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Washington, Thursday, May 14, 1942

The President

EXECUTIVE ORDER 9158

AIR MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that an Air Medal, with accompanying ribbons, be established for award to any person who, while serving in any capacity in the Army, Navy, Marine Corps, or Coast Guard of the United States subsequent to September 8, 1939, distinguishes, or has distinguished, himself by meritorious achievement while participating in an aerial flight.

The Air Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, and, under such regulations as said Secretaries may prescribe, may be awarded by the Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate. Awards to personnel of the Coast Guard when serving under his jurisdiction shall be made by or under the direction of the Secretary of the Navy.

No more than one Air Medal shall be awarded to any one person, but for each succeeding meritorious achievement justifying such an award a suitable bar or other device may be awarded to be worn with the medal as prescribed by appropriate regulations. In the event of a posthumous award the medal, bar, or device may be presented to such representative of the deceased as may be designated in the award.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 11, 1942.

[F. R. Doc. 42-4314; Filed, May 12, 1942; 3:31 p. m.]

EXECUTIVE ORDER 9159

AMENDMENT OF EXECUTIVE ORDER No. 7126, ON SUBMISSION OF CERTAIN ESTIMATES TO THE BUREAU OF THE BUDGET

Executive Order No. 7126 of August 5, 1935, entitled "Submission of Estimates to the Bureau of the Budget of Expenditures for Administrative Expenses in Certain Cases", as amended by Executive Order No. 7150 of August 19, 1935 and Executive Order No. 7174 of September 4, 1935, is hereby further amended so as to make its provisions applicable in all respects to the following-named additional agencies and instrumentalities of the United States, except that the provisions of the last sentence of paragraph 1 of said order shall be applicable to the additional agencies and instrumentalities named herein from and after July 1, 1942 instead of September 15, 1935.

1. Federal Intermediate Credit Banks
2. Production Credit Corporations
3. Regional Agricultural Credit Corporations
4. Disaster Loan Corporation
5. Metals Reserve Company
6. Rubber Reserve Company
7. Defense Plant Corporation
8. Defense Supplies Corporation
9. Defense Homes Corporation
10. Federal National Mortgage Association
11. War Damage Corporation

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 11, 1942.

[F. R. Doc. 42-4337; Filed, May 13, 1942; 10:58 a. m.]

EXECUTIVE ORDER 9160

AMENDMENT OF EXECUTIVE ORDER No. 8910 OF SEPTEMBER 27, 1941, TRANSFERRING JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE NAVY

INDIANA

WHEREAS by Executive Order No. 8910 of September 27, 1941,¹ certain lands in

¹ 6 F.R. 4963.

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the Martin County and White River Land Utilization Projects of the Department of Agriculture, upon the recommendation of the Secretary of Agriculture, were transferred to the Secretary of the Navy for national defense purposes; and

WHEREAS it is deemed desirable to amend the aforesaid Executive Order by adding to the lands transferred thereunder certain other lands acquired or in the process of acquisition by the United States in connection with the aforesaid projects:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and upon the recommendation of the Secretary of Agriculture, it is ordered that the aforesaid Executive Order No. 8910 of September 27, 1941, be, and the same is hereby amended by adding to the lands transferred thereunder, the lands ac-

quired or in the process of acquisition by the United States within the hatched areas delineated on the diagram attached hereto and made a part hereof: *Provided, however,* that the Secretary of Agriculture shall retain such jurisdiction over the said lands now in the process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 11, 1942.

[F. R. Doc. 42-4336; Filed, May 13, 1942; 10:58 a.m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.1a *Advance payments to facilitate the prosecution of the war effort.* * * *

(d) *Interest on advance payments.*

(1) Except as provided in subparagraph (2) of this paragraph, whenever an advance payment is made to a contractor by the War Department pursuant to the provisions of Public Law 703, 76th Congress, as amended by Public Law 781, 76th Congress, or the First War Powers Act, 1941 (Public Law 354, 77th Congress), a charge shall be made for the use of the Government money so furnished. The charge shall be in the nature of an interest charge computed, at convenient accounting periods, at the rate of 2½ percent per annum on the unliquidated balance of advance payments outstanding from time to time. In the case of a fixed-price contract, the amount of the charge shall be deducted from the contract price. In the case of a cost-plus-a-fixed-fee contract, the charge shall be deducted from the amount of the fee otherwise payable to the contractor, and shall not be an item of reimbursable cost under the contract.

(2) The terms of this regulation shall not apply to:

(i) Contracts which provide that the work thereunder shall be performed at cost without profit or fee to the contractor.

(ii) Advance payments up to 30 percent of the contract price made pursuant to P & C General Directive No. 11, dated January 22, 1942, entitled, "Advance Payments to Suppliers of Critical Machine Tools".

(iii) Existing contracts, including contracts not formally executed the terms of which have been agreed upon,

¹ § 81.1a (d) is added.
² See page 3543.

to the extent that such application would be inconsistent with the terms of such contracts. (First War Powers Act, 1941, Public Law 354, 77th Congress) [Proc. Regs. No. 2-T, W.D., S.O.S., April 23, 1942]

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

[F. R. Doc. 42-4323; Filed, May 13, 1942; 9:52 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

STORAGE AND RECONVERSION EXPENSES

§ 81.41 *Storage and reconversion expenses arising as a result of conversion of plants to war production.* (a) The costs

¹ § 81.41 is added.

of storage or reconversion resulting or to result from the conversion of plants to war production will not be borne, either directly or indirectly, by the War Department.

(b) In accordance with this policy, when a contract is entered into which involves the conversion of the contractor's plant to war production, no provision may be made in the contract for the Government's bearing, either directly or indirectly, any part of the cost of reconverting the contractor's plant to commercial production (including reinstallation of privately owned machinery and equipment), nor will the Government bear the cost of storing such machinery and equipment during the period between conversion and reconversion. This policy is equally applicable to all types of contracts, whether facilities contracts, cost-plus-a-fixed-fee contracts, or fixed-price contracts. Contracts may provide, how-

ever, in the discretion of the contracting officer, for the Government to bear the expense of any of the following:

- (1) Removal of Government-owned equipment from the plant.
- (2) Preparation of such Government-owned equipment for shipment.
- (3) Storage of such Government-owned equipment (R.S. 161; 5 U.S.C. 22) [Proc. Regs. 13-T, W.D., S.O.S., April 30, 1942]

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

[F. R. Doc. 42-4324; Filed, May 13, 1942; 9:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. Serial No. 219]

SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION, CONCERNING RECOGNITION SIGNAL DEVICES

Correction

The last paragraph of Federal Register Document 42-4295 (7 F.R. 3508) is corrected to read as follows:

This regulation shall become effective on May 15, 1942.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1376]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT No. 15

TEMPORARY RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

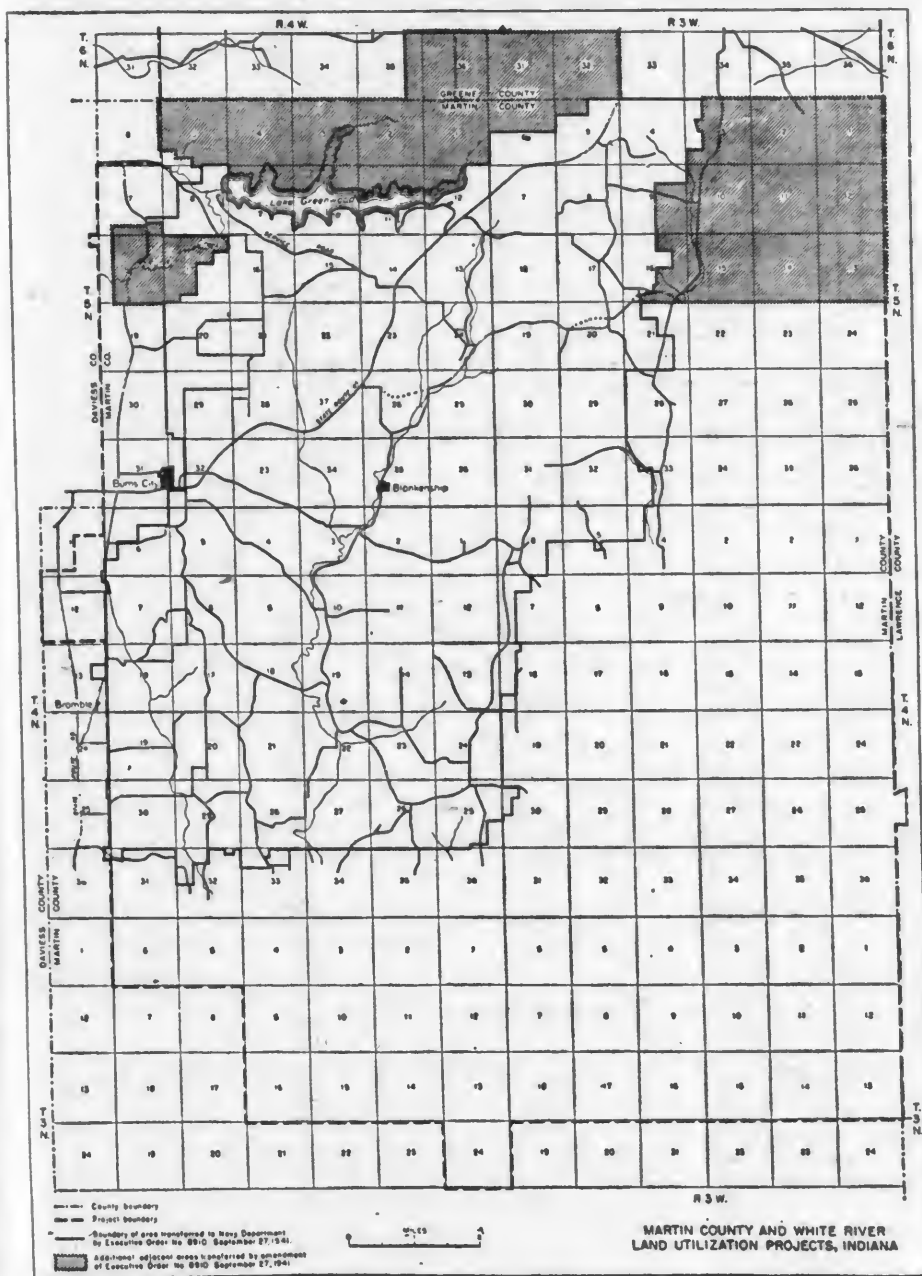
An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; 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 § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per*



§ 343.5 General prices; minimum prices for shipment via rail transportation—Supplement R-II.
 Subdistrict F. Except Cedar Mtn. Mines Co., Cedar Mountain Mine, Harris Coal Co., Superior No. 2 Mine, King County.
 Palmer Coking Coal Co., Inc., Danville Mine, Seam Nos. 1 and 10, King County.
 [Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Market areas	Size groups																		
	2	3	4	5	7	8	9	10	11	12	13	14	15	16	22	24			
238.....	430	430	425	425	450	425	425	400	375	375	350	335	335	325	300	150			
240, 253, and 254.....	415	415	375	375	400	375	350	325	325	300	285	285	275	300	150				
243.....	395	395	425	425	450	425	400	375	350	325	300	285	275	300	150				
All others.....	465	465	425	425	450	425	400	375	350	325	300	285	275	300	150				

Subdistrict G. Palmer Coking Coal Co., Inc., Durham Mine, Seam Nos. 2 and 3, King County.

Market areas	Size groups																		
	2	3	4	5	7	8	9	10	11	12	14	16	19	21	22	24			
238.....	430	430	425	425	450	425	425	375	375	350	335	325	350	325	315	175			
243.....	395	395	425	425	450	425	400	375	350	325	300	285	275	300	150				
247.....	465	440	425	425	400	425	375	375	350	335	325	350	325	315	175				
All others.....	465	465	425	425	450	425	375	375	350	335	325	350	325	315	175				

FOR TRUCK SHIPMENTS

§ 343.21 General prices—Supplement T

Code member mine name	County	Size groups																		
		2	3	4	5	7	8	9	10	11	12	13	14	15	16	22	24			
Subdistrict F	King	490	490	450	450	475	450	450	425	400	375	360	360	350	325	175				
Harris Coal Co. Superior No. 2, Palmer Coking Coal Co., Inc., Danville mine, Seam Nos. 1 and 10.	King	490	490	450	450	475	450	450	425	400	375	360	360	350	325	175				

Code member mine name	County	Size groups																		
		2	3	4	5	7	8	9	10	11	12	14	16	19	21	23	24			
Subdistrict G	King	490	490	450	450	475	450	450	425	400	375	360	350	375	350	340	200			
Palmer Coking Coal Co., Inc., Durham Mine, Seam Nos. 2 & 3 King	King	490	490	450	450	475	450	450	425	400	375	360	350	375	350	340	200			

[F. R. Doc. 42-4284; Filed, May 12, 1942; 11:13 a. m.]

the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: May 7, 1942.
 [SEAL] DAN H. WHEELER,
 Acting Director.

SUPPLEMENTS TO TEMPORARY AND CONDITIONALLY FINAL ORDER FOR DISTRICT NO. 23

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 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 23:

§ 343.4 Code member price index—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Shipping point	Subdistrict price group	Railroad	R. O. G. No.	Prices	
								Hall	Truck
Harris Coal Co.	Superior No. 2.....	167	King..	Briquetville (Remton).	F	PC.....	52	7	11
Palmer Coking Coal Co., Inc.	Danville Seam Nos. 1 & 10.	164	King..	Danville. Kavensdale.	F	PC.....	40	7	12
Palmer Coking Coal Co., Inc.	Durham Seam Nos. 2 & 3.	165	King..	Landsburg. Durham.	G	NP..... CMStP&P..... CMStP&P.....	41 13 13	7	13

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1942, 1st Supp., Dept. Circ. 194]

PART 206—PAYMENT OF GOVERNMENT CHECKS DRAWN BY UNITED STATES DISBURSING OFFICERS LOCATED IN THE PHILIPPINE ISLANDS¹

AMENDMENT

APRIL 27, 1942.

