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The President

EXECUTIVE ORDER 9128

DEFINING ADDITIONAL FUNCTIONS AND DUTIES OF THE BOARD OF ECONOMIC WARFARE

By virtue of the authority vested in me by the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, Seventy-seventh Congress), and the Act of March 11, 1941 (Public Law 11, Seventy-seventh Congress), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. In addition to the responsibilities and duties heretofore conferred, the Board of Economic Warfare is authorized and directed to:

a. Receive and be responsible for executing directives from the Chairman of the War Production Board as to quantities, specifications, delivery time schedules, and priorities of materials and commodities (other than arms, munitions, or weapons of war as defined in the President's Proclamation of May 1, 1937, as amended) required to be imported for the war production effort and the civilian economy; and determine the policies, plans, procedures, and methods of the several Federal departments, establishments, and agencies with respect to the procurement and production of such materials and commodities, including the financing thereof; and issue such directives, or initiate such proposals in respect thereto as it may deem necessary.

b. Direct, with the approval of the President, the creation, organization, and financing of a corporation or corporations, pursuant to subsection 3 of the fourth paragraph of section 5 (d) of the Reconstruction Finance Corporation Act, as amended, the objects and purposes of which shall be:

(1) To obtain from foreign sources such materials, supplies, and commodities (other than arms, munitions, or

weapons of war as defined in the President's Proclamation of May 1, 1937, as amended) as are necessary for the successful prosecution of the war, and provide for the production, delivery, sale, or other disposition thereof; and

(2) To take such other action as may be deemed necessary to facilitate the war effort and strengthen the international economic relations of the United States.

c. Advise the State Department with respect to the terms and conditions to be included in the master agreement with each nation receiving lend-lease aid under the Act of March 11, 1941, entitled "An Act Further to Promote the Defense of the United States and for Other Purposes," and Acts amendatory or supplemental thereto.

d. Provide and arrange for the receipt by the United States of reciprocal aid and benefits (other than arms, munitions, or weapons of war as defined in the President's Proclamation of May 1, 1937, as amended) from the government of any country whose defense shall have been determined by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (Public Law 11, Seventy-seventh Congress), and determine the terms upon which such aid and benefits shall be received, including the authorization of other governmental agencies to receive such aid and benefits.

e. Represent the United States Government in dealing with the economic warfare agencies of the United Nations for the purpose of relating the Government's economic warfare program and facilities to those of such nations.

2. For the purpose of carrying out its responsibilities, the Board of Economic Warfare may arrange through the Department of State to send abroad such technical, engineering, and economic representatives responsible to the Board as the Board may deem necessary.

3. The responsibilities, duties and powers transferred to and conferred upon the Board of Economic Warfare by this Order may be exercised and performed by the Chairman of the Board, or by the Executive Director of the Board, or

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THE PRESIDENT

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such other officials or employees as the Chairman may designate.

4. Executive Orders No. 8839 of July 30, 1941; No. 8900 of September 15, 1941; No. 8982 of December 17, 1941; No. 8926 of October 28, 1941⁵ are amended accordingly; and any provisions of these or other pertinent Executive

¹ 6 F.R. 3823.
² 6 F.R. 4795.
³ 6 F.R. 6530.
⁴ 6 F.R. 5519.

Orders conflicting with this Order are superseded.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 13, 1942.

[F. R. Doc. 42-3320; Filed, April 14, 1942; 11:21 a. m.]

EXECUTIVE ORDER 9129

AUTHORIZING THE UNITED STATES MARITIME COMMISSION TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress), the United States Maritime Commission is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that the Commission shall deem necessary for military, naval or other war purposes.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 13, 1942.

[F. R. Doc. 42-3318; Filed, April 14, 1942; 10:48 a. m.]

EXECUTIVE ORDER 9130

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE RANDOLPH COUNTY STATE GAME REFUGE

ARKANSAS

WHEREAS the act of September 2, 1937, 50 Stat. 917, 16 U.S.C. 669-669j, provides for Federal aid to States in wildlife-restoration projects; and

WHEREAS the State of Arkansas has set up a Federal Aid wildlife-restoration project and is acquiring wildlife control over certain lands in Randolph County, which lands are to be administered by the State of Arkansas through its Game and Fish Commission as the Randolph County State Game Refuge; and

WHEREAS certain public lands within this area possess great wildlife value and could be administered advantageously in connection with the refuge; and

WHEREAS the act of March 10, 1934, 48 Stat. 401, 16 U.S.C. 661-666, provides for cooperation with Federal, State, and other agencies in developing a Nationwide program of wildlife conservation and rehabilitation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid rights, the public lands hereinafter described, comprising 280 acres, more or less, in Randolph County, Arkansas, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved under the

jurisdiction of the Department of the Interior for use by the Game and Fish Commission of the State of Arkansas in connection with the Randolph County State Game Refuge, under such conditions as may be prescribed by the Secretary of the Interior:

FIFTH PRINCIPAL MERIDIAN

T. 19 N., R. 1 W.,
 sec. 20, S½SW¼ and SW¼SE¼;
 T. 19 N., R. 2 W.,
 sec. 14, SW¼NW¼;
 sec. 24, W½NW¼ and SE¼NW¼.

The reservation made by this order supersedes the temporary withdrawal for classification and other purposes made by Executive Order No. 6964, of February 5, 1935, as amended, so far as any of the above-described lands are affected by that order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 13, 1942.

[F. R. Doc. 42-3319; Filed, April 14, 1942; 10:48 a. m.]

Rules, Regulations, Orders

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 305—RECOGNITION OF DEPOSIT OWNERSHIP NOT OF BANK RECORDS

RESOLUTION AUTHORIZING WAIVER OF DISCLOSURE OF OWNERSHIP ON BANK RECORDS FOR DEPOSITS OF NATIONAL FARM LOAN ASSOCIATIONS

§ 305.5 *Deposits of national farm loan associations.* The owner of any portion of a deposit representing funds of a national farm loan association, or group thereof, or funds to be disbursed or collections held by such an association, or a group thereof, in connection with any Federal Land Bank loan or Land Bank Commissioner loan, or with any real or personal property owned or sold by any such association, or any Federal Land Bank, or the Federal Farm Mortgage Corporation, and appearing on the records of a closed insured bank under the name of any such association or group thereof, will be recognized for all purposes of claim for insured deposits to the same extent as if the name and interest of the owner were disclosed on the records of the bank: *Provided*, That the name and interest of such owner in the deposit is disclosed on the records maintained by such association or group of associations; and, *Provided further*, That such records have been maintained in good faith and in the regular course of business. (Sec. 101 (m) (3), 49 Stat. 697; 12 U.S.C., Sup. 264 (m) (3) [Adopted March 24, 1942])

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
 By E. F. DOWNEY, Secretary.

[F. R. Doc. 42-3299; Filed, April 13, 1942; 3:35 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 262—MISCELLANEOUS

REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), Part 262 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective May 1, 1942, by Board Order 42-163 dated April 9, 1942, by the addition of §§ 262.22 and 262.24, as follows:

§ 262.22 *Definition and disposition of closed claim files*—(a) *Definition of closed pension file*. A pension file (identified by an "H" prefix) shall be considered closed when:

- (1) The death of the pensioner has been confirmed, and
- (2) No action remains to be taken with respect to the disposition of any pension check not negotiated by the pensioner, and
- (3) No correspondence has been received with respect to the file for a period of at least 120 days, and there is no outstanding tickler in the file.

(b) *Definition of closed death benefit and death benefit annuity (1935 Act) file*. A death benefit file (identified by a "D" prefix) or a death benefit annuity (1935 Act) file (identified by a "DA" prefix) shall be considered closed if all of the following conditions exist:

- (1) The claim has received final disposition because (i) it has been abandoned; or (ii) it has been denied; or (iii) the full amounts due to all survivors entitled to benefits have been paid; and
- (2) There is no outstanding tickler in the file; and
- (3) There is no appeal pending; and
- (4) At least one year has elapsed since the date of final certification, denial, or abandonment of the claim.

(c) *Definition of closed single life annuity file*. An annuity file (identified by an "A" prefix) in which no survivor election is operative shall be considered closed if all of the following conditions exist:

- (1) The death of the annuitant has been confirmed; and
- (2) No action remains to be taken with respect to any annuity check not negotiated; and
- (3) The claim has received final disposition because: (i) all claims for survivor benefits have been abandoned; (ii) in the absence of any claim for survivor benefits, a determination has been made that no benefits are due; or (iii) the full amounts due to all survivors entitled to survivor benefits have been certified; and
- (4) There is no outstanding tickler in the folder; and
- (5) There is no appeal pending; and
- (6) At least one year has elapsed since the date of final certification, denial, or abandonment of the claim.

