FEDERAL REGISTER

VOLUME 7 NUMBER 112

Washington, Tuesday, June 9, 1942

The President

EXECUTIVE ORDER 9179

AUTHORIZING THE COMMISSIONER OF PUBLIC ROADS, FEDERAL WORKS AGENCY, 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 Commissioner of Public Roads, Federal Works Agency, or any officer of the Public Roads Administration acting in the absence or disability of the Commissioner, 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 shall be deemed necessary for military, naval or other war purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 5, 1942.

[F. R. Doc. 42-5331; Filed, June 8, 1942; 10:05 a. m.]

EXECUTIVE ORDER 9180

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ENTER INTO CONTRACTS FOR THE DISPOSAL OF YUCCA GROWING ON THE PUBLIC DOMAIN

By virtue of the authority vested in me as President of the United States, and in order to expedite the prosecution of the war effort, it is ordered as follows:

The Secretary of the Interior is hereby authorized to enter into contracts, through the Commissioner of the General Land Office, for the disposal of yucca growing on the public domain, under such terms and conditions as he may deem proper whenever he finds that the materials or products to be made from such yucca are substitutes, in whole or in part, for any material which has been or hereafter may be designated as strategic or critical, or both, or is otherwise essential to the prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 5, 1942.

[F. R. Doc. 42-5332; Filed, June 8, 1942; 10:05 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN PUERTO RICO—1941–42 CROP YEAR

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.41d *Determination of sugar commercially recoverable from sugarcane in Puerto Rico.* The amount of sugar commercially recoverable from the sugarcane grown on a farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons of such sugarcane by the number of hundredweights of sugar, raw value, commercially recoverable per ton of such sugarcane, computed in accordance with the applicable provisions of the determination of fair and reasonable prices for the 1941–42 crop of Puerto Rican sugarcane, pursuant to the Sugar Act of 1937, as amended, and the quantity of 96° sugar thereby obtained shall be converted to raw value basis in accordance with the provisions of Title I of the Sugar Act

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THE PRESIDENT

REGULATIONS

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FEDERAL REGISTER

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of 1937, as amended. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C. this 6th day of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary.*

[F. R. Doc. 42-5322; Filed, June 6, 1942; 12:14 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

AUTHORIZATION OF PASSENGERS

Section 21.3 is hereby amended by adding paragraph (h) as follows:

§ 21.3 *Passengers in Army aircraft—Authorization.*[1]

* * * * *

(h) The commanding general of any theater, or of any department, base command, defense command, or task force outside the continental limits of the United States may authorize any persons to ride as passengers in Army aircraft under his control when, in the opinion of such commanding general, this action is necessary or desirable in the Government interest. This authority may be delegated by commanders mentioned above to subordinate commanders. All persons so authorized except those in the

[1] 6 F.R. 2848.

Federal military or naval service will be required to sign the release specified in § 21.4 (c) of this part.[2] (R.S. 161, 5 U.S.C. 22) [Par. 1*h*, AR 95–90, May 19, 1941, as added by Cir. 156, W.D., May 22, 1942]

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

[F. R. Doc. 42–5297; Filed, June 5, 1942; 3:39 p. m.]

Chapter VI—Organized Reserves

PART 61—OFFICERS RESERVE CORPS

AGE AND CITIZENSHIP REQUIREMENTS

Section 61.1 (a) and (b) is hereby amended to read as follows:

§ 61.1 *Age and citizenship requirements.*[1] (a) A Reserve officer must at the time of his appointment be a citizen of the United States or a citizen of the Philippine Islands in the military service of the United States, between the ages of 18 and 60 years.

(b) The minimum ages for original appointment will be as follows:

To the grade of—	*Years*
Second lieutenant (see subparagraph (1) below)	18
First lieutenant (see subparagraph (2) below)	24
Captain (see subparagraphs (3) and (5) below)	28
Major	33
Lieutenant colonel	39
Colonel (see subparagraph (4) below)	46

(Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 3, 48 Stat. 939; 10 U.S.C. 353) [Par. 13*a* and *b*, AR 140–5, June 17, 1941, as amended by Cir. 163, W.D., May 28, 1942]

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

[F. R. Doc. 42–5296; Filed, June 5, 1942; 3:39 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3714]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GIBSON-THOMSEN CO., INC. ET AL.

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported products or parts as domestic:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Foreign product or parts as domestic.* In connection with offer, etc., in commerce, of tooth brushes, (1) representing, directly or by implication, through the use of the word "Kress", or "Kress U. S. A.", or any other word or words of similar import or meaning stamped or imprinted on the handles of the brushes, that tooth brushes having imported handles are of domestic manufacture; (2) using the words "Made in U. S. A.", or any other words of similar import or meaning, on cartons containing tooth brushes having imported handles; (3) representing through the medium of labeling, stamping, or imprinting, upon the handles of brushes, or on cartons containing same, that the tooth brushes are made wholly in the United States, when in fact, the handles are imported; (4) representing through the medium of labeling, stamping or imprinting upon the handles of tooth brushes, or on the cartons containing same, that such brushes are made in the United States, when in fact, the handles of such brushes have been imported and the name of the country of origin has been effectively obliterated or obscured; and (5) selling or distributing tooth brushes, the handles of which are imported, unless such fact is conspicuously stamped or imprinted on the tooth brush or its container; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Gibson-Thomsen Co., Inc., et al., Docket 3714, June 1, 1942]

In the Matter of Gibson-Thomsen Co., Inc., a Corporation, and S. H. Kress & Co., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, the testimony and other evidence in support of the allegations of the complaint introduced by the attorneys for the Commission before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the original and supplemental trial examiners' reports, exceptions to the supplemental report, and brief in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Gibson-Thomsen Co., Inc., and S. H. Kress & Co., corporations, their officers, directors, agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tooth brushes in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Representing, directly or by implication through the use of the word "Kress", or "Kress U. S. A.", or any other word or words of similar import or meaning stamped or imprinted on the handles of the brushes, that tooth brushes having imported handles are of domestic manufacture.

(2) Using the words "Made in U. S. A.", or any other words of similar import or meaning, on cartons containing tooth brushes having imported handles;

(3) Representing through the medium of labeling, stamping, or imprinting, upon the handles of brushes, or on cartons containing same, that the tooth brushes are made wholly in the United States, when in fact, the handles are imported;

(4) Representing through the medium of labeling, stamping or imprinting upon the handles of tooth brushes, or on the cartons containing same, that such brushes are made in the United States, when in fact, the handles of such brushes have been imported and the name of the country of origin has been effectively obliterated or obscured;

(5) Selling or distributing tooth brushes, the handles of which are imported, unless such fact is conspicuously stamped or imprinted on the tooth brush or its container.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–5320; Filed, June 6, 1942; 10:47 a. m.]

[Docket No. 4491]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RADIO WIRE TELEVISION, INC.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of radio receiving sets, parts or accessories, representing, directly or by implication, (1) that respondent's radio receiving set designated as "One-tube battery operated all-wave set" has the power or capacity to "tune in the world" or bring in radio programs from wherever broadcast; or that said set or any other receiving set has power or capacity to receive broadcast programs in excess of its actual power and capacity to receive such programs; and (2) that respondent's radio receiving sets designated as "Two-tube AC–DC kit" and "Two-tube AC–DC set" are two-tube sets; or that said sets or any other receiving sets have a number of tubes in excess of the actual number of fully functioning tubes in such sets which

[1] 6 F.R. 3717, 4655; 7 F.R. 269.
[2] 6 F.R. 2849.

perform recognized and customary functions in the detection, amplification and reception of radio signals or programs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Radio Wire Television, Inc., Docket 4491, June 2, 1942]

In the Matter of Radio Wire Television, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, certain facts agreed upon by respondent and counsel for the Commission and read into the record at a hearing before an examiner of the Commission theretofore duly designated by it, and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Radio Wire Television, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale and distribution of radio receiving sets, parts or accessories in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent's radio receiving set designated as "One-tube battery operated all-wave set" has the power or capacity to "tune in the world" or bring in radio programs from wherever broadcast; or that said set or any other receiving set has power or capacity to receive broacast programs in excess of its actual power and capacity to receive such programs.

(2) That respondent's radio receiving sets designated as "Two-tube AC–DC kit" and "Two-tube AC–DC set" are two-tube sets; or that said sets or any other receiving sets have a number of tubes in excess of the actual number of fully functioning tubes in such sets which perform recognized and customary functions in the detection, amplification and reception of radio signals or programs.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42–5321; Filed, June 6, 1942; 10:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50648]

PART 6—INVOICE, ENTRY AND ASSESSMENT OF DUTIES

PART 16—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

CUSTOMS REGULATIONS AMENDED

The Customs Regulations of 1937 are hereby amended as follows:

Section 6.9 (e) [Article 290 (f)] is amended to read as follows:

(e) When a carrier's certificate is used in making entry pursuant to the provisions of section 484 (h), Tariff Act of 1930, it shall be prepared on customs Form 7529. (Sec. 484 (h), 46 Stat. 723; 19 U.S.C. 1484 (h))

Section 6.11 (b) [Article 292 (b)] is amended to read as follows:

(b) The release order issued by the carrier under the provisions of section 484 (j), Tariff Act of 1930, shall be included in, and executed on, customs Forms 7529 if a carrier's certificate is used in making entry. When a certified duplicate bill of lading is used for entry purposes under the provisions of section 484 (i), Tariff Act of 1930, the carrier's release order shall be endorsed thereon and shall be in substantially the following form:

In accordance with the provisions of section 484 (j), Tariff Act of 1930, authority is hereby given to release the articles covered by this certified duplicate bill of lading to ----------.

This order may be qualified as follows:

(1) "For transfer to the bonded warehouse designated in the warehouse entry," if the merchandise is entered for warehousing.

(2) "For transfer to the bonded carrier designated in the transportation entry," if the merchandise is entered for transportation in bond.

(3) "For transfer to the carrier designated in the export entry," if the merchandise is entered for exportation. (Sec. 484 (j), 46 Stat. 723, sec. 624, 46 Stat. 759; 19 U.S.C. 1484 (j), 1624)

Section 16.18 [Article 890] is amended by adding the following sentence at the end thereof:

An extra copy of customs Form 7512 shall be furnished the collector at the port of arrival for statistical purposes in instances where the merchandise arrives by vessel. (Secs. 552, 624, 46 Stat. 742, 759; 19 U.S.C. 1552, 1624)

Section 16.28 (a) [Article 903 (a)] is amended by adding the following sentence at the end thereof:

An extra copy of customs Form 7512 shall be furnished the collector at the port of arrival for statistical purposes in instances where the merchandise arrives by vessel. (Secs. 553, 624, 46 Stat. 742, 759; 19 U.S.C. 1553, 1624)

Section 16.34 (a) (1) [Article 910 (a) (1)] is amended by adding the following sentence at the end thereof:

An extra copy of customs Form 7512 shall be furnished the collector at the port of arrival for statistical purposes in instances where merchandise arrives by vessel and direct exportation thereof is made, provided that such merchandise is not covered by some other form of entry, the statistical copy of which has previously been sent to the Section of Customs Statistics. (R. S. 251, sec. 624, 46 Stat. 759; 19 U.S.C., Sup. I, 66, 1624)

Section 16.39 (a) [Article 915 (a)] is amended by adding the following sentence at the end thereof:

An extra copy of customs Form 7512 shall be furnished the collector at the port of arrival for statistical purposes in instances where the merchandise arrives by vessel. (Secs. 463, 624, 46 Stat. 718, 759; 19 U.S.C. 1463, 1624)

The above amendments shall be effective on July 1, 1942.

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

Approved: June 5, 1942.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42–5348; Filed, June 8, 1942; 10:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5153]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

INTERRUPTION OR DIMINUTION OF NORMAL PRODUCTION, OUTPUT, OR OPERATION—ABNORMALLY LARGE ITEMS OF INCOME AND ABNORMALLY SMALL ITEMS OF DEDUCTIONS IN THE BASE PERIOD

Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.], as added by T.D. 5045, approved May 3, 1941, are amended as follows:

PARAGRAPH 1. Section 30.722–3[1] (c) is amended as follows:

(1) By changing the third sentence to read as follows:

§ 30.722–3 *Determination of substitute average base period net income.* * * *

(c) *Where there was an interruption or diminution of normal production, output, or operation.* * * * Such average production, output, or operation may be established by the average amount of

[1] 6 F.R. 2315.

production, output, or operation for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, then for the previous taxable years during which it was in existence, for other previous base period taxable years during which it was not in existence but for which an excess profits net income is established under this section, and for so many of the succeeding taxable years ending before June 1, 1940 as do not make the total taxable years in the test period more than four.

(2) By inserting immediately after the third sentence the following sentence:

* * * In determining the average amount of production, output, or operation with respect to products or services of the same class, the amount of production, output, or operation for a year in the base period for which there was a difference in the character of the business or an interruption or diminution of normal production, output, or operation caused by an abnormal event is the amount of production, output, or operation established for such year; the amoun of production, output, or operation adjusted as provided herein shall be used in computing the average amount of production, output, or operation for the application of section 722 (a) (3) (B) to a subsequent taxable year.

PAR. 2. Section 30.722–3 (e) is amended by changing in the second paragraph the second sentence thereof to read as follows:

(e) *Abnormalities in gross income and deductions.* * * *

* * * In such a case, the average amount of gross income of the same class or of deductions of the same class shall be determined by averaging the amounts of such class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, then for the previous taxable years during which it was in existence, for other previous base period taxable years during which it was not in existence but for which an excess profits net income is established under this section, and for so many of the succeeding taxable years ending before June 1, 1940, as do not make the total taxable years in the test period more than four.

PAR. 3. Section 30.722–5[1] (a) is amended by changing item number (9), in the list of items of information required, as follows:

(1) By striking out "and" at the end of subdivision (ii);

(2) By striking out the semicolon at the end of subdivision (iii) and inserting in lieu thereof", and";

(3) By inserting immediately after subdivision (iii) the following:

(iv) if a difference in the character of business is also the basis of the application, the production, output, or operation which the taxpayer would have had for each of the taxable years in the base period for which adjustments were made under section 722 (a) (3) (A), and a detailed statement showing how such amounts were determined.

(sec. 62, 53 Stat. 32; 26 U.S.C., sec. 62; as made applicable by sec. 729, Pub. Law 801, 76th Cong., and sec. 6, Pub. Law 10, 77th Cong.)

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

Approved: June 4, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–5298; Filed, June 5, 1942; 4:18 p. m.]

