AND ORDER IN THE
MATTER OF THE PETITION OF DISTRICT
BOARD NO. 1 FOR REVISION OF PRICE CLAS-
SIFICATIONS AND MINIMUM PRICES FOR
COALS OF CERTAIN MINES IN DISTRICT NO. 1

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

In accordance with an Order of the Director and after notice to all interested parties a hearing in this matter was held before Joseph A. Huston, a duly desig-

nated Examiner of the Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Only original petitioner appeared. At the conclusion of the hearing the preparation and filing of a Report by the Examiner was waived and the record was thereby submitted to the undersigned who has considered the same.

The petition of District Board 1 herein requested a revision in price classifications and effective minimum prices established for the coals produced at sixteen mines in District 1. The testimony of a representative of District Board 1 shows that minimum prices were originally established for the coals in question but that due to errors in designating the seam in which the coals were produced or in designating the subdistrict in which the mines were located, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other coals produced in District 1.

PERMANENT SUPPLEMENT

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

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

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

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2646	Bish, Guy	Bish	6	D	Punxsutawney, Pa.	PRR-R&O	63	(1)	(1)	E	(1)	(1)
1455	Datley, Thomas	Freeport #1	44	E	Westernport, Md.	CA&PR	66	(1)	(1)	H	(1)	(1)
651	Grove Coal Co. (Ray Grove)	Grove Coal Co.	44	E	Gorman, Md.	WM&A	68	(1)	(1)	H	(1)	(1)
458	White, James A. (James A. White Coal Company)	White #1	6	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)
2651	White, James A. (James A. White Coal Company)	White #2	6	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)
2681	White, James A. (James A. White Coal Company)	White #3	6	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)
804	White, James A. (James A. White Coal Company)	White #4	12	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)
652	White, James A. (James A. White Coal Company)	White #5	6	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)
	White, James A. (James A. White Coal Company)	White #6	6	E	Hillman, Pa.	PRR	50	(1)	(1)	A	(1)	(1)

† Indicates no classifications effective for these size groups.
 * NOTE: When coals of Mine Index Nos. 651, 488, 2651, 2681, 804, and 652 of James A. White (James A. White Coal Company) are loaded in the same car the price that shall apply to such mixture shall be the price which is listed for the mine of this group which has the highest price classification

The classifications and prices sought by the board will, it appears, effect proper coordination between the coals to which said prices apply and competing coals.

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

The district board also requested permission for the White Coal Company to load and mix coal from its mines (Mines Index Nos. 651, 488, 2651, 2981, 804, and 652), in the same car. The coals from

the initial petition herein requested a change in the prices for Mine Index No. 1687 listed under the ownership of Frank McMullan (Mack Coal Company). At the hearing the witness explained that this request was in error and asked leave to amend the petition accordingly. This request was granted by the Examiner.

these mines are all loaded from the same siding at Hillman, Pennsylvania, and it seems appropriate to grant this request. However, the price of all the coal so mixed shall be the price which is listed for the mine in this group which has the highest price.

The witness stated that when coal is shipped by truck from the White Coal Company mines it is not first sent to the crusher. Therefore, it was testified that only a price in Size Group No. 3 for these coals for shipment by truck is required, and I so find. Prices in other size groups are to be deleted.

Now therefore it is ordered, That § 321.7 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and § 321.24 (General prices) in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be and they hereby are amended in accordance with the schedules marked "Supplement R" and "Supplement T" attached hereto and made a part hereof.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
 Acting Director.

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

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

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

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened, top size 2' and over				
						1	2	3	4	5
Behun, Michael W.....	1056	Behun.....	21	Clearfield...	A	(f)	(f)	210	(f)	(f)
Bish, Guy.....	2646	Bish.....	6	Jefferson.....	D	(f)	(f)	225	(f)	(f)
Dailey, Thomas.....	766	Freeport #1.....	44	Garrett.....	E	235	210	210	190	180
Grove Coal Co. (Ray Grove).....	1455	Grove Coal Co.....	44	Garrett.....	E	(f)	(f)	210	190	180
Harvey, Arthur.....	2855	Harvey.....	44	Garrett.....	E	(f)	(f)	210	(f)	(f)
Roth, E. A. (Roth Coal Mining Co.)	2423	Roth.....	44	Garrett.....	E	(f)	(f)	210	(f)	(f)
White, James A. (James A. White Coal Company)	651	White #1.....	6	Jefferson.....	E	(f)	(f)	220	(f)	(f)
White, James A. (James A. White Coal Company)	488	White #2.....	6	Indiana.....	E	(f)	(f)	220	(f)	(f)
White, James A. (James A. White Coal Company)	2651	White #3.....	6	Indiana.....	E	(f)	(f)	220	(f)	(f)
White, James A. (James A. White Coal Company)	2981	White #4.....	12	Indiana.....	E	(f)	(f)	215	(f)	(f)
White, James A. (James A. White Coal Company)	804	White #5.....	6	Indiana.....	E	(f)	(f)	220	(f)	(f)
White, James A. (James A. White Coal Company)	652	White #6.....	6	Clearfield...	E	(f)	(f)	220	(f)	(f)

†Indicates no prices effective for these size groups.

[F. R. Doc. 42-1615; Filed, February 24, 1942; 10:25 a. m.]

[Docket No. A-1105, 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 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2870, 306, 2907, 310, 4 AND 200, IN DISTRICT 4

This proceeding was instituted upon an original petition dated October 9, 1941, filed with the Bituminous Coal Division on October 11, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications for shipment from more than one loading point for the coals of the following mines:

Darst Mine (Mine Index No. 2870) of Darst Bros. (Kenneth Earl Darst); Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay (Fay Collieries Company);

Lucky Mine (Mine Index No. 2907) of Luck Coal Company (E. L. Luckadoo);

Black Betsey Mine (Mine Index No. 310) of Peacock Coal Company.

District Board 4, Petitioner, requested that the price classifications and minimum prices previously established for

the coals of the Allen Mine (Mine Index No. 4) of Allen Coal Co., and the Jacobs Mine (Mine Index No. 200) of Pearl Jacobs, be made applicable to shipments from additional loading points.¹

By Order dated November 21, 1941, 6 F.R. 6278, temporary price classifications and minimum prices were established for shipment from one of the loading points for the coals of the Darst Mine (Mine Index No. 2870), Brilliant No. 2 Mine (Mine Index No. 306), Lucky Mine (Mine Index No. 2907), and Black Betsey Mine (Mine Index No. 310), but no relief was granted to the Allen Mine (Mine Index No. 4) or the Jacobs Mine (Mine Index No. 200).²

Pursuant to the Order of the Director referred to above, and after notice to

¹The original petition herein requested the establishment of price classifications and minimum prices for shipments by rail and truck for the coals of various other mines in District 4. By Order dated November 21, 1941, that portion of the petition relating to the above-mentioned mines was severed from the remainder of Docket No. A-1105 and designated Docket No. A-1105, Part II.

²On December 27, 1941, the petitioner filed a motion to modify the Order of the Director, by changing the shipping point given the Brilliant No. 2 Mine from "Mingo Junction" on the Wheeling and Lake Erie to "Jewett" on the Pennsylvania and to change the Freight Origin Group from "18" to "15".

interested persons, a hearing in this matter was held on January 5, 1942, before W. A. Shipman, a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petition of District Board 4 sought and proposed price classifications and minimum prices from more than one loading point for the coals produced by certain code members for which such price classifications had not theretofore been established and also requested the designation of additional shipping points for two mines for whom price classifications had previously been established. By Order of the Director dated November 21, 1941, temporary effective price classifications were established as requested for those mines for which such classifications had not been established except that such prices were made effective for only one of the shipping points requested and in those instances where price classifications had already been established, the request for additional shipping points was not granted.

It was testified on behalf of the Board that it knew of no reason why any of these mines should have two shipping points and that it would not urge their being granted. Under these circumstances the request for dual loading points cannot be granted.

The record shows that in the case of the Darst Mine (Mine Index No. 2870) the producer preferred, if only one loading point was designated, that such loading point be Pomeroy on the C & O instead of Hobson on the New York Central as set forth in Supplement R attached to the Order of the Director in Docket No. A-1105 dated November 21, 1941. The record also indicated that in the case of the Black Betsey Mine (Mine Index No. 310) the producer preferred Pomeroy on the C & O to Hobson on the N. Y. C. as a shipping point in the event that they were confined to one shipping point.

The classifications and prices for the mines here involved which should be established are those which are the same as those previously established for comparable coals.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 324.7 (Alphabetical list of code members) is amended by adding

amended by adding thereto Supplement R-V, which supplements are hereinafter set forth and hereby made a part hereof. It is further ordered, That the prayer of the original petition is granted to the extent above and in all other respects is denied.