(d) *Definition of closed joint and survivor annuity file*. An annuity claim in which a joint and survivor election is operative shall be considered closed if all of the following conditions exist:

- (1) The death of the employee and of the survivor annuitant has been confirmed; and
- (2) No action remains to be taken with respect to any annuity check not negotiated by the survivor annuitant; and
- (3) The claim has received final disposition because: (i) all claims for survivor benefits have been abandoned; or (ii) in the absence of any claim for survivor benefits, a determination has been made that no benefits are due; or (iii) the full amounts due to all survivors entitled to survivor benefits have been certified; and
- (4) There is no outstanding tickler in the file; and
- (5) There is no appeal pending; and
- (6) At least one year has elapsed since the date of final certification, denial, or abandonment of the claim.

(e) *Disposition of closed claim file*. The essential documents in a claim file considered closed under paragraphs (a), (b), (c), or (d) of this section shall, under procedure prescribed therefor, be recorded and preserved on a photograph, or microphotograph, or other similar record, and the claim file shall then be certified to the National Archivist for destruction or other disposition in accordance with the statutes of the United States applicable to the disposition of government records. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

§ 262.24 *Assertion of claim subsequent to disposition of closed file*. Following the destruction or other final disposition of a closed file, any individual asserting a claim based upon any documents destroyed or disposed of in accordance with § 262.22 shall be required to submit conclusive evidence of the previous existence, contents, and authenticity of documents upon which his claim is based if such document does not appear in the film record of essential documents made and preserved in accordance with § 262.22. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.
[SEAL] FOSTER A. SMITH.
Dated: April 13, 1942.

[F. R. Doc. 42-3302; Filed, April 14, 1942; 9:34 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5137]

Subchapter A—Income and Excess-Profits Taxes

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

BASIS OF PROPERTY ACQUIRED BY GIFT OR BY TRANSFER IN TRUST AFTER DECEMBER 31, 1920

PARAGRAPH 1. Section 19.113 (a) (2)-1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] and article 113 (a) (2)-1 of Regulations 101 [§ 9.113 (a) (2)-1, Title 26, Code of Federal Regulations, 1939 Sup.], of Regulations 94 [§ 3.113 (a) (2)-1, Title 26, Code of Federal Regulations], and of Regulations 86 are amended as follows:

(A) By changing paragraph (a) to read as follows:

(a) *Property included*. Section 113 (a) (2) applies to all property acquired after December 31, 1920, by gift. It does not apply to property acquired by:

- (1) Transfer in trust (see section 113 (a) (3)); or
- (2) Devise or bequest (see section 113 (a) (5)).

Section 113 (a) (2) applies to all gifts of whatever description (except gifts made by a transfer in trust), whenever and however made, perfected, or taking effect; whether in contemplation of or intended to take effect in possession or enjoyment at or after the donor's death; or whether made by means of the exercise (other than by will) of a power of appointment or revocation, or any other power.

(B) By changing the third sentence of the second paragraph of paragraph (b) to read as follows:

* * * In the hands of every person acquiring property by gift, the basis is always the same, whether such person receives the property immediately upon the transfer by the donor, or as remainderman under the instrument of gift, or whether such person is any other person to whom such uniform basis is applicable.

(C) By striking paragraph (d) thereof, and by relettering paragraph (e) as paragraph (d).

PAR. 2. Section 19.113 (a) (3)-1 of such Regulations 103 and article 113 (a) (3)-1 of such Regulations 101, 94, and 86 are amended by striking "as a gift by transfer in trust, or" in the second sentence thereof, and by striking the last sentence of the first paragraph.

(Secs. 62, 113 (a) (2), and 113 (a) (3) of the Internal Revenue Code (53 Stat. 32, 40 and 41; 26 U.S.C., secs. 62, 113 (a) (2), 113 (a) (3)), and secs. 62, 113 (a) (2) and 113 (a) (3) of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 480, 490; 49 Stat. 1673, 1682; 48 Stat. 700, 706))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 11, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3300; Filed, April 13, 1942; 3:45 p. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4 AND FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES OF COALS IN SIZE GROUPS 1 AND 2 OF MINE INDEX NO. 2631, FOR ALL SHIPMENTS EXCEPT TRUCK

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. 4; and the revision of the price classifications

and minimum prices of coals in Size Groups 1 and 2 of Mine Index No. 2631 of Rush & Backus, for all Shipments Except Truck; 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, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-IV, § 324.11

(*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition alleges that Mine Index No. 2631 of Rush & Backus is located in Subdistrict No. 6; that because of erroneous information its coals were originally classified as those of a mine located in Subdistrict No. 5; and that by Order of October 31, 1941, 6 F.R. 6072, in Docket No. A-986, the minimum prices for coals of this mine for truck shipments were revised to those effective for mines in Subdistrict No. 6. The petition here-in requests the revision of the price classifications of the coals of Mine Index No. 2631 from "K" to "O" in Size Groups 1 and 2 for all shipments except truck. Because of the location of this mine in Subdistrict No. 6 it appears that this request is proper and should be granted.

No relief is granted herein to Mine Index No. 161, for the reasons set forth in an order severing that portion of Docket No. A-1310 which relates to it and designating it as Docket No. A-1310 Part II.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: March 31, 1942.
[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4
NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
§ 324.7 Alphabetical list of code members—Supplement R-I
[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.															
									1	2	3	4	5	6	7	8	9	10	11	12				
2681	Bertram & Williamson Coal Co. (Fred Williamson)	Berwill	1	8	Deep	Hopedale	P&WV	17	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
769	Big Four Mining Company (Russell Deyol)	Big Four	5	6	Deep	Carbon Hill	C&O	22	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O
2061	Rolling & Sons, Robert (R. E. Rolling)	Rolling Mine	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O
317	Consolidated Coal & Coke Company (Leo White)	Long Hollow #2	5	6	Deep	Buchtel	C&O	22	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O
3006	Fairpoint Mining Co. (Joe Dudek)	Dudek #2	1	8	Deep	Fairpoint	R&O	12	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
3015	Life Coal Co.	Reamer	4	7	Deep	Sherrodsville	W&LE	55	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
2721	Hand & Son, Grover C.	Mayflower	1	8	Deep	Brilliant	W&LE	18	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
3046	Moore, James A.	Beach Flats	1	8	Deep	Brilliant	W&LE	18	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
3014	Mottern, Harry E.	Black Arrow #1	7	5 & 6	Strip	Downsdsville	R&O	41	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O
915	Northland Fuel Company, The c/o F. E. Kramer.	Black Arrow #2	6	6	Deep	Roseville	P&H	34	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
316	Power Coal Co. (Clarence Power)	Power Coal Co.	5	6	Deep	Hope Station	R&O	41	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O
2631	Rush & Backus (Grover Backus)	Rush & Backus	6	6	Deep	Shawnee	(R&O) (NYC)	91	{	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

¹ Original classification.
² Reclassification.
³ Erroneously listed in Sub-District 5 instead of Sub-District 6.

§ 324.9 Recapitulation of price classifications—Supplement R-IV

Prices for all rail shipments from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and Vessel Fuel, § 324.11 (d)

Freight origin districts	Freight origin group No.	Additional freight origin group Nos.	Mine index Nos. 1	Additional mine index Nos.
Ohio No. 8.....	9, 10, 11, 12, 14, 15, 17, 18, 19.	.....	10, 21, 26, 29, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 646, 2721, 2981, 3006.
Hocking.....	21, 22, 26, 27, 28.	.....	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 317, 769, 2061.
Crooksville.....	26, 27	Add 91.....	83, 141.....	Add Mine Index No. 2631.
Jackson.....	31, 32, 33, 34, 36.	.....	4, 28, 66, 85, 91, 104, 106, 125, 133, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 915.
Middle.....	41	.....	25.....	Add Mine Index No. 3014.
	55, 56.	.....	39, 136.....	Add Mine Index No. 316.
		.....	9, 24, 32, 52, 135.....	Add Mine Index No. 3015.