Due to the present conditions in the Philippine Islands, Treasury Department Circular No. 194, dated June 18, 1920, as amended, is hereby further amended as follows:

Federal Reserve Banks, their branches, and member bank depositaries, are authorized to charge in the account of the Treasurer of the United States all checks drawn on the Treasurer of the United States which bear on the face of the check the restriction: "Payable in current funds at par, but only at the Treasury of the Philippine Islands, Manila, P. I." on the same terms and conditions as checks drawn on the Treasurer of the United States without such restrictions. The checks will be forwarded to the Treasurer of the United States with the daily transcript of account with the Treasurer of the United States.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4315; Filed, May 12, 1942;
3:38 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

SUPPLEMENTARY DIRECTIVE NO. 1-G—FURTHER DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION WITH REFERENCE TO RATIONING OF NEW ADULT BICYCLES

§ 903.8 *Supplementary Directive 1-G.* (a) In order to permit the efficient rationing of new adult bicycles, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1)² is hereby extended to include the exercise of rationing control over the sale, transfer or other disposition of new adult bicycles by any person to any other person, except those specified in paragraphs (a) (1) and (2) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1, as amended.

(b) As used in this Supplementary Directive, the term "new adult bicycle" means any pedal-propelled, non-motor, two-wheeled vehicle with a frame measurement from the center of the crank to the top of the seat post mast of more

than seventeen (17) inches, which has never been sold to and used by a consumer, and the term "consumer" means any person acquiring a bicycle for personal use or for the use of his employee or for any industrial or other business use, excluding acquisitions for the purposes of sale or rental.

(c) Except as herein expressly indicated, the exercise of powers of the Office of Price Administration under the Supplementary Directive shall be subject to the terms and conditions of said Directive No. 1, including the power of the War Production Board under paragraph (d) thereof to determine the maximum amount of new adult bicycles available for distribution hereunder in any period.

(E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., WPB Directive No. 1, 7 F.R. 562, WPB Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126)

Issued this 13th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4361; Filed, May 13, 1942;
12:05 p. m.]

Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-55—O. D. JENNINGS & CO.

O. D. Jennings & Company of Chicago, Illinois, is a manufacturer of vending machines, gaming machines and other coin-operated devices. The procurement of castings for the manufacture of these machines and devices has for several years been entrusted by the other officers of the Company wholly to the charge of the Purchasing Agent.

During the last week in September 1941, the Purchasing Agent, on behalf of O. D. Jennings & Company, purchased from Columbia Metal Company approximately 17,645 pounds of aluminum scrap and arranged to have that Company deliver it to Ewing Foundry Company for casting into parts for gaming machines. This transaction was carried out with full knowledge that it was prohibited by Supplementary Order M-1-c.

In order to conceal this transaction from the Director of Priorities, the Purchasing Agent arranged for the issuance of fictitious invoices and bills of lading, and subsequently furnished false information to representatives of the Director of Priorities concerning this transaction.

It is hereby ordered:

§ 1010.55 *Suspension Order S-55.* (a) Deliveries of material or equipment to O. D. Jennings & Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Cer-

tificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(b) No allocation to O. D. Jennings & Company, its successors and assigns, shall be made of any material of which the supply or distribution is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(c) This order shall take effect on May 14, 1942, and shall continue in effect until July 14, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4311; Filed, May 12, 1942;
3:02 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-56—COLUMBIA METAL CO.

Columbia Metal Co., Inc. of Chicago, Illinois, is engaged in the collection and sale of scrap metals, including aluminum, copper, steel and iron.

During the last week in September 1941, Columbia Metal Co., Inc. sold 17,645 pounds of aluminum scrap to O. D. Jennings Company, and delivered the scrap to Ewing Foundry Company of Indianapolis, Indiana, for processing into castings for coin-operated gaming machines produced by O. D. Jennings Company. This transaction was carried out with full knowledge that it was prohibited by Supplementary Order M-1-c.

In order to conceal this transaction from the Director of Priorities, Columbia Metal Co., Inc., wilfully falsified records, which it was required by orders of the Director of Priorities to keep and preserve, by issuing fictitious invoices and shipping tickets. In addition, Columbia Metal Co., Inc. later wilfully furnished false information to representatives of the Director of Priorities concerning this transaction.

It is hereby ordered:

§ 1010.56 *Suspension Order S-56.* (a) Deliveries of material or equipment to Columbia Metal Co., Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Certificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(b) No allocation to Columbia Metal Co., Inc., its successors and assigns, shall be made of any material of which the

¹ This affects § 206.3.

² 7 F.R. 562.

supply or distribution is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(c) Columbia Metal Co., Inc., shall not purchase or receive any aluminum, primary or secondary, or aluminum scrap, except upon specific authorization of the Director of Industry Operations.

(d) No person shall sell, deliver or cause to be delivered to Columbia Metal Co., Inc. any aluminum, primary or secondary, or aluminum scrap, except upon specific authorization of the Director of Industry Operations.

(e) This Order shall take effect on May 14, 1942, and shall expire on August 14, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4312; Filed, May 12, 1942;
3:02 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER S-57—EWING FOUNDRY CO.

Ewing Foundry Company of Indianapolis, Indiana, is an unincorporated enterprise owned and operated by Ewell F. Ewing. It makes castings of aluminum, zinc and other metals, and is subject to the provisions of General Preference Order M-1 and Supplementary Order M-1-c.

During the months of September, October and November, 1941, Ewing Foundry Company made deliveries of aluminum castings to O. D. Jennings Company of Chicago, Illinois, for incorporation into coin-operated gaming machines. These deliveries had not been approved by the Director of Priorities as required by General Preference Order M-1. They were made with knowledge that deliveries of aluminum castings were restricted by order of the Director of Priorities.

On September 27, 1941, Ewing Foundry Company accepted delivery of 17,645 pounds of aluminum scrap for casting into parts for gaming machines manufactured by O. D. Jennings Company. Supplementary Order M-1-c prohibited the acceptance of delivery of aluminum scrap for processing purposes on ratings lower than A-10. No rating was applicable to the delivery of this scrap, and it was accepted with knowledge that the acceptance of deliveries was restricted by order of the Director of Priorities.

It is hereby ordered:

§ 1010.57 Suspension Order S-57.

(a) Deliveries of material or equipment to Ewing Foundry Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Cer-

tificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(b) No allocation to Ewing Foundry Company, its successors and assigns, shall be made of any material of which the supply or distribution is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(c) This Order shall take effect on May 14, 1942, and shall expire on July 14, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4313; Filed, May 12, 1942;
3:02 p. m.]

PART 1104—BICYCLES

AMENDMENT NO. 2 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L-52-a

Section 1104.2 *Supplementary General Limitation Order No. L-52-a* is hereby amended in the following particulars:

Paragraph (a) (2) is hereby amended to read as follows:

(2) Pursuant to a specific order of the Director of Industry Operations when such order is to the Army or Navy of the United States, United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, and government agencies or other persons acquiring such New Adult Bicycles for export to and consumption or use in any foreign country.

Paragraph (a) is hereby amended by adding the following new subparagraph at the end thereof:

(3) To any person who presents such certificates or complies with such conditions as may be prescribed from time to time by the Office of Price Administration. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4362; Filed, May 13, 1942;
12:05 p. m.]

¹ 7 F.R. 2596, 2679.

PART 1115—FUEL OIL

LIMITATION ORDER L-56, AS AMENDED

Section 1115.1 (*Limitation Order L-56*)¹ is hereby amended to read as follows:

(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Supplier" means any person who sells or delivers fuel oil directly or indirectly for resale or consumption.

(3) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils, and any other liquid petroleum product used for the same purpose as the above designated grades.

(4) "Standby facilities" means equipment in serviceable operating condition designed to use a fuel other than fuel oil, except electricity, natural gas, or mixed natural and manufactured gas, and for the operation of which a supply of such fuel is available.

(5) "Additional facilities" means any equipment designed to use fuel oil, except stoves used for domestic cooking, which equipment if located in Areas One and Three has been installed subsequent to April 13, 1942, or if located in Area Two is installed subsequent to June 15, 1942.

(6) "Space and central heating and cooling equipment" means any equipment designed to use or using fuel oil for heating or cooling all or the major portion of any premises or location where such equipment is installed, other than hospitals, sanitoria or schools, whether public or private.

(7) "Domestic and commercial water heating equipment" means any equipment designed to use or using fuel oil for heating water which equipment is installed in any single or multiple dwelling unit, house, apartment, hotel, office building, dormitory, restaurant, theatre, or any building or structure used for recreational purposes.

(8) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or any other petroleum product to coal.

(9) "Area One" means the area specified in paragraphs (a) and (b) of Exhibit "A" hereof as the same may be amended from time to time.

(10) "Area Two" means the area specified in paragraph (c) of Exhibit "A" hereof as the same may be amended from time to time.

¹ 7 F.R. 2096.

(11) "Area Three" means the area specified in paragraphs (d) and (e) of Exhibit "A" hereof as the same may be amended from time to time.

(c) *Limitations on deliveries of fuel oil*—(1) *For use in the operation of coal spraying equipment.* No supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil or any other petroleum product for use in the operation of coal spraying equipment at or in any place in the United States.

(2) *For use in the operation of space and central heating and cooling equipment.* Within Area One, no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil in any one month for use in the operation of space and central heating and cooling equipment in excess of fifty percent (50%) of the amount of fuel oil delivered to such person for such use during the corresponding month in the year 1941: *Provided, That if deliveries to such person for such use during the corresponding month in the year 1941 were abnormally high or low or if there were no deliveries during the corresponding month in the year 1941, then the supplier or suppliers of such person shall deliver to such person an amount equal to fifty percent (50%) of the fuel oil that is required for such use in the normal operation of such equipment: And provided further, That the foregoing limitations may be exceeded to the minimum extent necessary for the operation of equipment used in connection with industrial processes, or research operations, requiring temperature control.*

(3) *For use in the operation of domestic and commercial water heating equipment.* Within Area One, no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil in any one month for use in the operation of domestic and commercial water heating equipment in excess of fifty percent (50%) of the amount of fuel oil delivered to such person for such use during the corresponding month in the year 1941: *Provided, That if deliveries to such person for such use during the corresponding month in the year 1941 were abnormally high or low or if there were no deliveries during the corresponding month in the year 1941, then the supplier or suppliers of such person shall deliver to such person an amount equal to fifty percent (50%) of the fuel oil that is required for such use in the normal operation of such equipment.*

(4) *For use in the operation of additional facilities or converted facilities.* Within Areas One, Two and Three no supplier shall deliver or cause to be delivered and no person shall accept delivery of fuel oil for use in the operation of additional facilities or facilities converted from other fuel to fuel oil, except:

(i) Where, in the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed, in Areas One and Three prior to

April 13, 1942, or in Area Two prior to June 15, 1942: *Provided, That the replacement of worn-out parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of other fuels;*

(ii) Where, in the case of facilities converted from other fuel to fuel oil, such conversion has been completed in Areas One and Three prior to March 24, 1942, or in Area Two prior to June 1, 1942.

Provided, That deliveries of fuel oil may be made by any supplier to any person for the operation of equipment or facilities specified in this paragraph in any case where such person cannot use a fuel other than fuel oil, electricity, natural gas, or mixed natural and manufactured gas, either because any such substitute fuel is not available or because technical utilization factors prevent its use.

(d) *Further limitations on deliveries of fuel oil.* Notwithstanding any provision of paragraph (c) of this order, no supplier shall deliver or cause to be delivered to any person within Areas One, Two and Three who has standby facilities and no such person shall accept delivery of fuel oil unless such standby facilities are being operated to take the place of such person's fuel oil burning facilities to the greatest possible extent and to effect the maximum reduction in such person's requirements for fuel oil.

(e) *Exceptions.* (1) Nothing in this order shall be construed to apply to the delivery of fuel oil for use in internal combustion engines, or for use in the propulsion of ships other than pleasure craft.

(2) Nothing in this order shall be construed to apply to the delivery of kerosene and range oils for use in the operation of equipment used for cooking or illumination purposes.

(f) *Conversion of fuel oil burning facilities.* The Director of Industry Operations or a representative of the Office of Petroleum Coordinator for War designated by him may from time to time examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of a fuel other than fuel oil, electricity, natural gas, or mixed natural and manufactured gas. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of such other fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of such other fuel, and that a supply of such fuel is available, without an unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Director of Industry Operations may, after notice sufficient to permit such conversion, forbid further deliveries of fuel oil for use in such facilities.

(g) *Obligations and restrictions with respect to fuel oil deliveries.* (1) A per-

son shall have the right to obtain such fuel oil as he is entitled to receive under this order from the supplier, or if more than one, then proportionately from the suppliers who sold and delivered fuel oil to such person during the period commencing June 1, 1941 and ending May 31, 1942.

(2) If any supplier does not have a sufficient quantity of fuel oil to supply the demands of persons to the extent required under paragraph (g) (1), then such supplier shall have the right to obtain the amount of such deficiency from his supplier, or if more than one, then proportionately from the suppliers who delivered fuel oil to him during the period commencing with June 1, 1941 and ending with May 31, 1942.

(3) No supplier shall be required by contract or otherwise to deliver fuel oil to any other supplier in quantities greater than are required to enable such other supplier to deliver the amounts which he is obligated to deliver to other persons under the terms of paragraphs (g) (1) or (g) (2), or to deliver fuel oil to any person in quantities greater than required by this order.

(h) *Directions as to deliveries.* The Director of Industry Operations may from time to time issue specific directions directing or forbidding deliveries of fuel oil to any person or class of persons.