[1] 6 F.R. 2318.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1446]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

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. 2; 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, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: May 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.														
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
431	Brown, J. R	Brown	Pittsburgh	9	Boston, Pa	P&LE	73	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C	D	D
2401	Calumet Coal & Coke Co. (Artbur J. Boyle).	Andrews Farm	Pittsburgh	3	Calumet, Pa	PRR	74	(†)	(†)	E	E	C	C	B	B	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2399	Cambell Bros. (Wm. Campbell)	Campbell Bros	Kittanning	1	Harrisville, Pa	B&LE	20	G	G	G	G	F	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2402	Gilleland Coke Co	Leon Strip	Pittsburgh	3	Vances Mills Junction	PRR	31	(†)	(†)	(†)	(†)	(†)	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2375	Jacobs, S. Isaac	Sbeets Hill (Strip)	Pittsburgh	3	Sackett, Pa	B&O	80	(†)	(†)	(†)	(†)	(†)	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2400	Jobnston, J. H. (Vance Coal Co.)	Darlington (Strip)	Freeport	1	Darlington, Pa	PL&W	121	(†)	(†)	C	C	B	B	B	B	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1008	Klenes, Mike	Davis	Sewickley	3	Waltersburg, Pa	PRR	31	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2406	Klenes, Mike	Davis (Strip)	Sewickley	3	Waltersburg, Pa	PRR	31	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2397	Lowe, Van B	Stanton	Sewickley	3	Ifie'd (Cover Sdg.)	Monon	30	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
162	National Mining Co	National #3 (W)	Pittsburgh	7	Muse, Pa	Mont	72	A	A	A	A	C	C	C	C	C	(†)	(†)	(†)	(†)	C	C	C
2394	Revere Coal & Coke Co. (Wm. J. Reilly).	Alice	Sewickley	3	Reilly Sdg.. S. Union No. 1.	PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2405	Revere Coal & Coke Co. (Wm. J. Reilly).	Alice (Strip)	Sewickley	3	Reilly Sdg., S. Union No. 1.	PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2395	Revere Coal & Coke Co. (Wm. J. Reilly).	Margaret	Sewickley	3	Reilly Sdg.. S. Union No. 1.	PRR	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2403	Sblanta, Jobn M. (Sblanta Mine)	Sblanta #2	Pittsburgh	9	Baird Station Sdg	P&WV	75	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
[1] 2252	Sigesmund, Anna (Sigesmund Coal Co.).	Sigesmund (Strip)	Pittsburgh	7	E. Liverpool, Obio	Obio River		L	L	J	J	J	J	K	K	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2409	Smitb, Robert J	Freedom #2	Pittsburgh	3	Sackett, Pa	B&O	80	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2383	Taylor Coal Co. (Edwin J. Taylor)	Stevenson #2 (Strip)	Scwickley	3	Geneva Ovens Sdg., Martin, Pa.	Monon	30	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2404	Wynn Coal & Coke Co. (Martin W. Ruane).	Burebinal Strip	Sewickley	3	Wynn, Pa	PRR	31	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3074	Yougb Fuel Co. (E. A. Byrne)	Nancy #3 (Strip)	Pittsburgh	9	Slickville, Pa	PRR	90	F	F	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	D	E	E

†Indicates no classifications or prices effective for this size group.
*Indicates classifications previously established for this size group.
[1] River prices applicable to Mine Index No. 2252 sbown in § 322.9 (d) in Minimum Price Scbedule.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 162, 2401, 2403; Group No. 6: 2402; Group No. 7: 2375, 2409; Group No. 8: 1008, 2383, 2394, 2395, 2397, 2404, 2405, 2406; Group No. 10: 2400; Group No. 15: 2399.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

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

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
BEAVER COUNTY														
Johnston, J. H. (Vance Coal Co.)	2400	Darlington (Strip).	Freeport	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Campbell Bros. (Wm. Campbell)	2399	Campbell Bros.	Kittanning	325	300	290	285	275	260	240	240	195	185	175
Morabit, Dominick	2391	Morabit	U. Freeport	325	310	300	290	280	270	250	240	210	200	190
FAYETTE COUNTY														
Gilleland Coke Co	2402	Leon Strip	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Jacobs, S. Isaac	2375	Sheets Hill (Strip).	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Lowe, Van B	2397	Stanton	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Revere Coal & Coke Co. (Wm. J. Reilly).	2394	Alice (Deep)	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Revere Coal & Coke Co. (Wm. J. Reilly).	2405	Alice (Strip)	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Revere Coal & Coke Co. (Wm. J. Reilly).	2395	Margaret	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Smith, Robert J	2409	Freedom #2	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Taylor Coal Co. (Edwin J. Taylor)	2383	Stevenson #2 (Strip).	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Vernon, Wm. R. (Dr.)	2392	Perry	Freeport	280	270	260	245	225	210	210	210	200	195	175
Wynn Coal & Coke Co. (Martin W. Ruane).	2404	Burchinal(Strip)	Sewickley	275	265	255	240	220	210	210	210	195	190	175
WESTMORELAND COUNTY														
Barnes, James	2398	Coal Hill Fuel	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170
Calumet Coal & Coke Co. (Arthur J. Boyle).	2401	Andrews Farm (Deep).	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175
Shultz and Kantorik (W. L. Kantorik).	2390	S. & K	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175

[F. R. Doc. 42–5284; Filed, June 5, 1942; 11:18 a. m.]

[Docket No. A–47]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES

Order approving and adopting the proposed findings of fact, proposed conclusions of law, and recommendations of the Examiner in the matter of the petition of District Board 6 for the establishment of classifications and minimum prices for the coals of certain mines not heretofore classified and priced, and for reclassification and price changes for the coals of certain mines heretofore classified and priced.

This proceeding, having been instituted upon an original petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 6, requesting, *inter alia*, temporary and final orders establishing price classifications and minimum prices for the coals of the Cross Creek Mine (Mine Index No. 114) of the Cross Creek Coal Company and the Rainbow No. 2 Mine (Mine Index No. 28) of the Penowa Coal Company;

Hearings in this matter having been held on October 21, 1940, and reopened on December 16, 1940; the Examiner having submitted his Proposed Findings of Fact, Conclusions of Law, and Recommendations on September 6, 1941;

On October 22, 1941, District Board 6, having filed a motion to reopen this matter for the purpose of receiving further consideration;

Pursuant to an appropriate Order of the Acting Director, a rehearing in this matter having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witness, and otherwise be heard;

The Examiner having submitted his supplemental Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated April 9, 1942; an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be, and the same hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the Rainbow No. 2 Mine should be deleted as Mine Index No. 467 from the price schedule of District 2 and be assigned Mine Index No. 28 in District 6 and assigned price classifications and minimum prices in § 326.5 (*Alphabetical list of code members*), § 326.6 (*Numerical list of mines*), § 326.7 (*General prices*), § 326.8 (*Special prices*—(c) *Prices for all rail shipment of lake cargo coal (exclusive of railroad fuel) to dumping piers*), § 326.8 (*Special prices*—(d) *Prices for all rail shipment of vessel fuel*), § 326.8 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*), § 326.8 (*Special prices*—(b) *Prices for all rail shipment of lake cargo railroad fuel to dumping piers*), and § 326.23 (*General prices; for shipment into all market areas*) in the Schedules of Effective Minimum Prices for District No. 6, for All Shipments Except Truck and for Truck Shipment as set forth in Supplements R–I, R–II, R–III, R–IV, R–V, R–VI, for the washed coals of the Cross Creek R–VII, R–VIII, and T attached hereto and made a part hereof.

It is further ordered, That in all other respects, the relief heretofore granted and Rainbow No. 2 Mines shall remain unchanged.

Dated: May 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Effective Minimum Prices for District No. 6

Note: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R–I

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

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9
114	Cross Creek Coal Co. (J. C. Johnson).	Cross Creek	---	Pgh. 8	Strip	10	E	E	A	A	A	A	A	A	A
28	Penowa Coal Co	Rainbow #2	---	Pgh. 8	Strip	10	E	E	A	A	A	A	A	A	A

Note: Classifications and prices established herein for Mine Index Nos. 28 and 114 are applicable only to coal loaded into transportation facilities at the Acme Cleaning Plant, Avella, Pennsylvania.

§ 326.6 *Numerical list of mines*—Supplement R–II

Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following to the numerical list of mines.

Mine index No.	Mine name	Code member	Freight origin group No.	Railroad
28	Rainbow #2	Penowa Coal Co	10	P&WV.
114	Cross Creek	Cross Creek Coal Co	10	P&WV.

§ 326.7 *General prices*—Supplement R–III

[Prices for all rail shipment from Mine Index Nos. 28 and 114 into market areas and for uses as shown. Subject to Price Instructions and Exceptions, § 326.1 in the Schedule of Effective Minimum Prices]

For all rail shipment into market areas as shown below	Prices in cents per net ton by size group Nos. 1	2	3	4	5	6	7	8	9
Tidewater, 1, 2, and 100	198	198	213	213	188	188	173	163	188
3	198	198	213	213	201	201	176	166	201
4	210	200	220	220	195	195	180	170	195
5, 6	210	200	220	220	195	195	180	170	195
7	230	220	220	215	205	205	190	170	205
8, 9	220	210	215	210	205	205	180	170	205
10	194	184	204	204	179	179	164	154	179
11	220	210	215	210	205	205	180	170	205
12	220	210	215	210	205	205	180	170	205
13, 14 (All prices shown herein for shipment into Market Areas 13 and 14 when routed by P&WV RR and W&LE RR shall be *increased* 10 cents per ton on all sizes)	220	210	215	210	205	205	180	170	205
16	220	210	215	210	205	205	180	170	205
15, 17, 18, 19, 20, 21 and for all other Market Areas not specially priced in this Schedule	210	200	185	180	170	170	150	140	170

§ 326.8 *Special prices*—(c) *Prices for all rail shipments of lake cargo coal (exclusive of railroad fuel) to dumping piers*—Supplement R–IV

[Prices for all rail shipment of lake cargo coal (exclusive of railroad fuel) to dumping piers from Mine Index Nos. 28 and 114 into market areas as shown. Car ferry movements are to be considered as all rail movement only]

For shipment into market areas 98 and 99—To all destinations on the Great Lakes and tributaries thereof	Prices in cents per net ton by size group Nos. 1	2	3	4	5	6	7	8	9
When loaded into vessels at Lake Erie ports	180	180	195	195	190	190	175	165	190
When loaded into vessels at Lake Ontario ports	168	168	183	183	178	178	163	153	178

§ 326.8 *Special prices*—(d) *Prices for all rail shipment of vessel fuel*—Supplement R–V.

Prices for all rail shipment of vessel fuel from Mine Index Nos. 28 and 114. Vessel fuel prices are applicable for bunkering at the lower lake ports only. Cargo prices apply when coal is consigned to bunkering stations beyond the lower lake loading ports.

Prices in cents per net ton for any size coal for shipment to all destinations: 220.

§ 326.8 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–VI

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from Mine Index Nos. 28 and 114]

	Prices in cents per net ton by size group Nos. 1	2	3	4	5	6	7	8	9
For shipment to all railroads	220	220	220	220	220	205	165	165	205

§ 326.8 *Special prices*—(b) *Prices for all rail shipments of lake cargo railroad fuel to dumping piers*—Supplement R–VII

[Prices for all rail shipment of lake cargo railroad fuel to dumping piers from Mine Index Nos. 28 and 114 into market areas as shown. Car ferry movements are to be considered as all rail movement only]

For shipment into market areas 98 and 99—To all destinations on the Great Lakes and tributaries thereof	Prices in cents per net ton by size group Nos. 1	2	3	4	5	6	7	8	9
When loaded into vessels at Lake Erie ports	200	200	195	195	190	190	160	150	190
When loaded into vessels at Lake Ontario ports	200	200	195	195	190	190	160	150	190

Note: Screenings in Key Size Nos. 54 and 55, when shipped to destinations in Market Area 7, may be reduced 10 cents per net ton from the prices shown above in Size Group No. 7.

§ 326.7 *General prices*—Supplement R–VIII. Market Area 13—Specific price adjustments when for delivery at destinations shown.

Amount in cents per net ton by which prices shall be increased: Akron Water Works 2; Ravenna 2.

Amount in cents per net ton by which prices may be reduced: Akron 6; Barberton 6; Cuyahoga Falls 11; East Akron 6; Kent 11; Mogadore 6; Rittman 11.

FOR TRUCK SHIPMENTS

§ 326.23 *General prices; for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Minerun, nut and pea (base size)
				6
Cross Creek Coal Co. (J. C. Johnson)	Cross Creek	*114	Pgh. No. 8	210
Penowa Coal Co	Rainbow #2	*28	Pgh. No. 8	210

*The prices established herein for Mine Index No. 28 and 114 are applicable only to raw Mine Run at the original loading tipples or ramps.

[F. R. Doc. 42-5231; Filed, June 4, 1942; 10:55 a. m.]

[Docket No. A-1040]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

BOVARD COAL CO.

Memorandum opinion and order approving and adopting the proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner, and granting relief in part in the matter of the petition of the Bovard Coal Co., a code member in District No. 1, for the establishment of price classifications and minimum prices for all shipments for coals produced at its Rimer Mine.

This proceeding was instituted upon a petition filed on September 2, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bovard Coal Company ("Bovard"), a code member in District 1. Bovard requests the establishment of price classifications and effective minimum prices for the coals of its Rimer Mine (Mine Index No. 902) in District 1 for rail shipment on the Western Allegheny Railroad from Brady's Bend, Pennsylvania. Petitions of intervention and answers were filed by District Boards 1 and 2.

Pursuant to a Notice of and Order for Hearing dated September 24, 1941, a hearing in this matter was held on October 23, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by Bovard Coal Company, District Boards 1 and 2, and the Office of the Bituminous Coal Consumers' Counsel. Briefs were thereafter filed by Bovard and the Office of the Bituminous Coal Consumers' Counsel.

On November 14, 1941, 6 F. R. 5887, the Director issued an Order granting temporary relief by establishing effective minimum prices for the coals of Bovard's Rimer Mine when shipped via the Pennsylvania Railroad from Rimersburg, Pennsylvania. The Director thereby denied Bovard's request for permission to make shipments on the Western Allegheny Railroad from Brady's Bend.