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

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

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

Name of railroad	Mine index Nos. 1	Additional mine index Nos.
Baltimore & Ohio Railroad Co.....	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine Index Nos. 316, 2631, 3006.
Chesapeake & Ohio Railway Co.....	8, 25, 133, 153, 161.	Add Mine Index No. 3014.
New York Central System.....	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 83, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 317, 769, 2061.
Pennsylvania Railroad Co.....	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172, 111, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 163, 169.	Add Mine Index No. 2631.
Pittsburgh & West Virginia Railway Co.....	123, 167, 168, 169.	Add Mine Index No. 915.
Wheeling & Lake Erie Railway Co.....	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add Mine Index Nos. 646, 2721, 3015.
Akron, Canton & Youngstown Railway Co.....	.....	Add Mine Index No. 2981.
Ann Arbor Railroad Co.....	.....	Add Mine Index Nos. 316, 317, 646, 769, 915, 2061, 2631, 2721, 2981, 3006, 3014.
Canadian National Railways and Grand Trunk Railway System.....	.....	Add Mine Index No. 3014.
Canadian Pacific Railway Co.....	.....	Add Mine Index No. 316.
Detroit & Mackinac Railway Co.....	.....	Add Mine Index No. 3015.
Detroit & Toledo Shore Line Railroad Co.....	.....	Add Mine Index No. 3014.
Eric Railroad.....	.....	Add Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 23, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 138, 139, 161, 166.
Niagara Falls Road (New York, Chicago & St. Louis Railroad Co.).....	.....	Add Mine Index No. 3014.
Pere Marquette Railway Co.....	.....	Add Mine Index No. 3014.

Prices as shown in § 324.11 (a) in the Schedule of effective minimum prices apply to all additional mine index numbers hereinabove noted.

§ 324.8 Numerical list of mines—Supplement R-II

Mine Index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdistrict No.
316	Power Coal Co. (Clarence Power).....	.....	Jackson.....	41	B&O.....	5
317	Long Hollow #2.....	.....	Hocking.....	22	C&O.....	5
646	Beach Flats.....	.....	Ohio No. 8.....	18	W&L.E.....	1
769	Big Four.....	.....	Hocking.....	22	C&O.....	5
915	Black Arrow #2.....	.....	Crooksville.....	34	PRR.....	6
2061	Bolling Mine.....	.....	Hocking.....	22	C&O.....	5
2631	Rush & Backus (Grover Backus).....	.....	Hocking.....	91	B&O, NYC.....	6
2721	Mayflower.....	.....	Ohio No. 8.....	17	W&L.E.....	1
2981	Berwill.....	.....	Ohio No. 8.....	18	P&WV.....	1
3006	Dudek #2.....	.....	Ohio No. 8.....	12	B&O.....	1
3014	.....	.....	Jackson.....	41	W&L.E.....	7
3015	Deemet.....	.....	Middle.....	55	W&L.E.....	4

§ 324.2 Seasonal discounts¹—Supplement R-III

On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discounts during the month of—			
					Apr.	May	June	July
Ohio No. 8.....	9, 10, 11, 12, 14, 15, 17, 18, 19.	.....	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 646, 2721, 2981, 3006.	30	20	10	1
Hocking.....	21, 22, 26, 27, 28.	.....	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 317, 769, 2061.	50	40	30	20
Crooksville.....	26, 27.....	Add 91.....	83, 141.....	Add Mine Index No. 2631.	30	20	10	---
Jackson.....	31, 32, 33, 34, 36.....	.....	4, 28, 66, 85, 91, 104, 106, 125, 133, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 915.	30	20	10	---
Middle.....	41.....	.....	25.....	Add Mine Index No. 3014.	50	40	30	20
	55, 56.....	.....	39, 136.....	Add Mine Index No. 316.	30	20	10	---
		.....	9, 24, 32, 52, 135.....	Add Mine Index No. 3015.	30	20	10	---

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

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

Name of railroad	Mine Index Nos.	Additional mine index Nos.
For all Railroads not shown above.....	From all Mine Index Nos. except those shown below.	Add Mine Index Nos. 316, 317, 646, 769, 915, 2061, 2631, 2721, 2981, 3006, 3015.
	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 3014.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes																
				6" jump	3'-4"-5" jump	2" jump	2' x 4" egg; 2' x 6" egg	1 1/2" jump; 1 1/2" x 4" egg	Mine run, nut and pea	2' x 0 slack	1/2" x 0 slack									
SUBDISTRICT NO. 1—EASTERN OHIO																				
BELMONT COUNTY																				
	Dudek #2	3006	8	285	275	260	235	230	220	200	190									
	Mayhugh & Musci (Gilbert Mayhugh)	2980	8	285	275	260	235	230	220	200	190									
JEFFERSON COUNTY																				
	Bertram & Williamson Coal Co. (Fred Williamson)	2981	8	285	275	260	235	230	220	200	190									
	Cox, Samuel E. (Windy Hill Coal Co.)	3002	8	285	275	260	235	230	220	200	190									
	Grendel, John	2990	8	285	275	260	235	230	220	200	190									
SUBDISTRICT NO. 4—MIDDLE																				
CARROLL COUNTY																				
	Filo Coal Co.	3015	7	275	265	250	225	225	220	190	180									
COSHOCKTON COUNTY																				
	Darr, Charles	2988	6	280	270	260	235	230	195	165	155									
STARK COUNTY																				
	Miller, Montford O.	333	5	275	265	250	225	225	210	190	180									
TUSCARAWAS COUNTY																				
	Marvin & Sons, P. E. (P. E. Marvin)	3001	6	275	265	250	225	225	220	190	180									
	Verle Sheeley (Sheeley Coal Co.)	334	6	275	265	250	225	225	220	190	180									

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes																
				6" jump	3'-4"-5" jump	2" jump	2' x 4" egg; 2' x 6" egg	1 1/2" jump; 1 1/2" x 4" egg	Mine run, nut and pea	2' x 0 slack	1/2" x 0 slack									
SUBDISTRICT NO. 5—HOCKING																				
HOCKING COUNTY																				
	Dean & Ray Coal Co. (Wm. Dean)	2986	6	295	285	275	250	245	195	165	155									
VINTON COUNTY																				
	McDaniel, W. H. & W. W. (W. H. McDaniel)	2985	6	295	285	275	250	245	195	165	155									
SUBDISTRICT NO. 6—CROOKSVILLE																				
MORGAN COUNTY																				
	Williams, Lawrence (Keystone Coal Co.)	2977	6	280	270	260	235	230	195	165	165									
	Williams, Lawrence (Keystone Coal Co.)	331	6	280	270	260	235	230	195	165	165									
MUSKINGUM COUNTY																				
	Norton & Brown (Clell Brown)	2983	6	280	270	260	235	230	195	165	165									
PERRY COUNTY																				
	Allwine, Dewey	2987		280	270	260	235	230	195	165	155									
SUBDISTRICT NO. 7—JACKSON																				
JACKSON COUNTY																				
	Davis, Gomer	2982	5	285	285	275	250	245	195	175	165									
	Delong Coal Co. (Donald Delong)	2989	2	285	285	275	250	245	195	175	165									
	Mottorn, Harry E.	3014	5 and 6	285	285	275	250	245	195	165	155									
VINTON COUNTY																				
	H & H Coal Co. (John Hopkins)	2979	3-4-5	285	285	275	250	245	195	175	165									
	Morris, Seth	2999		285	285	275	250	245	195	175	165									
SUBDISTRICT NO. 8—POMEROY																				
GALLIA COUNTY																				
	Burleson, T. F.	2978	8	285	285	275	250	245	195	140	140									
MEigs COUNTY																				
	Strawser, Paul (Darwin Coal Co.)	2957	8	285	285	275	250	245	195	140	140									
	Strawser, Paul (Darwin Coal Co.)	332	8	285	285	275	250	245	195	140	140									

ifications and minimum prices for the coals of certain mines in District No. 14; 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

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

No relief is granted herein for the coals of the Davis Mine of the S. & S. Coal Company (J. W. Sanders) for the reason that the records of this Division show that the coals of that mine were classified and priced in General Docket No. 15 under the name of the Economy Mine, Mine Index No. 30, of the Economy Coal Company (Garland Tinsley).

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

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 classifi-

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

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

Dated: April 3, 1942.
[SEAL] DAN H. WHEELER,
Acting Director.

§ 334.24 (General prices for shipment into all market areas) is amended by adding thereto Supplement R, and supplement T, which

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, and other provisions contained in Part 834, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Production Group No.	Shipping point	Railroad	Freight or Price group	Price classification by size group																																									
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20																						
Arkansas Coal Company, Earl Cobb	593	Arkansas Coal Co.	1	Hartman, Ark.	M.P.													A	A	A																												
Bynum Coal Company (E. M. Bynum)	442	Bynum	7	Gans, Okla.	K. C. S.																																											
Cantrell, L. L.	595	Cantrell Coal	10	Stigler, Okla.	M. V.																																											
Elder Mining Co. (Lee Elder)	590	Rowton Independent Coal Co. No. 2	9	Heavener, Okla.	Ark. West.														N	N	N	F																										
Independent Coal Co. No. 2 (Edward Beutelschies)	573	Independent Coal Co. No. 2	7	Bokoshe, Okla.	FS&V.B.																																											

Classified in Docket A-137 for truck only as Garner & McCallister (John E. Garner), Mine Index No. 442.