(i) *Appeals and applications.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate.

Any appeal involving a defense housing project shall be filed with the local Federal Housing Administration office which shall review such appeal and transmit it, together with specific recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, Department of the Interior, Washington, D. C., for further proceedings. All other appeals shall be filed as follows:

If appellant is located in the area specified in paragraph (a) of Area One or in paragraph (d) of Area Three, Exhibit "A", the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, 122 East 42nd Street, New York, New York.

If appellant is located in the area specified in paragraph (b) of Area One or in paragraph (e) of Area Three, Exhibit "A", the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, 855 Subway Terminal Building, Los Angeles, California.

If appellant is located in Area Two, Exhibit "A", the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, Suite 1336, 120 South LaSalle Street, Chicago, Illinois.

The District Director of Marketing shall promptly investigate and consider the matter and shall seek to bring about a voluntary settlement of the controversy

in accordance with the provisions of this order. In the event that no settlement can be reached, then the District Director of Marketing shall forward the appeal and record thereon, together with his recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C.

(j) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any Department or Agency of the United States in connection with this Order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such Person may be prohibited from making or obtaining further deliveries of or from processing or using Material under priorities control and may be deprived of priorities assistance by the Director of Industry Operations.

(k) *Reports and correspondence.* All reports required to be filed hereunder and all correspondence concerning this order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, Department of the Interior, Washington, D. C., Ref.: L-56.

(l) *Effective date.* This order shall take effect on May 16, 1942 and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Exhibit "A"

Area One. (a) The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, and Clinton, Centre, Blair and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Appalachian River in the State of Florida.

(b) The States of Oregon and Washington.

Area Two. (c) The States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin.

Area Three. (d) All of the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North

Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

(e) The States of Oregon and Washington.

[F. R. Doc. 42-4364; Filed, May 13, 1942; 12:06 p. m.]

PART 1141—MOTOR FUEL

AMENDMENT NO. 2 TO LIMITATION ORDER L-70

1. Section 1141.1 (Limitation Order L-70, paragraph (b) (10)) is hereby amended to read as follows:

(b) *Additional definitions.*

(10 "Normal gallonage", subject to the adjustment provided in paragraph (e) of this section, means the gallonage represented by the base gallonage of any service station or bulk consumer to which has been added or subtracted the seasonal adjustment of such service station or bulk consumer: *Provided*, That in no case shall the normal gallonage of any service station as computed herein be less than 75% of the gallonage actually delivered to such service station during the month of 1941 corresponding to the quota month.

2. Section 1141.1 (Limitation Order L-70, paragraph (e) (1)) is hereby amended to read as follows:

(e) *Adjustments of normal gallonage.* (1) The supplier or suppliers of any service station or bulk consumer shall adjust the normal gallonage of such service station or bulk consumer upward or downward in the following instances:

(i) In any case where deliveries to a service station or bulk consumer during any of the periods specified in paragraphs (b) (8) or (b) (9) of this section were so abnormally large or small as to fail to reflect the seasonal variations normally expected at such service station or in such bulk consumer's current requirements for consumption for the quota month.

(ii) In any case where deliveries to a service station or bulk consumer during the periods specified in paragraphs (b) (8) or (b) (9) of this section were such as to reflect an abnormal contraction or expansion in the volume of business for such service station or of the requirements for consumption by such bulk consumer.

(iii) In any case where any service station was not open for business or any bulk consumer had no requirements for current consumption during any or all of the period specified in paragraphs (b) (8) or (b) (9) of this section.

Such adjustments in the normal gallonage shall represent the normal and expected volume of business at any such service station or the normal and expected requirements for consumption by any such bulk consumer during the quota month, which volume of business

¹ 7 F.R. 2103, 2722.

or which requirements for consumption would occur if there were no restrictions of deliveries.

3. Section 1141.1 (Limitation Order L-70, paragraph (f)) is hereby amended to read as follows:

(f) *Preferential deliveries.* (1) On or after May 15, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A," of this section, and on or after June 1, 1942, in any part of the curtailment area specified in subparagraph (2) of § 1141.1, Exhibit "A" hereof, any supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of motor fuel for uses specified in §§ 1394.18 (b), 1394.18 (c), or 1394.22 (c), of Ration Order No. 5 or for the operation of commercial, industrial and agricultural machinery and equipment: *Provided*, That where Forms or other statements are required, by Ration Order No. 5, no delivery of motor fuel may be made unless the execution of such forms or other statements is effected in accordance with the terms of such order.

(2) On or after May 15, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A" of this section, and on or after June 1, 1942, in any part of the curtailment area specified in subparagraph (2) of Exhibit "A" of this section, any supplier or service station shall deliver to any person other than a bulk consumer such person's minimum necessary requirements of motor fuel for uses specified in §§ 1394.18 (b), 1394.18 (c), 1394.19 (b), or 1394.22 (c) of Ration Order No. 5: *Provided*, That where cards, forms or other statements are required by Ration Order No. 5, no delivery of motor fuel may be made unless the presentation or execution of such cards, forms or other statements is effected in accordance with the terms of such order.

(3) Prior to May 15, 1942, in any part of the curtailment area specified in subparagraph (1) of Exhibit "A" of this section, and prior to June 1, 1942, in any part of the curtailment area specified in subparagraph (2) of Exhibit "A" of this section, a supplier shall deliver to any bulk consumer such bulk consumer's minimum necessary requirements of motor fuel for any of the following uses upon presentation by the bulk consumer to the delivering supplier of the following statement, manually signed by a responsible official of the bulk consumer duly designated for such purpose:

Motor fuel delivered pursuant to this representation will be used only for purposes authorized in paragraph (f) of Limitation Order L-70, with the terms of which order the undersigned is familiar.

Legal Name of Bulk Consumer or other Person

By -----
Signature of Duly Designated Official

Such statement shall constitute a representation to the Director of Industry Operations and to the supplier of such motor fuel that such motor fuel is for such use, and such supplier shall be entitled to rely upon such representation

unless he knows or has reason to believe it to be false:

(i) The operation of vehicles and boats necessary for the public health and safety, including, among others, ambulances and vehicles operated by practicing physicians, surgeons, nurses, and veterinarians, and those engaged in civilian defense activities while the area is under martial law, enemy attack, or immediate threat of enemy attack.

(ii) The operation of vehicles and boats owned or operated by or in the service of Federal, state or local governments.

(iii) The operation of commercial vehicles so classified by law, including cabs, and the operation of commercial boats.

(iv) The operation of commercial, industrial and agricultural machinery and equipment.

(v) The operation of school buses.

4. Section 1141.1 (Limitation Order L-70) is hereby amended by inserting after paragraph (h) a new paragraph (i) as follows and re-lettering the ensuing paragraphs accordingly:

(i) *Other restrictions on deliveries.* No person shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of or use motor fuel for the operation of motor vehicles or motor boats in automobile or motor boat races in the curtailment area.

5. Section 1141.1 (Limitation Order L-70, the paragraph renumbered as paragraph (o) entitled *Appeals*) is hereby amended to read as follows:

(o) *Appeals.* Any person affected by this order who, after he has sought an adjustment from his supplier pursuant to paragraph (e) of this section, or who for any other reason still considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may, if he is located in any area specified in subparagraph (1) of Exhibit "A" of this section, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, 122 East 42nd Street, New York, New York, or, if located in any area specified in subparagraph (2) of Exhibit "A" of this section, appeal to the District Director of Marketing, Office of Petroleum Coordinator for War, 855 Subway Terminal Building, Los Angeles, California, by letter in quadruplicate, setting forth the pertinent facts and the reasons why he considers himself entitled to relief and, in the case of an appeal under paragraph (e) of this section, including specifically a statement that he has been unable to obtain a satisfactory adjustment from his Supplier and giving all information required on Form PD-367. The District Director of Marketing shall promptly investigate and consider the matter and shall seek to bring about a voluntary settlement in accordance with the provisions of this Order. In the event that no settlement can be reached, the District Director of Marketing shall forward the appeal and record thereon, together with his recommendation, to the Director of

Marketing, Office of Petroleum Coordinator for War, Washington, D. C.

6. Section 1141.1 (Limitation Order L-70, Exhibit "A") is hereby amended to read as follows:

EXHIBIT "A"

Order L-70 shall apply in the following areas:

1. The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Appalachian River in the State of Florida: *Provided*, That if any part of any incorporated or unincorporated city, town or village or if any part of any Service Station is located within the aforementioned area, all of such city, town, village or Service Station shall be considered as within the said area.

2. The States of Oregon and Washington.

(g) Section 1141.1 (Limitation Order L-70, Exhibit "B") is hereby amended to read as follows:

EXHIBIT "B"

1. Effective May 15, 1942, and thereafter unless and until modified by the Director of Industry Operations the allowable percentage for the area specified in subparagraph (1) of Exhibit "A" hereof, shall be 50%. The monthly quotas for May 1942 shall be reduced proportionately.

2. Effective June 1, 1942, and thereafter unless and until modified by the Director of Industry Operations the allowable percentage for the area specified in subparagraph (2) of Exhibit "A" hereof, shall be 50%.

3. Prior to June 1, 1942, the allowable percentage for the area specified in subparagraph (2) of Exhibit "A" of this section shall be 66 $\frac{2}{3}$ %. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4363; Filed, May 13, 1942;
12:05 p. m.]

Chapter XI—Office of Price Administration

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 4¹—IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1304.8a is added, §§ 1304.10 (a), 1304.11 (a), footnote 6 of § 1304.13 (a) and footnote 1 of § 1304.15 (a) are amended to read as follows:

§ 1304.8a *Licensing order applicable.* The provisions of Supplementary Order No. 5²—Licensing, are applicable to every dealer subject to this Revised Price Schedule No. 4, as amended, selling iron and steel scrap to a consumer or his broker. In this section, and this section only, the term "dealer" shall have the meaning given to it by Supplementary Order No. 5.

§ 1304.10 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 4 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1304.11 *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing Point prices from which shipping point prices and consumer's delivered prices are to be computed.

(d) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4, are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle: *Provided, however*, That this limitation shall not affect shipments involving vessel movement if each grade commanding a different maximum price under the provisions of Revised Price Schedule No. 4 is segregated in the vessel.

§ 1304.15 *Appendix C: Maximum price for cast iron scrap other than railroad scrap* (all the prices given below are per

¹ 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087.

² 7 F.R. 3403.

gross ton). (a) *Maximum price at shipping point.*

(d) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4, are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle: *Provided, however,* That this limitation shall not affect shipments involving vessel movement if each grade commanding a different maximum price under the provisions of Revised Price Schedule No. 4 is segregated in the vessel.

§ 1304.12a *Effective dates of amendments.*

(d) Amendment No. 4 (§§ 1304.8a, 1304.10 (a), 1304.11 (a), 1304.13 (d), 1304.15 (d)) to Revised Price Schedule No. 4 shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4319; Filed, May 12, 1942; 5:25 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 5 TO REVISED PRICE SCHEDULE NO. 7¹—COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1307.12 (d) (4) (vi) is amended to read as follows:

§ 1307.12 *Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof.*

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941, and for mercerizing, bleaching and/or gassing.*

(4) *Premiums.*

(vi) *Mercerized, bleached, and/or gassed yarns and the mercerizing, bleaching and/or gassing of yarns.*

Table III states the premiums allowable for yarns which are mercerized, bleached and/or gassed. Table IV states the maximum prices for the mercerizing, bleaching and/or gassing of yarns on a job or commission basis.

Winding and handling charges. The premiums and maximum prices set forth

below include all charges for quilling, cone winding and special handling.

Shrinkage allowance. Three per cent of the maximum price for the grey yarn may be added to the price of yarn which is bleached, except that no shrinkage allowance shall be permitted where plied yarn has been mercerized and bleached. The following percentages of the maximum price for the grey yarn may be added to the price of plied yarns which have been gassed: For 50s and below, 2½

per cent; 51s to 90s, inclusive, 3 per cent; 91s to 110s, inclusive, 3½ per cent; 111s to 130s, inclusive, 4 per cent.

No shrinkage allowance may be added to the maximum prices for mercerizing, bleaching and/or gassing.

Long chain bleaching done alone. The charges listed under this heading may be made only when bleaching is the sole finishing operation and when this is done on long chains.

TABLE III—PREMIUMS FOR YARN WHICH HAS BEEN MERCERIZED, BLEACHED, AND/OR GASSED
[Cents per pound]

Yarn No.	Singles			Plied				Gassing
	Mercerizing	Bleaching done alone or in conjunction with mercerizing	Long chain bleaching done alone	Mercerizing	Mercerizing and bleaching	Bleaching done alone	Long chain bleaching done alone	
20s and below	26	12	15.25	15	22	12	15.25	3
21s-30s	29	13.5	17	16.75	25	13.5	17	3
31s-40s	31	15.25	19	18.5	27.5	15.25	19	3
41s-50s	33.5	17	20.5	20	29	17	20.5	4
51s-60s	38	19	21	21	30	19	21.5	4
61s-70s	43	21.25	23.5	23	33	21.25	23.5	5
71s-80s	49	23.5	27.5	27	39	23.5	27.5	5.5
81s-90s	55	27.5	32.5	32.5	44.5	27.5	32.5	6
91s-100s	62	30.5	40	40	52	30.5	40	7
101s-110s			47	47.5	62.5	33.5	47	7
111s-120s			55	55	70.5	37	55	8
121s-130s				65	81.5			

TABLE IV—MAXIMUM PRICES FOR MERCERIZING, BLEACHING AND/OR GASSING
[Cents per pound]

20s and below	25	12	15.25	13.5	19	12	15.25	3
21s-30s	28	13.5	17	16	21.5	13.5	17	3
31s-40s	30	15.25	19	16.5	25	15.25	19	3
41s-50s	32	17	20.5	18	25.5	17	20.5	4
51s-60s	36.5	19	21.5	19	26.5	19	21.5	4
61s-70s	41	21.25	23.25	20.5	28.5	21.25	23.5	5
71s-80s	47	23.5	27.5	24	33	23.5	27.5	5.5
81s-90s	53	27.5	32.5	29	38.5	27.5	32.5	6
91s-100s	60	30.5	40	36	45.5	30.5	40	7
101s-110s			47	43	54	33.5	47	7
110s-120s			55	50	62.5	37	55	7
120s-130s				60	73.5			8

§ 1307.11 *Effective dates of amendments.*

(m) Amendment No. 5 (§ 1307.12 (d) (4) (vi)) to Revised Price Schedule No. 7 shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4334; Filed, May 13, 1942; 10:50 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 9 TO REVISED TIRE RATIONING REGULATIONS¹—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.803 (c) (2) (i) is amended to read as follows:

¹ 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633, 2945, 2948.