Dated: February 13, 1942.
DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-1

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

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.													
									1	2	3	4	5	6	7	8	9	10	11	12		
2870	Darst Bros. (Kenneth Earl Darst) pany).	Darst	8	8	Deep	Pomeroy	C&O	23	K	O	O	O	O	O	O	O	O	O	O	O	O	O
306	Fay, C. C. (Fay Collieries Company).	Brilliant # 2	1	8	Strip	Jewett	PRR	15	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2907	Luck Coal Co. (E. L. Luckadoo)	Lucky	8	8	Deep	Rutland	NYC	25	K	O	O	O	O	O	O	O	O	O	O	O	O	O
310	Feacock Coal Co.	Black Betsy	8	8A	Deep	Hobson	NYC	25	K	O	O	O	O	O	O	O	O	O	O	O	O	O

§ 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
306	Brilliant #2	Fay, C. C. (Fay Collieries Company).	Ohio No. 8	15	PRR	1
310	Black Betsy	Feacock Coal Co.	Pomeroy	25	NYC	8
2870	Darst	Darst Bros. (Kenneth Earl Darst)	Pomeroy	23	C&O	8
2907	Lucky	Luck Coal Co. (E. L. Luckadoo)	Pomeroy	25	NYC	8

§ 324.2 Seasonal discounts¹—Supplement R-III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal prices applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 38 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					Apr.	May	June	July	Aug.
Ohio No. 8	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 306	30	20	10	---	---
Pomeroy	23, 25	Add 15	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 310, 2870, 2907	50	40	30	20	10

¹ Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See schedule of effective minimum prices, §§ 324.9 and 324.10; also applies to market areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 306
Pomeroy	23, 25	Add 15	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 310, 2870, 2907

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

§ 324.11 Special prices—(a) ¹ Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

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

Name of railroad	Mine index Nos.	Additional mine index Nos.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add mine index No. 2870
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, 166	Add mine index Nos. 310-2907
Pennsylvania Railroad Co.	166	Add mine index No. 306

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

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

(Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a))

Name of railroad	Mine index Nos.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co.	From all mine index numbers except those shown below. From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 310, 2870, 2907. Add mine index No. 306.
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.		
Eric Railroad.		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co.		
For all Railroads not shown above.		

[F. R. Doc. 42-1613; Filed, February 24, 1942; 10:24 a. m.]

[Dockets No. A-1072 and A-1072 Part II]

PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A-1072 SEVERING DOCKET NO. A-1072, PART II FROM DOCKET NO. A-1072, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1072 PART II, AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1072 PART II IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7; AND OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF PEERLESS NO. 4 MINE, MINE INDEX NO. 248, OF PEERLESS COAL & COKE COMPANY, IN DISTRICT NO. 7

The original petition in the above-entitled matters 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. 7. By an Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated October 14, 1941, 6 F.R. 5529, in Docket No. A-1072, price classifications and minimum prices were established for the coals of certain mines in District No. 7, including the establishment for the coals of the Peerless No. 4 Mine Index No. 248, of Peerless Coal & Coke Company of Price Classification "B" in Size Groups 1, 6, and 7, and Price Classification "D" in Size Group 8, for all shipments except truck, and minimum prices of 315, 280, 215, and 185 cents per net ton in Size

Groups 1, 3, 4, and 5, respectively, for truck shipments.

The original petitioner subsequently filed a motion to modify the said Order of October 14, 1941, as to the said mine by changing Price Classifications "B" to "D" in Size Group 1, Price Classification "B" to "E" in Size Group 6, Price Classification "B" to "D" in Size Group 7, Price Classification "D" to "H" in Size Group 8, and by establishing Price Classification "H" in Size Group 9 for all shipments except truck, and making corresponding changes in the minimum prices for truck shipments. It appears that an adequate showing of necessity has been made that temporary relief should be granted changing the effective price classifications and minimum prices and establishing certain additional price classifications and minimum prices for the coals of the above-mentioned mine for all shipments except truck and for truck shipments, as requested in the said Motion, and that such action is necessary in order to effectuate the purposes of the Act. The Acting Director is of the opinion, however, that the original petitioner has not set forth sufficient facts to warrant the establishing of permanent price classifications and minimum prices, as prayed for in said motion, and without a hearing.

Now, therefore, it is ordered, That the price classifications and minimum prices established in the said Order of October 14, 1941 in Supplement R, § 327.11 (*Low volatile coals: Alphabetical list of code members*), and in Supplement T, § 327.34 (*General prices in cents per net ton for shipment into any market area*), for the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company, be, and they hereby are, revoked, and that in all other respects the said order be, and it hereby is, continued in

full force and effect until otherwise ordered.

It is further ordered, That the portion of Docket No. A-1072 relating to the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company be, and it hereby is, severed from Docket No. A-1072, and designated as Docket No. A-1072 Part II.

It is further ordered, That a hearing in Docket No. A-1072 Part II under the applicable provisions of said Act and the rules of the Division be held on March 11, 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 S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

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

The matter concerned herewith is in regard to the establishment of permanent price classifications and minimum prices for the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company for all shipments except truck and for truck shipments; and, more particularly, for the establishment for the coals of the Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company, a code member in District No. 7, of price classifications "D," "E," "H," and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck, and minimum prices of 290, 250, 195, 165 and 160

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers—Supplement R

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
5	Angel & Fry	Cedar Hill	1171	142	Marion, Ill.	IC-MP.
5	Black Banner Coal Co. (Carl H. Grisham)	Black Banner Coal Co.	1183	142	Marion, Ill.	IC-MP.
5	Bradley, Jack	Quality Coal Co.	1176	142	Marion, Ill.	IC-MP.
5	Brown, David	Blue Ribbon #2	1178	142	Marion, Ill.	IC-MP.
5	Brown & Roberts Coal Company	Brown & Roberts	1179	142	Marion, Ill.	IC-MP.
5	Cline, Oscar (Square Deal Coal Co.)	Square Deal	1305	142	Marion, Ill.	IC-MP.
5	Corder, Valle (Valle Corder Coal Mine)	Valle Corder	1184	142	Marion, Ill.	IC-MP.
5	Cox, Lester	Cox	1216	142	Marion, Ill.	IC-MP.
5	Diamond Star Coal Co. (Loren Scott)	Diamond Star	1185	142	Marion, Ill.	IC-MP.
5	Ferges Bros. (Ed Ferges)	Ferges Bros.	1239	142	Marion, Ill.	IC-MP.
5	Fry, C. F.	Walnut Valley	1188	142	Marion, Ill.	IC-MP.
5	Gentry, Ed. (New Black Diamond Coal Co.)	Black Diamond #4	1190	142	Marion, Ill.	IC-MP.
5	Graves, M. C.	M. C. Graves	1222	142	Marion, Ill.	IC-MP.
5	Helm, R. E.	Helm #3	1192	142	Marion, Ill.	IC-MP.
5	Henson, Loren	Henson Coal Co.	1221	142	Marion, Ill.	IC-MP.
5	Hickey Coal Company	Hickey	1193	142	Marion, Ill.	IC-MP.
5	Howerton, James O. (Howerton Coal Co.)	Howerton	1195	142	Marion, Ill.	IC-MP.
5	Mitchell Coal Co. (Ed Mitchell & H. Lantrip)	Mitchell	1199	142	Marion, Ill.	IC-MP.
5	Moore & Son Coal Company	Moore & Son	1200	142	Marion, Ill.	IC-MP.
5	Moren Coal Company (R. M. Winters)	Moren	1201	142	Marion, Ill.	IC-MP.
5	New Prosperity Coal Company	New Prosperity	1412	142	Marion, Ill.	IC-MP.
5	Norris Coal Co. (Louis Norris)	Norris Coal Co.	1203	142	Marion, Ill.	IC-MP.
5	O. B. C. Coal Company (George Overby)	O. B. C.	1367	142	Marion, Ill.	IC-MP.
5	Oak Grove Coal Co. (James Palmer)	W. H. B.	1204	142	Marion, Ill.	IC-MP.
5	Ozment & Chase (Cherry Hill Coal Co.)	Cherry Hill	1205	142	Marion, Ill.	IC-MP.
5	Pulley, Guy (Pulley Coal Co.)	Pulley	1212	142	Marion, Ill.	IC-MP.
5	Ramsey, Charles (Black Diamond Mine)	Chas. Ramsey	1227	142	Marion, Ill.	IC-MP.
5	Sims Coal Co. (Ray Sims)	Sims	1218	142	Marion, Ill.	IC-MP.
5	Steel Tipple Coal Co. (Claude Angel)	Steel Tipple	1222	142	Marion, Ill.	IC-MP.
5	Strobel, A. O.	A. O. Strobel	1223	142	Marion, Ill.	IC-MP.
5	Stump, C. C.	New Superior Coal Co.	1202	142	Marion, Ill.	IC-MP.
5	Sunny Brook Coal Company	Sunny Brook	1226	142	Marion, Ill.	IC-MP.
5	White Heat Coal Company (George Frame)	White Heat	1233	142	Marion, Ill.	IC-MP.
5	Wilkins, Arleigh (Spillertown Coal Co.)	New Spillertown	1414	142	Marion, Ill.	IC-MP.
5	Willow Spring Co. (C. H. McNeill)	Willow Spring	1234	142	Marion, Ill.	IC-MP.
5	Winning Coal Co. (W. T. Winning)	Green Valley	1238	142	Marion, Ill.	IC-MP.
5	Yearack Brothers (Frank Yearack)	Egyptian	1241	142	Marion, Ill.	IC-MP.

The f. o. b. mine prices for Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238, 1241 shall be the same as the prices provided for the mines in Price Group 5 in Price Schedule No. 1 for District No. 10, for All Shipments Except

Truck, for all size groups and for all uses and for shipment to all market areas: *Provided, however,* That these prices apply f. o. b. transportation facilities at the McLaren Fuel Co.'s Preparation Plant, Marion, Ill. The railroad locomotive fuel prices shall be: mine run—\$2.15; screenings—\$1.70.

[F. R. Doc. 42-1614; Filed, February 24, 1942; 10:24 a. m.]