§ 334.24 General prices for shipment into all market areas—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine index No.	Mine	County	Sub-district No.	Prices and size group No.																																																		
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20																															
Arkansas Coal Company c/o Earl Cobb	593	Arkansas Coal Co.	Johnson, Ark.	1																																																			
Cantrell, L. L.	595	Cantrell Coal	Haskell, Okla.	10	400																																																		
Elder Mining Co. (Lee Elder)	590	Rowton Independent Coal Co. No. 2	LeFlore, Okla.	9	370	385	385	385	385																																														
Independent Coal Co. No. 2 (Edward Beutelschies)	573	Independent Coal Co. No. 2	LeFlore, Okla.	7	370																																																		

[F. R. Doc. 42-3266; Filed, April 13, 1942; 10:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-34

Walleck Brass Co.

Walleck Brass Company, located at 8105 Kreble Avenue, Cleveland, Ohio, operates a foundry for melting and otherwise processing aluminum. During the periods of September 13 through October 13, 1941, and December, 1941, through February, 1942, the Company violated General Preference Order M-1 and Supplementary Orders M-1-a and M-1-f by making deliveries of aluminum in fulfillment of non-defense orders despite the fact that the Company had neither requested nor received authorization therefor from the Director of Priorities. The Company violated Supplementary Order M-1-c during the period of September 13 through October 13, 1941, in accepting deliveries of aluminum scrap for the purpose of melting or otherwise processing the same despite the fact that no preference ratings had been assigned to such deliveries nor other authorization by the Director of Priorities obtained therefor. The Company also committed violations of Supplementary Order M-1-d during the period of January 7 through February 24, 1942, in accepting deliveries of aluminum scrap and in using such scrap despite the fact that authorization had neither been requested nor received from the Director of Priorities.

Because of the violations committed by Walleck Brass Company of General Preference Order M-1 and Supplementary Orders M-1-a, M-1-c, M-1-d, and M-1-f, aluminum has been diverted from primary defense needs into non-essential uses. In view of the foregoing facts,

It is hereby ordered:

§ 1010.34 *Suspension Order S-34.*

(a) During the period in which this Order shall be in effect, Walleck Brass Company, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) Beginning ten (10) days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, Walleck Brass Company, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations: *Provided, however,* That nothing contained herein shall be construed to exempt Walleck Brass Company during such ten day period from compliance with any other Order or regulation of the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, Walleck Brass Company, its successors and assigns, shall make no deliveries of primary alu-

minum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part or aluminum products except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, deliveries of material to Walleck Brass Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations.

(e) During the period in which this Order shall be in effect no allocation shall be made to Walleck Brass Company, its successors and assigns, of any material the supply or distribution of which is governed by any Order of the Director of Industry Operations.

(f) During the period in which this Order shall be in effect, no person shall deliver to nor receive from Walleck Brass Company, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(g) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 13th day of August 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 13th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3296; Filed, April 13, 1942; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-36

Aluminum Bronze Powder Co.

Aluminum Bronze Powder Company of Bedford, Ohio, is a manufacturer of aluminum powder and melts or processes aluminum scrap to manufacture this powder. It is subject to the provisions of General Preference Order M-1 and Supplementary Orders M-1-a and M-1-c. During the month of December, 1941, the Company made deliveries of 20,834 pounds of aluminum powder to various customers despite the fact that no preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. During the month of December, 1941, the Company accepted deliveries of 19,740 pounds of aluminum scrap for the purpose of melting or otherwise processing the same despite the fact that no preference ratings had been assigned to such deliveries nor had

they been specifically authorized by the Director of Priorities.

These violations of General Preference Order M-1 and Supplementary Orders M-1-a and M-1-c have resulted in the diversion of aluminum scrap to uses unauthorized by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.36 *Suspension Order S-36.* (a) Aluminum Bronze Powder Company, its successors and assigns, shall accept no deliveries from any source and shall not process or fabricate in any manner primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(b) Aluminum Bronze Powder Company, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part or aluminum products except as specifically authorized by the Director of Industry Operations.

(c) No Person shall deliver to or receive from Aluminum Bronze Powder Company, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part or aluminum products the delivery or receipt of which is prohibited by this Order except as specifically authorized by the Director of Industry Operations.

(d) Deliveries of material to Aluminum Bronze Powder Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Aluminum Bronze Powder Company by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations except as specifically authorized by the Director of Industry Operations.

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

(f) Nothing contained in this Order shall be deemed to relieve Aluminum Bronze Powder Company from any restriction, prohibition, or provisions contained in any other order or regulation of the Director of Industry Operations.

(g) This Order shall take effect immediately and shall expire on July 13, 1942, at which time the restrictions contained in this Order shall be of no further effect. (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 13th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3297; Filed, April 13, 1942; 11:37 a. m.]

**PART 1066—MOTORIZED FIRE APPARATUS
AMENDMENT NO. 1 TO GENERAL LIMITATION
ORDER NO. L-43**

Section 1066.1 (General Limitation Order L-43¹) is hereby amended in the following respects:

1. Paragraph (c) is amended by adding the following subparagraph:

(3) No manufacturer or distributor shall include any rubber tires of any type on any auxiliary trailer unit of fire apparatus which is manufactured, sold or delivered hereafter.

2. Appendix A is amended in the following respects:

Subdivision (ii) is amended to read as follows:

(ii) Copper, in radiator cores, electrical equipment, sirens, horns, gauge lines, intercoolers and fittings;

Subdivision (iii) is amended to read as follows:

(iii) Copper base alloys, in suction tube caps, discharge valve caps, sirens, horns, engine bearings, valves (not including the handles), relief valves, pump bodies, impellers, rotors, bushings, governors, swivels and rollers in suction hose couplings, and in pumps if iron cannot be effectively substituted;

(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.)

This amendment shall take effect immediately.

Issued this 14th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3321; Filed, April 14, 1942; 11:44 a. m.]

PART 1123—SHELLAC

CONSERVATION ORDER M-106

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shellac, as hereinafter defined, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1123.1 Conservation Order M-106—

(a) *Definitions.* For the purpose of this Order:

(1) "Shellac" means lac of all grades produced from the secretions of *tachardia lacca*, including seedlac, but not including such lac which has been bleached, cut or incorporated in protective or technical coatings.

(2) "Inventory" of a person includes all Shellac to or in which such person has any title or equity of redemption or which he has purchased for future de-

livery, as well as the inventory, as so defined, of affiliates and subsidiaries of such person.

(b) *Reserved inventory.* Until further order by the Director of Industry Operations:

(1) Each person who on the effective date of this Order has an inventory of shellac of ten thousand (10,000) pounds or more shall set aside and hold intact an amount of shellac equal to fifty per cent (50%) of such inventory.

(2) Each importer shall, in addition, set aside and hold intact an amount equal to fifty per cent (50%) of all Shellac imported by him after the effective date of this Order.

(3) With respect to shellac required to be reserved pursuant to paragraph (b) (1) and (2) of this section:

(i) Insofar as practicable, each person shall reserve an amount of shellac of each grade in an amount equal to fifty per cent (50%) of the amount of shellac of such grade held by such person on the effective date of this Order and shall substitute shellac received subsequent to the effective date of this Order for shellac of corresponding grades and quantities which have been reserved longest by such person pursuant to this Order; and

(ii) No person shall use, process, sell or deliver shellac hereinabove required to be reserved except as specifically authorized by the Director of Industry Operations; *Provided, however,* That nothing contained in this paragraph (b) shall prevent the sale or delivery of shellac to the Defense Supplies Corporation or to any person designated thereby who shall purchase such shellac for resale to the Defense Supplies Corporation.

(4) The provisions of paragraph (c) of this section shall have no application to shellac required to be reserved pursuant to this paragraph (b).

(c) *Use of shellac not reserved.* Except as specifically authorized by the Director of Industry Operations, no person shall hereafter consume shellac in any quantity by cutting, bleaching, processing or otherwise using it; *Provided, however,* That subject to the limitations of paragraph (b) of this section:

(1) Any person may use shellac in any quantity where required for use in:

(i) Electrical equipment, where shellac is required for its dielectric properties,

(ii) Coatings for munitions, where such coating is necessary for military effectiveness,

(iii) Military explosives and pyrotechnics,

(iv) Navigational and scientific instruments,

(v) Communication instruments,

(vi) Marine paints for vessels other than pleasure craft,

(vii) Grinding wheels,

(viii) Wood patterns for metal castings,

(ix) Health supplies as defined in General Preference Order No. P-29, as now or hereafter amended,

(x) Scientific research by any research or control laboratory, where the aggregate amount of shellac consumed by such laboratory during the calendar year shall not exceed one hundred sixty-five (165) pounds;

(2) Any person during the period from the effective date hereof to June 30, 1942, may consume shellac for any purpose except the manufacture of recording and transcription materials, in an amount not to exceed seventy-five per cent (75%) of the amount of shellac consumed by such person during the corresponding period of 1941, or seventy-five per cent (75%) of one-fifth of the amount of shellac consumed by such person during the calendar year 1941, whichever is greater, and during each calendar quarter thereafter in an amount not to exceed thirty-five per cent (35%) of the amount of shellac consumed by such person during the corresponding quarter of 1941;

(3) During the period from the effective date hereof to June 30, 1942, and during each calendar quarter thereafter, any person may consume shellac in the manufacture of recording and transcription materials in an amount not to exceed thirty per cent (30%) of the amount of shellac consumed in such manufacture by such person during the corresponding period of 1941; and

(4) Each person shall calculate his permitted consumption of shellac separately with respect to each different use thereof, by applying the percentage restriction, if any, applicable to such use to the amount of shellac consumed in such use by such person during the base period.