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.803 *Permitted and prohibited deliveries of camelback.*

(c) (2)

(i) Any person may purchase camelback from a person dealing in, or making camelback, upon presenting the appropriate part of a certificate or receipt. He may present the replenishment portion (pt. B) of the retreaded or recapped tire certificate, the replenishment portion (pt. A) of the initial allotment of camelback certificate, or the replenishment portion (pt. B) of a receipt for either retreaded or recapped tires or camelback. When using the replenishment portion of a receipt for camelback, he may purchase the number of pounds of camelback stated thereon without regard to size or gauge. If he uses the replenishment portion of the initial allotment of camelback certificate he may purchase the number of pounds of truck camelback specified thereon. Truck camelback means truck camelback defined by

¹ 7 F.R. 1221, 2277, 2393, 2509, 2737, 3160.

specifications established from time to time by the War Production Board. If he uses the replenishment portion of a retreaded or recapped tire certificate or the replenishment portion of a receipt for retreaded or recapped tires, he may purchase the number of pounds of camelback specified in the table appearing below in this subdivision.

Table for camelback replenishment

Type or size of tires specified on certificate or receipt	Number of pounds of camelback which may be purchased for each such tire
Passenger-car type tire.....	8½
30 x 5 to and including 7.00 x 20/32 x 6..	12
7.50-18 to and including 8.25-24.....	16
9.00-20 to and including 11.00-24.....	22
12.00-20 and up (regular truck tires)....	32
Truck tires 12.00-20 and up, (but not including tires 12.00-24 and larger) used on farm tractors (rear tires only), road graders, earth movers and other similar equipment used primarily on off-the-road work.....	55
Tires 12.00-24 and larger to be used on above types of equipment.....	(1)

¹ Amount necessary.

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion (Part B) of the Certificate Form R-8 or the receipt Form R-12, a certified statement showing the amount of camelback necessary to retread or recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

§ 1315.1199a *Effective dates of amendments.* * * *

(1) This Amendment No. 9 (§ 1315.803) to Revised Tire Rationing Regulations shall become effective May 15, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M-15-c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.T. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 13th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4335; Filed, May 13, 1942; 10:50 a. m.]

PART 1340—FUEL

AMENDMENT NO. 13 TO REVISED PRICE SCHEDULE NO. 88¹—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has

¹ 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482.

been filed with the Division of the Federal Register.

Section 1340.156 is amended to read as set forth below and a new paragraph (r) is added to § 1340.157.

§ 1340.156 *Modification of price schedule—(a) Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 88 or exception not provided for therein may file petitions for amendment in accordance with the Provisions of Procedural Regulation No. 1,² issued by the Office of Price Administration.

(b) *Petitions for adjustment or exception.* (1) Any corporation subject to the provisions of Revised Price Schedule No. 88, all of whose securities are owned by another corporation, or which owns all of the securities of another corporation or all of whose securities and all of those of another corporation are owned directly or indirectly by a third corporation may (i) file a petition for exception from § 1340.159 for sales of petroleum and petroleum products to such other corporation and (ii) file a petition for adjustment of such of its maximum prices for petroleum products as are required to be calculated under § 1340.159 (b) (2) on the basis of a sale of such products to such other corporation.

(2) Such petitions for exception and/or adjustment shall be accompanied by a statement under oath setting forth (1) the percentage of shares or units of any issues of securities of the subsidiary corporation or corporations held beneficially or of record by any person or persons and the names and post office addresses of such person or persons, (ii) the hardship or inequity which would result to the petitioner from failure to grant the petition and (iii) in the case of a petition filed under subparagraph (1) (ii) of this paragraph, a statement of all the circumstances bearing on the issue of whether the last sale establishing the petitioner's maximum price under § 1340.159 (b) (2) was made at a price below that which would have been charged to a purchaser of the same class not related to the petitioner as above outlined.

§ 1340.157 *Definitions.* * * *

(r) "Securities" means shares of stock of any class, voting trust certificates, participation certificates, bonds, notes, debentures and other evidences of indebtedness.

§ 1340.158a *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§§ 1340.156 and 1340.157 (r)) to Revised Price Schedule No. 88 shall become effective May 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4320; Filed, May 12, 1942; 5:29 p. m.]

² 7 F.R. 971.

PART 1340—FUEL

AMENDMENT NO. 14 TO REVISED PRICE SCHEDULE NO. 88¹—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraphs (b) (1) and (b) (2) of § 1340.159 are amended to read as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the October 2, 1941 issue of *Platt's Oilgram* and the *Chicago Journal of Commerce*, the October 8, 1941 issue of the *National Petroleum News* or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published. Quotations in the above named periodicals for the States of California, Oregon, Washington, Arizona and Nevada shall not be used in determining maximum prices.

(2) Where the maximum price for a petroleum product at a given shipping or delivery point cannot be determined under subparagraph (1) of this paragraph the maximum price for each seller at such shipping point or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product to a purchaser of the same general class, within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product to a purchaser of the same general class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quantity of the same product to a purchaser of the same general class in the period specified. The term "sale" in this subparagraph shall include sales and contracts of sale made during the period specified and deliveries made during the period specified under contracts made prior thereto which permitted adjustments to reflect changes made prior to the dates of such deliveries, in the

prices of the petroleum and/or petroleum products purchased or used by the seller in order to make deliveries under such contracts. Deliveries during the period specified under contracts entered into prior thereto which did not permit such adjustments shall not be regarded as sales for the purpose of calculating maximum prices under this subparagraph.

§ 1340.158a *Effective dates of amendments.*

(j) Amendment No. 14 (§§ 1340.159 (b) (1) and (b) (2) to Revised Price Schedule No. 88 shall become effective May 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4321; Filed, May, 12, 1942;
5:29 p. m.]

PART 1372—SEASONAL COMMODITIES

MAXIMUM PRICE REGULATION NO. 142—RETAIL PRICES FOR SUMMER SEASONAL COMMODITIES

In the judgment of the Price Administrator, it is necessary and proper to establish the maximum price for the sale at retail of certain seasonal commodities in areas in which the same or similar commodities, because of their seasonal nature, were not generally sold at retail in March 1942. The maximum prices established by this Regulation are, in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.¹ A statement of the considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 142 is hereby issued.

AUTHORITY: §§ 1372.1 to 1372.8, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1372.1 *Prohibition against dealing in seasonal commodities at prices above the maximum.* (a) On and after May 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver at retail any seasonal commodity at a price higher than the maximum price established by § 1372.2;

(b) No person in the course of business shall buy or receive any seasonal commodity at a price higher than the maximum price established by § 1372.2; and
(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1372.2 *Maximum prices for sales of seasonal commodities at retail.* (a) Except as otherwise provided in § 1372.3, the maximum price for a sale at retail

of any commodity designated as a seasonal commodity in paragraph (b) of this section shall be (1) the seller's average cost of the commodity being priced, or (2) the net price which the seller would have to pay to replace such commodity after May 11, 1942, whichever is lower, plus the average percentage mark-up taken by the seller on the same seasonal commodity sold during his last selling season, or, if the seller is unable to establish such mark-up on such seasonal commodity, the average mark-up in the department in which the same seasonal commodity, or similar commodities, were sold during his last selling season. The seller's average cost of any commodity shall be his average cost on purchases of such commodity made between the close of his last selling season and (i) the opening of his 1942 selling season or (ii) May 11, 1942, whichever is later.

(b) Any commodity that falls within any of the following classifications is designated a seasonal commodity:

(1) Men's and boys' clothing:

(i) Summer suits, and separate sack and sport coats, which are washable; or which are made of fabrics of cotton, linen, rayon, or other synthetic fiber, or any combination thereof; or of summer-weight fabrics containing not more than 15 percent of wool.

(ii) Summer sport trousers, or slacks, (other than work trousers) which are washable; or which are made of fabrics of cotton, rayon, or other synthetic fiber, or any combination thereof; or of summer-weight trouser fabrics containing not more than 15 percent of wool.

(iii) Summer slack suits: combinations of slacks and shirts, or jacket shirts, sold as a unit, made of any fabrics specified in the foregoing definition of summer sport trousers.

(iv) Outerwear shorts.

(v) Washable summer neckties.

(vi) Straw hats: Hats made of any straw or cane fiber or any type of artificial or imitation straw or cane.

(vii) Washable summer hats, and beach helmets.

(viii) Bathing suits, trunks, and shirts.

(ix) Robes of terry cloth or toweling designed for beach wear.

(x) Pullovers and cardigans of terry cloth and toweling.

(xi) Rubber bathing shoes and shoes designed exclusively for beach wear not having rubber or leather soles.

(2) Women's and girls' clothing:

(i) Playsuits and sunsuits: Any combination of shorts or short skirt with blouse or bra-top, attached or detached, and with or without a detachable overskirt.

(ii) Bathing suits.

(iii) Robes of terry cloth or toweling designed for beach wear.

(iv) Rubber bathing shoes and shoes designed exclusively for beach wear not having rubber or leather soles.

(v) Halters.

(vi) Washable hats of woven fabric.

(vii) Beach bags: bags with waterproof inner lining designed to carry beach wear or accessories.

(3) Girls' clothing:

(i) Outerwear shorts, slacks, overalls, and slack suits of cotton or rayon.

(4) Infants' clothing:

(i) Sun suits.

(ii) Bathing suits.

(iii) Straw or cloth sunbonnets.

(iv) Carriage and crib netting.

(5) Furniture:

(i) Rattan, metal, and wood chairs, tables, settees, gliders and umbrellas for outdoor or porch use and beach pads.

(ii) Rubberized or coated slip covers to protect outdoor furniture.

(iii) Summer rugs made of grass or fiber.

(6) Toys:

(i) Sand boxes and sand for children's play.

(ii) Wading pools for children's play.

(iii) Toy sail boats.

(iv) Rubber beach toys for use in the water.

(7) Miscellaneous:

(i) Awnings.

(ii) Boats: sail, motor, rowboats and canoes.

(iii) Electric fans and ventilators and room coolers.

(iv) Flower boxes for growing plants.

(v) Holiday novelties for summer holidays.

(vi) Picnic baskets.

(vii) Screen doors, window screens, and screening sold by the foot.

(viii) Slat shades, wooden, for porch use.

(ix) Sprinklers for watering lawns.

(x) Sun glasses.

(xi) Trellises and arbors, wooden.

§ 1372.3 *Relationship between Maximum Price Regulation No. 142 and the General Maximum Price Regulation.*

(a) Except as provided in paragraph (b) of this section, this Maximum Price Regulation No. 142 shall not apply, and the General Maximum Price Regulation shall apply, to any sale at retail of a seasonal commodity.

(1) By any seller more than 5 percent of whose annual sales of such seasonal commodity customarily occur during March; and

(2) by any seller whose maximum price for such sale can be established under section 2 of the General Maximum Price Regulation.

(b) The General Maximum Price Regulation shall not apply, and this Maximum Price Regulation No. 142 shall apply, to any sale of a seasonal commodity at retail if the maximum price established by the General Maximum Price Regulation is based upon an out-of-season sale of the same or a similar seasonal commodity purchased to be sold during the 1941 selling season but held over and sold during March 1942 at a price no higher than the highest price at which the seller sold such commodity during his last selling season and substantially lower than the maximum price which would be permitted to the seller under this Maximum Price Regulation No. 142.

¹ 7 F.R. 3153, 3330.

² 7 F.R. 971.

(c) The provisions of §§ 1499.12, 1499.13, and 1499.14 of the General Maximum Price Regulation, relating to records; of §§ 1499.15 and 1499.16, relating to registration and licensing; and of §§ 1499.4, 1499.18, and 1499.19, relating to supplemental regulations, adjustment, and amendment, shall apply to all sales the maximum prices for which are established by this Maximum Price Regulation No. 142, and to all persons making such sales. The registration and licensing requirements of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling any seasonal commodity in the same manner and with the same force and effect as though this Maximum Price Regulation No. 142 had been issued on or before April 28, 1942.

§ 1372.4 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 142 may be charged, demanded, paid or offered.

§ 1372.5 *Records.* In addition to any records required to be kept by paragraph (c) of § 1372.3, every person selling any seasonal commodity for which, upon sale by that person, prices are established by this Maximum Price Regulation No. 142 shall keep, and shall make available for examination by and, upon demand, file with, the Office of Price Administration, a record of all such prices thus established. The records shall show, with respect to each such price: the average cost of the seasonal commodity priced, the cost and quantity of each purchase included in such average cost, the replacement cost of such seasonal commodity after May 11, 1942; the mark-up added to the cost of the seasonal commodity; the cost and selling price of the same commodity during the seller's last selling season, or, if the departmental mark-up is used, the basis upon which the seller determined the mark-up for the department used in determining the seller's mark-up.