[Docket No. A-1243]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF NEW TEMPLETON NO. 4 MINE (MINE INDEX NO. 184) OF THE LINTON-SUMMIT COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of New Templeton No. 4 Mine (Mine Index No. 184) of the Linton-Summit Coal Company, Inc., a code member in District No. 11; and

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

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

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-1, § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R-II, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R-III, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.
 It is further ordered, That the relief herein granted shall become final sixty days from the date of this Order, unless it shall otherwise be ordered.
 Dated: February 3, 1942.
 (SEAL) DAN H. WHEELER,
 Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11
 NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
 § 331.5 Alphabetical list of code members—Supplement R-I

Mine Index	Name of code member	Mine	Seam	Sub-district	Freight or Price Group	Shipping point	Railroad	Price Group
184 ¹	Linton-Summit Coal Company, Inc.	New Templeton No. 4.	IV	LS	68	Latta, Ind. Linton, Ind.	CMS&P&P PRR	13

¹ Mine Index No. 184 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11—For All Shipments Except Truck.

§ 331.9 Adjustments in f. o. b. mine prices—Supplement R-II. Deductions for freight rate differences for Mine Index No. 184.²

- a. On shipments originating on the CMS&P&P Railroad the same absorptions as have been established for mines included in Freight Origin Group No. 61.
- b. On shipments originating on the Pennsylvania Railroad the same absorptions as have been established for mines included in Freight Origin Group No. 63.
- c. On shipments to Market Areas 32, 33 and 34 the same absorptions as have been established for Mine Index Nos. 48, 49, 51, 78 and 1294.

§ 331.10 Special prices: Railroad locomotive fuel—Supplement R-III. Prices for railroad locomotive fuel.³

² In no case shall the permissible deduction to any destination exceed the deduction applicable via the lowest rated route.

³ The maximum deductions permitted shall be the lowest absorption via either railroad

a. On Shipments to the CMS&P&P Railroad—the same prices as have been established for Mine Index Nos. 51 and 78 for shipment to said railroad.

b. On shipments to the Pennsylvania Railroad—the same prices as have been established for Mine Index Nos. 48 and 49 for shipment to said railroad.

c. On shipments to all railroads other than the CMS&P&P Railroad and the Pennsylvania Railroad:

1. When shipping via the CMS&P&P Railroad, the same prices as have been established for Mine Index Nos. 51, 78 and 1294 when said mines ship via the CMS&P&P Railroad;

2. When shipping via the Pennsylvania Railroad, the same prices as have been established for Mine Index Nos. 48 and 49.

listed above to accomplish the required delivery.

FOR TRUCK SHIPMENTS
 § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement I

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																																
				1	2	3	4	5	6	7	8	9	10,	11,	12	13	14	15	16	17	18,	19,	20	21	22	23	24	25	26	27	28,	29	30	31	32,	34
SULLIVAN COUNTY	184	New Templeton No. 4.	4	275	270	265	255	250	245	215	190	180	180	180	160	150	100	70	200	195	195	185	185	175	145	170	160	125	125	105	125	105	125	105	125	105

[F. R. Doc. 42-1611; Filed, February 24, 1942; 10:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 992—LAUNDRY EQUIPMENT

Supplementary General Limitation Order L-6-b—Further Restricting the Production of Domestic Laundry Equipment

In accordance with the provisions of § 992.1 (General Limitation Order L-6¹) which the following order supplements, It is hereby ordered, That:

§ 992.3 Supplementary General Limitation Order L-6-b—(a) March 1-15 restrictions. During the period beginning March 1, 1942 and ending March 15, 1942:

(1) No Class A Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 3,900 units of such equipment, or
(ii) 30% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(2) No Class B Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 1,875 units of such equipment, or
(ii) 32½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(3) No Class C Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 570 units of such equipment, or
(ii) 37½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(4) No Class D Manufacturer shall produce more than 47½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(b) Appeal. Any manufacturer who considers that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Industry Operations by means of a letter addressed to the Industrial and Office Machinery Branch, Division of Industry Operations, Ref: L-6-b, setting forth in such letter all facts pertinent to the appeal. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess. as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 24th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1662; Filed, February 25, 1942; 11:51 a. m.]

¹ 6 F.R. 5533, 6407.

PART 1027—SULPHITE PULP

Amendment to General Preference Order M-52¹

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M-52 as amended) is hereby further amended to read as follows:

Allocation schedule of sulphite wood pulp

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Rayonier, Inc.....	7,380	Algonquin Paper Corp.....	62	Unbl. Sulphite.
		Anacortes Pulp Co.....	*71	Raybook.
		Badger Paper Mills.....	53	Wet Lap Bond Bleached.
		Brown Company.....	450	Bl. & Unbl. Sulphite.
		Castanea Paper Co.....	72	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.....	132	Aspen Bl. Sulphite.
		Columbia River Paper Mills.....	74	Col. River Unbl. Rolls.
		Consolidated Water Power.....	256	Bl. Sulphite.
		Coos Bay Pulp Corp.....	*63	Raybook.
		Crown Zellerbach Corp.....	470	(Camas Strong Unbl. & West Lynn Unbl.)
		Detroit Sulphite.....	84	Unbl. Sulphite.
		Dexter Sulphite.....	70	Bl. Sulphite.
		Eastern Corporation.....	211	Bl. Sulphite.
		Falls Pulp & Paper Co.....	39	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.....	60	Fibreboard Unbl. Rolls.
		Flambeau Paper Co.....	44	Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.
		Gould Paper Company.....	21	Wet Lap Newsgrade Unbl.
		Groveton Paper Company.....	70	Bl. Sulphite.
		Great Northern Paper Co.....	106	Unbl. Sulphite.
		Hammermill Paper Company.....	180	Bl. Sulphite.
		Hawley Pulp & Paper Co.....	99	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills.....	93	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney.....	143	(Weyerhaeuser Strong Unbl. & Wet Lap Strong.)
		Inland Empire Paper Co.....	31	Newsgrade Unbl. Rolls.
		International Paper Co.....	238	Bl. Sulphite.
		Kennebec Pulp & Paper Co.....	49	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.....	196	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.....	78	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.....	*98	Soundview Bond Bl.
		Minnesota & Ontario Paper Co.....	130	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.....	39	Bl. Sulphite.
		Munising Paper Co.....	66	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.....	98	Wet Lap Bl.
		Northern Paper Mills.....	115	(Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.)
		Northwest Paper Co.....	62	(Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.)
		Oregon Pulp & Paper Co.....	*85	Col. River Unbl. Rolls.
		Oxford Paper Co.....	188	Soft Book Bl.
		Penobscot Chemical Fibre Co.....	77	Penobscot Bond Bl.
		Parker-Young Company.....	62	Bl. Sulphite.
		Port Huron Sulphite & Paper Company.....	43	
		Puget Sound Pulp & Timber Company.....	47	Puget Sound Strong Unbl.
		Racquette River Paper Co.....	30	Wet Lap Strong Unbl.
		Rayonier, Inc.....	*69	Bl. & Unbl.
		Rhineland Paper Co.....	50	(Wet Lap Bl. and Wet Lap Unbl.)
		J. & J. Rogers & Co.....	34	Bl. Sulphite.
		St. Croix Paper Co.....	39	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.....	*85	Raybond or other.
		Soundview Pulp Co.....	495	(Soundview Bond Bl. and Soundview Book Bl.)
		Spaulding Pulp & Paper Co.....	71	Strong Unbl.
		Sterling Pulp & Paper Co.....	64	"Slush" Bl. & Unbl.
		Wausau Paper Mills Co.....	48	(Wet Lap Bl. and Wet Lap Unbl.)
		West Virginia Pulp & Paper Company.....	132	(Canadian Unbl. and Wet Lap Bl.)
		Weyerhaeuser Timber Co.....	471	(Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.)
		Wolf River Paper & Fibre Company.....	26	Wet Lap Newsgrade Unbl.
			7,380	

* Contribution made by releasing pulp purchased from other producer

This Amendment shall take effect as of March 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1661; Filed, February 25, 1942; 11:51 a. m.]

¹ 7 F.R. 204, 517, 784, 1087.

PART 1055—WOOL

Amendment No. 1 to Conservation Order No. M-73 Curtailing the Use of Wool

Section 1055.1 (Wool Conservation Order No. M-73)² is hereby amended as follows:

The word "wool", in the paragraphs (a) (1) (i), (ii), (iii), (iv) and (v), is hereby amended to read "wool owned by such person" in each instance.

Paragraph (e) is amended by adding at the end thereof the following subparagraph:

² 7 F.R. 120, 543.

(9) *Assignment of preference rating.* Any order for fabric to be used in the manufacture of the following types of uniforms is hereby assigned the preference rating of A-10 and shall, therefore, be included as a Defense Order for the purposes of paragraph (a) (1):

- (i) U. S. Army Officers.
- (ii) U. S. Navy Officers and Chief Petty Officers.
- (iii) U. S. Marine Corps Officers.
- (iv) U. S. Coast Guard Officers and Chief Petty Officers.
- (v) U. S. Coast and Geodetic Officers.
- (vi) U. S. Government Military and Naval Academy and Training Schools Students.
- (vii) Maritime Commission Employees.

Provided, however, That such Purchase Order is accompanied by a certificate in duplicate, signed on behalf of the person placing such Purchase Order by a person duly authorized thereto which states the following: "The undersigned hereby represents that the fabric covered by this Purchase Order will be either re-sold, or used by the undersigned, for and only for the manufacture of one or more of the types of uniforms specified in paragraph (e) (9) of General Conservation Order No. M-73 and this Purchase Order is therefore entitled to a preference rating of A-10." (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 24th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1635; Filed, February 24, 1942; 5:06 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

RATIONING ORDER NO. 2A—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS¹

Pursuant to the authority vested in me by Directive No. 1² of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1A,³ issued February 5, 1942

¹ These Regulations apply to all new passenger automobiles and supplement Rationing Order No. 2 and Amendment No. 1 thereto. (7 F.R. 667, 936, 1009, 1131) In all cases of conflict between Rationing Order No. 2 and these Regulations, these Regulations shall prevail. "Pool cars" as defined in these Regulations are not within the scope of these Regulations except where specifically mentioned.