(d) *Inventory limitation.* No manufacturer shall accept delivery of shellac if, upon such delivery, he would have on hand a total amount of shellac (as defined in paragraph (a) of this section) and of shellac and seedlac which have been cut, bleached or incorporated in protective or technical coatings, in excess of a sixty-day supply, having regard to the orders placed with such manufacturer, his current method and rate of operation, and the grades and conditions of shellac required by him, and having regard to the limitations imposed by this Order; *Provided, however,* That the restrictions of this paragraph (d) shall not prevent the acceptance by an importer of delivery of shellac authorized by the Director of Industry Operations pursuant to General Imports Order M-63, as now or hereafter amended.

(e) *Prohibitions of sales or deliveries of shellac.* No person shall hereafter sell or deliver shellac to any person if he knows, or has reason to believe such material is to be used or accumulated in violation of the terms of this Order.

(f) *Reports.* On or before May 9, 1942, each person who, together with his affiliates and subsidiaries, had on April 1, 1942, control or possession of five thousand (5,000) pounds or more of shellac, whether or not owned or under contract of purchase, shall file with the War Pro-

¹ 7 F.R. 1596.

duction Board a report on Form PD-334. Each person affected by this Order shall file such additional reports as may from time to time be required by the Director of Industry Operations.

(g) *Miscellaneous provisions*—(1) *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 provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Violations.* Any person who willfully violates any provision of this Order or willfully furnishes false information to the War Production Board 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 priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(3) *Records.* Each person who shall hereafter use or participate in any transaction with respect to shellac, including bleached or cut shellac, shall keep and preserve for a period of not less than two years accurate and complete records of all such transaction and of his inventories of such shellac.

(4) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of shellac conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-106, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-106. (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.)

(h) *Effective date.* This Order shall take effect immediately.

Issued this 14th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3322; Filed, April 14, 1942; 11:44 a. m.]

Chapter XI—Office of Price Administration

[Docket No. 3008-2]

PART 1308—NICKEL

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 8¹—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

Metallurgical Products Co.

On March 25, 1942, the Metallurgical Products Company, 35th and Moore Streets, Philadelphia, Pennsylvania, filed a petition for exception pursuant to § 1308.3a of Revised Price Schedule No. 8. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, 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, it is hereby ordered:

§ 1308.52 *Metallurgical Products Company.* Metallurgical Products Company, 35th and Moore Streets, Philadelphia, Pennsylvania, may sell and deliver, and H. Klaff and Company may buy and receive for the account of the Rustless Iron and Steel Company, 27,340 pounds of scrap waste Edison batteries containing 20% nickel and 2,590 pounds of scrap waste Edison positive plates containing 40% nickel at a total price of \$1,899.56, f. o. b. Philadelphia, Pennsylvania.

This Order No. 2 shall become effective April 14, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3324; Filed, April 14, 1942; 11:58 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 76³—HIDE GLUE

A statement of considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.⁴

¹ 7 F.R. 1224, 1836, 2132, 2474.

² 7 F.R. 971.

³ 7 F.R. 1351, 1836, 2132, 2241.

⁴ The statement of considerations has been filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

A new paragraph (g) is added to § 1335.709, and a new paragraph (b) is added to § 1335.708a, as set forth below:

§ 1335.709 *Appendix A: Maximum prices for hide glue.*

(g) *Transportation charges.* Regardless of any other provision of this Revised Price Schedule No. 76, there may be added to the maximum prices set forth in this section the amount of transportation charges in excess of 75¢ per cwt.

§ 1335.708a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1335.708a (b) and 1335.709 (g)) to Revised Price Schedule No. 76, shall become effective April 18, 1942. Until such date, Revised Price Schedule No. 76 continues in effect as if not amended by Amendment No. 2. (Pub. Law 421, 77th Cong.)

Issued this 13th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3323; Filed, April 14, 1942; 11:57 a. m.]

PART 1340—FUEL

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 112⁵—PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this Amendment has been prepared, and is issued simultaneously herewith.⁴

Section 1340.200 (a) is amended and a new paragraph (b) is added to § 1340.199a to read as set forth below:

§ 1340.200 *Appendix a: Maximum prices for anthracite.* (a) The following maximum prices are established for anthracite, f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1)

Size	Price per ton
Domestic:	
Broken, egg, stove and chestnut.....	\$6.75
Pea.....	5.25
Steam:	
#1 Buckwheat.....	3.75
Rice (#2 Buckwheat).....	2.90
Barley (#3 Buckwheat).....	2.15

(2) Prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed under the trade names "Jeddo Coal", "Highland Coal" or "Hazle Brook Coal."

⁵ 7 F.R. 2512, 2739.

Size	Price per ton
Domestic:	
Broken, egg, stove and chestnut...	\$7.00
Pea.....	5.50
Steam:	
#1 Buckwheat.....	4.00
Rice (#2 Buckwheat).....	3.05
Barley (#3 Buckwheat).....	2.15

These prices shall be the maximum for this anthracite for so long as the present quality and preparation standards are maintained; otherwise, the maximum prices shall be those established by (1) of this paragraph.

* * * * *
 § 1340.199a Effective date of amendments.

(b) Amendment No. 2 (§ 1340.200 (a) to Maximum Price Regulation No. 112 shall become effective April 15, 1942. Until such date, Maximum Price Regulation No. 112 continues in effect as if not amended by Amendment No. 2.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of April 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-3301; Filed, April 13, 1942; 5:20 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

- [Docket No. 1695-FD]

PROCEEDINGS TO DETERMINE IF CERTAIN REGISTERED DISTRIBUTORS ARE BONA FIDE MERCHANTS ACTIVELY, REGULARLY AND CONTINUOUSLY ENGAGED IN THE BUSINESS OF PURCHASING COAL FOR RESALE AND ACTUALLY RESELLING IT IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS WITHIN THE MEANING OF § 304.13 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS, AND FOR THE REVOCATION OF THE REGISTRATION OF DISTRIBUTORS WHO ARE NOT SO ENGAGED

ORDER CONCERNING EXCEPTIONS TO THE EXAMINER'S REPORT AND REVOKING REGISTRATIONS

This proceeding having been instituted on Order of the Director pursuant to section 4 II (h) of the Bituminous Coal Act of 1937, requiring each of 416 registered distributors whose registration numbers, names, and addresses are set forth in Exhibit A, attached hereto and made a part hereof, to show cause why his or its registration as a distributor should not be revoked on the ground that he or it was not a bona fide merchant actively, regularly, and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors, established pursuant to section 4 II (h) of the Act;

A petition to intervene having been filed by District Board 6 and notices of appearance having been filed by the American Coal Distributors Association and District Boards 1, 8, and 11;

Pursuant to Orders of the Director dated June 12, 19, and 24, 1941, this proceeding having been dismissed without prejudice as to the 111 respondents;

The registration of the following seventeen respondents having been revoked or withdrawn by the Director or Acting Director, independently of this proceeding, on the dates indicated:

REVOCATIONS OF JUNE 15, 1941

No.	Name	Address
3473	Gillespie Coal Co.....	Gillespie, Ill.
8577	Spangler, R. E. (Spangler Coal Co.). ¹	616 Continental Oil Bldg., Denver, Colo.
9605	West Virginia Coal Co. of Missouri.	1409 Boatmen's Bank Bldg., St. Louis, Mo.