On November 28, 1941, Bovard Coal Company filed a petition for reconsideration and modification of the Order granting temporary relief. On December 3, 1941, the Office of the Bituminous Coal Consumers' Counsel also filed a motion to modify the temporary relief, and a statement in support thereof. On December 12, 1941, the Bituminous Coal Consumers' Counsel filed a supplementary statement in support of its motion. On January 12, 1942, District Board 1 filed an answer to the motions for modification of the temporary relief. On January 19, 1942, 7 F. R. 439, the Acting Director issued a Memorandum Opinion and Order modifying the Order granting temporary relief by providing that until May 1, 1942, shipments may be made by Bovard on the Western Allegheny Railroad from Brady's Bend, Pennsylvania, only to those customers, however, in Market Area 10 to whom Bovard formerly shipped the coals of its mine in District 2. On February 2, 1942, Bovard filed a statement pursuant to the Memorandum Opinion and Order of January 19, 1942, in which it listed the names and addresses of the consumers in Market Area 10 to whom it formerly sold coals as American Viscose Corporation, Meadville, Pennsylvania, Erie Lighting Company, Erie, Pennsylvania, Erie County Electric Company, Erie, Pennsylvania, Erie Rubber Works, Erie, Pennsylvania, and Meadville Distillery, Meadville, Pennsylvania.

Thereafter, Examiner Huston made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation, dated April 9, 1942. The Examiner found that price classifications of G in Size Group 3 and H in Size Group 4 should be established for the petitioner's Rimer coals for all shipments except truck. In considering whether Bovard should be allowed to ship its Rimer District 1 coals to Market Area 10 from a District 2 loading point, the Examiner found that the shipment of coal from the Rimer Mine in District 1 to Market Area 10 represented a marked change in the general distributive pattern of District 1 coals and that the pricing of those coals so as to permit their shipment to that market area from Brady's Bend would disrupt the coordination of minimum prices established in General Docket No. 15. The Examiner found further that although Bovard had established an ability to ship Rimer coals from Brady's Bend into Market Area 10 by using District 1 prices, no evidence had been introduced by Bovard to show that the District 1 prices used by it on such shipments of Rimer coals to Market Area 10 were properly coordinated with District 2 coals, and concluded that Bovard should be permited to use only a District 1 loading point.[1]

On April 24, 1942, Bovard filed exceptions to the Examiner's Report, insofar as the Examiner found that shipment of coals from Bovard's Rimer Mine to Market Area 10 via Brady's Bend on the Western Allegheny Railroad would disrupt the coordination of minimum prices established in General Docket No. 15; insofar as the Examiner found that no evidence was introduced by Bovard to show that the District 1 prices used by it were properly coordinated with District 2 prices, and insofar as the Examiner recommended that Bovard be denied the permanent right to make shipments from Brady's Bend via the Western Allegheny Railroad at the District 1 prices used by it. Bovard sought to reserve the right, in the event an order should be entered which it should consider adverse to its rights, to have the matter reopened or to file a new petition should it consider that conditions make it advisable to apply for relief either in the form of a revision of minimum prices or the modification of existing district lines. Bovard did not attempt to show wherein the Examiner's findings to which it excepted were not supported by the record.

After consideration of the record in this proceeding, I find that substantial evidence supports the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner and that Bovard's exceptions thereto are not well taken. I further find that the proposed findings of fact and proposed conclusions of law of the Examiner herein should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the exception of Bovard Coal Company to the Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner be, and they hereby are, overruled.

It is further ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

[1] The Examiner found, however, that there were no loading facilities available at the time of the hearing at Rimersburg for shipments via the Pennsylvania Railroad, and that some relief was necessary if the Rimer Mine was to be able for some time to market its coals. The Examiner recommended that for the reasons stated by the Acting Director in his Memorandum Opinion and Order Modifying Order Granting Temporary Relief dated January 19, 1942, Bovard should be permitted to ship until May 1, 1942, on the Western Allegheny Railroad from Brady's Bend to those customers in Market Area 10 to whom Bovard formerly shipped the coals of its mine in District 2.

It is further ordered, That § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be, and it hereby is, supplemented by including a G classification in Size Group 3 and an H classification in Size Group 4 for the coals of the Rimer Mine (Mine Index No. 902) of the Bovard Coal Company: *Provided,* That such shipments shall be made on the Pennsylvania Railroad from Rimersburg, Pennsylvania, and all adjustments required or permitted mines in Freight Origin Group 90 shall be applicable thereto.

It is further ordered, That the prayer for relief contained in the petition herein of Bovard Coal Company be, and it hereby is granted to the extent set forth above, and in all other respects denied.

Dated: June 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5334; Filed, June 8, 1942; 11:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 987—COBALT

[Amendment 1 to Conservation Order M-39-b]

CURTAILING THE USE OF COBALT IN CERTAIN ITEMS

1. Paragraph (a) of Conservation Order M-39-b[1] (§ 987.3) is hereby amended by adding thereto paragraph (a) (3) to read as follows:

(3) Ground coat frit. No person shall use in the manufacture of ground coat frit any cobalt except cobalt-nickel oxide which cannot be advantageously separated into cobalt and nickel. Notwithstanding this provision or any provision in General Preference Order M-39, there shall be no restriction on the sale and use of existing inventories of ground coat frit containing cobalt in a commercially non-recoverable form unless otherwise directed by the Director of Industry Operations.

2. List B of said order is hereby amended to omit therefrom the following item:

Ground Coat Frit.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5313; Filed, June 6, 1942; 10:42 a. m.]

[1] 7 F.R. 901.

PART 1024—PIGS' AND HOGS' BRISTLES

[Amendment 2 to General Preference Order M-51]

Section 1024.1, *General Preference Order M-51,*[1] paragraph (d) (4), is amended to read as follows:

(4) Notwithstanding the foregoing, nothing in this order shall prevent any manufacturer of products containing bristles from placing purchase orders for or accepting delivery of such amounts of bristles as may be necessary to enable him to manufacture, for inventory, subject to the limitation in paragraph (h), an amount of his finished products not in excess of the amount of his finished products delivered by him upon defense orders in the calendar month preceding the date on which the purchase order is placed: *Provided,* That his inventory is not in excess of a practicable minimum working inventory at the time the order is placed and that to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered: *And provided, further,* That delivery may not be accepted at any time when acceptance would bring his inventory above a practicable minimum working inventory. Such finished products shall be only of the kind and type suitable for delivery upon defense orders. No person shall make delivery of bristles unless each such order shall have endorsed thereon a certificate from such manufacturer, signed by an individual authorized to sign for such manufacturer, and in substantially the following form:

The undersigned manufacturer hereby certifies to his vendor and to the War Production Board, subject to the provisions of section 35 (A) of the Criminal Code (18 U.S.C. 80), that the bristles to be delivered on this purchase order are required by the undersigned to enable the undersigned to manufacture, for inventory, an amount of the undersigned's finished products not in excess of the amount of the undersigned's finished products delivered upon defense orders in the calendar month preceding the date on which this purchase order is placed; that the undersigned's inventory is not in excess of a practicable minimum working inventory and, to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered; and that delivery will not be accepted at any time when acceptance would bring the inventory of the undersigned above a practicable minimum working inventory.

(Company)

By ---
(Signature of Authorized Individual)

(Title)

Date---

The undersigned hereby certifies to the above vendor and to the War Production Board, subject to the provisions of section 35 (A) of the United States Criminal Code, that the above certificate was signed by the undersigned on behalf of and by authority of the said manufacturer.

(Individual)

Date---

Issued this 6th day of June 1942.

[1] 6 F.R. 6425; 7 F.R. 750.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5317; Filed, June 6, 1942; 10:43 a. m.]

PART 1075—CONSTRUCTION

[Interpretation 1, of Conservation Order L-41]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1075.1, Conservation Order No. L-41:[1]

(a) The term "construction" in paragraph (a) (2) does not include the excavation or other movement of earth where no material except earth or other unprocessed material is to be incorporated.

(b) In connection with paragraphs (a) (3), (a) (4), and (a) (5), where part of a building, structure, or project falls within one class under said order and other parts within another or other classes, the predominant designed use shall determine classification of the whole construction.

(c) In connection with paragraphs (a) (4) and (a) (5), a structure to be used primarily for the storage of farm products which are produced by a person other than the proprietor of such structure shall be interpreted to be "other restricted construction".

(d) The cost of construction, as defined in paragraph (a) (7), shall include the cost of an article, chattel or fixture if such article, chattel or fixture is to be (a) physically incorporated in and used as part of the construction; or (b) so substantially affixed to the construction that it may not be detached without materially injuring it or the construction.

(e) The cost of construction, as defined in paragraph (a) (7), shall include neither (a) the value of used material, including equipment, which has been severed from a building, structure or project and is to be used in the construction, without change in ownership; nor (b) the estimated cost of labor in incorporating such used material.

(f) The term "without change of design" in paragraph (a) (9), is interpreted to permit change in material or type of equipment if the architectural or structural plan is not substantially altered in effecting such change.

(g) In determining whether the estimated cost of a particular building, structure or project exceeds the cost limits permitted under paragraphs (b) (4) (i), (b) (5) and (b) (6) over any continuous twelve month period, the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (7) shall not be included.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

[1] 7 F.R. 2730, 3712, 3774.

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5315; Filed, June 6, 1942; 10:42 a. m.]

PART 1189—ROTENONE

[Amendment 1 to Conservation Order M-133]

Section 1189.1, *Conservation Order M-133*,[1] is hereby amended as follows:

1. Present paragraph (b), subparagraph (2), is hereby amended to read as follows:

(2) Use in the protection of food crops other than citrus fruits, cotton, tobacco, cranberries, eggplant, cucurbits, onions, peppers, and sweet corn, or the manufacture of any preparation for such use;

2. Present paragraph (b) is hereby amended to add the following subparagraph (3):

(3) Use as spray, wash, or dust, in the treatment of cattle for the destruction of grubs, but not including use as spray, wash, or dust for repelling and killing flies, mosquitoes, horn flies, stable flies, deer flies, lice, ticks, and similar insects.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5319; Filed, June 6, 1942; 10:43 a. m.]

PART 1193—BAG OSNABURG AND BAG SHEETINGS

[Amendment 1 of Limitation Order L-99]

DISTRIBUTION

Paragraph (f) of *Limitation Order L-99*[2] (§ 1193.1) is hereby amended to read as follows:

§ 1193.1 *Limitation Order L-99* * * *

(f) *Distribution of bag Osnaburg and bag sheetings.* All bag Osnaburg and bag sheetings hereafter produced or now owned by producers shall be sold and delivered only upon defense orders, or as specifically authorized by the Director of Industry Operations, provided however any producer may sell or deliver free from the foregoing restriction of this paragraph (f) irregulars, seconds or cuts under forty (40) yards in length up to a combined total thereof not exceeding six per cent (6%) of such producer's production of bag Osnaburg and bag sheetings. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5318; Filed, June 6, 1942; 10:43 a. m.]

[1] 7 F.R. 2789.
[2] 7 F.R. 2943.

PART 1200—PROTECTIVE HELMETS

[Amendment 1 to General Limitation Order L-105]

Paragraph (b) of § 1200.1, *General Limitation Order L-105*[1], is amended to read as follows:

(b) *General restrictions.* No person shall manufacture any protective helmet, or part or component thereof, except:

(1) Under purchase order from the Office of Civilian Defense, or other agency or department of the United States, or

(2) For delivery to a foreign country pursuant to the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or

(3) From fabricated or semi-fabricated parts or material which on April 29, 1942 were in process of manufacture into protective helmets. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F. R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5314; Filed, June 6, 1942; 10:42 a. m.]

PART 1266—AIRCRAFT CONTROL AND PULLEY BEARINGS

[Limitation Order No. L-145]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anti-friction aircraft control and pulley bearings for defense, for private account and for export; manufacturers of these bearings now make a large number of sizes of this type bearing in small quantities only; concentration in a single producer of the manufacture of a group of these sizes now made in small quantities will permit larger "runs" of such sizes, thereby effecting a large saving in time formerly spent in setting up and taking down production machinery and will release many hours of highly skilled machine setters' time urgently needed for other operations in the producer's plant; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

[1] 7 F.R. 3152.

§ 1266.1 *Limitation Order L-145*—(a) *Definitions.* For the purposes of this order: —

(1) "Producer" means any person, firm, corporation or other form of enterprise engaged in producing any anti-friction aircraft control and pulley bearings.

(b) *Limitation on acceptance of orders for aircraft control and pulley bearings.* (1) Except as provided in paragraph (b) (2), on and after June 10, 1942, no producer may accept any purchase order for aircraft control or pulley bearings of any of the sizes specified on Exhibit A hereto attached unless such producer is designated on Exhibit A as an "authorized producer" of such size.

(2) If on and after June 10, 1942, a producer is requested to accept a purchase order for aircraft control or pulley bearings of any size on Exhibit A as to which he is not designated an "authorized producer" but such producer has on hand completed bearings, or completed parts for such bearings, sufficient to fill such order partially or in full, then he may deliver the completed bearings on hand, or complete such bearings out of the parts on hand and deliver the same, against such order.

(c) *Maintenance of equipment by producers other than authorized producers.* Any producer who manufactured any of the sizes specified on Exhibit A during 1941 but who is not therein designated as an authorized producer of such size, is prohibited from disposing of tools and equipment used by him in manufacturing such size and shall keep such tools and equipment in such condition that whenever the War Production Board deems it necessary to name him an authorized producer he can resume production of aircraft control and pulley bearings of such size one month after notice by the War Production Board.

(d) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States 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.

(f) *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 material 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, Washington, D. C., Ref: L–145, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *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: L–145.