² 7 F.R. 62.

It is hereby ordered, That:

Sec.	DEFINITIONS
1360.310	Definitions.
ORGANIZATION	
1360.321	Personnel.
1360.322	Duties.
1360.323	Jurisdiction.
RESTRICTION OF TRANSFERS	
1360.331	Restriction of transfers.
1360.332	Exemption of automobiles purchased prior to January 2, 1942.
1360.333	Rights of parties who have entered into contracts for the sale or purchase of new passenger automobiles, when delivery is prohibited by law.
1360.334	Prohibition of transfer of pool cars not shipped prior to January 16, 1942.
NEW PASSENGER AUTOMOBILE QUOTAS	
1360.341	Establishment of quotas.
1360.342	Allotment of quotas to Boards.
1360.343	Application for adjustment of quotas to cover special situations.
1360.344	Adjustment of State quotas by Office of Price Administration.
1360.345	Government agencies exempted from quota restrictions.
PERSONS AUTHORIZED TO ACQUIRE NEW PASSENGER AUTOMOBILES BY WAR PRODUCTION BOARD	
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1360.361	Persons eligible to acquire for use.
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PERSONS ELIGIBLE TO ACQUIRE NEW PASSENGER AUTOMOBILE BY TRANSFERS WITH CERTIFICATES	
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1360.372	Eligibility classification.
FEDERAL AGENCIES	
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APPLICATIONS BY PERSONS OTHER THAN FEDERAL AGENCIES	
1360.391	Application for certificate to purchase new passenger automobiles by persons other than federal agencies.
1360.392	Preparation of application.
1360.393	Action by the Board upon applications.
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CERTIFICATES FOR NEW PASSENGER AUTOMOBILES	
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1360.403	Execution by issuing Board.
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1360.411	Grounds for appeal to the State Rationing Administrator.
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1360.413	Action on appeals.
1360.414	Review by the Office of Price Administration.

³ 7 F.R. 698.

RECORDS

Sec.	
1360.421	Records to be kept by Board; posting.
1360.422	Records to be kept by dealers.
1360.423	Filing of reports.

ENFORCEMENT

1360.431	Criminal prosecutions.
1360.432	Denial of materials.
1360.433	Publicity.
1360.434	Other methods of enforcement.
1360.435	Complaint of violation.

EFFECTIVE DATES

1360.441	Effective date.
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Definitions

§ 1360.310 *Definitions.* When used in this Rationing Order No. 2A, New Passenger Automobile Rationing Regulations:

(a) "Agency of the government" or "government agency" means and includes any government agency, department, bureau, commission, office, or other government unit, whether federal, state, or local, and any corporation wholly owned by any such government or government unit.

(b) "Board" means a Local Rationing Board as established by Revised Tire Rationing Regulations, issued February 11, 1942.

(c) "Dealer" means any person regularly engaged in the business of offering passenger automobiles for sale at retail to the public.

(d) "Distributor" means any person, other than a manufacturer, regularly engaged in the business of selling new passenger automobiles to dealers.

(e) "Manufacturer" means any person who manufactures passenger automobiles.

(f) "New passenger automobile" means any 1942 model passenger automobile having a seating capacity of not more than 10 persons, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles, including other body types such as ambulances, hearses, station wagons, and taxis, built upon a standard or lengthened passenger car chassis.

(g) "Person" means any individual, partnership, corporation, association, government or government agency, or other form of enterprise.

(h) "Pool car" means any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942.

(i) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a

transfer of the automobile itself to the conditional-sales buyer. It also includes the change of the designation of the registered owner.*

*§§ 1360.310 to 1360.441, inclusive, issued under the authority contained in Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698.

Organization

§ 1360.321 *Personnel.* The new passenger automobile rationing program established in this Rationing Order No. 2A will be administered by the Local Rationing Boards, the Local Rationing Administrators and the State Rationing Administrators, established by the Revised Tire Rationing Regulations issued February 11, 1942, and by the Office of Price Administration.*

§ 1360.322 *Duties.* The Local Rationing Boards, Local Rationing Administrators and State Rationing Administrators shall have such duties and responsibilities in the administration of this Rationing Order No. 2A as the Office of Price Administration may assign.*

§ 1360.323 *Jurisdiction.* For purposes of this Rationing Order No. 2A, each Local Rationing Board shall have jurisdiction over every person applying for a new passenger automobile which is to be garaged or normally stationed in the area which the Board is designated to serve, except as otherwise provided in § 1360.381.*

Restriction of Transfers

§ 1360.331 *Restriction of transfers.* (a) Regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer of, a new passenger automobile except as provided in this Rationing Order No. 2A.

(1) The word "transfer" is broadly defined by this Rationing Order No. 2A. For example, the term includes not only transfers by sale, lease, or trade of the automobile, but also by gift from one person to another. Unless specifically exempted, all physical transfers involving a change in the actual use of the car are included. Thus, if a partnership gives what has been exclusively a partnership car to one of the partners for his own use, a transfer has occurred. On the other hand, putting a car in a garage or warehouse, or letting a repairman drive it to his shop, is not a transfer within this Rationing Order No. 2A.

(2) There are certain specific exemptions from the broad definition of "transfer." Delivery to a railroad or other carrier for shipment, and delivery by such carrier to the consignee, are not included. In this situation, the transfer takes place between the consignor and the consignee.

(3) A lease or loan made in good faith for a week or less is also not included in the word "transfer." This exception allows temporary loans to friends and does not prevent the leasing of new passenger automobiles possessed on January 2, 1942, by concerns which lease automobiles to the public for short periods. The requirement of good faith means that the lease

or loan must really be temporary. If a person continually lends a car to the same person for six days of the week and takes it back on Sundays, he has made a loan for less than a week but, since he is clearly attempting to evade this Rationing Order No. 2A, he has not made the loan in good faith and the transaction is a "transfer."

(4) The term "transfer" does not include a technical transfer of title for security purposes without an accompanying transfer of use. Thus, security transactions, such as conditional sales contracts, bailment leases, or chattel mortgages, do not involve "transfers."*

§ 1360.332 *Exemption of automobiles purchased prior to January 2, 1942.* The restriction of transfers of new passenger automobiles provided by § 1360.331 shall not apply to transfers of new passenger automobiles purchased prior to January 2, 1942, the transfer of which is governed by Rationing Order No. 2: *Provided, however,* That if such purchasers have not applied, on or before March 2, 1942, to their Local Rationing Boards for certificates entitling them to such automobiles, transfers of such automobiles shall be governed by this Rationing Order No. 2A.*

§ 1360.333 *Rights of parties who have entered into contracts for the sale or purchase of new passenger automobiles when delivery is prohibited by law.* If performance of any agreement of sale or purchase of a new passenger automobile is forbidden by Supplemental General Limitation Order L-2-f¹ of the Office of Production Management restricting sale and delivery of passenger automobiles and the amendments thereto or by Rationing Order No. 2, 2A, or amendments thereto issued by the Office of Price Administration, any person who has made any payment on account of the purchase of such new passenger automobile shall upon demand be entitled to the return of the amount of any deposit or any other consideration paid or in the event the consideration has been materially altered in condition or cannot be returned, then its fair net value. No person who agreed to sell and deliver a new passenger automobile shall be liable for failure to perform such an agreement if performance is prevented by the aforesaid orders except if a deposit or consideration has been paid to him on account of the purchase of the new passenger automobile, in which event, his liability shall be limited to the amount paid or other consideration paid.*

§ 1360.334 *Prohibition of transfer of pool cars not shipped prior to January 16, 1942.* This Rationing Order No. 2A shall not be construed to permit the transfer of pool cars, and the transfer of any such cars is prohibited except where they are required by the United States Army, Navy, Marine Corps, or Coast Guard, in which case they are governed by the provisions of § 1360.351: *Provided, however,* That this shall not prohibit the transfer of pool cars to dealers, distributors, manufacturers or

security holders therein for purposes of resale and otherwise in accordance with this Rationing Order No. 2A.

New Passenger Automobile Quotas

§ 1360.341 *Establishment of quotas.* The Office of Price Administration will from time to time set quotas and reserve quotas stating the maximum number of new passenger automobiles for the transfer of which certificates may be issued, which quotas may be altered or revoked as the occasion may demand. No Board shall issue a quota certificate for the transfer of a new passenger automobile in excess of its quota.*

§ 1360.342 *Allotment of quotas to Boards.* The Office of Price Administration will forward to each State Rationing Administrator the quotas applicable to his state. The State Rationing Administrator shall then forward to each Board its quota, if any. If there are two or more Boards established within a single county the State Rationing Administrator shall forward to the Local Rationing Administrator, if one has been appointed, the county quota for allotment among the different Boards within the county. If no Local Rationing Administrator has been appointed, the State Rationing Administrator shall himself allot such quotas among the different Boards within the county.*

§ 1360.343 *Application for adjustment of quotas to cover special situations.* (a) Where a Board believes that the public interest requires that it issue a certificate for the transfer of a new passenger automobile in excess of its quota, the Board shall make application to the State Rationing Administrator for authority to issue such certificate by filing an application with the State Rationing Administrator setting forth the full facts of the case. The State Rationing Administrator at his discretion may draw upon his state reserve, if any, to augment the quota of such Board to the extent necessary to grant such a certificate.