REVOCATIONS OF JULY 9, 1941

No.	Name	Address
1085	Brier Hill Sales Co. ¹	120 E. Diamond St., Butler, Pa.
1401	Carbon Coal Sales Co. (E. G. Cook). ¹	111 W. Second St., Charlotte, N. C.
1810	Consumers Ice & Coal Co. ¹	Front and Edgement Ave., Chester, Pa.
3865	Halle, B. M. (B. M. Halle Coal Co.). ¹	P. O. Box 863, Oklahoma City, Okla.
4367	Hirshberg, I. A. ¹	222 Hurt Bldg., P. O. Box 2069, Atlanta, Ga.
4481	Hood, C. W. ¹	630 Garfield St., Denver, Colo.
5023	Kennedy Coal Co.....	3514 S. 25th St., Omaha Nebr.
5344	Lakewood Ice & Fuel Co., The. ¹	14236 Detroit Ave., Lakewood, Ohio.
6156	McCurdy Coal & Supply Co. ¹	9449 American Ave., Detroit, Mich.
6805	Nelson Dowling Coal Co. ¹	922 Elm St., Manchester, N. H.
7423	Powell Coal Co., The. ¹	157 Church St., New Haven, Conn.
7614	Reece Coal Co. (Sutton B. Reece). ¹	P. O. Box 724, ¹ Western Port, Md.
8251	Sellards Coal Sales Co. (C. M. Loeser). ¹	907 Robson-Prichard Bldg., Huntington, W. Va.
9940	Yoch, John F. ¹	700 S. Illinois St., Belleville, Ill.

¹ It does not appear that the Examiner had notice that the registration of this respondent had been revoked independently of this proceeding, and he recommended the revocation thereof.
² Present address, P. O. Box 181.

Revocation of the registrations of Ferdinand Lang (Lang's Coal and Furnace Service), 1441 Welton Street, Denver, Colorado, Registration No. 5371, and Edward A. Gibson, 216 S. Bluff Street, Butler, Pennsylvania, Registration No. 3445, having been revoked by the Director on June 20, 1941, upon request of these two respondents;

One hundred fifty-five of the remaining respondents having filed answers to the Order to Show Cause or having written letters in response thereto;

Pursuant to Order of the Director and after due notice to all interested persons, hearings in this matter having been held on June 26, 27, and 30, and July 14, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof at Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and appearances having been entered on behalf of District Boards 6, 8, 11, and 13, the Office of the Bituminous Coal Con-

sumers' Counsel, the American Coal Distributors Association, and 33 registered-distributor respondents;

The Examiner having submitted his Report in this matter under date of December 6, 1941, recommending revocation of the registrations of 241 respondents and dismissal of this proceeding as to 62 other respondents;

Thirteen respondents having filed Exceptions to the Examiner's Report;

The undersigned having considered the record in this matter and having, on the basis thereof, made and entered his Findings of Fact and Conclusions of Law and Opinion;

Now, therefore, it is ordered, That the Exceptions to the Examiner's Report filed by the following 7 respondents be, and they hereby are, severally sustained:

Number	Name	Address
1395	Candlewax Smokeless Fuel Co. (R. O. VanDyke).	Tazewell, Va.
1966	Crescent Coal Co. (W. A. Dunn and T. E. Flynn).	1225 N. Front St., Quincy, Ill.
2264	Deringer Fuel Co.....	Spangler, Pa.
5002	Kelley Bros.....	2731 S. Salina St., Syracuse, N. Y.
6567	Moores-Coney Corporation, The.	S. E. cor. Third and Walnut Sts., Cincinnati, Ohio.
8485	Smith Bros. Coal & Oil Company, Inc.	172 West St., Pittsfield, Mass.
9222	Vanderbilt Coal & Coke Company, Inc.	804 Second National Bank Bldg., Connelisville, Pa.

It is further ordered, That the Exceptions to the Examiner's Report filed by the following 6 respondents be, and they hereby are, severally overruled:

No.	Name	Address
0551	Bear Canon Coal Co., The.	112 E. Main St., Trinidad, Colo.
1183	Bryan, W. E. (W. E. Bryan & Co.).	1306 Lynn St., Parkersburg, W. Va.
4516	Horton, Paul E. (Horton Coal Co.).	R. F. D. No. 1, Newburgh, Ind.
6245	McKitterick Coal Co. (James J. McKitterick).	48 Chillicothe St., Jackson, Ohio.
6466	Millman Coal Co.....	38-40 Park Place, Newark, N. J.
9904	Wyandanch Lumber Co. (W. Dwight and Elmo T. Nostrand).	Long Island Ave., Wyandanch, Long Island, N. Y.

It is further ordered, That, effective fifteen (15) days from the date hereof, the respective registrations of the 220 respondents whose registration numbers, names, and addresses are set forth in Exhibit A, attached hereto and made a part hereof, be, and they hereby are, revoked.

It is further ordered, That these proceedings be, and they hereby are, dismissed as to 83 respondents whose registration numbers, names, and addresses are set forth in Exhibit B, attached hereto and made a part hereof.

Dated: April 13, 1942.

[SEAL] DAN H. WHEELER,
 Acting Director.

[F. R. Doc. 42-3317; Filed, April 14, 1942; 10:32 a. m.]

[Docket No. A-1385]

PETITION OF DISTRICT BOARD NO. 12 FOR AN INCREASE OF THREE CENTS PER TON IN THE MINIMUM PRICES FOR ALL COALS PRODUCED IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on May 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before May 7, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 12, for a temporary and permanent order increasing the minimum prices applicable to the coals produced in District No. 12 three cents per ton, to compensate for increased freight rates, and more specifically for:

1. An increase of three cents per net ton of all minimum prices for rail delivered coal within District No. 12.

2. A temporary and permanent order establishing a provision in the Schedule of Effective Minimum Prices for District No. 12 for all shipments except truck, substantially as follows: "In the event the base freight rate upon which a delivered price is computed, is increased or decreased, the effective delivered price shall be increased or decreased in a sufficient amount to compensate for such change in freight rates."

3. A temporary order increasing by 3 cents per ton the minimum prices applicable for all coals produced in District No. 12 for truck shipment.

Dated: April 11, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3310; Filed, April 14, 1942; 10:29 a. m.]

[Docket No. B-27]

IN THE MATTER OF CANONCITO COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

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 June 30, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 18, alleging that Canoncito Coal Company, a corporation, a code member in District 18, the defendant, had willfully violated the Bituminous Coal Code or the rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership, or in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on December 2, 1941, before Scott A. Dalquist, a duly designated Examiner of the Division at a hearing room thereof in Albuquerque, New Mexico;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated February 27, 1942, recommending that an order be entered directing the defendant 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, Proposed Conclusions of Law and Recommendation 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, Proposed

Conclusions of Law and Recommendation 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 the Defendant, Canoncito Coal Company, a corporation, its representatives, agents, servants, employees, attorneys, successors and assigns, 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 prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 18 For Truck Shipments, the Marketing Rules and Regulations and all appropriate orders of the Division.

It is further ordered, That the Division may upon failure of the defendant 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: April 11, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3311; Filed, April 14, 1942; 10:30 a. m.]

[Docket No. A-856]

PETITION OF DISTRICT BOARD 11 FOR TEMPORARY AND PERMANENT REDUCTIONS IN THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUPS 13-16, INCLUSIVE, AND 21-34, INCLUSIVE, FOR RAIL MINES IN THE BOONVILLE AND PRINCETON-AYRSHIRE SUBDISTRICTS OF DISTRICT 11 (PRICE GROUPS NOS. 10, 11, 14, 17 AND 19), FOR SHIPMENT TO MT. CARMEL, ILLINOIS, MARKET AREA NO. 35

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER, AND DENYING RELIEF

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been filed by District Board 11, requesting temporary and permanent reductions of 25 cents and more in the effective minimum prices of coals in Size Groups 13 to 16 and 21 to 34 for rail shipment to Mt. Carmel, Illinois, Market Area No. 35, from mines located in the Princeton-Ayrshire and Boonville Subdistricts of District 11, included in Price Groups 10, 11, 14, 17 and 19;

District Board 10 having intervened and the Bituminous Coal Consumers' Counsel having filed a notice of appearance;

Pursuant to appropriate order and due notice to all interested persons, a hearing having been held on June 19, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.;

The Examiner having made Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated March 3, 1942, in which he recommended that relief be denied;

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

The undersigned having determined that said 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 the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That the prayers for temporary and permanent relief contained in the original petition herein be and the same hereby are denied.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3312; Filed, April 14, 1942;
10:30 a. m.]

[Docket No. A-1192]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL TO AMEND RULE 2 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that this proceeding be dismissed, without prejudice, and it appearing that there is no objection;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3313; Filed, April 14, 1942;
10:30 a. m.]

[Docket No. B-221]

IN THE MATTER OF LONE STAR COAL COMPANY, INCORPORATED, CODE MEMBER

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

Notice is hereby given that the Lone Star Coal Company, Incorporated, code member in District No. 11, on March 20, 1942, filed herein an application dated March 18, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before The Bituminous Coal Division For The Disposition Without Formal Hearing Of Compliance

Proceedings, and on March 32, 1942, filed an amendment dated March 31, 1942, to said application.