(h) *Applicability of Priorities Regulation 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. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT A TO LIMITATION ORDER L–145

Size of Bearing	*Authorized producers*
K10	Fafnir Bearings Company.
X107	Norma-Hoffman Bearings Corporation.
X143	Federal Bearings Company.
K10H	Federal Bearings Company.
KR3	S K F Industries, Incorporated.
KR4	S K F Industries, Incorporated.
KR6	S K F Industries, Incorporated.
KS3L	Fafnir Bearings Co., Norma-Hoffman Bearings Corp., Marlin-Rockwell Corp.
KS3	Fafnir Bearings Company, S K F Industries, Incorporated.
KS5	Fafnir Bearings Company, Federal Bearings Company.
KS6	Fafnir Bearings Company.
KS8	Norma-Hoffman Bearings Corporation.
KS10	Federal Bearings Company.
K5A	Schatz Mfg. Co., Norma-Hoffman Bearings Corp., Fafnir Bearings Co.
K16A	Federal Bearings Company.
K20A	Norma-Hoffman Bearings Corporation.
KF3A	Fafnir Bearings Company.
KF4A	Fafnir Bearings Company.
KF5A	Federal Bearings Company.
KF6A	Norma-Hoffman Bearings Corporation.
KF8A	Federal Bearings Company.
KF10A	Fafnir Bearings Company.
KF12A	Norma-Hoffman Bearings Corporation.
KF16A	Fafnir Bearings Company.
KF20A	Norma-Hoffman Bearings Corporation.
KF3	Fafnir Bearings Company.
KF4	Fafnir Bearings Company, Federal Bearings Company.
KF5	Fafnir Bearings Company.
KF6	Norma-Hoffman Bearings Corporation.
KF8	Fafnir Bearings Company.
KF10	Federal Bearings Company.
XA43	Fafnir Bearings Company.
XA44	Fafnir Bearings Company, Federal Bearings Company.
XA195	Fafnir Bearings Company.
KF3H	Fafnir Bearings Company.
KF4H	Federal Bearings Company.
K21B	Federal Bearings Company, Fafnir Bearings Company.
K29B	Fafnir Bearings Company.
K37B	Fafnir Bearings Company, Federal Bearings Company.
K47B	Fafnir Bearings Company.
K49B	Fafnir Bearings Company.
A538	Fafnir Bearings Company.
A539	Fafnir Bearings Company, The Torrington Company.
A540	Fafnir Bearings Company.
A542	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
A544	Fafnir Bearings Company, Federal Bearings Company.
A545	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
A546	Federal Bearings Company, Norma-Hoffman Bearings Corporation.
D3	Fafnir Bearings Company.
D5	Federal Bearings Co., Norma-Hoffman Bearings Corp., Marlin-Rockwell Corp.
D6	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
D8	Federal Bearings Company.
D10	Fafnir Bearings Company.
DS3	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
DS4	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
DS6	Fafnir Bearings Company, Norma-Hoffman Bearings Corporation.
DS8	Federal Bearings Company.
DS10	Federal Bearings Company.
DF5	Fafnir Bearings Company.
DF6	Fafnir Bearings Company.
DF8	Norma-Hoffman Bearings Corporation.
G4Y17	Fafnir Bearings Company.
K4R16	Fafnir Bearings Company.
K3L2	Fafnir Bearings Co., Norma-Hoffman Bearings Corp., Marlin-Rockwell Corp.

[F. R. Doc. 42–5316; Filed, June 6, 1942; 10:43 a. m.]

PART 1271—WELDING RODS AND ELECTRODES

[General Limitation Order L–146]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of welding rods and electrodes 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:

§ 1271.1 *General Limitation Order L–146*—(a) *Definitions.* For the purpose of this order:

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

(2) "Electrodes" mean either bare or flux coated filler metal in the form of either cut lengths or coils and designed to be deposited by the electric arc welding process.

(3) "Rods" mean either bare or flux coated filler metal in the form of either cut lengths or coils and designed to be deposited by a gas welding process.

(4) "Alloy electrodes or rods" mean ferrous base rods or electrodes whose core wire contains more than 2%, by weight, of materials other than iron or carbon.

(5) "Manufacturer" means any person producing electrodes or rods.

(6) "Distributor" means any person in the business of distributing electrodes or rods, except a manufacturer.

(7) "Accredited school" means any instruction unit which (i) offers a course of training for welding operators which conforms to the American Welding Society's "Proposed Code of Minimum Requirements for Instruction of Welding Operators" as issued at the date of this order, or is organized within an industrial plant; and (ii) furnishes to the apprentice a full training course devoted entirely to one welding process, which qualifies the apprentice as an industrial welder in not to exceed 200 hours of instruction.

(b) *Restrictions on delivery of rods and electrodes.* No manufacturer or distributor shall deliver any rods or electrodes, and no person shall accept delivery of any rods or electrodes except as follows:

(1) To fill any order for rods or electrodes to be delivered to, or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia.

(2) To fill any order placed by any agency of the United States Government for rods or electrodes to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To fill any order, other than an order for alloy electrodes or rods, or an order for maintenance and repair, to which the Director of Industry Operations has assigned a preference rating of A–9 or higher.

(4) To fill any order for alloy electrodes or rods, other than an order for purposes of maintenance or repair, to which the Director of Industry Operations has assigned a preference rating of A–1–j or higher.

(5) To fill any order for maintenance and repair purposes within the quantity limitations specified in paragraph (c) hereof.

(6) Subject to the provisions of paragraph (e), to fill any order placed by an accredited school.

(c) *Deliveries for maintenance and repair purposes.* No manufacturer shall, during the period from the effective date of this order to the end of the current month or during any calendar month thereafter, deliver rods or electrodes, of any single kind or type listed in Form PD–528, for maintenance and repair purposes in quantities in excess of 6%, by weight, of deliveries of such kind or type by such manufacturer in such period or month. Persons placing purchase orders for rods or electrodes to be used for maintenance and repair purposes shall identify such orders by marking on the purchase order "For maintenance and repair—____ pounds." No person shall use or resell rods or electrodes so ordered for any purpose other than maintenance and repair and no person shall use or resell for maintenance or repair purposes, rods or electrodes ordered for purposes other than maintenance or repair.

(d) *Restrictions on inventory.* No person shall acquire rods or electrodes if such acquisition will increase his supply of such rods and electrodes to more than a sixty day supply.

(e) *Deliveries to accredited schools: Restrictions on accredited schools.* No school, other than an accredited school, shall accept delivery of any rods or electrodes. No accredited school shall furnish to any apprentice more than one pound of rods or electrodes per hour of instruction. No accredited school shall use alloy rods or electrodes except in qualifying tests.

Each accredited school receiving delivery of rods and electrodes shall certify to the person from whom it receives such delivery, as a condition to receiving such delivery, the following on the purchase order, or in a separate letter:

The undersigned hereby certifies that it is an accredited school, as defined in paragraph (a) (7) of General Limitation Order L–146, and that rods or electrodes to be received will be used by an instruction unit which

cross out inapplicable one

1. offers a course of training for welding operators which conforms to the American Welding Society's "Proposed Code of Minimum Requirements for Instruction of Welding Operators" as issued at the date of said order.
2. is organized within an industrial plant,

and furnishes an apprentice a full training course devoted entirely to one welding process, which qualifies the apprentice as an industrial welder in not to exceed 200 hours of instruction.

_____ School

By _____

No person shall make a delivery under paragraph (b) (6) who has reason to believe that the person accepting delivery has furnished a false certification; and no person shall falsely furnish the certification specified above. The certification specified above shall constitute a representation to the Director of Industry Operations of the facts certified therein.

(f) *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.

(g) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *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: L–146.

(j) *Records.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for welding rods and electrodes.

(k) *Reports.* On or before July 18, 1942, for the month of June, and on or before the 18th day of each month thereafter, for the preceding month, each manufacturer shall file a record of shipments on Form PD–528.

(l) *Violations.* Any person who wilfully violates and provision of this order, or who wilfully furnishes false information to the Director of Industry Operations 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.

(m) *Effective date.* This order is to become effective seven days from the date of issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5312; Filed, June 6, 1942; 10:42 a. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

[Limitation Order L–20 as amended June 8th, 1942.]

Section 1015.1 (*Limitation Order L–20*)[1] is hereby amended to read as follows:

§ 1015.1 *General Limitation Order L–20.*—(a) *Definitions.* For the purpose of this order:

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

(2) "Supplier" means any manufacturer, converter, jobber, dealer, printer and other person who directly or indirectly delivers cellophane or similar transparent materials derived from cellulose to the users enumerated in paragraph (b) hereof.

(3) "Cellophane or similar transparent materials derived from cellulose" means cellophane or similar transparent materials derived from cellulose having a gauge of less than .003", and cellulose caps or bands of any gauge.

(b) *Restriction on use.* Subject to the provisions of paragraphs (f), (g) and (h) hereof, no person shall use cellophane or similar transparent materials derived from cellulose, or packages or boxes containing windows of such material, for the packaging, sealing or manufacture of the materials included in the following categories:

(1) Razor blades and sets, except for export purposes;

(2) Cosmetics and soaps, including but not limited to soap and soap flakes, face powder and creams, perfumes, lotions, shampoos, beauty aids, bath salts, hair tonics and bay rum.

(3) Textiles, including but not limited to hosiery, men's shirts and haberdashery, men's, women's and children's underwear, infants' wear, garters, suspenders, girdles, elastic goods, shoe laces, dolls' clothes, lingerie, sweaters, household goods (such as sheets, pillow cases, towels, dish and wash cloths, table linen, doilies, curtains), bedspreads, blankets, narrow fabrics, bolt and piece goods, notions, threads, yarn, polishing and dust cloths, lace, sanitary belts, ribbons and hair bows, cotton batting, string, and twine; but not including bandages, sanitary swabs, and typewriter ribbons.

(4) Rubber and rubber products, including but not limited to rubber gloves, bathing caps, water bags, rubber bands, erasers, garden hose, tires, jar rings, and dress shields; but not including use as a substitute for Holland Cloth in the backing of retreading stocks for tires, as a protective cover for cement on tire reliners and patches, and as a wrapping on friction and rubber tape.

(5) Hardware, metals, and sporting goods, including but not limited to tools, builders hardware, screws, tacks, and other small count goods, lock parts, bearings, kitchenware, cutlery, auto supplies,

[1] 6 F.R. 5730; 7 F.R. 222, 1023, 2151.

zippers, hairpins, pins and needles, bathroom scales, fishing tackle and accessories, golf and tennis items, silverware and cordage; but not including use as a protection for metals and metal parts in export trade or as a protection for precision metal parts.

(6) Paper and paper products, including but not limited to books and periodicals, labels, tags, index cards, advertising and display material, carbon paper, facial tissues, stationery, greeting cards, playing cards, matchbook covers, school supplies, fly paper, mats, punch boards, fibre wastebaskets, jig-saw puzzles, lunch accessories (such as napkins, tablecloths, plates and cups) and specialty papers; but not including scotch tape.

(7) Fountain pens, pencils and leads.

(8) Jewelry, clocks, watches and cameras.

(9) Laundry and dry cleaning.

(10) Candles and wax products.

(11) Electrical equipment, including but not limited to switch plates, batteries and flashlights, washing machines, refrigerators, vacuum cleaners, stoves, bulbs, flat irons, toasters, heatpads, lamp cords, and radios; but not including any use in the manufacture of the equipment.

(12) Wood and wood products, including but not limited to clothes pins, matches, wooden ware and dishes, forks and spoons, but not including medical tongue depressers and swabs.

(13) Leather and leather products, including but not limited to shoes, belts, and wrist bands.

(14) Brushes and combs, except tooth brushes.

(15) Bottled beverages, including but not limited to alcoholic beverages, carbonated beverages, and extracts, but not including special transparent caps for protection of government seals to cover revenue stamps or spots or seals on bottles containing fluids which normally leak or evaporate.

(16) Bottled foods, including but not limited to sauces, salad dressings, fruit juices, pickles, olives, preserves, honey, flavorings, and food specialties.

(17) Canned goods of all sorts.

(18) Flowers, florists' plants, wreaths and garlands, natural and artificial.

(19) Decorations and novelties, including but not limited to molded paper hats, molded Christmas bells, molded flower pot covers, bows and rosettes, soda straws, shelf edgings, household rolls, gift wrappings, Christmas snow, seasonal bands, streamers, Easter grass, Easter egg dyes, decalcomanias and cigarette tips.

(20) Cleaning material, including but not limited to soap powder, cleaning compounds, polishes, metal sponges, mops, brushes, shoe polish kits and brooms.

(21) Bowl covers, household dyes, sewing supplies, coat hangers, shoulder bags and other garment covers, dolls, cake decorations, toys and games, pipe filters, coin wrappings, natural and cellulose sponges, powder puffs, hair nets, printed doilies, hair waving equipment, brake linings, moldings, paints, molding clay and clay products, but not including photographic films.

(22) Cigarettes except where foil is omitted from the package either by order of the War Production Board or at the option of the producer.

(23) Plastic products, but not including any use in the manufacture of plastic products.

(24) Drug products, chemicals and antiseptics, including but not limited to overwraps for bottles and cartons containing such products except where the overwrap on such carton is used as a protection for the product itself.

(25) Candy products and chewing gum, except where used as a protection for the product itself.

(26) All animal foods, including but not limited to fish, turtle, bird, cat, and dog foods.

(27) All window cartons, and carton overwraps where used as a protection for the carton rather than the product itself.

Provided, however, That no person prohibited from using cellophane or similar transparent materials derived from cellulose by the provisions of this paragraph (b) shall secure such materials in gauges of 0.003" or greater as a substitute for prohibited thinner gauges.

(c) *Restrictions on deliveries.* No supplier shall knowingly, directly, or indirectly, deliver or cause to be delivered any cellophane or similar transparent materials derived from cellulose, and no person shall accept the same to be used for packaging or manufacture of any of the materials listed in paragraph (b) hereof.

(d) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of cellophane or similar transparent materials derived from cellulose by the terms of this order shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but the failure to give such notice shall not excuse any customer from the obligations of complying with the terms of this order.

(e) *Monthly reports.* Each converter, agent, fabricator, jobber or similar supplier acting as direct or indirect sales agent for any producer must, by the tenth day of each month, submit to such producer a report of his sales during the preceding month of cellophane and similar transparent materials (other than waste material as defined in paragraph (f) hereof) purchased by such agent from such producer, classifying sales according to industry (such as candy and chewing gum industry, baking industry, drug industry, tobacco industry, and other specifically named industries) and stating as to each class the total number of pounds sold and the number of pounds sold on Government orders and all orders rated A-10 or better. Each person affected by this order shall file such other reports as may from time to time be required by the Director of Industry Operations.

(f) *Waste material exception.* Nothing in this order contained shall prohibit the sale or delivery of off-grade or waste cellophane or similar transparent materials derived from cellulose (known as roll and trim and rejected or defective rolls and sheets), but producers and suppliers of cellophane and similar transparent materials derived from cellulose shall report to the War Production Board by the tenth day of each month the quantities of such material sold or delivered during the preceding month and the recipients thereof.

(g) *Existing stocks exception.* No restriction with respect to use contained in paragraph (b) hereof, and no corresponding restriction with respect to delivery contained in paragraph (c) hereof, shall apply to any stock of cellophane and similar transparent materials derived from cellulose which, at the time when such restriction was first imposed by this order, was:

(1) In the hands of a user; or

(2) In the hands of a supplier and was so cut, processed or printed as to render impracticable its use in a manner not subject to restriction under this order.