(b) In no case shall the State Rationing Administrator grant blanket authority to exceed a quota.

(c) The State Rationing Administrator shall not issue certificates himself but may add a specific number of new passenger automobiles to the quota of a Board which may issue certificates therefor, but he shall not increase quotas in excess of his state reserve.*

§ 1360.344 *Adjustment of state quotas by Office of Price Administration.* A State Rationing Administrator may apply to the Office of Price Administration for an allotment from the national reserve, if any, to replenish his state reserve. Such application shall be accompanied by a statement setting forth in full the facts giving rise to such application. The Office of Price Administration may draw upon any national reserve to adjust state reserve.*

§ 1360.345 *Government agencies exempted from quota restrictions.* Upon satisfaction of the conditions and requirements set forth in §§ 1360.371 and 1360.372 and irrespective of quota provisions, an agency of the federal, state,

¹ 7 F.R. 116, 219, 311, 435.

or local government may acquire a new passenger automobile to replace any agency-owned automobile which is no longer serviceable if it is necessary to assure the effective operation of the specified services by the agency and if no other automobile is available for that purpose. Within the meaning of this section, an automobile is no longer serviceable, only when it (a) has been rendered substantially unusable by accidental physical damage or theft, or (b) is a 1937 or older automobile, or (c) has been driven more than 100,00 miles.*

Persons Authorized To Acquire New Passenger Automobiles by War Production Board

§ 1360.351 *Military forces and certain government agencies; exports.* The following persons are eligible to acquire new passenger automobiles without certificates: *Provided, however,* That, until the War Production Board establishes a system of permits to cover acquisitions by such persons, they shall complete in quadruplicate Form R-203 (Revised) covering each such acquisition and such forms shall be filed in the manner provided in paragraph (b) of § 1360.363:

(a) The Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development.

(b) Any person who acquires a new passenger automobile for export to and consumption or use in any foreign country.*

Transfers Without Certificates

§ 1360.361 *Persons eligible to acquire for use.* The following persons are eligible to acquire a new passenger automobile for use, but cannot transfer such automobile except in accordance with the provisions of this Rationing Order No. 2A.

(a) Persons acquiring new automobiles through transfer by will or intestacy, who may use such automobiles for any purpose.

(b) Trustees and receivers who acquire new passenger automobiles as part of the assets of a business, who may use such automobiles in connection with the operation of the business if they are allowed to do so by the court of their appointment.

(c) Insurers, junk dealers, or salvage companies acquiring any new passenger automobile which has been substantially destroyed by collision, fire, or otherwise: *Provided,* That such automobile shall be used only for scrap or salvage of its parts.*

§ 1360.362 *Persons eligible to acquire only for purposes of resale.* The following persons are eligible to acquire new passenger automobiles by transfer without certificate only for purposes of resale.

(a) Dealers, distributors, manufacturers, or the Reconstruction Finance Corporation.

(b) Persons who in good faith have lent money on the security of or have financed

the sale of the new passenger automobile being acquired.

(c) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or repossessing on default.*

§ 1360.363 *Procedure for transfers without certificates—(a) Documents required.* Any person receiving a transfer made pursuant to this chapter shall fill out and execute in quadruplicate Form R-203 (Revised) to be issued by the Office of Price Administration, giving the information required by the form and obtaining the necessary supporting statement required on the form. The transferor, upon delivery of the automobile, shall retain for himself one copy of Form R-203 (Revised).

(b) *Filing of documents of transfer for use.* If a transfer is made pursuant to § 1360.361, the transferor shall file, within 5 days of the transfer, one copy of Form R-203 (Revised) with the state or local agency having jurisdiction over the registration of motor vehicles, if a change of registration is involved; and two copies with the Board designated to serve the area in which the transfer is made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.

(c) *Filing of documents of transfer for resale.* If a transfer is made pursuant to § 1360.362, the transferor shall file, within 5 days of the transfer, three copies of Form R-203 (Revised) with the Board designated to serve the area in which the transfer is made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y., and one copy to the Local Board designated to serve the area in which the transferee or purchaser is located, if the transferor and transferee are not located in the same Board area.

(d) *Duty.* If the transferor is a person other than a dealer or if the transferor refuses or is unable to fill out the statement on the form, the transferee shall file the documents with the agencies listed.*

Persons Eligible to Acquire New Passenger Automobiles by Transfers With Certificates

§ 1360.371 *Proof of necessity.* An applicant specified in § 1360.372 may obtain a certificate only if he can establish the following facts:

(a) That use of the automobile is necessary to the efficient performance of the services specified in § 1360.372.

(1) The Board may not issue certificates under this section if the applicant can secure transportation without using such automobile. The applicant may establish that the transportation services for which he proposes to use the automobile are not otherwise available to him by showing (i) that no public transportation system reaches the areas to which he must go to carry on his business or occupation; or (ii) that public transportation services do not function at the times when it is necessary for the appli-

cant to travel or with the speed required by the applicant; or (iii) that public transportation will not enable him to carry material or equipment necessary to his work; or (iv) that the public transportation facilities are already too heavily loaded to afford the applicant transportation service. The Board may make such additional inquiry or require the applicant to show such other facts as will establish to the satisfaction of the Board that he would be unable to secure transportation if he did not obtain the automobile. The applicant may also be required to show that he regularly transports other persons to work with him or that he has exhausted the possibilities of doubling up with persons employed at the same place or with persons who travel the same route when such doubling up is advisable, as in the case of factory workers.

(2) Unless the applicant satisfies the Board that it will be impossible for him otherwise to perform services listed in § 1360.372, he must not be granted an automobile. The proof which the applicant must present to satisfy the Board will vary with the nature of the applicant's business or occupation. If public transportation facilities will enable the applicant to carry on his affairs or if the applicant's business or occupation can be carried on by correspondence or by telephone, transportation service rendered by a passenger automobile is not essential and, therefore, a certificate for an automobile must be denied.

(b) That the applicant needs not only automobile transportation but a new automobile for such transportation, because he does not own or have the use of a passenger automobile adequate for his purpose. In addition, to prevent an applicant from selling or otherwise disposing of an automobile which would meet his needs so that he could place himself in a position to claim eligibility for a new automobile, the Board should require applicants to list, and give reasons for, all recent transfers of automobiles made by him after January 1, 1942.

(c) That such passenger automobile will render services sufficiently valuable to the community and the nation to justify its operation, in view of the shortage of new automobiles and the size of the quota from which allotments must be made to all other applicants qualified under this section.

(1) Unless the applicant can prove that the services which the automobile will enable him to render are important to the community and to the war effort, no certificate should be granted to him, regardless of whether he can be supplied under the quota.

(2) Certificates should be granted by the Board with a view to the fact that many more persons may apply than can be satisfied under the quota. The Board should, whenever possible, apportion its quota so that it will have certificates to insure continued transportation facilities for persons whose services are most vital to the war effort.

(3) In deciding among applicants for the limited quota, the Board shall be

guided not only by the nature of the services which the applicant renders but also by the extent to which others who do not require automobiles can render such services and the extent to which the automobile will be confined to use for services specified in § 1360.372 and will provide transportation for more than one person performing services included in that section.*

§ 1360.372 *Eligibility classification.* When the conditions established in § 1360.371 and other applicable provisions of this Rationing Order No. 2A are fulfilled, certificates authorizing the transfer of new passenger automobiles may be granted to the following persons:

(a) Physicians, surgeons, visiting nurses, or farm veterinaries who will use the automobile principally for professional services.

(1) The Board shall issue certificates only to those physicians, surgeons, and farm veterinaries who are licensed as such by the appropriate government authority, whose professional practice requires regular calls outside their offices, who must use the automobile to make their professional calls, and who will use it principally for that purpose.

(2) For the purposes of this subparagraph, "visiting nurse" means a nurse who is employed by a clinic, hospital, government agency, or similar organization, or by an industrial concern to make nursing or inspection calls for such agencies. The term "visiting nurse" does not include private nurses.

(b) Regularly practicing ministers of a religious faith when the automobile will be used principally for, and is essential to, the performance of religious duties in meeting the religious needs of the congregation served.

(c) Persons requiring ambulances. A certificate may be issued for any new passenger automobile used principally as an ambulance, even though such automobile is used also but not primarily as a hearse or for other purposes.

(d) Persons engaged in fire-fighting services. The Board may grant a certificate to a person so engaged only if it is assured that the automobile will be used exclusively for the performance of such services.

(e) Persons requiring new passenger automobiles to maintain necessary police services.

(1) In issuing certificates the Board shall be governed by the necessity of enabling the uniformed and nonuniformed personnel of any federal, state, or local police force to render efficient service in the prevention and detection of crime.

(2) Certificates shall not be issued for any new passenger automobile to be used in performing police services if such services can be performed without the use of such automobile. Such automobile shall not be used for licensing or inspection duty when regular public transportation will serve.

(f) Persons requiring new passenger automobiles to enable them to enforce

such laws as relate specifically to the protection of public health and safety.

(1) This paragraph provides only for law enforcement services which relate directly and specifically to the protection of the public from accident and injury to health.

(2) The inspection of buildings and the establishments of sellers and producers of food and the discharge of similar duties do not in most instances require the use of automobiles. Certificates shall under no circumstances be issued except for automobiles to be used in the performance of services which cannot be performed satisfactorily by officers using public transportation facilities.