§ 1372.6 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 142 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

§ 1372.7 *Definitions.* (a) When used in this Maximum Price Regulation No. 142, the term:

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

(2) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user, but shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him.

(3) "Last selling season" shall mean, with respect to each seasonal commodity, the latest 90-day period within which the seller sold 75 percent or more of the total quantity of the same or most nearly similar seasonal commodity sold by him during the 12-month period ended March 31, 1942.

(4) "1942 selling season" shall mean, with respect to a seasonal commodity, the selling season beginning in 1942 corresponding to the selling period beginning in 1941 which included the seller's last selling season for that seasonal commodity.

(5) "Out-of-season sale" shall mean a sale which occurs after the close of the seller's last selling season and before the opening of his 1942 selling season.

(6) "Seasonal commodity" shall mean only the commodities designated as such in paragraph (b) of § 1372.2.

(7) "Seller"—where a seller makes sales through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller, except that for the purposes of the license provisions of this Maximum Price Regulation No. 142, the owner of the business shall be considered the seller, regardless of the number of separate places of business he owns.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1372.8 *Effective date.* This Maximum Price Regulation No. 142 shall become effective May 18, 1942.

Issued this 12th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4318; Filed, May 12, 1942;
5:11 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 129

Resale Book Matches Defined

Paragraph (b) of § 1347.25 appearing on page 3482 of the issue for Tuesday, May 12, 1942, should read as follows:

(b) Amendment No. 2 (§ 1347.22 (a) (18)) to Maximum Price Regulation No. 129 shall become effective May 11, 1942.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

RATION ORDER NO. 5—EMERGENCY GASOLINE RATIONING REGULATIONS

Corrections

In the table of contents preceding the regulations on page 3483 of the issue for Tuesday, May 12, 1942, the entry for § 1394.23 should read "Discrimination among consumers."

In the ninth line of § 1394.43 (e) appearing on page 3487, the word "is" should read "in".

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION: VETERANS' CLAIMS

DISALLOWANCE AND AWARDS

§ 3.1281 *Disappearance of incompetent veterans; payment to dependents—*

(a) *Under § 35.016* Where an incompetent veteran receiving or entitled to receive pension (compensation) under either § 35.011 or § 35.012, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under §§ 35.011 and 35.012 respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance or April 1, 1935, (effective date of § 35.016), whichever is the later: *Provided*, That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance: *Provided, further*, That the amounts authorized for surviving dependents of World War veterans under § 35.011 will be the amounts authorized under section 3 of Pub. Law 304, 75th Cong., from or after the date of its approval, August 16, 1937. On and after August 1, 1939, the amounts for dependents of World War veterans will be those authorized by section 5, Public Act No. 198, 76th Congress. On and after September 1, 1941, the rates for the dependents of any veteran entitled under § 35.011, shall be the rates provided by section 5, Public Act No. 198, 76th Congress. The provisions of this paragraph are applicable only to the cases of incompetent veterans receiving or entitled to receive pension or compensation under either § 35.011 or § 35.012.

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service connected disabilities as provided in section 3 of Public No. 304, 75th Congress, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. On and after August 1, 1939, the amounts will be those authorized by section 5, Public Act No. 198, 76th Congress. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his

disappearance. (May 15, 1942.) (53 Stat. 1070; 38 U.S.C. 472b)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-4316; Filed, May 12, 1942; 3:58 p. m.]

PART 10—INSURANCE¹

COLLECTION OF ANY INDEBTEDNESS

§ 10.3455 *Collection of any indebtedness.* Any indebtedness against a National Service Life Insurance policy which has not been paid off in cash prior to maturity shall be liquidated by reducing the amount of each monthly installment in the proportion which the indebtedness bears to the face amount of the insurance. (May 12, 1942.) (54 Stat. 1012; 38 U.S.C. 812)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-4317; Filed, May 12, 1942; 3:58 p. m.]

PART 20—GUARDIANSHIP AND LEGAL ADMINISTRATION

CUSTODIANS

§ 20.5205 *Amount of compensation, pension, adjusted compensation, emergency officers retirement pay, or insurance, payable to legal custodians.* When a claimant under legal disability is found entitled to compensation, pension, emergency officers retirement pay, insurance, or adjusted compensation the accrued amount of which at the time of the adjudication is \$500 or less, or the monthly rate of which is \$50 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount at the time of the adjudication is \$750 or less, or the combined monthly rates amount to \$70 or less, and no legal guardian or committee has been appointed, such awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants: *Provided*, That the best interests of the claimant will be served thereby and the legal custodian is properly qualified.

(a) In any case wherein payments to a fiduciary of compensation, pension, emergency officers retirement pay or insurance (but not adjusted compensation) have been withheld or suspended, the chief attorney will determine whether payment of all or any part of funds so withheld, is necessary for the support and welfare of the beneficiary or of his dependents. If such needs cannot be met by an institutional or/and apportioned award under governing instructions applicable thereto and the minor or incompetent beneficiary is in the actual custody of some reliable person, the chief attorney will secure the evidence of such actual custody, together with a signed agreement—and if necessary a bond—of said person to receive

and use for the sole benefit of such beneficiary moneys due on his account, and will certify such custody in accordance with § 20.5206: *Provided*, That instead of the information called for by paragraph (d) thereof the certificate will contain a statement showing why payments to the fiduciary have been withheld or suspended; and in addition will set out the period of time payments are to be made to the custodians in fact and the amount thereof. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

* * * * *
§ 20.5207 *Recognition of legal custodian.* * * *

(c) These sections of the World War Veterans Act, 1924, as amended and the World War Adjusted Compensation Act, as amended, provide that the Administrator shall determine the person legally vested with the care of the claimant or his estate. This determination is now delegated to the chief attorney inasmuch as the question is legal and dependent upon State statutes or court decrees. A study of the State statutes is necessary to determine the person who is legally vested with the care of the claimant. The natural parent is usually recognized as being legally responsible for the care of a minor child unless such relationship has been disturbed by judicial decree. Reference should be made to the State statutes to determine a step-parent's legal responsibility, both during the life of the natural parent and after death of such natural parent. If the natural parent (female) has remarried, some jurisdictions have placed a responsibility upon the stepfather to care for and support the minor children of his spouse, and if such responsibility exists, protective measures must be taken to assure that the Government funds appropriated for the benefit of the minor are actually used for this minor, in addition to the benefits due from the stepparent. When the status of loco parentis exists the person standing in that relationship to the claimant, or the person vested with custody by judicial decree, may be recognized as legal custodian. Extreme care will be taken in considering a custodial award for an incompetent.

In view of the responsibility that is placed upon the chief attorneys, the greatest possible degree of care must be exercised in determining such matters in connection with possible custodianship cases. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5210 *Bond of custodian.* The chief attorney, or the solicitor, as the case may be, may require the person recognized as legal custodian of a claimant or as custodian in fact under the provisions of section 21 (3), World War Veterans Act, as amended and § 20.5205 (a), to furnish bond before payments are made to such person on behalf of the claimant. Said bond shall run to the Administrator of Veterans Affairs for the use and benefit of _____

(Name of Ward)

(May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

Section 20.5211, Form 555, Certificate of Legal Custody, or Form 555-C, Cer-

tificate of Actual Custody, will be prepared by the chief attorney who has secured the data upon which said certificate is based. This certificate will be accompanied by a statement, signed by the chief attorney certifying that the proposed custodian named therein is a fit and proper person to have the custody and care of the claimant, and showing the evidence on which the certification is based. No certificate will issue where it is shown that the person to whom it is proposed to make payments is not a fit person to have custody of the claimant. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

COMMITMENT OF MENTALLY INCOMPETENT BENEFICIARIES, APPOINTMENT OF GUARDIANS FOR INCOMPETENT AND MINOR BENEFICIARIES, AND PAYMENT OF EXPENSES IN CONNECTION WITH SUCH APPOINTMENT

§ 20.5236 *Removal of guardians.* Where it is necessary to institute action under section 21 (2), World War Veterans Act, 1924, as amended, to remove a guardian, and have another appointed, the legal expenses in connection therewith, including court costs, may be paid. Chief attorneys will institute action to remove a guardian only in case of actual embezzlement or misappropriation of funds, or where an absolutely necessary adjustment cannot otherwise be made. Where practicable payments will be made in such cases by means of institutional and apportioned awards, or otherwise they may be made to a custodian-in-fact. As provided in § 20.5326, the legal expenses will be authorized by the chief attorney, but strictly in accordance with §§ 20.5227 to § 20.5235. If required by State law or rule of court such costs and expenses may be advanced. When expenses are authorized by the chief attorney for the removal of a guardian it does not follow necessarily that such expenses shall be borne by the Veterans Administration. Of course, it is intended that the chief attorney may pay such filing fee and other costs as may be necessary, but under the practice and procedure in most jurisdictions the costs of such action may be taxed against the unsuccessful party, that is, in these cases, the guardian who is found delinquent and therefore is removed. They should not, of course, be taxed against the estate of the ward. If such costs having been paid by the Veterans Administration are recovered from the guardian they should in every instance be covered into the Treasury of the United States as miscellaneous receipts. The chief attorney will be responsible for seeing that such costs are recovered if possible. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5312 *Requirement of bond after recognition of legal custodian.* In any case, the chief attorney or the solicitor may require that such custodian furnish a sufficient bond with satisfactory security. (See § 20.5210) (May 11, 1942.) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5328 *Chief attorney authorized to file exceptions and to institute other legal proceedings.* Chief attorneys are vested with authority to institute necessary legal proceedings to cite guardians

¹ 6 F.R. 1166.

to account, to file exceptions to their accounts, to cite guardians to file bonds, to require investments, to petition the court to vacate or modify orders or to remove guardians, or to institute other action necessary to secure proper administration of the estate by the fiduciary, and to incur the necessary court costs, including witness fees, and other expenses in connection therewith. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5330 *Action where account cannot be approved or proper administration of estate may not be secured.* In cases in which the account cannot be passed because objectionable under § 20.5327, the exceptions filed should be sufficient, if sustained, to show the incompetency of the guardian, and unless the court by its own motion will automatically remove the guardian, or proper administration of the estate may not be secured otherwise, the chief attorney is authorized to institute action to remove the guardian, to secure the appointment of a qualified successor, and to pay the costs in connection therewith. In case the account or other evidence shows that there has been misappropriation or embezzlement of funds, or other violation of section 2, Public Law 262, 74th Congress, the chief attorney will report the facts to the solicitor with a recommendation as to what action should be taken by the Veterans' Administration, and will keep him informed of all action taken in the courts. It will be incumbent upon the chief attorney in all cases to have the substitute guardian proceed against the guardian and surety, but see § 20.5364. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5333 *Appeals, cost of, may be paid.* It is obvious that to be successful in an appeal the ground work must be well laid. In the first instance the petition, or other legal paper filed should show the exact basis whereon the action of the Veterans' Administration is predicated, and that such action is pursuant to the Federal law, and a function necessary to the discharge of the responsibility placed upon the Administrator by the Congress. If there be any State statute applicable, and this is true in many States, advantage should be taken thereof, and such statute should be relied upon as well as the Federal statute.

(a) It is obvious too that, from the point of view of establishing a precedent, an appeal should be taken in no case unless the facts are such as to bring the case strictly within the language of the act, i. e., the fiduciary is not "properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward", and the court has arbitrarily allowed fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred. The conditions adopted by the Veterans

Administration pursuant to section 21, World War Veterans Act, as amended, are that commissions in excess of 5 percent of the income received during the accounting period are inequitable unless unusual services, i. e., services beyond those ordinarily required of a guardian, have been performed. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

REMOVAL OF GUARDIANS

§ 20.5363 *Grounds for removal.* In cases falling under section 21 (2), World War Veterans Act, as amended, the chief attorney is authorized to make such arrangements as will best conserve the interests of the ward, and which meet with the approval of the court, as stated in § 20.5330, and to have payments suspended pending adjustment. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 20.5364 *Chief attorney to request authority from solicitor to institute legal procedure in accordance with the second proviso of paragraph 2, section 21, World War Veterans Act, as Amended, and to appeal, and for payment of court costs incident thereto.* (a) The solicitor, upon receipt of a report from the chief attorney showing the necessity for instituting legal procedure in accordance with the second proviso of paragraph 2, section 21, World War Veterans Act, as amended, may authorize the chief attorney to take such action and to incur necessary costs. (May 11, 1942) (48 Stat. 9; 38 U.S.C. 707)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-4348; Filed, May 13 1942;
11:22 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50633]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

PART 1—DOCUMENTATION OF VESSELS

REGULATIONS AMENDED—EVIDENCE OF CITIZENSHIP, OWNERS AND OFFICERS; OFFICIAL NUMBER AND NET TONNAGE

46 CFR 1.23, relative to establishing citizenship of owners and officers, amended to provide for the acceptance of certificates of registry as staff officer and delayed certificates of birth; 46 CFR 16.60 (c) deleted and a new § 16.60a, inserted to set forth more clearly the method and place for marking official number and net tonnage.

Section 1.23, Part 1, Title 46, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.23 *Evidence of citizenship of owners and officers.* (a) In addition to the oaths of citizenship specified, the collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States. The

proper notation of the evidence produced shall be made on the papers retained in the collector's office, such as the number, date, and office of issue of an officer's license, seaman's passport, or citizen's passport, or the same data as to a birth or naturalization certificate, a continuous discharge book, or a certificate of identification, etc. The collector shall reject any evidence believed by him to be unauthentic.

(b) As evidence of his citizenship, a naturalized citizen shall be required in every case to present a certificate of his naturalization. The usually acceptable evidence of citizenship for other persons is described below in the order of desirability.

(1) A birth certificate or certified copy.¹

(2) A baptismal certificate or parish record made within one year after birth.

(3) A certificate of a practicing physician that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(4) A State Department passport.