The Bituminous Coal Producers Board for District No. 11 on January 17, 1942, filed a complaint in the above-entitled matter pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging in the introductory paragraph and paragraph numbered 1 thereof that the above-named code member, which operates the Lone Star No. 3 Mine, Mine Index No. 118, located in Nevins Township, Vigo County, Indiana, and the Lone Star No. 1 Mine, Mine Index No. 55, located in Posey Township, Clay County, Indiana, had violated Rule 1 (J) of section VII of the Marketing Rules and Regulations promulgated by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937 in the sale of coal produced from its aforesaid mines as follows:

"1. That during the period November 9, 1940 to July 15, 1941, both dates inclusive, the Lone Star Coal Company, Incorporated, sold 34 cars of $\frac{3}{8}$ " x 0 carbon (Size Group 15) to the Columbian Enameling and Stamping Company, Incorporated, located in Terre Haute, Indiana, said coal being shipped by rail; that on said 34 cars of coal, the Lone Star Coal Company, Incorporated, or its duly authorized agent, prepaid the freight charges of 53 cents per net ton applicable on such shipments; that, therefore, said coals were sold and delivered by the Lone Star Coal Company, Incorporated, or its duly authorized agent, in violation of Rule 1 (J) of section VII of the Marketing Rules and Regulations."

The above application of said Code member for disposition of this proceeding without formal hearing, as amended,

1. admits the violations charged by paragraph No. 1 of the complaint herein;
2. consents to the entry of an order herein cancelling and revoking its code membership, or of an order directing the code member to cease and desist from violations of the Code, and regulations thereunder, or to an order revoking its code membership and also enjoining and restraining the code member from violation of the Code and regulations thereunder upon any restoration of its code membership; and
3. states that the amount of the tax which may be imposed upon the basis of the admitted violations as to which the Code member consents to the entry of a revocation is \$461.32, and agrees to pay the same within twenty (20) days after being served with such an order of revocation.

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

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3314; Filed, April 14, 1942;
10:31 a. m.]

[Docket No. 1862-FD]

IN THE MATTER OF ROSS A. BURD, CODE MEMBER

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This proceeding was instituted by a complaint filed with the Bituminous Coal Division on August 1, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 19. The complaint alleges that Ross A. Burd, a code member in District 19, wilfully violated the Bituminous Coal Code and Rules and Regulations thereunder and prays that the Division either cancel and revoke Burd's code membership or in its discretion direct him to cease and desist from violation of the Code and the Rules and Regulations thereunder.

Pursuant to an Order of the Director and after due notice to all interested parties a hearing in this matter was held before Scott A. Dahlquist, a duly designated Examiner of the Division at a hearing room thereof in Casper, Wyoming. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. An appearance was entered by the Division and the defendant appeared in person not represented by counsel. The Examiner's report was waived and the matter was thereupon submitted to the undersigned.

Ross A. Burd the defendant, is a code member in District 19 operating the Spider Mine, Mine Index No. 113, Natrona County, Wyoming.

The complaint alleges that subsequent to September 30, 1940, Burd sold and delivered a large quantity of nut coal, Size Group 8 to various parties by truck to unknown destinations at a price of \$1.75 per ton, which was 45¢ less than the prescribed minimum price.

This matter involves the sale of 7.75 tons of coal produced at Burd's mine between October 19, 1940, and December 30, 1941, and delivered by truck to various parties at Casper, Wyoming, a distance of 23 miles. Sales tickets were introduced in evidence covering the sales involved which showed the f. o. b. mine sales price to be \$1.75 and the delivered price to be from \$3.75 to \$7.70 per ton. There is no charge or suggestion that the code member had failed to add to the f. o. b. mine price the actual cost of transportation.

The evidence is very indefinite and the code member contends that the coal was no larger than 1 $\frac{5}{8}$ " and that the price of \$1.75 per ton was correct.

A compliance officer for the Division testified that he visited the code member on several occasions at which time he discussed with him the size of the coal that was actually being produced. The code member appeared at the hearing and cross-examined the compliance agent. On cross-examination the compliance agent admitted that he had not measured the coal and that in his reports he merely reported that the coal was too large. This was according to his own personal judgment without ever having made any actual measurement.

The code member opened the mine in question in October 1940 and during the last three months of 1940 produced but 67 tons of coal. During the first ten months of 1941 he produced approximately 20 tons of coal. It was testified by Burd that he was not operating at this time and that he does not know whether he will start operations again in the near future. If he does commence operations he expressed a desire to ascertain in which size group his coal will fall. There seems to be no disposition whatsoever on the part of Burd to avoid or violate the Code. He has complied in all respects with the Orders of the Division requiring the keeping of records of sales.

I find that the record fails to show a willful violation by Ross A. Burd of the provisions of section 4 II (e) of the Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments, and the Marketing Rules and Regulations in connection with the sale of coal subsequent to September 30, 1940. The complaint against him must, therefore, be dismissed.

Now, therefore, it is ordered, That the complaint of District Board 19 herein be and it hereby is dismissed, without prejudice to the institution of proceedings for violations by the code member previously or hereafter committed and not involved in the instant proceeding.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3315; Filed, April 14, 1942;
10:31 a. m.]

[Docket Nos. B-214, B-218, B-219]

IN THE MATTERS OF BECCARIA COAL MINING COMPANY, A PARTNERSHIP, ALSO KNOWN AS FRED DEZAIFFE, SR., AND FRED DEZAIFFE, JR., INDIVIDUALLY, AND AS CO-PARTNERS TRADING AND DOING BUSINESS AS BECCARIA COAL MINING COMPANY; FORKS COAL MINING COMPANY, A CORPORATION; AND FREEBROOK CORPORATION, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARINGS

The above-entitled matters having been heretofore scheduled for hearings on April 15, 1942, April 13, 1942, and April 16, 1942, respectively, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona, Pennsylvania, pursuant to Orders of the Acting Director dated March 11, 1942, March 23, 1942, and March 20, 1942, respectively; and

The Acting Director deeming it advisable that said hearings should be postponed;

Therefore, it is ordered, That the hearing in the matter of Beccaria Coal Mining Company, a partnership, also known as Fred DeZaiffe, Sr., and Fred DeZaiffe, Jr., individually and as copartners trading and doing business as Beccaria Coal Mining Company, code member, defendants, Docket No. B-214, be and the same hereby is postponed from April 15, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona,

Pennsylvania, to May 1, 1942, at 10 a. m., before the officer or officers previously designated to preside at such hearing, at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania; and

It is further ordered, That the hearing in the matter of Forks Coal Mining Company, a corporation, code member, defendant, Docket No. B-218, be and the same hereby is postponed from April 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona, Pennsylvania, to April 27, 1942, at 10 a. m., before the officer or officers previously designated to preside at such hearing, at a hearing room of the Bituminous Coal Division, at the Community Room, City Hall, Altoona, Pennsylvania; and

It is further ordered, That the hearing in the matter of Freebrook Corporation, code member, defendant, Docket No. B-219, be and the same hereby is postponed from April 16, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona, Pennsylvania, to May 4, 1942, at 10 a. m., before the officer or officers previously designated to preside at such hearing, at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3316; Filed, April 14, 1942;
10:31 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO APPLY FOR RECONSIDERATION OR PETITION FOR REVIEW OF THE DETERMINATION OF REASONABLE COST TO THE UNION MANUFACTURING COMPANY OF UNION POINT, GEORGIA, AND TO ANY AFFILIATED PERSONS OF BOARD, LODGING OR OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE UNION MANUFACTURING COMPANY

Whereas, section 3 (m) of the Fair Labor Standards Act of 1938 provides that "Wage" paid to any employee includes the reasonable cost, as determined by the Administrator, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees"; and

Whereas, the Administrator of the Wage and Hour Division, pursuant to the authority contained in section 3 (m) of the Fair Labor Standards Act of 1938, issued Regulations, Part 531, as amended, entitled "Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities Pursuant to section 3 (m) of the Fair Labor Standards Act," which regulations provide that a hearing may be held on the motion of the Administrator to determine such "reasonable cost"; and

Whereas the Administrator on his own motion, pursuant to § 531.2 of said regulations, found that a hearing was

desirable to determine the reasonable cost to the Union Manufacturing Company, Union Point, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging, or other facilities, customarily furnished to the employees of the Union Manufacturing Company; and

Whereas the Administrator gave notice of a public hearing to be held at Union Point, Georgia, on June 27, 1941, before Mr. Harold Stein, who was designated as the Administrator's representative and who was authorized to hear and determine: The reasonable cost to the Union Manufacturing Company and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging, or other facilities, customarily furnished by said company and affiliated persons to employees of the Union Manufacturing Company; and

Whereas, following such hearing the said Harold Stein duly found and determined as follows:

1. Harold Lamb, Owen O. Scott, F. S. Bryan, H. L. Bryan, Judge Samuel H. Sibley, and J. Hart Sibley, are officers or directors of the Union Manufacturing Company and are therefore persons affiliated with the Union Manufacturing Company within the meaning of § 531.1 of the regulations.