(h) *Military exception.* The restrictions and requirements contained in this order with respect to cellophane and similar transparent materials derived from cellulose shall not apply to the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or to any person using, delivering or accepting delivery of cellophane and similar transparent materials derived from cellulose pursuant to a contract with or a subcontract for the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration: *Provided,* That, where this material is not used in connection with implements of war, the primary contract specifically requires the use of such material or of a transparent wrapping material. Persons having such contracts or subcontracts shall nevertheless file reports as required by paragraphs (e) and (f) hereof.

(i) *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 wilfully violates any provision of this order or who wilfully 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) *Appeals.* 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 cellophane or similar transparent materials derived from cellulose conserved,

or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeals to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: L–20, 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.

(4) *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, Chemicals Branch, Washington, D. C., Ref: L–20.

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

Issued this 8th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5358; Filed, June 9, 1942; 11:24 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Supplementary Limitation Order L–26–d]

In accordance with the provisions of § 1029.1 (*Limitation Order L–26,* as amended [1]), which the following Order supplements:

It is hereby ordered, That:

§ 1029.5 *Supplementary Limitation Order L–26–d*—(a) *Definitions.* For the purpose of this order:

(1) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements used for the production or care of crops, livestock, or other produce on a farm, (or elsewhere in the case of poultry) including irrigation and drainage equipment, horseshoes, horseshoe nails and harness hardware, but excluding attachments and repair parts for farm machinery and equipment and also excluding all of the following: Track-laying type tractors, hand tools other than those listed on Schedule A of Limitation Order L–26, as amended (§ 1029.1), special equipment ordered by the United States Department of Agriculture, buildings and repairs thereto, fencing, poultry nettings and wire, gates or wire fencing, bale ties or straps, well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(2) "Attachments" means all types of attachments customarily used in conjunction with farm machinery and equipment.

(b) *General restrictions.* Notwithstanding the provisions of § 944.2 (*Compulsory acceptance of defense and other rated orders*) of Priorities Regulation No. 1 as amended, no person shall sell any farm machinery and equipment or attachments which he knows or has reason to know will not be used in the hands of the ultimate consumer for the production or care of crops, livestock, or other produce on a farm (or elsewhere in the case of poultry), except to fill a contract or purchase order bearing a preference rating of A–9 or higher for any such products. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5357; Filed, June 8, 1942; 11:23 a. m.]

PART 1049—INCANDESCENT AND FLUORESCENT LAMPS

[Amendment 1 to Limitation Order L–28 [1]]

The designation of Part 1049 (formerly "Incandescent Lamps") is hereby amended to read "Incandescent and Fluorescent Lamps".

General Limitation Order L–28 (§ 1049.1) is hereby amended to read as follows:

§ 1049.1 *General Limitation Order L–28*—(a) *Definitions.* For the purposes of this order:

(1) "Incandescent lamp" means any lamp or bulb fitting into a socket and making use of a metal or carbon filament as the source of light.

(2) "Fluorescent lamp" means any electric discharge lamp or tube (other than a cold-cathode tube) fitting into a socket in which the radiant energy from the electric discharge is transferred by suitable materials into visible wave lengths.

(3) "Nickel used" means the aggregate weight of nickel used in the process of manufacture, whether contained in the finished product or part or resulting in scrap.

(4) "Brass used" means the aggregate weight of brass used in the process of manufacture, whether contained in the finished product or part or resulting in scrap.

(5) "Copper used" means the aggregate weight of copper (other than that contained in brass) used in the process of manufacture, whether contained in the finished product or part or resulting in scrap.

(6) "Other metal used" means the aggregate weight of any other metal not included in subparagraphs (3), (4) and (5) of this paragraph used in the process of manufacture, whether contained in the finished product or part or resulting in scrap.

(7) "Blackout lamp" means any incandescent lamp with a Lumen output of less than 1 Lumen per watt.

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

(9) "Manufacturer" means any person who produces incandescent or fluorescent lamps or parts therefor.

(b) *General restrictions.* (1) During the period of three months beginning February 1, 1942, no manufacturer of incandescent lamps shall use in the production of such lamps (including those designed for the purposes mentioned in subparagraph (b) (2))

(i) More nickel than 75% of one-fourth of the nickel used by him in the production of such lamps during 1940;

(ii) More brass than 80% of one-fourth of the brass used by him in the production of such lamps during 1940; or

(iii) More copper than 80% of one-fourth of the copper used by him in the production of such lamps in 1940.

(2) During the period of three months beginning February 1, 1942, no manufacturer of incandescent lamps shall use in the production of such lamps designed primarily for use on Christmas trees, or for advertising, decorative or display purposes more nickel, brass, copper or any other metal than 50% of one-fourth of the nickel, brass, copper or such other metal respectively, used by him for such purposes in the year 1940. On and after June 1, 1942, no manufacturer shall produce any incandescent lamps designed primarily for use on Christmas trees, or for advertising, decorative or display purposes.

(3) During the calendar month of June, 1942, no manufacturer shall use in the production of bases for incandescent lamps more brass than 6⅔% of the brass used by him for such purposes in 1940.

(4) During the period of three months beginning July 1, 1942, and during each succeeding period of three months until otherwise ordered by the Director of Industry Operations, no manufacturer shall produce bases for incandescent and fluorescent lamps having a total weight greater than 31¼% of the total weight of such bases produced by him during 1940, except that any such manufacturer may, in addition to the foregoing quota, produce additonal bases:

(i) Having a total weight equal to any part of his quota for the next succeeding period of three months: *Provided,* That he reduces his quota for such succeeding period of three months by an equivalent amount; and

(ii) In the period of three months beginning October 1, 1942, and in any succeeding period of three months, having a total weight equal to any unused part of his quota for the preceding period of three months.

(5) On and after July 1, 1942, no manufacturer of bases for incandescent or

[1] 7 F.R. 34, 2504, 2787, 3713

[1] 7 F.R. 583.

fluorescent lamps shall sell, transfer or deliver any bases for such lamps, except with the specific authorization of the Director of Industry Operations. On or before the 20th day of each calendar month, beginning in June, 1942, each manufacturer of bases for incandescent or fluorescent lamps shall file with the War Production Board a statement on Form PD–532 of the total weight of bases which he expects to be able to transfer or deliver during the next succeeding calendar month. The Director of Industry Operations shall thereupon authorize on Form PD–532 each manufacturer of bases for incandescent or fluorescent lamps to deliver a maximum amount of such bases, by weight, during the succeeding calendar month to such manufacturers and other persons as the said Director may deem appropriate.

(6) On and after June 15, 1942, no manufacturer shall produce any blackout lamps, except in fulfillment of orders bearing preference ratings of higher than A–2, provided that all such blackout lamps are produced according to specifications of the War Department.

(7) On and after July 1, 1942, no manufacturer shall produce any lamp leads, filament supports, terminals or lamp bases containing nickel, copper, brass or chromium, except:

(i) In electroplated coatings (except that no nickel may be used for plating lamp bases);

(ii) In alloys of controlled thermal expansion properties, *Provided,* That such alloys may be used only for sealing in glass in the minimum size and length required for such practical sealing;

(iii) Copper in sheathing on ferrous wire or strip, commonly called "Copperweld" or "Copper-clad";

(iv) Brass in base eyelets, or pins; or

(v) With specific authorization of the Director of Industry Operations.

(8) On and after June 15, 1942, no manufacturer shall accept delivery of or produce any lamp part, excluding bases, not conforming to the specifications of paragraph (b) (7), if such delivery or production will leave any such parts in his inventory on July 1, 1942, after the completion of his expected production of incandescent or fluorescent lamps or parts therefor within the limits of this order.

(9) On and after July 1, 1942, no manufacturer of incandescent or fluorescent lamps shall accept delivery of any reclaimed bases of such lamps without specific authorization of the Director of Industry Operations on Form PD–423.

(10) The restrictions of this paragraph (b) shall not apply, until September 6, 1942, to the production of incandescent or fluorescent lamps, or to the production or delivery of parts (including, but not limited to bases) for such lamps, when such production or delivery is in fulfillment of a specific order, contract or subcontract for incandescent or fluorescent lamps to be delivered to or for the account of the Army or Navy of the United States or the United States Maritime Commission.

(c) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(d) *Avoidance of excessive inventories.* From the effective date of this order, manufacturers shall not accumulate for use in the manufacture of incandescent or fluorescent lamps or parts therefor, inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amounts necessary to maintain production of such lamps or parts therefor at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection, by duly authorized representatives of the War Production Board.

(g) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, 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.

(i) *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 serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by completing Form PD–417 and forwarding it to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations limits the use of any material in the production of incandescent or fluorescent lamps, or parts therefor, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Application of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, 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.

(l) *Routing of correspondence.* All communications concerning this order should be addressed to the War Production Board, Washington, D. C., Ref.: L–28. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5359; Filed, June 8, 1942; 11:24 a. m.]

PART 1051—JUTE AND JUTE PRODUCTS

[Amendment 4 to General Conservation Order M–70 [1]]

Section 1051.1 (*General Conservation Order M–70*) is hereby amended in the following respects:

1. The first clause of subparagraph (2) of paragraph (h) is amended to read as follows:

(2) Unless specifically authorized by the Director of Industry Operations, no person, other than a Processor or the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or the United States Post Office Department, or the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia, shall acquire, receive or accept delivery of any domestic and/or imported jute products of any type (other than bale covering and twine or rope) which will at any time in any calendar month result in an inventory thereof in excess of one month's inventory of such type of product based upon current rate of operations determined as follows: * * *

2. The first clause of paragraph (i) is amended to read as follows:

(1) No processor or manufacturer of domestic jute products (other than bale covering and twine or rope) or person importing, owning, processing or controlling stocks of imported jute products (other than bale covering and twine or rope), shall deliver, and no purchaser or user (except the Army or Navy of the

[1] 7 F.R. 1594, 2867, 3263.

United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or the United States Post Office Department, or the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia) of such products shall accept delivery of any such products, unless such purchaser or user has certified to the processor or manufacturer or other such person from whom he receives delivery the following on the purchase order for such products, signed by a person authorized to sign for such purchaser. * * *

(P.D. Reg. 1, as amended, 6 F.R. 6680; W. P. B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5354; Filed, June 8, 1942; 11:22 a. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES

[Amendment 1 to General Limitation Order L-49 [1]]

Section 1099.1 (*General Limitation Order L-49*) is hereby amended in the following respects:

Paragraph (b) (4) is hereby amended by striking therefrom the words "The foregoing restrictions", and substituting therefor the words "The restrictions contained in this order".

Paragraph (b) is hereby amended by adding to the end thereof the following new subparagraphs:

(5) On and after June 8, 1942, no manufacturer of innerspring constructions for innerspring mattresses and pads shall procure or acquire any wire to be used in the production of innerspring constructions for innerspring mattresses and pads from any source whatsoever, except from the inventories of other manufacturers of innerspring constructions for innerspring mattresses and pads.

(6) During the month of July, 1942, no manufacturer of innerspring constructions for innerspring mattresses and pads shall use in the production of innerspring constructions for innerspring mattresses and pads more than 100% of the average monthly amount of wire used by such manufacturer in the production of such products during the base period.

(7) On and after August 1, 1942, no manufacturer of innerspring constructions for innerspring mattresses and pads shall process, fabricate, work on or assemble any wire for use in the production of innerspring constructions for innerspring mattresses and pads.

(8) During the months of July and August, 1942, no manufacturer (whether Class A, Class B or Class C) shall use in the production of mattresses and pads more than two times 100% of the average monthly amount of wire used by such manufacturer in the production of such products during the base period.

(9) On and after September 1, 1942, no Manufacturer (whether Class A, Class B or Class C) shall process, fabricate, work on or assemble any mattresses and pads containing any iron or steel.

(10) On and after June 8, 194[illegible], no Manufacturer (whether Class A, Class B or Class C) shall sell, lease, trade, deliver, lend, ship or transfer any iron or steel contained in his inventories and intended for use in the production of Group I and Group II Products to any person whatsoever, except:

(i) if such iron or steel is contained as part of Group I and Group II Products which such manufacturer is permitted to manufacture under the terms of this Order, or

(ii) to other Manufacturers of Group I and Group II Products, or

(iii) to fill an order for such iron or steel placed with such Manufacturer bearing a duly applied preference rating of not lower than A-3, or

(iv) to Defense Supplies Corporation, Metals Reserve Company, or any other corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any person acting as agent for any such Corporation, or

(v) pursuant to specific authorization of the Director of Industry Operations.

(P.D. Reg. 1, as amended, 6 F. R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,
Director of Industry Operations.

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PART 1181—PASSENGER AUTMOBILES

[General Conservation Order M-130]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of new passenger automobiles for defense, for private use and for export, the following order is deemed necessary in the public interest and to promote the national defense.

§ 1181.1 *General Conservation Order M-130*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

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

(3) "Pool car" means (i) any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942, to a person other than a person owned or controlled by the manufacturer, and (ii) any new passenger automobile substituted for a "pool car" by authorization of the Office of Price Administration.

(4) "Pool sticker" means any label or other identification in a form authorized or prescribed by the Office of Price Administration affixed to a new passenger automobile for the purpose of identifying it as a "pool car."

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

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

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

(8) "Sales agency" means any distributor or dealer, and includes any agency or branch of a manufacturer which sells new passenger automobiles.

(9) "Transfer" means to sell or lease, deliver, ship or physically transfer in any other way which involves the use of a new passenger automobile after the transfer by a person other than the transferor.

(10) "Government Exemption Permit PD-501" means a non-transferable permit in prescribed form, issued by the Director of Industry Operations pursuant to application filed with the War Production Board and upon its determination that the transfer of the automobile is required for the prosecution of the War, and authorizing a transfer of a new passenger automobile to or for the account only of the following:

The United States Army, Navy or Marine Corps, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the Office of Lend-Lease Administration or a person acquiring a new passenger automobile for export to and consumption or use in any foreign country pursuant to an Export License issued by the Export Control Branch, Office of Exports, Board of Economic Warfare.

(b) *Restrictions on transfers of new passenger automobiles.* On and after June 12, 1942, no person shall transfer a new passenger automobile to any of the following except upon surrender of a Government Exemption Permit PD-501:

The United States Army, Navy or Marine Corps, the United States Maritime Commission, the War Shipping Adminis-

[1] 7 F.R. 2187.

tration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the Office of Lend-Lease Administration or a person acquiring a new passenger automobile for export to and consumption or use in any foreign country pursuant to an Export License issued by the Export Control Branch, Office of Exports, Board of Economic Warfare.