(3) The enforcement of laws relating directly to the public health and safety shall include inspection by employees of federal, state, or local governments of food and similar commodities and establishments engaged in producing such commodities when the primary purpose of such inspection is the discovery of contamination or similar danger to the public health, but shall not include inspection where the primary purpose is to grade, standardize, prevent fraud, or establish sound business practices.

(g) Persons requiring new passenger automobiles to maintain mail services by or on behalf of the United States.

(h) Persons furnishing licensed jitney, taxi, or similar transportation service to the general public.

(1) Certificates may be issued under this paragraph for passenger automobiles, used principally to provide jitney, taxi, or similar services, licensed by an appropriate government authority to transport the general public, but only in areas where streetcars, busses, and similar transportation services are inadequate to meet the needs of the public. Such services may be inadequate because of a shortage of suitable equipment or because they do not extend to outlying areas which use taxi service as a normal means of mass transportation and not as a luxury service.

(2) Certificates may not be granted under this paragraph for passenger automobiles which are rented, with or without chauffeurs, for the exclusive use of individuals rather than for taxi, jitney, or similar service to the general public.

(i) Persons who require automobiles for transportation between places where construction or mechanical, structural, or highway maintenance and repair services are needed. Certificates may be issued under this paragraph only to provide transportation between jobs and not to provide the applicant with transportation from his residence to his principal place of business or employment.

(j) Executives, engineers, technicians, and workers, requiring automobiles for transportation to and from, or within, factories, power plants, transportation or communication facilities, farms, lumber camps, mines, military or naval establishments, or similar places of employment when the work done at such places of employment is essential, directly or indirectly, to the prosecution of the war.

(k) Officers and employees of federal, state, or local or foreign governments engaged in the performance of government functions essential to the public health, safety, or the war effort and requiring such automobiles for transportation on official business.

(1) Certificates may be granted under this paragraph to enable government employees to perform functions essential to public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors and mine inspectors.

(2) Certificates may be granted under this paragraph only to government employees who use their cars principally for their official functions and only when such functions cannot, because of the lack of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph to make possible the transportation of government employees from their residences to their places of employment.

(3) Certificates may be granted under this paragraph to enable government employees to preserve or protect natural resources or to discover natural resources vital to the war effort.

(l) Persons requiring automobiles for the transportation of produce and supplies to and from a farm if the applicant does not own or possess a truck or other practicable means of transportation.

(m) Traveling salesmen who are engaged in the sale of machinery, or similar equipment, for farms, factories, mines, oil wells, lumber camps, and similar productive establishments, and of foods and medical supplies.

(1) Certificates may be granted under this paragraph only to salesmen of the commodities specified and only in cases where the sale of such commodities cannot be made by other means, including mail and telephone.

(n) Persons requiring automobiles to transport newspapers for wholesale delivery.*

Federal Agencies

§ 1360.381 *Application; certificates.* Any federal agency, other than those provided for in § 1360.351, which is eligible to acquire a new passenger automobile under §§ 1360.371 and 1360.372 shall make application on OPA Form R-216 to the Procurement Division of the Treasury Department. If the Procurement Division finds that the statements made in the application are true, it shall present the application to the Office of Price Administration. If the Office of Price Administration finds the applicant to be eligible, it may issue to the Procurement Division a certificate authorizing the purchase, subject to the quota established for this purpose.*

Applications by Persons Other Than Federal Agencies

§ 1360.391 *Application for certificate to purchase new passenger automobiles by persons other than federal agencies.* (a) Any person other than a federal agency who believes that he comes within

one of the classifications set forth in §§ 1360.371 and 1360.372 may file with the Board an application for authority to purchase a new passenger automobile. Such application shall be filed on Form No. R-213.*

§ 1360.392 *Preparation of application.*

(a) Copies of Form No. R-213 may be obtained from Local Rationing Boards. Form No. R-213 may be reproduced by any person provided that no change is made in the size, style, and content thereof.

(b) (1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate charter; for example, Doe Transportation Co., Inc.

(iv) A state or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his residence or business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of one of its offices within the area administered by the Board.

(v) If there is no place of business or office within the area administered by the Board, although the automobile applied for is to be garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the automobile is to be garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, John Doe doing business as Doe Transportation Co.

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which

a partner or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, Doe Transportation Co., a partnership, by John James Doe, a partner; or Doe Transportation Co., a partnership, by Richard Roe, store manager, its duly authorized agent.

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, Doe Transportation Co., Inc., a corporation, by John James Doe, president; or Doe Transportation Co., Inc., a corporation, by Richard Roe, truck superintendent, its duly authorized agent.

(iv) A state or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, State of -----, by John James Doe, Superintendent of Highways.*

§ 1360.393 *Action by the Board upon applications.* Before granting an application for a certificate of permission to purchase a new passenger automobile, the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements and conditions specified by this Rationing Order No. 2A.*

§ 1360.394 *Basis for Board consideration.* If the Board has before it applications for new passenger automobiles which in its judgment satisfy all the requirements of this Rationing Order No. 2A, but which together call for the allotment of passenger automobiles in excess of the applicable quota of the Board, the Board shall, in determining which of the competing needs are to be satisfied, be governed by the relative importance to the war program, public safety, health and morale of the operation of a passenger automobile in the various services named in the applications.

The determination of facts shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all regulations herein contained and all additional regulations from time to time hereafter issued by the Office of Price Administration. The Board shall at all times serve the objectives sought by the automobile rationing program and allocate new automobiles to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion, request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions. The Board should keep in mind and should impress upon applicants that the supply of new pas-

senger automobiles is extremely limited and that it is not sufficient for the applicant to show that he comes within one of the eligibility classifications in order for him to receive a certificate. He must also show the relative importance of his need.*

§ 1360.395 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the serial number of the certificate issued, and a notation shall be made as to whether the certificate issued is a quota or non-quota certificate. In all cases where an application is refused, the reasons for such refusal shall likewise be noted upon the application.*

Certificates for New Passenger Automobiles

§ 1360.401 *Notification.* After acting upon an application, the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase a new passenger automobile, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of a new passenger automobile. The certificate shall be issued on Form R-214 if the applicant is entitled to a quota certificate and on Form R-215 if the applicant is entitled to a non-quota certificate.*

§ 1360.402 *Form of certificate.* (a) The nontransferable certificate for the purchase of a new passenger automobile shall be serially numbered and shall be divided into five parts bearing the same serial number: (1) Part A shall be delivered to the dealer or transferor and be filed by him with the Board serving the area where the transfer was made (said Board shall forward this part to the issuing Board); (2) Part B shall be filed by the purchaser, within 5 days after delivery of the automobile, with the state or local agency having jurisdiction over registration of motor vehicles; (3) Part C shall be retained by the dealer or transferor; (4) Part D shall be mailed within 5 days after delivery of the automobile by the dealer or transferor to the Local Board designated to serve the area in which the transfer was made (this part shall be forwarded by the Board to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.); (5) Part E shall be retained by the purchaser or transferee.*

§ 1360.403 *Execution by issuing Board.* It shall be the responsibility of the Board, prior to issuing a certificate, to insert on each part the information designated to be filed in by the Board. No certificate will be valid unless Parts A and B are signed by at least two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign Parts A and B of the certificate in the presence of a member or the clerk of the Board. When all the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1360.404 *Action by purchaser.* (a) Upon receiving the certificate so executed, the applicant may, within 30 days from the date of issue, purchase a new passenger automobile from any dealer or transferor at a price not in excess of the maximum price established by the Office of Price Administration.

(b) The applicant must present to the dealer or transferor all parts of the certificate, in the form in which it was given to him by the issuing Board.*

§ 1360.405 *Action by dealer or transferor.* (a) Prior to delivering a new passenger automobile pursuant to a certificate surrendered to him, a dealer or transferor shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on Parts A and C of the certificate. If the signatures do not appear to be the signatures of the person who signed in the presence of a member or clerk of the Board on Parts A and B, the dealer or transferor shall refuse to sell or deliver an automobile to the person presenting the certificate and shall report the facts to the issuing Board.

(b) If the signatures appear to be executed by the same person, the dealer or transferor or his authorized agent shall, in the presence of the purchaser, or the purchaser's agent, fill in the remaining portions of Parts A, B, C, D, and E, which have not been completed by the issuing Board.*

Appeals

§ 1360.411 *Grounds for appeal to the State Rationing Administrator.* Any applicant for a new passenger automobile whose application has been denied by the Board and who believes that such action is in conflict with this Rationing Order No. 2A may file an appeal from such action with the State Rationing Administrator.*

§ 1360.412 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken.

(b) The applicant shall file a statement in writing and under oath setting forth the specific section of this Rationing Order No. 2A which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1360.413 *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days after its filing.*

§ 1360.414 *Review by the Office of Price Administration.* If an appellant feels aggrieved by the ruling of the State Rationing Administrator, he may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The ruling of the Office of Price Administration shall be in writing and shall be communicated to the appellant, to the Board, and to the State Rationing Administrator.*

Records

§ 1360.421 *Records to be kept by Board; posting.* All applications for new passenger automobiles received by the Board shall be filed. Records shall be kept by the Board of such pertinent and material data as may be required by the Office of Price Administration. At intervals of not more than one week, a list of all certificates issued and names of recipients shall be posted at the office of the Board and shall be released to the press.*

§ 1360.422 *Records to be kept by dealers.* (a) Every person selling a new passenger automobile shall maintain a file containing all certificates which have been presented by applicants to whom transfers of new passenger automobiles have been made and prepare reports requested by the Board in his area and by the Office of Price Administration.