(5) An active commission in the United Army, Navy, Marine Corps, Coast Guard, or reserve components thereof.

(6) A license as master, mate, engineer, or pilot issued by the Coast Guard, or a license as master, mate, engineer, or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.

(7) A certificate of registry as staff officer.

(8) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder is an American citizen: *Provided*, That the records of that Bureau (now maintained by the Coast Guard) indicate that the holder of such continuous discharge book or certificate of identification has produced satisfactory evidence of his citizenship.

(9) A delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth which has been issued in accordance with the procedure outlined in the Manual of Uniform Procedure for the Delayed Registration of Births² and recites on its face the evi-

¹ A list of State custodians of records of vital statistics appears in § 36.1-1 of Chapter II of this title. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by State governments. In many states, birth records are maintained also by county clerks, clerks of county courts, or city clerks, or town clerks. If a State record is not available, inquiry should be made of the county, city, or town clerk.

² This manual was issued by the Department of Commerce on July 16, 1941, and was filed with the original document amending 46 CFR 36.1-1 (7 F.R. 2641).

dence upon which it has been granted, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement. In order to receive consideration as a delayed certificate of birth, the certificate shall have been issued strictly in accordance with the provisions of the Manual above referred to. Any delayed birth certificate not so issued shall be given consideration but shall not necessarily be considered prima facie evidence of citizenship.

(10) If no one of the foregoing requirements can be met by the applicant, he shall make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available.³ Requests for such information shall be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2; E.O. 9083; 7 F.R. 1609)

Subchapter B—Measurement

PART 16—MEASUREMENT OF VESSELS

Part 16, Title 46, Code of Federal Regulations, is hereby amended by deleting paragraph (c) of § 16.60 and by inserting between §§ 16.60 and 16.61 a new section to read as follows:

§ 16.60a *Marking net tonnage and official number on vessel.* (a) The official number of a vessel, preceded by the abbreviation "NO.", and the net tonnage, preceded by the word "NET", shall be marked in a conspicuous place on her main beam at the expense of the owner or master, in Arabic numerals of the block type at least three inches in height,

³ A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930, and 1940. (Records for 1890 are not available)

when the size of the main beam will permit. If the main beam is of wood, it shall be carved or branded in figures not less than three-eighths of an inch in depth. If the main beam is of iron or other metal, the official number and net tonnage shall be outlined by punch marks and painted over with oil paint in a light color on a dark background or a dark color on a light background.

(b) The beam at the forward end of the largest hatch on the weather deck which is generally located forward of amidships shall be considered the main beam for the purposes of these regulations. In the case of a vessel which does not have a hatch on the weather deck, any structural member which is integral to the hull may be considered the main beam.

(c) The official number awarded to a vessel shall pertain only to that vessel. If a vessel, having once received an official number, is rebuilt or redocumented, the number originally awarded shall be retained. (R.S. 161, 4153, as amended, 4177, as amended, sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 77, 45, 3; E.O. 9083; 7 F.R. 1609)

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

Approved: May 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4346; Filed, May 13, 1942;
11:09 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 80, Amendment]

RATES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

The Commission on May 5, 1942, effective immediately, amended Order No. 80¹ by adding the following paragraph:

12. That the words "telegraph communications between the several departments of the Government and their officers and agents," as used in this Order, include Telegraph messages sent by cost-plus-a-fixed-fee contractors with the War and Navy Departments which are certified by an authorized officer or employee of such departments as messages on official business for which payment will be made from United States funds.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-4333; Filed, May 13, 1942;
10:21 a. m.]

¹ 6 F.R. 2612.

Notices

WAR DEPARTMENT.

[Civilian Exclusion Order No. 44]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—TULARE COUNTY, CALIFORNIA

MAY 6, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2³, this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the County of Tulare, State of California, lying generally west of that line running in a southerly direction from the intersection of U. S. Highway No. 99 and the northerly line of Tulare County; thence southeasterly on said Highway No. 99 to California State Highway No. 198; thence easterly on said Highway No. 198 to California State Highway No. 65; thence southerly on said Highway No. 65 to Ducor; thence easterly and following a paved road to Fountain Springs; thence generally southeasterly following a paved road extending toward Glennville to a point on the said road where it intersects the Tulare-Kern County Line southeasterly of Posey, including in the excluded territory that part of Tulare County lying to the south of the northerly loop of the said road on which Posey is located.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Thursday, May 7, 1942, or during the same hours on Friday, May 8, 1942, to the Civil Control Station located at: Tulare Civic Memorial Building, 100 Block, South "M" Street, Tulare, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Enter-

¹ 7 F.R. 2320.

³ 7 F.R. 2405.

ing, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4349; Filed, May 13, 1942;
11:31 a. m.]

[Civilian Exclusion Order No. 45]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—KINGS COUNTY, CALIFORNIA

MAY 6, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the County of Kings, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Thursday, May 7, 1942, or during the same hours on Friday, May 8, 1942, to the Civil Control Station located at: Hanford Civic Auditorium, Civic Center, Hanford, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are

¹ 7 F. R. 2320.

² 7 F. R. 2405.

excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4350; Filed, May 13, 1942;
11:31 a. m.]

[Civilian Exclusion Order No. 47]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—PLACER COUNTY, CALIFORNIA

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Placer, State of California, within the boundary beginning at a point at which U. S. Highway No. 99E intersects the Placer-Yuba County line, at or near Wheatland; thence southeasterly and following said Highway No. 99E to its intersection with a paved road running easterly from Lincoln to Newcastle; thence easterly and following said improved road to the point at which it intersects U. S. Highway No. 40, at or near Newcastle; thence southwesterly and following said Highway No. 40 to Loomis; thence southerly on an improved road running from Loomis to Folsom, to the Placer-Sacramento County line; thence westerly along said county line to Sutter-Placer County line; thence northerly along said county line to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to the Civil Control Station located at: Loomis Union Grammar School, Loomis, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Enter-

ing, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4351; Filed, May 13, 1942;
11:31 a. m.]

[Civilian Exclusion Order No. 49]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—HOOD RIVER, WASCO, AND SHERMAN COUNTIES, OREGON

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both aliens and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the County of Hood River, State of Oregon, and those portions of the Counties of Wasco and Sherman, State of Oregon, lying generally west of U. S. Highway No. 97.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to the Civil Control Station located at: American Legion Hall, Eleventh and June Streets, Hood River, Oregon.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to

instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4352; Filed, May 13, 1942;
11:32 a. m.]

[Civilian Exclusion Order No. 50]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSON OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—STANISLAUS, TUOLUMNE, AND CALAVERAS COUNTIES, CALIFORNIA

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

The County of Stanislaus and those portions of the County of Tuolumne and the County of Calaveras, lying southerly and westerly of California State Highway No. 49, being in the State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to the Civil Control Station, located at: Winter Garden Auditorium, 1125 Tenth Street, Modesto, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant

¹ 7 F. R. 2320.

² 7 F. R. 2405.

to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4353; Filed, May 13, 1942;
11:32 a. m.]

[Civilian Exclusion Order No. 51]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—MERCED AND MARIPOSA COUNTIES, CALIFORNIA

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

The County of Merced, State of California, and that portion of the County of Mariposa, State of California, lying southerly and westerly of the following roads: State Highway No. 49 from Auburn to the town of Mariposa and the junction with, and also, the paved, improved and unimproved road running in a southerly direction from the town of Mariposa through Mormon Bar and Ben Hur to Raymond, such roads being the eastern boundary of Military Area No. 1.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to the Civil Control Station located at: Veteran's Memorial Hall, Seventeenth Street—Between P and Q Streets, Merced, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien

Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4354; Filed, May 13, 1942;
11:33 a. m.]

[Civilian Exclusion Order No. 52]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—SACRAMENTO, CALIFORNIA

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the City of Sacramento, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, or Sunday, May 10, 1942, to the Civil Control Station located at: Civic Memorial Auditorium, Fifteenth and I Streets, Sacramento, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this

order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4355; Filed, May 13, 1942;
11:33 a. m.]

[Civilian Exclusion Order No. 53]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—STOCKTON, CALI-
FORNIA

MAY 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters dated March 2, 1943, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the City of Stockton, State of California.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to the Civil Control Station located at: National Guard State Armory Building, 1420 North California Street, Stockton, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 13, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4356; Filed, May 13, 1942;
11:33 a. m.]

¹ 7 F. R. 2320.

² 7 F. R. 2405.

[Civilian Exclusion Order No. 54]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—LOS ANGELES
COUNTY, CALIFORNIA

MAY 8, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the intersection of California State Highway No. 2 (Angeles Crest Highway) and California State Highway No. 118 (Foothill Boulevard); thence northerly and easterly and following said Highway No. 2 to a point due north from the north end of Santa Anita Avenue; thence south on said north-south line to the north end of Santa Anita Avenue; thence southerly on Santa Anita Avenue to Live Oak Avenue; thence east on Live Oak Avenue to Second Avenue; thence south on Second Avenue to the Rio Hondo River; thence southwesterly and following the Rio Hondo River to Garvey Avenue; thence west on Garvey Avenue to Ramona Boulevard; thence southwesterly on Ramona Boulevard to the limits of the City of Los Angeles; thence northerly and following the limits of the City of Los Angeles to California State Highway No. 66 (Arroyo Seco Parkway); thence southwesterly on said Highway No. 66 to the Los Angeles River; thence northwesterly and following the Los Angeles River to Los Feliz Boulevard; thence northeasterly on Los Feliz Boulevard to Glendale Avenue; thence northerly on Glendale Avenue to California State Highway No. 2 (Verdugo Road); thence northerly along said Highway No. 2 to point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 9, 1942, or during the same hours on Sunday, May 10, 1942, to the Civil Control Station located at: 38 East California Street, Pasadena, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4357; Filed, May 13, 1942;
11:44 a. m.]

[Civilian Exclusion Order No. 55]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—LOS ANGELES
COUNTY, CALIFORNIA

MAY 9, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 15, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the point of intersection on California State Highway No. 2 (Angeles Crest Highway) made by a line running due north from the north end of Santa Anita Avenue; thence south on said line to the north end of Santa Anita Avenue; thence southerly on Santa Anita Avenue to Live Oak Avenue; thence easterly on Live Oak Avenue to Second Avenue; thence southerly on Second Avenue to the Rio Hondo River; thence southwesterly and following the Rio Hondo River to Garvey Avenue; thence easterly on Garvey Avenue to the San Gabriel River; thence southwesterly and following the San Gabriel River to U. S. Highway No. 101 (Whittier Boulevard); thence southeasterly on said Highway No. 101 to the point of intersection with the Los Angeles-Orange County line; thence northeasterly and following the Los Angeles-Orange County line and the Los Angeles-San Bernardino County line to Mount San Antonio; thence due west from Mount San Antonio on a projected east-west line to its intersection with California State Highway No. 2; thence southerly on said Highway No. 2 to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Sunday, May 10, 1942, or during the same hours on Monday, May 11, 1942, to the Civil Control Station located at: American Legion Hall, Valencia Street and San Bernardino Road, Covina, California.

3. Any person subject to this order who fails to comply with any of its pro-

visions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Friday, May 15, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4358; Filed, May 13, 1942;
11:44 a. m.]

[Civillian Exclusion Order No. 56]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—LOS ANGELES
COUNTY, CALIFORNIA

MAY 9, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 15, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the County of Los Angeles, State of California, within the boundary beginning at the intersection of Garvey Avenue and Ramona Boulevard; thence easterly on Garvey Avenue to the San Gabriel River; thence southwesterly and following the San Gabriel River to Whittier Boulevard; thence northwesterly on Whittier Boulevard to the limits of the City of Los Angeles (Indiana Street); thence northerly and easterly and following said City Limits to Ramona Boulevard; thence northeasterly on Ramona Boulevard to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Sunday, May 10, 1942, or during the same hours on Monday, May 11, 1942, to the Civil Control Station located at: 804 Garvey Boulevard, Monterey Park, California.

¹ 7 F. R. 2320.

² 7 F. R. 2405.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Friday, May 15, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-4359; Filed, May 13, 1942;
11:45 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-135]

MILLIRON COAL CO.

CEASE AND DESIST ORDER, ETC.

In the matter of Frank W. Milliron (Milliron Coal Company), also known as Frank W. Milliron, an individual doing business as Milliron Coal Company, Code Member.

Order approving and adopting proposed findings of fact, proposed conclusions of law and recommendation of the Examiner, and cease and desist order.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on November 14, 1941, by District Board No. 1, alleging that Frank W. Milliron, an individual doing business as Milliron Coal Company, a code member, had wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke Milliron's code membership, or, in its discretion, direct the code member to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on January 16, 1942, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated April 13, 1942, recommending that an order be entered directing code member to cease and desist from violations

of the Act, the Code, and the rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and they hereby are adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That code member, Frank W. Milliron (Milliron Coal Company), his representatives, agents, servants, employees, attorneys, successors and assignees, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the applicable minimum prices therefor or from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: May 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4326; Filed, May 13, 1942;
10:10 a. m.]

[Docket No. B-240]

IN THE MATTER OF HUDSON FUEL COMPANY,
REGISTERED DISTRIBUTOR, REGISTRATION
No. 4581

ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been heretofore scheduled for hearing on May 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division (the "Division"), at Room 518, Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio; and

The Acting Director deeming it advisable that said hearing be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from May 27, 1942, at 10 a. m., to June 8, 1942, at 10 a. m., at a hearing room of the Division at Room 518, Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio; and

It is further ordered, That Charles S. Mitchell, or any other officer of the Division that may be designated shall preside at such hearing vice W. A. Cuff; and

It is further ordered, That the Notice of and Order for Hearing, dated April 27, 1942, shall in all other respects remain in full force and effect.

Dated: May 12, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4327; Filed, May 13, 1942;
10:10 a. m.]