(c) *Transfers required.* Any manufacturer, distributor, dealer or sales agency to whom a Government Exemption Permit PD–501 is presented and who has in stock a new passenger automobile of the type specified, shall transfer such vehicle to the person named in the permit, irrespective of the terms of any contract of sale or any other commitment with any other person. Where the automobile is a pool car or one to which a pool sticker is affixed it may not be transferred unless special authority to do so appears on the face of the Government Exemption Permit PD–501.

(d) *Report of transfer.* Upon the transfer of a new passenger automobile the transferor must immediately report the transfer by mailing report form PD–502, properly filled out in duplicate, to the Automotive Branch, War Production Board, Washington, D. C. The original Government Exemption Permit PD–501 upon which the automobile is transferred must be retained by the transferor as part of his records referred to in paragraph (e) below.

(e) *Records.* All persons affected by this order shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new passenger automobiles made pursuant to Government Exemption Permit PD–501, which records shall be available for audit and inspection by authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this order shall submit such reports to the War Production Board as may be, from time to time, required.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, 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.

(h) *Inapplicability of preference ratings.* No preference rating heretofore or hereafter assigned by any preference rating certificate or preference rating order shall entitle any official of the Army or Navy, or the agencies and persons mentioned in paragraph (b) above, to receive any new passenger automobile.

(i) *Communications to the 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, Automotive Branch, Washington, D. C., Ref.: M–130.

(j) *Effective date of this order.* This order shall become effective on June 12, 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–6352; Filed, June 8, 1942; 11:21 a. m.]

PART 1201—ISTLE AND ISTLE PRODUCTS

[Amendment 1 to Conservation Order M–138[1]]

Section 1201.1 (*Conservation Order M–138*) is hereby amended as follows:

Paragraph (b) (2) is amended to read as follows:

(2) "Istle Product" means any product processed from raw istle, either alone or in combination with other materials, including but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, twine, roving, cordage, waste istle or istle waste.

Paragraph (b) (3) is amended to read as follows:

(3) "Processor" means any person who processes raw istle or any istle product.

Paragraph (h) (1) is amended to read as follows:

(1) Each Processor who acquires or puts into process any raw istle shall on the fifteenth day of each month file with the War Production Board, Ref.: M–138, a report showing:

(i) The amount of Raw Istle acquired during the previous month;

(ii) The amount of Raw Istle put into process during the previous month.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5355; Filed, June 8, 1942; 11:22 a. m.]

PART 1216—HEAVY POWER AND STEAM EQUIPMENT

[Amendment 2 to Limitation Order L–117[2]]

The portion of § 1216.1 (a) (4) of Limitation Order L–117 following paragraph (a) (4) (ii) is hereby amended to read as follows:

(iii) Any order for heavy power and steam equipment bearing a Preference Rating of A–9 or higher assigned by Preference Rating Certificates PD–2, PD–3, PD–3A, PD–4, PD–5 or Preference Rating Orders P–19, P–19a, P–19b or P–5b, issued prior to May 18, 1942, or by Preference Rating Certificates PD–1, PD–1A or PD–25a or Preference Rating Order P–19h (PD–200 or 200A), or a specific rating assigned by the Director of Industry Operations for repair and maintenance (when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts or the like, and the needed equipment is not otherwise available) issued at any time.

Any Preference Rating Certificate or order of any of the kinds enumerated in paragraphs (i), (ii), or (iii) above may be used to secure heavy power and steam equipment only by the person to whom it was originally issued and only when such heavy power and steam equipment is expressly specified in the certificate or order (or its Form PD–200 or 200A), except that in the case of Preference Rating Orders P–19, P–19a and P–19b, such equipment need not be expressly specified in the order. Any person placing an approved order for heavy power and steam equipment bearing a rating assigned by such Certificate or Order who does not deliver the certificate or order but retains the same as permitted by Priorities Regulation No. 3, as amended from time to time, or by the terms of Preference Rating Order P–19h, shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such Preference Rating Order P–19h, certify to the person from whom the heavy power and steam equipment is to be acquired that the certificate or order was originally issued to him and that the particular heavy power and steam equipment was expressly specified in the certificate or order (or its Form PD–200 or 200A).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5356; Filed, June 8, 1942; 11:22 a. m.]

PART 1243—MATERIAL ENTERING INTO THE PRODUCTION OF OFFICERS UNIFORMS

[Preference Rating Order P–131]

For the purpose of facilitating the acquisition of material entering into the production of officers uniforms in the public interest and to promote the national defense, a preference rating is

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[1] 7 F.R. 3474.
[2] 7 F.R. 3717, 3885.

hereby assigned to deliveries to producers and to deliveries to their suppliers, upon the following terms:

§ 1243.1 *Preference Rating Order P–131*—(a) *Definitions.* (1) "Producer" means any person who has heretofore manufactured officers uniforms.

(2) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to any producer or to another supplier.

(3) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(4) "Officers uniforms" shall mean uniforms (including shirts), required to be worn by the applicable U. S. departmental or agency regulations, for:

(i) U. S. Army Officers (Commissioned and Warrant) and Nurses.

(ii) U. S. Navy Officers (Commissioned and Warrant), Chief Petty Officers and Nurses.

(iii) U. S. Marine Corps Officers (Commissioned and Warrant).

(iv) U. S. Coast Guard Officers (Commissioned and Warrant) and Chief Petty Officers.

(v) U. S. Government Military and Naval Academy and Training School Students.

(vi) U. S. Maritime Commission Officers.

(vii) U. S. Coast and Geodetic Survey Officers.

(viii) U. S. Public Health Service Officers or Nurses.

(ix) U. S. Women's Army Auxiliary Corps Members or Members of any similar U. S. Navy Corps or organization.

(x) U. S. Army Specialist Corps Members.

(b) *Assignment of preference rating.* Preference Rating A–1–i is hereby assigned, subject to the restrictions and conditions of paragraphs (d) and (e) hereof:

(1) To deliveries to any producer by his suppliers of material which will be physically incorporated into officers uniforms;

(2) To deliveries to any supplier, of material which will be delivered by him or another supplier to any producer under the rating assigned above, or will be physically incorporated into material which will be so delivered; or which will be used, within the limitations of paragraph (d) (2) hereof, to replace in such supplier's inventory material which is delivered by him under the rating assigned above.

(c) *Persons entitled to apply Preference Rating.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) Any producer;

(2) Any supplier of material to the delivery of which the preference rating has been applied as provided in paragraph (e).

(d) *Restrictions on use of rating*—(1) *Restrictions on producer.* (i) A producer may apply the rating only to those quantities and kinds of material specifically authorized for physical incorporation into officers uniforms by the applicable U. S. departmental or agency regulations governing the respective uniforms: *Provided, however,* That a producer may not apply the rating to secure deliveries of more than 120 yards weekly from all sources of supply of any wool cloths over 13 ounces per yard in weight physically incorporated into overcoats, short coats, coats, trousers or caps for U. S. Army Officers (Commissioned and Warrant) or physically incorporated into officers uniforms for U. S. Navy Officers (Commissioned and Warrant).

(ii) A producer may not apply the rating to obtain delivery of Material on earlier dates than required to enable him to meet his required deliveries of officers uniforms.

(2) *Restrictions on supplier.* (i) No supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier who supplies material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer his applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms; *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(iv) Effective July 1, 1942, a producer or a supplier who manufactures buttons, or zippers, grippers, fasteners, closures or findings, made of metal, incorporated into officers uniforms shall not apply this rating to obtain material used in the manufacture of these buttons, zippers, grippers, fasteners, closures or findings. Such producer or supplier may apply for priority assistance to obtain such material on form PD–25A under the Production Requirements Plan, Preference Rating Order P–90.

(e) *Application of Preference Rating.* (1) Any producer or any supplier, in order to apply the preference rating assigned hereunder to deliveries to him, must endorse on each purchase order or contract which is covered by the rating assigned hereunder, a statement in the following form, manually signed by an official duly authorized for such purpose:

Preference Rating A–1–i is applied hereto under Preference Rating Order No. P–131, with the terms of which Order the undersigned is familiar.

(Name of producer or supplier)

By ---
(Duly authorized official)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) A supplier who has received from two or more producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may incude in a single purchase order or contract, and (within the limitations of paragraph (d) hereof) may apply the rating to, any or all of the Material which he in turn requires to make such rated deliveries or to replace in his inventory Material so delivered.

(f) *Sales*—(1) *Restrictions.* (i) A producer shall sell or deliver officers uniforms rated under this order only to a wholesaler, jobber, distributor or other intermediary or a retailer to whom he has heretofore sold or delivered officers uniforms, or to an officer, student, nurse or member of the kind described in paragraph (a) (4) of this order.

(ii) A wholesaler, jobber, distributor or other intermediary shall sell or deliver such officers uniforms only to a retailer to whom he has heretofore sold or delivered officers uniforms or to an officer, student, nurse or member of the kind described in paragraph (a) (4) of this order.

(iii) A retailer shall sell or deliver such officers uniforms only to an officer, student, nurse or member of the kind described in paragraph (a) (4) of this order.

(iv) No person shall hereafter sell or deliver any officers uniforms or any material which will be physically incorporated into any officers uniform to any person if he knows, or has reason to believe, such officers uniform or material is to be used in violation of the terms of this order.

(2) *Certifications and sales records.* (i) No producer shall sell or deliver officers uniforms rated under this order to a wholesaler, jobber, distributor or other intermediary or a retailer unless he shall obtain, as a condition to making delivery, either a general certificate, which shall be deemed a continuing representation as to all purchase orders thereafter submitted, or an individual certificate applicable to an individual purchase order, which certificates shall be signed by

an official duly authorized for such purpose and shall be in substantially the following form:

(a) *From a wholesaler, jobber, distributor or other intermediary.*

The undersigned hereby certifies to his vendor and to the War Production Board that he has been heretofore sold or delivered officers uniforms by the said vendor and that the undersigned will sell or deliver officers uniforms acquired pursuant to this certificate only to a retailer to whom he has heretofore sold or delivered officers uniforms or to an officer, student, nurse or member of the kind described in paragraph (a) (4) of Preference Rating Order No. P–131.

(b) *From a retailer.*

The undersigned certifies to his vendor and to the War Production Board that he has been heretofore sold or delivered officers uniforms by the said vendor and that the undersigned will sell or deliver officers uniforms acquired pursuant to this certificate only to an officer, student, nurse or member of the kind described in paragraph (a) (4) of Preference Rating Order No. P–131.

(ii) No wholesaler, jobber, distributor or other intermediary shall sell or deliver officers uniforms rated under this order to a retailer unless he shall obtain, as a condition to making delivery, a general or individual certificate substantially in the form prescribed in paragraph (f) (2) (i) (b).

(iii) No person shall sell or deliver officers uniforms rated under this order to an officer, student, nurse or member unless he shall maintain sales records showing the name, rank, service and serial number, if any, of the officer, student, nurse or member to whom the officers uniform has been sold or delivered.

(3) Nothing in paragraph (f) shall be construed to limit sales or deliveries made by or to any post exchange, ship's service store, commissary, or other enterprise operated under governmental supervision primarily for the benefit of officers, students, nurses or members of the kind described in paragraph (a) (4) of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship because he has not heretofore manufactured officers uniforms or because he has not made previous purchases of officers uniforms from other persons as prescribed in this Order, or otherwise, may appeal to the War Production Board, Ref. P–131, setting forth the pertinent facts and the reasons why he considers relief should be granted. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Records.* In addition to the records required to be kept under paragraph (f) (2) (iii) and Priorities Regulation No. 1, each producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(i) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(j) *Communications to the 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., Reference P–131.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department of agency of the United States, 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.

(l) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(m) *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. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5353; Filed, June 8, 1942; 11:22 a. m.]

Chapter XI—Office of Price Administration

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

[Amendment No. 12 to Revised Tire Rationing Regulations[1]—Tires and Tubes, Retreading and Recapping of Tires, and Camelback]

TIRES AND TUBES FOR VEHICLES ELIGIBLE UNDER LIST A

In paragraph (e) of § 1315.405, subparagraph (1) (iii) is amended and subparagraphs (1) (v) and (4) are added, as set forth below:

* * * * *

§ 1315.405 *Eligibility classification—List A.*

* * * * *

(e) A vehicle operated exclusively for one or more of the following purposes:

(1) Transportation of passengers as part of the services rendered to the publice by a regular transportation system.

* * * * *

(iii) No certificate shall be issued under this paragraph (e) (1) for a vehicle on which the general public cannot obtain transportation, except as provided in paragraphs (e) (2), (e) (3) and (e) (4).

* * * * *

(v) Nothing herein contained shall prevent the use of vehicles which are part of a regular transportation system to transport selecteees to and from examining or induction centers of the Army, provided no other practicable means of transportation is available, and that such transportation is furnished on written request to the operator of the vehicle by an authorized official of the Selective Service System.

* * * * *

(4) Transportation of children under 18 years of age and their attendants to and from summer camps. (i) The Boards shall require as a condition to the issuance of a certificate under this paragraph that the operator of the vehicle for which application is made shall in each instance obtain the written approval of the Regional Recreation Representative of the Office of Defense Health and Welfare Services, prior to transporting campers and their attendants as set forth herein.

§ 1315.1199a *Effective dates of amendments.*

* * * * *

(l) Amendment No. 12 (§ 1315.405 (e)) to Revised Tire Rationing Regulations shall become effective June 8, 1942. (Pub. Law 421, 77th Cong., OPM Sup. Order No. M–15c, WPB Directive No. 1, Sup. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 6th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5310; Filed, June 6, 1942; 9:46 a. m.]

PART 1340—FUEL

[Amendment 3 to Maximum Price Regulation 120[1]—Bituminous Coal Delivered from Mine or Preparation Plant]

MAXIMUM PRICES, DISTRICT 13

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

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[1] 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.
[2] 7 F.R. 3168, 3447, 3901.

Paragraph (b) (1) of § 1340.224 is amended to read as set forth below:

§ 1340.224 *Appendix M: Maximum prices for bituminous coal produced in District No. 13.* * * *

(b) * * *

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this Appendix.

(i) *Special price instruction for mines not listed.* Where no specific maximum price appears for a particular mine index number, the maximum price therefor shall be the same as herein established for the mine index number appearing in the Schedule of Effective Minimum Prices, producing similar and/or comparably priced coals for their respective size groups.