(b) Any dealer who discontinues business may turn over to the Local Rationing Board in his area the records he is required to keep under paragraph (a) of this section.*

§ 1360.423 *Filing of reports.* All persons shall file reports to the extent required elsewhere in this Rationing Order No. 2A. In addition, all persons affected by this Rationing Order No. 2A shall make such reports as may from time to time be required by the Office of Price Administration and the War Production Board.*

Enforcement

§ 1360.431 *Criminal prosecutions.* Any person who violates any provision of this Rationing Order No. 2A or who by any act or omission knowingly falsifies an application, certificate or any record which he is required to keep by the terms of this Rationing Order No. 2A or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35A of the Criminal Code (title 18, U.S.C., sec. 80) and other applicable statutes.*

§ 1360.432 *Denial of materials.* Any person who violates this Rationing Order No. 2A will also be denied the right to receive any new passenger automobile materials which are now or in the future may be under allocation by the Office of Price Administration, and the Office of Price Administration will recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be under allocation.*

§ 1360.433 *Publicity.* In the event of a refusal or failure to abide by the provisions of this Rationing Order No. 2A, the Office of Price Administration in addition to the foregoing penalties, will make every effort to insure that complete information is given to the public and to appropriate officials of the local, state, and federal governments.*

§ 1360.434 *Other methods of enforcement.* The Office of Price Administration may also take such other action for the enforcement of the provisions of this Rationing Order No. 2A as may be necessary, including application to courts and to appropriate agencies of local, state and federal governments in order to invoke such powers as may be available and appropriate in connection therewith.*

§ 1360.435 *Complaint of violations.* Any person may report a violation of this Rationing Order No. 2A to a Board, Local Rationing Administrator, State Rationing Administrator, Regional or Field Office of the Office of Price Administration, or to the Office of Price Administration at Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint, secure the signature of the complainant if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.*

Effective Dates

§ 1360.441 *Effective date.* This rationing Order No. 2A—New Passenger Automobile Rationing Regulations shall become effective March 2, 1942.*

Issued this 21st day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1640; Filed, February 25, 1942;
9:43 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 214]

FEBRUARY 25, 1942.

Section 1.41 is amended to read as follows:

§ 1.41 *Issue of temporary document upon sale.* (a) When a vessel entitled to be documented changes ownership and

is in a port other than the home port designated by the new owner, a temporary document may be issued by the collector at that port.

(1) If application is made to the collector at the home port designated by the new owner and all requirements of law are complied with except the issuance of the document, he shall authorize the collector at the port where the vessel then is to issue a temporary document to the vessel.

(2) If application is made to the collector at the port where the vessel then is, the same proceedings shall be had as are required by law at the vessel's home port, except that the bill of sale shall not be recorded at the former port.

(1) If the bill of sale is presented to the collector at the port of issue of the temporary document, it shall be noted on his records and then forwarded to the collector at the home port designated by the new owner. The recording fees shall be collected by the issuing collector in such case and forwarded with the bill of sale to the collector at such home port.

(3) The bill of sale shall be recorded by the collector at the home port designated by the new owner, but only after there has been furnished to him by the collector at the former port of documentation a certified copy of the record of the vessel at the latter port (Commerce Form 1331) as required by subsection H (c) of section 30 of the Ship Mortgage Act, 1920 (46 U.S.C. 926 (c)).

(b) The temporary document must be surrendered within ten days after the arrival of the vessel within the district to which she belongs, or the owner and master shall severally be liable to a penalty of \$100. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4159, R.S. 4160; 5 U.S.C. 22, 46 U.S.C. 2, 29, 30).

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

[F. R. Doc. 42-1656; Filed, February 25, 1942;
11: 29 a. m.]

CHAPTER III—WAR SHIPPING ADMINISTRATION

[General Order No. 1, Sup. 1¹]

PART 301—REGULATIONS AFFECTING MARI- TIME CARRIERS

TANK VESSELS—UNIFORM TIME CHARTER

Whereas tank vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense and to the prosecution of the war, and

Whereas from time to time the War Shipping Administration will deem certain tank vessels suitable for such transportation;

Now, therefore;

§ 301.1a *Uniform time charter for all tank vessels.* (a) The attached form of

¹ 7 F.R. 1505.

Time Charter consisting of Part I and Part II is hereby adopted as the uniform time charter for all tank vessels.²

(b) Appropriate special provisions shall be inserted as the owner and the War Shipping Administration shall agree.

E. S. LAND,
Administrator.

FEBRUARY 24, 1942.

[F. R. Doc. 42-1639; Filed, February 25, 1942;
10:37 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-215]

IN THE MATTER OF JACK SMITH, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing

² Filed as part of the original document.

Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, Jack Smith, whose address is R. F. D. #1, Indiana, Pennsylvania, whose code membership became effective as of June 20, 1941, operator of the Flora Dale Mine, Mine Index No. 781, located in Indiana County, Pennsylvania, Subdistrict 12 of District No. 1 wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code as follows:

(a) By selling through one Murray Smith, Glen Campbell, Pennsylvania, to the Arcadia Company, Arcadia, Pennsylvania, during the period June 21, 1941, to August 29, 1941, both dates inclusive, at a price of \$1.97 per net ton f. o. b. the Arcadia Company's tipple at Arcadia, Pennsylvania, approximately 471.35 tons of run of mine coal produced at said mine, whereas the effective minimum price for said coal was \$2.15 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as amended by Order of the Director dated June 21, 1941, entered in Docket No. A-903.

(b) By failing to add in the transactions referred to in paragraph (a) hereof to the said applicable minimum f. o. b. mine price an amount at least equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the purchaser's tipple, from which all such

charges were assumed and directly paid by the purchaser as set forth in said schedule, and Price Instruction No. 6 as amended and contained in said schedule.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1641; Filed, February 25, 1942; 10:55 a. m.]

[Docket No. A-1819]

PETITION OF DISTRICT BOARD NO. 8 FOR AN INCREASE IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES APPLICABLE TO THE COALS OF THE WINDROCK MINE, MINE INDEX NO. 589, OF BESSEMER COAL, IRON & LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 8

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 24, 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 19, 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 mat-

ters 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. 8 for a change in price classifications and minimum prices applicable to the coals of the Windrock Mine, Mine Index No. 589, of Bessemer Coal, Iron & Land Company, a code member in District No. 8, and more specifically, a change in the price classifications applicable to the coals of this Mine, for all shipments except truck.

SIZE GROUP NUMBERS

		Rail destinations other than Great Lakes									
		1, 2	3, 4	5, 6	7	8	9	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	26
From.....		H	H	F	E	E	C	C	C	H	B
To.....		A	A	A	A	A	A	A	A	G	A

		For Great Lakes Cargo Only									
		1, 2	3, 4	5, 6	7	8	9	16, 17	18, 19, 20, 21	26	
From.....		H	H	F	C	C	D	J	H	B	
To.....		A	A	A	A	A	A	B	G	A	

		For truck shipments							
		1	2	3	4	5	6	7	8
From.....		285	265	225	240	215	215	165	160
To.....		335	315	235	260	225	225	170	165

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1640; Filed, February 25, 1942; 10:55 a. m.]

[Docket No. B-146]

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

NOTICE OF FILING APPLICATION PURSUANT TO § 301.132 FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that Zimmerman Coal Company, registered distributor, respondent in the above-entitled matter on February 12, 1942, filed an application dated February 10, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings. In said application the respondent

1. Admits that:

(a) During the period from November 9, 1940 to March 28, 1941, respondent acting as sales agent for the Lone Star Coal Co., Inc., a code member in District

No. 11, sold and delivered by rail to Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, 22 cars of 3/8" carbon coal produced by said code member, and prepaid the freight charges upon such shipments of coal;

(b) During the period from May 6, 1941 to May 8, 1941, respondent purchased from the F. C. Morgan Coal Company, a code member, 2 cars of 2" screenings produced by said code member and resold and shipped said coal by rail to the Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, and prepaid the freight charges thereon;

(c) On or about May 14, 1941, respondent purchased from Goodman Coal Corporation of Chicago, Illinois, sales agent for Big Bend Collieries, Inc., a code member, 1 car of 2" screenings produced by said code member, and on or about the said date resold and re-shipped said coal by rail to the Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, and prepaid the freight charges thereon; and

(d) Subsequent to September 30, 1940, respondent failed to file with the Statistical Bureau for District No. 11 its invoices currently as rendered as required by Order No. 295 of the Director dated June 14, 1940 and Order No. 313 of the Director dated February 24, 1941,

all as set forth in the Notice of and Order for Hearing herein dated January 21, 1942, resulting in violations of section 4 II (i) (3) of the Act, Part II (i) (3) of the Code, Rule 3 of section XIII and Rule I (J) of section VII of the Marketing Rules and Regulations, and paragraphs (c) and (e) of its Distributor's Agreement.

2. Consents to the entry of an order revoking or suspending its registration and agrees to restore to code members or others the amounts unlawfully accepted by the respondent as discounts or sales commissions on the transactions involved herein.

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

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1643; Filed, February 25, 1942; 10:55 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 56, ARIZONA No. 2, MODIFIED

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 Arizona 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 for the use of the general public as an addition to Stock Driveway Withdrawal No. 56, Arizona No. 2, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E.,
sec. 30, E $\frac{1}{2}$ and NW $\frac{1}{4}$;
T. 11 N., R. 2 E.,
sec. 5, N $\frac{1}{2}$ SE $\frac{1}{4}$,
sec. 8, W $\frac{1}{2}$ E $\frac{1}{2}$;
T. 12 N., R. 2 E.,
sec. 32, lot 5;
aggregating 734.21 acres.