[Docket No. A-227]

TRUAX-TRAEER COAL CO. AND UNITED ELECTRIC COAL COS.

MEMORANDUM OPINION AND ORDER DENYING ADDITIONAL TEMPORARY RELIEF

In the matter of the petition of Truax-Traer Coal Company and United Electric Coal Companies on behalf of themselves and certain retail dealers in the Chicago area requesting free alongside prices for the retail dealers, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an original joint petition filed with the Bituminous Coal Division ("Division"), by Truax-Traer Coal Company ("Truax-Traer"), and the United Electric Coal Companies ("United Electric"), code members in District 10, on behalf of themselves and seven named retail coal dealers in Chicago, Illinois, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petition requested that these retailers: South Chicago Coal and Dock Company; Chicago Waterways Fuel Company; Black Hawk Coal Company;¹ Silver Creek Coal Company; Riverdale Coal and Dock Company; Consumers Company of Illinois; and Holland Coal Company, (the "Chicago Retailers"), be permitted to purchase coals from the Buckheart Mine (Mine Index No. 17) of United Electric, and the Fiatt Mine (Mine Index No. 46) of Truax-Traer (both mines being in Freight Origin Group No. 91 and Price Group No. 24 in District 10) at the minimum f. o. b. mine prices for free alongside delivery ("f. a. s. prices"), in accordance with Paragraph 3-A of the "Special River Price Instructions and Exceptions" in the Schedule of Effective Minimum Prices for District 10 for All Shipments Except Truck ("District 10 Schedule").

Intervening petitions were filed by District Boards 2, 7, 10, and 11; by Franklin County Coal Corporation, et al., Pyramid Coal Corporation and Central Illinois Coal Mining Company, et al., code members in District 10.

A hearing was duly held upon which the Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations to the Director.

Pursuant to a motion of the petitioners, the original petition was amended

¹Black Hawk Coal Company has gone out of business and was, by amendment, eliminated from this petition.

and the cause remanded to the Examiner with directions to reopen the hearing for the purpose of receiving additional testimony. Accordingly, the hearing was reopened and additional evidence received, whereupon the petitioners filed a motion for temporary relief, pending final disposition of the original petition, upon the basis of the entire record.

On November 10, 1941, an order was entered herein granting temporary relief, pending a final disposition of the original petition, permitting Truax-Traer (from its Fiatt Mine, Mine Index No. 46) and United Electric (from its Buckheart Mine, Mine Index No. 17), to sell coal for barge delivery free alongside at the minimum price for free alongside delivery when shipped from these mines and reloaded into barges on the Illinois River for transshipment on the Illinois River to the said retailers for resale at retail by such dealers located within the switching limits of the City of Chicago, Illinois. The temporary relief was limited, however, to a specified tonnage, Truax-Traer being limited to 18,000 net tons and United Electric to 30,000 net tons in any one calendar year, with the further limitation that no more than $\frac{1}{2}$ of the tonnage authorized to be shipped may be shipped during any one month, deficiencies in any month being carried forward to any subsequent month. The order further provided that the producers should submit data with respect to any sales made pursuant to the order and that the retail dealers should file a statement at the end of each month containing data with respect to the coal purchased under the order and also data with respect to the sale of such coal by them at retail, all of such data to be filed in and become a part of the record in this proceeding.

On April 16, 1942, Bituminous Coal Consumers' Counsel, on behalf of the Chicago Waterways Fuel Company, one of the retailers named in the temporary order, filed a motion herein requesting, as additional temporary relief, that Truax-Traer be permitted to ship a maximum of 26,000 tons to the Chicago Waterways Fuel Company for delivery to the Chicago Housing Authority, a customer of the Chicago Waterways Fuel Company. Objections to the granting of additional temporary relief were filed by District Board 11, and by Consolidated Coal Company, et al., code members operating mines in central Illinois, and by Franklin County Coal Corporation, et al., code members operating mines in southern Illinois.

Pursuant to the provisions of § 301.106 of the Rules and Regulations Governing Procedure in 4 II (d) cases, and after due notice to all interested persons, an informal conference was held in Washington, D. C., on May 7, 1942, with respect to the matter of additional temporary relief. The Consumers' Counsel, Truax-Traer Coal Company, Chicago Waterways Fuel Company, and District Boards 7 and 11 appeared and participated in the informal conference. Hoskins Coal and Dock Corporation, a re-

tail dealer in Chicago, also participated in the conference.²

The record made at the informal conference was submitted to the undersigned for consideration.

It appears from the Order Granting Temporary Relief that the six retailers to whom coal was authorized to be sold at f. a. s. prices were not segregated with respect to the amount of such coal which they could make from Truax-Traer and United Electric. The two producers were permitted to sell an aggregate of 48,000 tons annually to any one or more of the retailers. The reports filed herein, pursuant to the Temporary Order, indicate that since the Order was entered, November 10, 1941, Chicago Waterways Fuel Company has purchased 1444.35 net tons produced at the Fiatt Mine at f. a. s. prices. The reports further show that during this period, Truax-Traer is approximately 2700 tons behind its allotment, and United Electric is 7500 tons short of its allocation. At the present time, therefore, the two producers are approximately 9400 tons behind their schedule in shipping to the six Chicago retailers at f. a. s. prices. No explanation appears as to why the two producers have not shipped the entire tonnage which they were permitted to ship. Information produced at the informal conference is to the effect that Chicago Housing Authority, a consumer of coal, invited bids for its requirements during the 1942-43 season and that Chicago Waterways Fuel Company submitted the lowest bid and was awarded contracts requiring, in the aggregate, 26,000 net tons of coal. The bid and award were based upon the Chicago Waterways Fuel Company's being able to supply the coal on an f. a. s. basis.

The representative of Chicago Waterways Fuel Company stated that he had other customers sufficient to absorb all tonnage which he could acquire under the former Temporary Order and that unless additional temporary relief is provided, he will not be able to supply Chicago Housing Authority and that that bid and award will be set aside.³

²In Docket No. A-573, Hoskins Coal and Dock Corporation ("Hoskins"), a Chicago retailer, was granted permission under a temporary order, to purchase not to exceed 54,000 tons of coal annually, produced by Central States Collieries, Inc., a code member in District 10, at its Little Sister Mine, for shipment via the Illinois River at f. a. s. prices. Central States Collieries, Inc., filed an informal request that if additional relief is granted to the Chicago Waterways Fuel Company the same measure of relief be granted to Hoskins.

³At the conference it was stated that the tonnage had been reduced to 18,000 net tons and the request for additional temporary relief was modified accordingly. The coal involved is $1\frac{1}{4}$ " x 0 washed screenings (Size Group 24).

The representative of Chicago Waterways Fuel Company stated at the conference that at the time the bid was submitted the company knew that they could not purchase the coal at f. a. s. prices and conditioned its bid upon its ability subsequently to obtain the privilege of purchasing the required tonnage at f. a. s. prices, and if he should fail to do so his bid was to be cancelled.

From the information developed at the conference it appears that, during 1941, a producer in District 11 enjoyed a substantial portion of the business of the Chicago Housing Authority, that business having been obtained on competitive bids. This same Indiana coal participated in the bidding for the 1942 requirements and was unable to meet the f. a. s. quoted prices and thus lost the business. Both Chicago Waterways and Hoskins submitted bids on the basis of f. a. s. prices; the contract was awarded to Chicago Waterways. The additional tonnage for which f. a. s. authorization is sought is equal to 100% of the amount which Truax-Traer is now authorized to ship into the Chicago market on an f. a. s. basis. The coal for which f. a. s. permission is sought is to be sold to a customer who in the past has purchased District 11 rail-shipped coal.

The temporary relief granted in the Order of November 10, 1941, was, as stated therein, granted for the purpose of maintaining, pending the final disposition of the petition, the status quo that existed prior to October 1, 1940. In his Memorandum Opinion, the Director said:

The "river situation" in Chicago is indeed a difficult one and the Director has considered carefully the conflicting positions of the parties. In an effort to reach a solution, which is both consistent with the standards of the Act and fair to all the interests involved, the Director has concluded that the relief, qualified as above explained [i. e., as to tonnage], is unlikely to prejudice the movement of rail shipped coal into the Chicago market whereas it will at the same time permit the utilization of the developments heretofore made to further the use of river shipments.

To grant relief here would be to depart from the result which the Director sought to achieve in granting temporary relief. The facts here do not demonstrate the need or desirability of doing so.

This does not, of course, mean that the temporary orders heretofore entered in this docket and in Docket No. A-573 are not to be modified to allow the shipment of increased tonnages into the Chicago market on an f. a. s. basis. Indeed, when temporary relief was first given in this docket the Director acknowledged that possibility. The Director stated that he felt that "the Chicago 'river situation' can be better resolved in the light of the experience gained under the operation of this temporary relief * * *." He ordered that certain reports be filed so that careful study could be made "with a view to ascertaining what further action need be taken to resolve the difficult problem now existing."

But in the circumstances here disclosed I cannot say that an appropriate case for additional temporary relief has been shown to exist. All that appears is that one retailer in the Chicago area asks

that one producer⁵ be permitted to increase the tonnage it is now authorized to ship into the Chicago market on an f. a. s. basis so that the retailer may resell this additional tonnage to a particular consumer.⁶ The only basis urged is that if this permission is granted the retailer will be able to sell coal more cheaply to a particular customer and therefore get some business which he will lose if he cannot sell the coal at the lower price. Against this is the danger of upsetting the previously existing relationship between river and rail-shipped coal in the Chicago market. District Board 11⁷ opposed the requested relief on the ground that to accord this special privilege to Chicago Waterways will result in taking away from them business they heretofore had. The problem here is complicated by the fact that the effect of the requested relief is to give a special price for a particular consumer. The Division has always recognized that this poses important problems, for a sound price structure is endangered by special prices.

At the conference, Chicago Waterways and Hoskins urged that because of the imminent danger of a coal shortage in the Chicago market this next winter, f. a. s. prices should be allowed without any limitations. But the petition of Consumers' Counsel did not request such broad relief. The conference having been called on the narrower question, it would be improper to consider or express any opinion on the broader question.

On the basis of the foregoing, I find that no adequate reason appears for the granting of the additional temporary relief requested by Bituminous Coal Consumers' Counsel on behalf of Chicago Waterways Fuel Company. It follows that, in so far as this proceeding is concerned, no additional temporary relief should be granted to Hoskins Coal and Dock Corporation.

It is, therefore, ordered, That the petition of Bituminous Coal Consumers' Counsel for the granting of additional temporary relief to the Chicago Waterways Fuel Company be, and the same hereby is, denied.

It is further ordered, That the request of the Hoskins Coal and Dock Corporation, submitted orally to the conference and the informal petition of Central States Collieries, Inc., for additional temporary relief permitting it to increase its tonnage for shipment to Hoskins Coal and Dock Corporation, Chicago, Illinois, at f. a. s. prices be, and the same hereby are, denied.

Dated: May 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4328; Filed, May 13, 1942;
10:10 a. m.]

⁵At the conference the producer gave no indication that it supported the requested relief.

⁶This retailer has not in the past supplied this consumer.

⁷District Board 7 also opposed the granting of the requested relief.

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

MEMORANDUM VESTING IN THE FARM SECURITY ADMINISTRATION THE ADMINISTRATION OF HOMESTEAD PROJECTS IN THE VIRGIN ISLANDS

Pursuant to the authority vested in me by law, it is hereby ordered that:

1. The Administrator of the Farm Security Administration shall administer, to the extent permitted by law, all homestead projects, functions, property, equipment, assets, records, transactions, authority, powers, and funds, transferred to or vested in the Department of Agriculture and the Secretary of Agriculture by the certain Joint Resolution approved December 23, 1941 (55 Stat. 857).

2. The Administrator shall prescribe such rules and regulations and take such further action as may be necessary for such administration: *Provided, however,* That the policies and procedures for the administration of other projects and programs of the Farm Security Administration shall be followed if applicable and appropriate.

3. The Administrator may delegate to any officials and employees of the Farm Security Administration any authority herein conferred, and may authorize the redelegation of any such authority: *Provided, however,* That the Administrator shall not delegate to anyone the power to compromise claims and obligations, and to adjust and modify contracts, under section 3 of said Joint Resolution. When the Administrator of the Farm Security Administration is absent, the authority conferred upon him by this memorandum may be exercised by the person who acts in his stead as Acting Administrator of the Farm Security Administration.

Done at Washington, D. C., this 12th day of May 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-4347; Filed, May 13, 1942;
11:19 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF AN EXCEPTION FROM THE PROVISIONS OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT OF CONTRACTS AWARDED TO RAILWAY CARRIERS

Whereas the Acting Secretary of War and the Acting Secretary of the Navy have made written findings that the inclusion of the representations and stipulations set forth in section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts awarded to any railroad or other "car-

rier" as defined in section 1 of the Railway Labor Act (Act of May 20, 1926; 44 Stat. 577; 45 U.S.C., ch. 8), as amended, for the manufacturing or furnishing of materials, supplies, articles, and equipment necessary for war purposes will seriously impair the conduct of Government business during the present war, and

Whereas it appears that justice and public interest will be served by the granting of an exception on the basis of the findings of the Acting Secretary of War and the Acting Secretary of the Navy,

Now, therefore, I do hereby grant an exception for the duration of the present war, pursuant to the authority vested in me by section 6 of the Walsh-Healey Public Contracts Act, permitting the award of contracts to any railroad or other "carrier" as defined in section 1 of the Railway Labor Act, as amended, for the manufacture or furnishing of materials, supplies, articles, and equipment necessary for war purposes without the inclusion of the representations and stipulations required by section 1 of the Act.

Dated: May 12, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-4360; Filed, May 13, 1942;
11:38 a. m.]