Subdistrict No. 1	Prices and size group Nos.																						
	Domestic and industrial											Mine run		Steam									Bunker fuel
	Lump and egg					Nut		Chestnut						Washed					Raw				
						Washed	Raw	Washed	Raw	Washed	Raw	Washed	Raw										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Mine index No.:																								
30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 53, 54	305	305	----	------	------	300	------	285	------	285	------	295	285	295	295	295	290	285	285	285	285	280	275	295
67, 68	315	315	----	------	------	305	------	315	------	315	------	310	305	315	315	315	315	315	305	305	305	305	305	315
59, 61, 62, 63, 64, 65, 66, 71, 72, 73	325	325	----	------	------	315	------	315	------	315	------	325	315	325	325	325	320	315	315	315	310	305	305	325
55, 56, 57, 70, 668, 1453	370	370	----	------	------	355	------	345	------	345	------	335	325	335	335	335	330	315	325	325	325	320	305	315
74, 75, 76, 77, 78	345	345	----	------	------	335	------	355	------	------	------	350	340	350	350	350	340	330	340	340	340	330	320	335
1, 2, 7, 9, 10, 11, 12, 14, 15, 17	480	480	----	470	470	430	------	350	------	350	------	340	330	340	340	340	325	315	330	330	330	315	305	335
16, 18, 19, 20, 21, 22, 23	500	500	----	490	------	440	430	355	345	355	345	355	345	355	355	355	355	355	345	345	345	345	345	335
3, 4, 6, 8	600	600	----	600	------	480	------	360	350	360	350	350	340	340	340	340	315	315	330	330	330	305	305	335
5, 58, 69	430	430	----	420	------	405	------	345	------	335	------	335	325	335	335	335	325	315	325	325	325	315	305	320

§ 1340.211a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1340.224 (b) (1)) to Maximum Price Regulation No. 120 shall become effective June 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5301; Filed, June 5, 1942; 5:16 p. m.]

PART 1377—WOODEN CONTAINERS

[Maximum Price Regulation 160]

SEASONAL WOODEN AGRICULTURAL CONTAINERS

In the judgment of the Price Administrator it is necessary and proper to establish in a separate Regulation the maximum price for the sale of seasonal wooden agricultural containers which, because of their seasonal nature, cannot satisfactorily be priced on the basis of deliveries made in March 1942. The maximum prices established by this Regulation, are in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.[1] A statement of the considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority invested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 160 is hereby issued.

AUTHORITY: §§ 1377.51 to 1377, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1377.51 *Prohibition against dealing in seasonal wooden agricultural containers at prices above the maximum.* (a) On and after June 6, 1942, regardless of any contract or other obligation, no person shall sell or deliver any seasonal wooden agricultural container at a price higher than the maximum price established by §§ 1377.52 and 1377.53;

(b) No person in the course of business shall buy or receive any seasonal wooden agricultural container at a price higher than the maximum price established by §§ 1377.52 and 1377.53; and

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1377.52 *Maximum prices for sales of seasonal wooden agricultural containers by manufacturers.* (a) The manufacturer's maximum price shall be a price which does not exceed his recent off-season prices by a greater amount than the excess of his last year's on-season prices over his last year's preceding off-season prices. This maximum price shall be computed in accordance with the following procedures:

(1) If the same container was *delivered* to a purchaser of the same class during both the period January 1 to March 31, 1941 and the period January 1 to March 31, 1942:

(i) To compute the maximum price for a purchaser of this class, subtract the average price at which *deliveries* were made during the period January 1 to March 31, 1941 from the average price at which *deliveries* were made during the seller's last selling season, for the same container to the same class of purchaser; and add the dollars and cents differential so obtained to the average price at which the same container was *delivered* to the same class of purchaser during the period January 1 to March 31, 1942.

(ii) To compute the maximum prices for purchasers in other classes than those to whom the container was *delivered* in both the above periods, adjust the maximum price arrived at in the preceding paragraph by the seller's customary differentials to different classes of purchasers.

(2) If subparagraph (1) is inapplicable, but if the same container was *offered* to a purchaser of the same class during both the period January 1 to March 31, 1941 and the period January 1 to March 31, 1942:

(i) To compute the maximum price for a purchaser of this class, subtract the seller's average *offering price* during the period January 1 to March 31, 1941 from his average *offering price* during his last selling season, for the same container to the same class of purchaser; and add the dollars and cents differential so obtained to his average *offering price* for the same container to the same class of purchaser during the period January 1 to March 31, 1942.

[1] 7 F.R. 3153, 3330, 3666.
[2] 7 F.R. 971, 3663.

(ii) To compute the maximum prices for purchasers in other classes than those to whom the container was *offered* in both the above periods, adjust the maximum price arrived at in the immediately preceding paragraph by the seller's customary differentials to different classes of purchasers.

(3) If the manufacturer can compute his maximum price for one container in his line of production under subparagraphs (1) or (2) of this paragraph, but not for another container, he may compute his maximum price for the second container by applying to the maximum price for the first container (as computed under subparagraph (1) or (2)) his customary price differential between the two containers.

(b) In all other cases, the manufacturer must apply to the Office of Price Administration in Washington, D. C. for instructions before quoting or charging a price: *Provided,* That in any event he may quote and charge a price not higher than that established by the General Maximum Price Regulation.[1]

§ 1377.53 *Maximum prices for sales of seasonal wooden agricultural containers by wholesalers, distributors, and retailers.* The maximum price for a sale of a seasonal wooden agricultural container by a wholesaler, distributor, or retailer shall be determined in accordance with the following procedure: Divide the seller's average selling price for deliveries of the container to the same class of purchaser during the last selling season by his average cost for the same container for such season; and multiply the seller's average cost for the current selling season of the same container by the percentage differential so obtained.

§ 1377.54 *Relation between Maximum Price Regulation No. 160 and the General Maximum Price Regulation.*[1] (a) The General Maximum Price Regulation shall apply to any sale of wooden agricultural containers which are not seasonal as that term is herein defined. This Maximum Price Regulation No. 160 supersedes the General Maximum Price Regulation as to seasonal wooden agricultural containers, except as provided in paragraph (b) of this section.

(b) The provisions of §§ 1499.12 and 1499.14 of the General Maximum Price Regulation, relating to records; of §§ 1499.15 and 1499.16, relating to registration and licensing; and of §§ 1499.18 and 1499.19, relating to adjustment and amendment, shall apply to all sales, the maximum prices for which are established by this Maximum Price Regulation No. 160, and to all persons making such sales. The registration and licensing requirements of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling any seasonal wooden agricultural container in the same manner and with the same force and effect as though this Maximum Price Regulation No. 160 had been issued on or before April 28, 1942.

[1] Footnote 1, *supra.*

§ 1377.55 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 160 may be charged, demanded, paid, or offered.

§ 1377.56 *Records.* In addition to any records required to be kept by § 1377.54 (b), every person selling any seasonal wooden agricultural container for which, upon sale by that person, prices are established by this Maximum Price Regulation No. 160, shall keep, and shall make available for examination by, and, upon demand, file with, the Office of Price Administration, a record of all such prices thus established. The records shall show, with respect to each such price: In the case of manufacturers, the January 1, 1941–March 31, 1941, the January 1, 1942–March 31, 1942, and the last selling season average prices, for containers priced under § 1377.52 (a); and in the case of wholesalers, distributors, and retailers, the average selling price for deliveries during the last selling season, and the average cost of the same container for the last selling season and for the current selling season.

§ 1377.57 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 160 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942 and proceedings for the suspension of licenses.

(b) Persons who have evidence of any violation of Maximum Price Regulation No. 160, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest Field, State, or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1377.58 *Definitions.* (a) When used in this Maximum Price Regulation No. 160, the term:

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

(2) "Wooden agricultural container" means any wooden box, basket, crate, cup, till, tray, hamper, lug, carrier, or similar container, and the constituent parts thereof, used for handling, shipping, or storing perishable fruits and vegetables; but does not include cooperage products, or any used containers, or any agricultural containers produced in California, Washington, Oregon, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, and Colorado.

(3) "Seasonal wooden agricultural container" means a wooden agricultural container of which the seller delivered in the three-month period, January 1 to March 31, 1941, less than 15%, and during each one of such three months not more than 8%, of his total deliveries of the same container during the 12-month period ended December 31, 1941.

(4) "Last selling season" shall mean, with respect to each seller, each wooden agricultural container and each area which has a separate season, the latest consecutive three-month period within which the seller delivered to the same area a greater quantity of the same container than he delivered in that area in any other three-month period during the 12-month period ended March 31, 1942.

(5) "Current selling season" shall mean the selling season beginning in 1942 corresponding to the last selling period beginning in 1941 as defined in paragraph (a) (4) of this section.

(6) "Average" when applied to prices and costs means an average weighted according to volume of deliveries, sales, or purchases, as the case may be: *Provided,* That if, in the case of a particular container, the seller delivered (or offered, as the case may be) 50% or more, by units, at the same price, that price may be used in place of the weighted average price. However, this method may be used under § 1377.52 only if it can be and is applied to all prices being compared, that is, the January 1 to March 31, 1941 price, the January 1 to March 31, 1942 price, and the last selling season price.

(7) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for containers for sales to different purchasers or kinds of purchasers (for example, wholesaler, retailer, consumer, etc.) or for purchasers located in different areas, or for different quantities or under different conditions of sale.

(8) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he quoted in any other manner.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in the Maximum Price Regulation No. 160.

§ 1377.59 *Effective date.* This Maximum Price Regulation No. 160 (§§ 1377.51 to 1377.59, inclusive) shall become effective June 6, 1942.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5302; Filed, June 5, 1942; 5:16 p. m.]

PART 1410—WOOL

[Amendment 3 to Maximum Price Regulation 106[1]—Domestic Shorn Wool]

CERTAIN INFERIOR WOODS

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

[1] 7 F.R. 1648, 2245, 2397.

filed with the Division of the Federal Register.

Subparagraph (4) of § 1410.10 (c) is amended to read as set forth below:

§ 1410.10 *Appendix A: Maximum prices for domestic shorn wool.* * * *

(c) *Inferior wools.* * * *

(4) Seedy or burry wools requiring carbonizing,[1] 10¢ per lb. after adjustment has been made in accordance with subparagraphs (1) or (2) above.

[1] According to established trade practice.

* * * * *

§ 1410.9a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1410.10 (c) (4)) to Maximum Price Regulation No. 106 shall become effective June 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–5300; Filed, June 5, 1942; 5:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 4 to General Maximum Price Regulation [1]]

EXCEPTED COMMODITIES AND SERVICES

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

Subparagraph (1) in § 1499.9 (a) and the first three sentences of paragraph (1) in § 1499.20 are amended to read as set forth below and one commodity is taken out of the list of commodities designated by the Price Administrator as cost-of-living commodities in Appendix B (§ 1499.25), as set forth below:

§ 1499.9 *Commodities excepted from this General Maximum Regulation.* (a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities:

(1) Any *raw and unprocessed agricultural commodity or greenhouse commodity* while it remains in substantially its original state, except that dried fruits and dried berries (other than dried prunes and other than sales or deliveries "in natural condition" by growers to packers), bananas, and dried imported agricultural commodities, shall be governed by this General Maximum Price Regulation.

* * * * *

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

* * * * *

(1) Commodities that are picked, harvested, threshed, ginned, husked, cleaned, dried, baled, boxed, packed, transported, and/or refrigerated, without more, remain "raw and unprocessed." But operations such as slaughtering, freezing, canning, preserving, milling, crushing, straining, centrifuging, shelling of nuts, cooking, distilling, and purifying with heat, constitute processing for this purpose. For the purposes of this General Maximum Price Regulation, flowers, seeds, and bulbs shall be deemed raw and unprocessed agricultural commodities as long as they maintain their original identity without being further processed into products commonly designated by other names. * * *

* * * * *

§ 1499.25 *Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.* * * *

HARDWARE, AGRICULTURAL SUPPLIES, MISCELLANEOUS

* * * * *

(Revoked) Vegetable seeds, bulk and packaged.

* * * * *

§ 1499.23a *Effective dates of Amendments.* * * * (d) Amendment No. 4 (§§ 1499.9 (a) (1), 1499.20 (1) and 1499.25) to General Maximum Price Regulation shall become effective June 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5295; Filed, June 5, 1942; 3:32 p. m.]

PART 1306—IRON AND STEEL

[Maximum Price Regulation 159]

FABRICATED CONCRETE REINFORCING BARS

In the judgment of the Price Administrator the prices of fabricated concrete reinforcing bars have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of fabricated concrete reinforcing bars prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said act and will supplement the purposes of the General Maximum Price Regulation. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of the Price Administrator, Maximum Price Regulation No. 159, is hereby issued.

AUTHORITY: §§ 1306.361 to 1306.375, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1306.361 *Maximum prices for fabricated concrete reinforcing bars.* On and after June 15, 1942, regardless of any contract, agreement, lease or other obligation, no fabricator shall sell or deliver fabricated concrete reinforcing bars and no person shall buy or receive fabricated concrete reinforcing bars from a fabricator in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.374 and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of fabricated concrete reinforcing bars by a fabricator to a purchaser if prior to June 15, 1942 such fabricated concrete reinforcing bars had been received by a carrier, other than a carrier owned or controlled by the fabricator for shipment to such purchaser.

§ 1306.362 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.374) may be charged, demanded, or offered.

§ 1306.363 *Conditional agreements.* No fabricator shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1306.374, in the event that this Maximum Price Regulation No. 159 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment or for adjustment or for exception under § 1306.368 has been duly filed, and such petition requires extensive consideration, and the Price Administrator determines that an exception would be in the public interest pending such consideration, the Price Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment or for adjustment or exception, as the case may be. Requests for such an exception may be included in the aforesaid petition for amendment or for adjustment or for exception under § 1306.368.

§ 1306.364 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 159 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery purchase or receipt of or relating to fabricated concrete reinforcing bars alone or in conjunction with any other commodity or by mixing fabricated concrete reinforcing bars in an order for mill or random stock lengths, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991.

[1] 7 F.R. 971.

§ 1306.365 *Records and reports.* (a) Every person making purchases from a fabricator and every fabricator making sales of fabricated concrete reinforcing bars in the course of trade or business on and after June 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, either the shipping point or delivered price paid or received, and transportation charges or allowances, if any.

(b) Every fabricator receiving a certification in writing from a purchaser in accordance with paragraph (a) (2) of § 1306.374 shall keep such certification for inspection by the Office of Price Administration for a period of not less than three years from the date of receipt of such certification by the fabricator.

(c) Persons affected by this Maximum Price Regulation No. 159 shall submit such reports to the Office of Price Administration as it may, from time to time require.