2. The Union Point Improvement Company and the Bank of Union Point are corporations closely connected with the Union Manufacturing Company, and are therefore persons affiliated with the Union Manufacturing Company within the meaning of the regulations.

3. Earle Butler, L. Cheatham, Smith Moody, Mary Newsome and the Meredith Optical Company are not affiliates of the Union Manufacturing Company within the meaning of the regulations. Payments made to these persons by the Union Manufacturing Company for housing or other articles or services furnished to the employees are payments made to independent third persons for the benefit of the employees. The sums actually paid to these persons for articles or services furnished to the employees may be deducted from the wages of the employees. Any collection fees, discounts, or other charges retained by the Union Manufacturing Company, however, are not permitted under the Act to the extent that they reduce the wages of the employees below the requirements of the minimum wage and overtime provisions.

4. Money loaned to employees of the Union Manufacturing Company by the Bank of Union Point and the partnership known as F. S. Bryan, Agent, is not a facility within the meaning of the Act. Such loans are in the nature of cash advances or prepayments of wages, which may be deducted from the wages of the employees. Interest or other fees charged for such loans are not permitted under the Act to the extent that they reduce the wages of employees below the requirements of the minimum wage and overtime provisions.

5. Group insurance furnished to employees of the Union Manufacturing Company is not a facility within the meaning of the Act. The payment of

premiums for such insurance by the Union Manufacturing Company may be considered as a payment to an independent third party since they were voluntarily authorized by the employees. The net amount of such premiums paid may therefore be deducted from the wages of the employees. Any dividends, rebates or commissions received by the Union Manufacturing Company must be deducted from the premium paid to determine the net premium.

6. Tools furnished to the employees by the Union Manufacturing Company for use in the plant are furnished primarily for the benefit of the employer and are not facilities within the meaning of the Act. No deductions may be made from the wages of employees for such tools, if such deductions reduce the wages received by the employee below the requirements of the minimum wage and overtime provisions of the Act.

7. Ice and water coolers made available to employees by the Union Manufacturing Company for use in the mill are furnished primarily for the benefit of the employer and are not facilities within the meaning of the Act. To the extent that deductions made for ice and water coolers reduce the wages of the employee below the requirements of the minimum wage and overtime provisions of the Act, such deductions may not be made.

8. The reasonable cost to the Union Point Improvement Company of furnishing housing to the employees of the Union Manufacturing Company was 67.4 percent of the rentals charged in 1938, 63.9 percent of the rentals charged in 1939 and 61.1 percent of the rentals in 1940.

9. The reasonable cost to the Union Manufacturing Company of furnishing housing to its employees was 80.0 percent of the rentals charged in 1938, 65.3 percent of the rentals charged in 1939, and 64.2 percent of the rentals charged in 1940.

10. The reasonable cost to Harold Lamb of furnishing housing to the employees of the Union Manufacturing Company was 74.7 percent of the rentals charged in 1938, 54.8 percent of the rentals charged in 1939, and 62.8 percent of the rentals charged in 1940.

11. The reasonable cost to J. Hart Sibley of furnishing housing to employees of the Union Manufacturing Company during 1938, 1939, and 1940 was 50.7 percent of the rentals charged.

12. The rentals charged by Judge Samuel H. Sibley for housing furnished to the employees of the Union Manufacturing Company did not exceed the reasonable cost thereof to Judge Sibley. The amounts of the collection fees paid to the Union Manufacturing Company, however, may not be deducted from the wages of the employees, to the extent that the deduction of these fees would reduce their wages below the requirements of the minimum wage and overtime provisions of the Act.

13. The reasonable cost to the Union Manufacturing Company of the electricity furnished to its employees for their personal use was 43.1 percent of the rates charged by the Company during

the period from October 16, 1938, to January 15, 1940, and 45.2 percent during the period from January 16, 1940 to December 16, 1940.

14. The prices at which the Union Manufacturing Company sold coal to its employees during the three months ending December 31, 1938, and during the years 1939 and 1940 did not exceed the reasonable cost of the coal to the company.

15. The reasonable cost to the Super Service Station, a partnership consisting of Owen O. Scott and F. S. Bryan, of merchandise sold to the employees of the Union Manufacturing Company was 91.7 percent of the sales prices in 1938, 92.2 percent of the sales prices in 1939, and 94.4 percent of the sales prices in 1940.

16. The reasonable cost to Bryan and Drane, a partnership consisting of H. L. Bryan and A. B. Drane, of merchandise sold to the employees of the Union Manufacturing Company was 88.3 percent of the sales prices in 1938, 86.6 percent of the sales prices in 1939, and 92.0 percent of the sales prices in 1940.

17. The reasonable cost to the Union Manufacturing Company of furnishing hosiery, cotton batting, looper clips or other products or byproducts of the mill to its employees is determined to be the net wholesale prices charged by the mill to the trade for similar products at the dates nearest the dates of the respective sales to the employees.

18. The reasonable cost of miscellaneous articles furnished by the Union Manufacturing Company from its own stock of factory and office supplies for the personal use of the employees, or purchased by the Company for resale to its employees, is determined to be the prices paid for such articles by the Union Manufacturing Company, including shipping charges, less any trade discounts received by the Company.

Whereas such findings and determination were duly filed with the Administrator on March 26, 1942, and are now on file in Room 1619, Wage and Hour Offices, 165 West 46th Street, New York, New York, and are there available for examination by interested parties:

Now, therefore, pursuant to the provisions of § 531.3 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within 15 days after the date this notice appears in the FEDERAL REGISTER, (a) make application to the said Harold Stein for a reconsideration of this determination if it can be shown that there is additional evidence which may materially affect the determination and that there were reasonable grounds for failure to adduce such evidence in the original proceedings, or (b) file a petition for a review of the determination by the Administrator or an authorized representative who took no part in the action subject to review. Such petition must set forth grounds for the requested review.

Upon publication of this notice, the Union Manufacturing Company, Union Point, Georgia, pursuant to the provisions of § 531.2 of the said regulations, shall notify its employees of their right to apply for reconsideration or petition

for review of this determination, by posting notices to this effect in conspicuous places on its premises.

Signed at New York, New York, this 13th day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3304; Filed, April 14, 1942; 9:46 a. m.]

WAR SHIPPING ADMINISTRATION.

NOTICE OF DEPOSITS ON ACCOUNT OF JUST COMPENSATION FOR REQUISITIONED DANISH VESSELS

Notice is hereby given that pursuant to section 1 of the Act approved June 6, 1941 (Public Law 101, 77th Cong.), authorizing the acquisition by the United States of foreign vessels and the making of just compensation therefor, the United States Maritime Commission, on January 31, 1942, deposited with the Treasurer of the United States payments on account of just compensation for the respective Danish vessels listed below, in the amounts set forth opposite the name of each vessel, the final determination of such compensation in each case not yet having been made:

Name of vessel:	Amount of deposit
Allsund.....	\$50,000
Anna Maersk.....	100,000
Australian Reefer.....	100,000
Broholm.....	25,000
Brosund.....	50,000
Caroline Maersk.....	100,000
Columbia.....	50,000
E. M. Dalgas.....	75,000
Emma Maersk.....	100,000
Frode.....	25,000
Georgia.....	50,000
Gertrud.....	100,000
Gertrude Maersk.....	100,000
Grete Maersk.....	100,000
Herta Maersk.....	100,000
Hulda Maersk.....	100,000
Jonna.....	50,000
Jutta.....	25,000
Laura Maersk.....	150,000
Lexa Maersk.....	100,000
Lundby.....	50,000
Marchen Maersk.....	100,000
Marla.....	100,000
Marna.....	50,000
Niel Maersk.....	100,000
Nora.....	100,000
Norden.....	100,000
Nordhval.....	50,000
Nordpol.....	50,000
Nordvest.....	150,000
Olympia.....	100,000
Paula.....	50,000
P. N. Damm.....	75,000
Ragnhild.....	100,000
Rita Maersk.....	200,000
Sessa.....	100,000
Sicilien.....	50,000
Tanja.....	50,000
Tunis.....	50,000

The attention of interested parties is invited to the provisions of said section 1 concerning claims against the vessels subsisting at the time they were requisitioned.

By Order of the War Shipping Administration.

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

APRIL 13, 1942.

[F. R. Doc. 42-3303; Filed, April 14, 1942; 9:59 a. m.]