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.

And the departmental order of February 4, 1919, establishing this stock driveway, as adjusted July 3, 1936, to a subsequent survey, is hereby revoked so far as it affects the following-described lands:

T. 8 N., R. 2 E.,
sec. 29, SW $\frac{1}{4}$;
T. 11 N., R. 2 E.,
sec. 5, lots 3, 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$,
sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$,
sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 14 N., R. 4 W.,
sec. 35, lots 2 to 8, inclusive, lots 11 to 14,
inclusive, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
aggregating 1,394.41 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
FEBRUARY 10, 1942.

[F. R. Doc. 42-1638; Filed, February 25, 1942;
9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 26, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,
PRODUCT, NUMBER OF LEARNERS AND
EXPIRATION DATE

Apparel

C. T. Barbieri and Company, Inc., 1630 Walnut Street, Philadelphia, Pennsylvania; Men's Suits and Overcoats; 2 learners (T); February 23, 1943. (This certificate effective February 23, 1942 and omitted from FEDERAL REGISTER of that date).

Spruce Cravats, 420 Market Street, Philadelphia, Pennsylvania; Men's Neckwear; 5 learners (T); February 23, 1943. (This certificate effective February 23, 1942 and omitted from FEDERAL REGISTER of that date).

Universal Coat Company, 104 Essex Street, Haverhill, Massachusetts; Mackinaws, Leather Jackets, Sportswear; 10 learners (T); August 26, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Blue Bell-Globe Manufacturing Company, 626 South Elm Street, Greensboro, North Carolina; Overalls; 10 percent (T); February 26, 1943.

Carbondale Products Company, Inc., 21-23 Dundaff Street, Carbondale, Pennsylvania; Rayon Ladies' Underwear; 5 learners (T); February 26, 1943.

Creery Shirt Shop, Inc., 713 East Main Street, Richmond, Virginia; Shirts & Pajamas; 2 learners (T); February 26, 1943.

Elgin Dress Company, 19 North Spring Street, Elgin, Illinois; Ladies' Cotton Garments; 10 percent (T); February 26, 1943.

The Grace Company, Belton, Missouri; Play Suits, Sun suits, Pinafores & Crawlers; 10 percent (T); February 26, 1943.

Lawrence Children's Underwear Company, 64 West 36th Street, New York, N. Y.; Children's Underwear; 10 percent (T); June 11, 1942.

Lucy Lockett Company, 5872 Cabanne Avenue, St. Louis, Missouri; Children's Dresses; 2 learners (T); February 26, 1943.

J. & S. Milberg, Inc., 251 Grant Avenue, East Newark, N. J.; Ladies' Underwear; 12 learners (T); February 26, 1943.

Morley Shirt Company, Inc., 9 Desbrosses Street, New York, N. Y.; Men's Shirts; 5 learners (T); July 16, 1942.

William Nagel Sportwear, 750 Broadway, New York, N. Y.; Men's Sport Shirts; 10 percent (T); July 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Pillow Manufacturing Company, Pillow, Pennsylvania; Shirts; 10 percent (T); February 26, 1943.

Southern States Manufacturing Company, Douglasville, Georgia; Work and Semi-Dress Pants; 10 percent (T); February 26, 1943.

Southland Manufacturing Company, 741 Florida Avenue, Jacksonville, Florida; Pants, Shirts, Overalls; 10 percent (T); February 26, 1943.

Sunnyvale, Inc., 614 Wyoming Avenue, Scranton, Pennsylvania; Wash Dresses; 10 percent (T); February 26, 1943.

Wolfe and Lang, Inc., 35 West 32nd Street, New York, N. Y.; Corsets and Girdles; 10 percent (T); June 11, 1942.

Gloves

Wings Knitting Company, 827 East Locust Street, Milwaukee, Wisconsin; Knit Wool Gloves; 10 percent (T); August 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Hosiery

Fisher Hosiery Company, Inc., 7th and Court Streets, Reading, Pennsylvania; Seamless Hosiery; 5 percent (T); February 26, 1943.

Knitted Wear

I. Bennett, Inc., 594-6 Broadway, New York, N. Y.; Knitted Underwear; 5 percent (T); February 26, 1943.

Project Knitting Mills, 750 Grant Street, Brooklyn, New York; Men's & Boys' Sweaters; 4 learners (T); July 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Textile

Green River Mills, Inc., Tuxedo, North Carolina; Cotton Yarn; 3 percent (T); February 26, 1943.

J & C Cottons, Ellijay, Georgia; Tufting Yarn; 35 learners (B); June 26, 1942.

Kendall Mills, Addison Plant, Edgefield, South Carolina; Cotton; 3 percent (T); February 26, 1943.

Kendall Mills, Mollohon Plant, Newberry, South Carolina; Bandages, Surgi-

cal Gauze, Diapers; 3 percent (T); February 26, 1943.

Signed this 24th day of February, at New York, N. Y., 1942.

MERLE D. VINCENT,
Authorized Representative of
the Administrator.

[F. R. Doc. 42-1636; Filed, February 25, 1942;
9:10 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6273]

NOTICE OF HEARING

Application of Eddie Erlbacher (KMP), dated September 6, 1941, for construction permit; class of service, public coastal; class of station, coastal harbor; location, Cape Girardeau, Missouri;

Operating assignment specified: Frequencies, 2782; 4162.5, 6455, 8840, 11090 kcs.; power, 1000 watts day; 500 watts at all other times; emission A-3; points of communication; Mississippi River and tributaries.

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

1. To determine the need for the proposed additional service.
2. To determine whether the interference that would result to other stations from use of the frequencies and power requested could be satisfactorily reduced or eliminated by cooperative measures.
3. To determine whether the applicant intends to operate a general public service coastal harbor station.
4. To determine applicant's financial and other qualifications to render a general public service by means of the proposed facilities.

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

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

The applicant's address is as follows:

Eddie Erlbacher, 231 North Main Street, Cape Girardeau, Missouri.

Dated at Washington, D. C., February 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1659; Filed, February 25, 1942;
11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-504]

IN THE MATTER OF THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February, 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 above named party;

Notice is further given that any interested person may, not later than March 17, 1942, at 4:45 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 the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

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 transaction therein proposed, which is summarized below:

The Milwaukee Electric Railway & Transport Company proposes to redeem on April 1, 1942, at par plus accrued interest, \$500,000 principal amount of its First Mortgage 4% Bonds; such bonds being outstanding in the aggregate principal amount of \$9,700,000 and being pledged under the Mortgage of Wisconsin Electric Power Company, the parent of The Milwaukee Electric Railway & Transport Company.

The application or declaration states that the parent company will obtain the release of the required amount of bonds from its Mortgage by certifying to the Trustee thereof a sufficient amount of net bondable property additions, and will re-invest the funds to be received by it from the proposed redemption in extensions and improvements to its electric

utility plant; that the expenditure of \$500,000 by The Milwaukee Electric Railway & Transport Company will not impair its ability to adequately meet its increasing demands for transportation service in and around the City of Milwaukee, Wisconsin; that the Public Service Commission of Wisconsin has no jurisdiction over the proposed transaction, and that there are no underwriters or persons to whom fees, commissions, or other remuneration is to be paid other than a nominal fee to be paid to said Trustee by Wisconsin Electric Power Company in connection with the release from the trust estate of the bonds to be redeemed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1657; Filed, February 25, 1942;
11:38 a. m.]

[File No. 70-505]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February, 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 United Corporation. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The United Corporation, a registered holding company, proposes, subject to the approval of its stockholders, and without changing the carrying value of its assets, to reduce the stated value of its presently outstanding 2,488,712½ shares of \$3 Cumulative Preference Stock from \$50 per share, as presently stated, to \$5 per share. It is proposed that the amount of such reduction in the stated value of the Preference Stock, aggregating \$111,992,047.50, will be maintained in a separate account designated as capital surplus which will be described as resulting from the reduction in the stated value of Preference Stock and as unavailable for Common Stock dividends, or any charge for any deficit in earned surplus, or for any other purpose which will reduce the amount thereof below \$45 per share of Preference Stock outstanding. The company states that the proposed restatement will facilitate the declaration and payment of dividends accrued and to accrue on its \$3 Cumulative Preference Stock. At December 31,

1941, dividend arrearages on the Preference Stock aggregated \$7,466,136 or \$3 per share. As at the same date, the company's capital stock, per balance sheet, was stated at: Preference Stock, \$124,435,608.34, Common Stock (stated at \$1 per share) \$14,529,491.50. Capital Surplus was \$15,223,603.82 and Earned Surplus was \$6,699,097.63. The United Corporation's net income was \$9,557,142.18 in 1940 and \$6,811,213.48 in 1941, both figures per books.

Sections 6 (a), 7 (a) and 7 (e) of the Public Utility Holding Company Act of 1935 are designated as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on March 12, 1942, at 10:00 o'clock, A. M., at the offices of

the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing-room clerk will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER. In accordance with the agreement of the applicant and declarant, it is ordered that a copy of this Notice and Order be mailed to all Preference Stockholders of record as of February 24, 1942.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at 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.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. The purpose and appropriateness, in the public interest and in the interests of investors and consumers, of the proposed restatement;
2. The appropriateness of the accounting entries proposed to be made in connection with said restatement;
3. Whether the proposed restatement is detrimental to the carrying out of the provisions of section 11 of the Act;
4. Whether and to what extent it is appropriate, in the public interest or for the protection of investors and consumers, to impose terms and conditions with respect to the proposed restatement.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1658; Filed, February 25, 1942;
11:39 a. m.]