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 May 14, 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 EX-
PIRATION DATE

Apparel

D & C Leather Sportswear Company, 399 Somerset Street, New Brunswick, New Jersey; Leather and Wool Jackets; 2 learners (T); May 14, 1943.

Hollywood Leather Creations, 754 S. Los Angeles Street, Los Angeles, California; Ladies' Belts and Covered Buttons and Buckles; 1 learner; (T); May 14, 1943.

William Kaslow, 269 S. 9th Street, Philadelphia, Pennsylvania; Contractors Men's Vests; 5 learners (T); May 14, 1943.

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

American Lingerie Company, 16 East 34th Street, New York, N. Y.; Gowns, Slips, Panties; 5 learners (T); November 14, 1942.

John F. Dockey, 200 Colley Street, Benton, Pennsylvania; Men's Shirts, Ladies' Blouses; 7 learners (T); May 14, 1943.

DuBenay Undergarments, Inc., 102 Madison Avenue, New York, N. Y.; Ladies' Underwear; 7 learners (T); November 14, 1942.

Graceful Manufacturing Co., Inc., 30 West 26th Street, New York, N. Y.; Ladies' Rayon Underwear; 5 learners (T); November 14, 1942.

Mendenhall Graham Company, 514-516 West First Street, Duluth, Minnesota; Men's & Boys' Sport and Work Clothing; 5 learners (T); May 14, 1943.

Rogol Dress Company, 404 Jefferson Street, Camden, New Jersey; Dresses; 10 percent (T); May 14, 1943.

Schomberg and Lenobel, 199 Cook Street, Brooklyn, New York; Contractor of Pants; 5 learners (T); May 14, 1943.

W. R. Woodard Company, 860 S. Los Angeles Street, Los Angeles, California; Blouses; 10 percent (T); May 14, 1943.

Signed at New York, N. Y., this 12th day of May 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. D. Doc. 42-4325; Filed, May 13, 1942;
9:52 a. m.]

FEDERAL COMMUNICATIONS COM- MISSION.

[Docket No. 6309]

WGAR BROADCASTING CO.

NOTICE OF HEARING

Application of the WGAR Broadcasting Company (WGAR), dated, January 4, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: frequency, 1220 kc.; power, 5 kw. (DA—day and night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of The Ohio Broadcasting Company, Docket No. 6310 and Allen T. Simmons, Docket No. 6311, for the following reasons:

1. To determine the relationships existing between the applicant, its officers, directors, and stockholders and the licensee of Station WJR and the extent to which the services of Station WGAR, operating as proposed, and Station WJR would overlap.

2. To determine the areas and populations which may be expected to gain primary service from the operation of Station WGAR as proposed and what other broadcast service is available to these areas and populations.

3. To determine the areas and populations which would lose primary service should Station WGAR operate as proposed and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of Station WGAR as proposed and Station WHBC as now operating as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine the population which would be included within the blanket area of WGAR, whether the service of the station would be subject to interference from the second harmonic of WCLE, and whether the proposed ground system would comply with the Standards of Good Engineering Practice.

6. To determine whether the proposed operating assignment is available under the provisions of the North American Regional Broadcasting Agreement and Executive Treaty, Series 196.

7. To determine whether the operation of Station WGAR as proposed would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

8. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

9. To determine whether the operation of Station WGAR as proposed and the operation of Station WHBC as proposed in Docket 6310 would serve the

public interest, convenience and necessity.

10. To determine whether the public interest, convenience and necessity would be served through the granting of this application and the application of Allen T. Simmons, licensee of Station WADC in Docket 6311 or either of them.

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 section 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: The WGAR Broadcasting Company, Radio Station WGAR, Hotel Statler, 1141 Euclid Avenue, Cleveland, Ohio.

Dated at Washington, D. C., May 11, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-4330; Filed, May 13, 1942;
10:20 a. m.]

[Docket No. 6310]

OHIO BROADCASTING CO.

NOTICE OF HEARING

Application of The Ohio Broadcasting Company (WHBC) dated September 24, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Canton, Ohio; operating assignment specified: Frequency, 1,480 kc.; power, 1 kw. (DA-Night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of The WGAR Broadcasting Company, Docket No. 6309 and Allen T. Simmons, Docket No. 6311, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate Station WHBC as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of Station WHBC as proposed and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of WHBC as proposed and a station proposed in application B3-P-3294, by Associated Broadcasters, Inc., as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

No. 94-4

4. To determine whether the operation of Station WHBC as proposed would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

5. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

6. To determine whether the operation of Station WHBC as proposed and the operation of Station WGAR as proposed in Docket 6309 would serve public interest, convenience and necessity.

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: The Ohio Broadcasting Company, Radio Station WHBC, 550 Market Avenue, South, Canton, Ohio.

Dated at Washington, D. C., May 11, 1942.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-4331; Filed, May 13, 1942;
10:20 a. m.]

[Docket No. 6311]

ALLEN T. SIMMONS (WADC)

NOTICE OF HEARING

Application of Allen T. Simmons (WADC), dated January 29, 1942, for construction permit, class of service, broadcast; class of station, broadcast; location, Tallmadge, Ohio; operating assignment specified: Frequency, 1,220 kc.; power, 50 kw. (Directional Antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of The W.G.A.R. Broadcasting Company, Docket No. 6309 and The Ohio Broadcasting Company, Docket No. 6310, for the following reasons:

1. To determine the areas and populations which may be expected to gain primary service from the operation of Station WADC as proposed and what other broadcast service is available to these areas and populations.

2. To determine whether the proposed operating assignment is available under the provisions of the North American

Regional Broadcasting Agreement and Executive Treaty, Series 196.

3. To determine the extent of any interference which would result from the simultaneous operation of Station WADC as proposed and Station WHBC as now operating as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine whether any interference would result to Station WADC operating as proposed from the operation of Station WCLE and what precautionary measures if any would be used to prevent such interference.

5. To determine the extent of any interference which would result from simultaneous operation of Station WADC as proposed and Station WCAU as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed antenna array constitutes a hazard to air navigation.

7. To determine whether public interest, convenience and necessity requires that the license of Station WHBC be modified so as to authorize operation on the frequency 1,350 kc. in lieu of its present operation on 1,230 kc.

8. To determine whether the operation of Station WADC as proposed would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

10. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of the WGAR Broadcasting Company, licensee of Station WGAR, Docket 6309, or either of them.

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: Allen T. Simmons, Radio WADC, P. O. Box 830, Akron, Ohio.

Dated at Washington, D. C., May 11, 1942.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-4332; Filed, May 13, 1942;
10:20 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4646]

IN THE MATTER OF NEW CENTURY BEVERAGE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, July 16, 1942, at ten o'clock in the forenoon of that day (Pacific war time) in Room 449, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4338; Filed, May 13, 1942;
11:06 a. m.]

[Docket No. 4650]

IN THE MATTER OF ETHEL J. CAYCE, AN INDIVIDUAL, TRADING AS REJUVENTE MANUFACTURING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, July 24, 1942, at ten o'clock in the forenoon of that day (Pacific war time) in Room 211, 55 New Montgomery Street, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4339; Filed, May 13, 1942;
11:06 a. m.]

[Docket No. 4663]

IN THE MATTER OF IRVIN A. WILLAT, AN INDIVIDUAL, TRADING AS HEATLESS PERMANENT WAVE COMPANY, AND ARNOLD F. WILLAT, AN INDIVIDUAL, TRADING AS WILLAT PRODUCTION COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 20, 1942, at ten o'clock in the forenoon of that day (Pacific war time) in Room 211, 55 New Montgomery Street, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4340; Filed, May 13, 1942;
11:06 a. m.]

[Docket No. 4671]

IN THE MATTER OF MIAHATI, INC., A CORPORATION; ANDREW APICELLA AND ROSE VIVAUDOU, INDIVIDUALS, TRADING UNDER THE NAME OCEANIC IMPORT COMPANY; AND ABBOT MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 11th day of May, A. D., 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, June 4, 1942, at ten o'clock in the forenoon of that day (eastern war time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4341; Filed, May 13, 1942;
11:07 a. m.]

[DOCKET NO. 4682]

IN THE MATTER OF KOLA ASTIER CORPORATION, A CORPORATION, AND GALLIA LABORATORIES, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 1, 1942, at ten o'clock in the forenoon of that day (eastern war time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4342; Filed, May 13, 1942;
11:07 a. m.]

[Docket No. 4683]

IN THE MATTER OF THE MAY DEPARTMENT STORES COMPANY, A CORPORATION; PHYSICIANS ELECTRIC SERVICE CORPORATION, A CORPORATION; AND SOLOMAN E. MENDELSON, INDIVIDUALLY, AND AS AN OFFICER OF PHYSICIANS ELECTRIC SERVICE CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, July 30, 1942, at ten o'clock in the forenoon of that day (Pacific war time) in Room 254, United States Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4343; Filed, May 13, 1942;
11:07 a. m.]

[Docket No. 4702]

IN THE MATTER OF HOLLYWOOD MAGIC GARMENT CO., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, August 7, 1942, at ten o'clock in the forenoon of that day (Pacific war time) in Room 254, United States Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4344; Filed, May 13, 1942;
11:08 a. m.]

[Docket No. 4717]

IN THE MATTER OF WOODVILLE LIME PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, August 17, 1942, at ten o'clock in the forenoon of that day (eastern war time) in Room 207 (Number Two Court Room) New Court House & Custom House, Toledo, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4345; Filed, May 13, 1942;
11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

ORDER NO. 1 UNDER AMENDMENT NO. 1 TO SUPPLEMENTARY REGULATION NO. 1—GENERAL MAXIMUM PRICE REGULATION

APPROVAL OF REGISTRATION OF UNDERWRITERS SALVAGE COMPANY OF NEW YORK AND THE UNDERWRITERS SALVAGE COMPANY OF CHICAGO

The following two companies have registered with and been approved by the Office of Price Administration as engaging solely in the reconditioning and sale of damaged commodities received from insurance companies, transportation companies or agencies of the United States Government:

Underwriters Salvage Company of New York, 121 Sixth Avenue, New York, N. Y.

The Underwriters Salvage Company of Chicago, 215 South Laflin Street, Chicago, Ill.

It is hereby ordered that sales or deliveries by the above-named companies be, and the same hereby are excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Amendment No. 1 to Supplementary Regulation No. 1¹ to the General Maximum Price Regulation.

An opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

This Order No. 1 shall become effective May 12, 1942.

Issued this 12th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4322; Filed, May 12, 1942;
5:27 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-224]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY AND NORTHERN STATES POWER COMPANY (DELAWARE)

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION AND DECLARATION

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

Standard Gas and Electric Company, a registered holding company, and Northern States Power Company (Delaware), also a registered holding company, having filed a joint application and declaration on December 30, 1940 pursuant to the Public Utility Holding Company Act of 1935 with regard to (a) a proposed transaction whereby each twelve shares of the presently outstanding 729,166½ shares of the Class B common stock of Northern States Power Company (Delaware) (729,083-10/24 shares of which are owned by Standard Gas and Electric Company) would be exchanged for one share of the Class A common stock of Northern States Power Company (Delaware), and (b) the proposed transfer from the paid-in surplus account to the capital account of Northern States Power Company (Delaware) of a sum equivalent to \$25 for each share of Class A common stock issued in such exchange; and a notice of and order for hearing on said joint application and declaration having been duly given in the form and manner prescribed by the Rules promulgated pursuant to said Act; and said hearing having been twice continued at the request of said applicants and declarants; and said applicants and declarants having now requested permission to withdraw said joint application and declaration; and

It appearing to the Commission that it is appropriate to grant such request;

¹ 7 F.R. 3158.

It is hereby ordered, That Standard Gas and Electric Company and Northern States Power Company (Delaware) be, and they are hereby permitted to withdraw the joint application and declaration in the above styled and numbered matter, and the same is hereby deemed withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4308; Filed, May 12, 1942;
3:19 p. m.]

[File No. 1-937]

**IN THE MATTER OF MILLER & HART, INC. \$2
NON-CUMULATIVE CONVERTIBLE PREFERENCE
STOCK, \$24 PAR VALUE**

**ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION**

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

The Chicago Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$2 Non-Cumulative Convertible Preference Stock, \$24 Par Value, of Miller & Hart, Inc.

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

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

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 21, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4309; Filed, May 12, 1942;
3:19 p. m.]

[File No. 59-15]

**IN THE MATTER OF NEW ENGLAND PUBLIC
SERVICE COMPANY**

**NOTICE OF FILING OF APPLICATION FOR
AN EXTENSION OF TIME AND ORDER FOR
HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of May 1942.

The Commission having previously by its order dated May 2, 1941 under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ordered that said New England Public Service Company should within one year change its present capitalization to one class of stock, namely common stock, or in the alternative at its election liquidate its affairs and distribute its assets to its security holders:

Notice is hereby given that New England Public Service Company, a registered holding company, has filed on March 27, 1942, an application requesting the entry of an order by this Commission under section 11 (c) of the Act extending the time for compliance with the Commission's order of May 2, 1941 for a period not exceeding one year.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings be held for the purpose of considering said application;

It is ordered, That the hearing in this proceeding shall be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk, at 10:00 o'clock on the 28th day of May, 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII on or before May 23, 1942. At said

hearing on that day the issues will be limited to a consideration of the request presented by said application;

All interested persons are referred to said application which is on file in the office of said Commission for full details concerning the application.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

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

(1) Whether or not New England Public Service Company has exercised due diligence in its efforts to comply with the order of this Commission dated May 9, 1941.

(2) Whether an extension of not exceeding one year or for some lesser period of time for compliance with the order of May 2, 1941, as requested by the applicant is necessary or appropriate in the public interest or for the protection of investors or consumers should be adequate.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4310; Filed, May 12, 1942;
3:19 p. m.]