§ 1306.366 *Filing.* (a) Each fabricator shall file with the Office of Price Administration, Washington, D. C., on or before July 15, 1942, on Form No. 259:1 to be furnished by, or obtained at, the Office of Price Administration, Washington, D. C., a statement setting forth the fabricator's complete inventory on June 1, 1942, broken down into sizes, lengths and other customary classes, of (1) each class of concrete reinforcing bars and the cost at which each class of said concrete reinforcing bars was carried in the fabricator's inventory on said date and (2) each class of fabricated concrete reinforcing bars and the cost at which each class of said fabricated concrete reinforcing bars was carried in the fabricator's inventory on said date, and (3) a list of all purchases and sales made in the month of June, 1942, the names and addresses of the sellers and purchasers and the prices paid and received. Wherever possible in setting forth the costs as required above, the part of costs representing transportation charges, or extras, or both, shall be stated separately. A separate statement shall be prepared and filed for each plant of any fabricator.

(b) Each fabricator shall file with the Office of Price Administration, Washington, D. C., on or before the last day of each month following each quarter year beginning with the third quarter of the year 1942, on and in accordance with Form No. 259:2 to be furnished by, or obtained at, the Office of Price Administration, Washington, D. C., a complete statement for each quarter year of (1) the fabricator's inventory of concrete reinforcing bars on the first day of each quarter (beginning with the first day of July, 1942), a list of all purchases of concrete reinforcing bars during each quarter, the names and addresses of the sellers and the prices paid, and (2) the fabricator's inventory of fabricated concrete reinforcing bars on the first day of each quarter (beginning with the first day of July 1942), a list of all sales made of fabricated concrete reinforcing bars during each quarter, the names and addresses of the purchasers and the prices received. This information shall be furnished in such detail as may be required by said Form No. 259:2. A separate copy of said Form No. 259:2 shall be completed and filed for each plant of any fabricator.

§ 1306.367 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 159 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 159 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1306.368 *Petitions for amendment and exception.* (a) The Price Administrator may grant an exception permitting a fabricator to charge more than the maximum prices set forth in this Maximum Price Regulation No. 159 in cases where the fabricator shows that he must otherwise absorb abnormally high transportation costs resulting from lack of the customary means of transportation or other unusual circumstances arising directly from the emergency demands of war. In all such cases the petitioner shall submit data indicating the reasons why the particular shipment or shipments bear abnormally high transportation costs, the amount thereof, and the relation of such shipment, or the manner of shipment, to the war effort. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1[1] issued by the Office of Price Administration.

(b) Persons seeking any modification of this Maximum Price Regulation No. 159 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

§ 1306.369 *Federal and State taxes.* There may be added to the maximum price established by this Maximum Price Regulation No. 159 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this section shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1306.370 *Applicability of General Maximum Price Regulation and Revised Price Schedule No. 49.* The provisions of this Maximum Price Regulation No. 159 supersede the provisions of the General Maximum Price Regulation[2] and Revised Price Schedule No. 49[3] as amended by Amendment No. 4[4] with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1306.371 *Sales for export.* The maximum price at which a fabricator may export fabricated concrete reinforcing bars shall be determined in accordance with the provisions of the Maximum Export Regulation[5] issued by the Office of Price Administration.

§ 1306.372 *Definitions.* (a) When used in this Maximum Price Regulation No. 159, the term:

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

(2) "Concrete reinforcing bars" means and includes all plain and deformed bars specified in the Division of Simplified Practice, Recommendation R 26–30, issued by the Department of Commerce of the United States under date of September 2, 1930, and all plain round rods or wire specified in the Division of Simplified Practice, Recommendation R 53–32, issued by the Department of Commerce of the United States under date of December 15, 1932.

(3) "Fabricated concrete reinforcing bars" means any concrete reinforcing bars which are cut to specified lengths or are bent to a specific radius, or are otherwise specifically bent or cut in a manner customarily performed by fabricators, and also includes mill lengths or random stock lengths not requiring fabrication when such lengths are sold by a fabricator.

(4) "Mill lengths" means concrete reinforcing bars in the lengths originally delivered to the fabricator.

(5) "Random stock lengths" means concrete reinforcing bars in other than mill lengths which are sold from a fabricator's inventory without cutting or bending or the furnishing of engineering services.

(6) "Fabricator" means a person in the business of selling fabricated concrete reinforcing bars who (i) maintains a warehouse stock of such materials; (ii) operates a plant or plants equipped with adequate machinery for the cutting and bending of concrete reinforcing bars; and (iii) maintains engineering service.

[1] Footnote 1, *supra*.

[2] 7 F.R. 3153.
[3] 7 F.R. 1300.
[4] 7 F.R. 3893.
[5] 7 F.R. 3096.

(7) "Applicable basing point" means the basing point on which the maximum price of concrete reinforcing bars is computed for sale to the fabricator in accordance with Revised Price Schedule No. 6.[6]

(8) "Gulf port basing point" is any one of the cities of Galveston, Houston, Orange, Port Arthur and Beaumont in the State of Texas.

(9) "Pacific coast basing point" is any one of the cities of San Pedro, Wilmington, Long Beach, San Diego, San Francisco, Los Angeles, Oakland, Sacramento or Stockton in the State of California, or Portland, Oregon, or Tacoma or Seattle in the State of Washington.

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

§ 1306.373 *Effective date.* This Maximum Price Regulation No. 159 (§§ 1306.361 to 1306.375, inclusive) shall become effective June 15, 1942.

§ 1306.374 *Appendix A: Maximum delivered prices*—(a) *Continental United States except the State of Michigan and the City of Toledo, Ohio.* Except as otherwise provided in this section, maximum delivered prices for sales for delivery within forty-eight states of the United States and the District of Columbia, except in the case of shipments to the State of Michigan and shipments in carload quantities to the City of Toledo, Ohio, of any fabricated concrete reinforcing bars shall be $2.40 per hundred pounds, except that, where the concrete reinforcing bars were purchased by the fabricator at a Gulf Port basing point price, $2.77 per hundred pounds shall be the maximum price, or if at a Pacific Coast basing point price, $2.80 per hundred pounds shall be the maximum price, plus such of the transportation costs set forth in paragraph (b) as are applicable and such of the extras set forth in Appendix B (§ 1306.375) as are applicable: *Provided,* That (1) where a fabricator sells mill lengths or random stock lengths in carload quantities, 25 cents per hundred pounds shall be deducted from said maximum price and (2) where a fabricator sells, in carload quantities, concrete reinforcing bars cut to specified lengths, but not bent or otherwise fabricated, 25 cents per hundred pounds shall be deducted from said maximum price unless the purchaser certifies in writing to the fabricator that mill lengths or random stock lengths in the fabricator's inventory are not acceptable.

(b) *Transportation costs for sales in § 1306.374 (a).* (1) Except as provided in paragraph (b) (3) of this section, the cost of transportation from the applicable basing point to the plant of the fabricator, (i) where the delivery of the concrete reinforcing bars is made to the fabricator outside the limits of the switching district of a basing point, shall be the lowest applicable railroad charge for the transportation of an identical quantity of concrete reinforcing bars to the railroad siding nearest the plant of the fabricator from the applicable basing point, or (ii) where delivery of the concrete reinforcing bars is made to the fabricator within the limits of the switching district of a basing point, shall be the lowest applicable switching charge: *Provided,* That such switching charge may not exceed $0.025 per hundred pounds for shipment in carload quantities of twenty-five tons or more, or $0.10 per hundred pounds for shipments in less than carload quantities, except that for deliveries in carload quantities of 30 tons or more within the limits of the switching district of Chicago, Illinois, such charge may not exceed $0.03 per hundred pounds, and that in no instance need the switching charge provided for in this paragraph fall below $2.00 for any single shipment.

(2) Except as provided in paragraph (b) (3), the cost of transportation from the plant of the fabricator to the consumer shall be the lowest applicable railroad charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from the plant of the fabricator to the point of delivery to the consumer: *Provided,* That where delivery is made by truck from the plant of the fabricator to the consumer, 10 cents per hundred pounds may be added to the lowest applicable railroad charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from the plant of the fabricator to the point of delivery to the consumer.

(3) Where a railroad rate, with the privilege of fabrication in transit at the plant of the fabricator, is available between the applicable basing point and the point of delivery to the consumer, and yields a charge lower than the total charge calculated pursuant to the provisions of paragraphs (b) (1) and (b) (2) for the transportation of an identical quantity from the applicable basing point to the point of delivery to the consumer, the total transportation charge which may be added under paragraphs (b) (1) and (b) (2) of this section may not exceed such lower charge.

(c) *State of Michigan and City of Toledo, Ohio.* Except as otherwise provided in this section, maximum delivered prices for sales for delivery within the State of Michigan and the City of Toledo, Ohio, of any fabricated concrete reinforcing bars shall be as follows:

(1) $2.57 per hundred pounds for shipments in carload quantities in Toledo, Ohio;

(2) $2.52 per hundred pounds for shipments in carload quantities to Detroit, Michigan;

(3) $2.61 per hundred pounds for shipments in less than carload quantities to Detroit, Michigan;

(4) $2.57 per hundred pounds for shipments in less than carload quantities to points other than Detroit in the State of Michigan, plus 17 cents per hundred pounds and plus the difference between the lowest railroad charge at the carload rail rate and the lowest applicable railroad charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from Pittsburgh, Pennsylvania, to the point of delivery to the consumer.

(5) $2.57 per hundred pounds for shipments in carload quantities to points other than Detroit in the State of Michigan:

Provided, That (i) to the prices set forth in this paragraph there may be added the following amounts as set forth below: (*a*) 17 cents per hundred pounds where the lowest applicable railroad charge for the transportation of an identical quantity from Pittsburgh, Pennsylvania to the point of delivery to the consumer is 34 cents per hundred pounds or less; or (*b*) the lowest applicable railroad charge for the transportation of an identical quantity from the applicable basing point to the point of delivery to the consumer, where the lowest applicable railroad charge for the transportation of an identical quantity from Pittsburgh, Pennsylvania, to the point of delivery to the consumer is more than 34 cents per hundred pounds and (ii) there may be added to the above maximum prices such of the extras set forth in Appendix B (§ 1306.375) that are applicable.

(d) *Spirals and welded stirrups.* (1) The maximum prices for fabricated concrete reinforcing bars known as spirals coiled to a specified diameter with spacers attached shall be $4.45 when such spirals are ¼" in diameter and $3.95 when ⅜" or larger in diameter: *Provided,* That (i) where spacers are not furnished, 25 cents per hundred pounds shall be deducted from said maximum prices and (ii) where the spirals are made from cold drawn wire, 50 cents per hundred pounds may be added to said maximum prices and (iii) there may be added such of the extras set forth in Appendix B (§ 1306.375) as may be applicable.

(2) The maximum prices for fabricated concrete reinforcing bars known as welded stirrups shall be $7.80 when such celded stirrups are ¼" in diameter, $6.55 when ⅜" in diameter and $5.80 when ½" or larger in diameter: *Provided,* That there may be added such of the extras, set forth in Appendix B (§ 1306.375) as may be applicable.

(3) There may be added to the maximum prices set forth in subparagraphs (1) and (2) of this paragraph the lowest applicable railroad rate to the plant of the purchaser from whichever of the following basing points is most favorable to the purchaser: Pittsburgh, Pennsylvania; Chicago, Illinois, and Birmingham, Alabama.

(e) *Credit terms.* The maximum prices established in this section shall not be increased by any charges for the extension of credit.

(f) *Segregation of products.* In computing the transportation costs pursuant to the paragraphs of this section the specific concrete reinforcing bars or fabricated concrete reinforcing bars purchased and sold need not be segregated

[6] 7 F.R. 1215.

or otherwise identified by a fabricator: *Provided*, That during any quarter of a year the amount charged on sales for transportation costs by a fabricator during any such quarter shall not exceed the amount of transportation costs actually incurred by such fabricator during the same quarter.

§ 1306.375 *Appendix B: Extras.*

(a) (1) *Size extras.*	*Per cwt.*
¾" and larger	Base
⅝"	$0.10
½"	.20
⅜"	.40
¼"	1.00

(2) *Quantity extras.*

Less than 20 tons, but not less than 5 tons	$0.25
Less than 5 tons, but not less than 1 ton	.35
Less than 1 ton	.50

(3) *Bending extras.*

Type H Bending: Includes bars other than ¼" and ⅜" bent at not more than 6 points; radius bending and types not otherwise defined as Light bending	$0.40
Type L Bending: Includes all ¼" and ⅜" bars or ½" stirrups and column ties and all bars of any size bent at more than 6 points	$0.90

(4) *Milling ends.*

Bars 4'0" long and over	$0.20
Bars less than 4'0"	.30

(5) *Galvanizing extra.*

A charge may be made for galvanizing not in excess of the actual cost to the seller of the galvanizing	

(6) *Restrictive specification extras.*

For a tensile range for structural or Intermediate Grade, more restricted than the ASTM specification, and in no cast shall the deduction be more than 5,000 lbs, per square inch—Add	$0.05
For a weight tolerance more restrictive than the ASTM specification of latest adoption, but in no case restricted to less than 2½% over or under for lot shipments—Add	.10

(7) *Engineering extras.* (i) Detail & placing plans from designs by others.

	Per 100 lbs.	Maximum charge
Less than 5 tons	$0.50	$35.00
5 tons to 19.99 tons	.35	120.00
20 tons to 199.99 tons	.30	800.00
200 tons to 499.99 tons	.20	1,500.00
Over 500 tons	.15	None

Minimum charge on any order, $10.00.

(ii) Listing, $0.05 per 100 lbs.

(iii) Design: (For designing, add $0.30 per 100 lbs. to above detailing extras).

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5326; Filed, June 6, 1942; 12:54 p. m.]

PART 1306—IRON AND STEEL

[Amendment 5 to Revised Price Schedule 49 [1]—Resale of Iron or Steel Products]

CONCRETE REINFORCING BARS

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

A new paragraph (o) is added to section 1306.159 as set forth below:

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products.* * * *

(o) The maximum delivered price for concrete reinforcing bars sold by any person other than a producer, as defined in Revised Price Schedule No. 6,[2] or a fabricator, as defined in Maximum Price Regulation No. 159,[3] shall be a price as otherwise established in this Revised Price Schedule No. 49: *Provided*, That (1) The maximum delivered price for carload quantities of concrete reinforcing bars when sold by any person other than a producer, as defined in Revised Price Schedule No. 6, shall be established by and subject to the conditions of the provisions applicable to carload sales of concrete reinforcing bars of Maximum Price Regulation No. 159, establishing maximum prices for sales of concrete reinforcing bars by fabricators.

§ 1306.158a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1306.159 (o)) to Revised Price Schedule No. 49 shall become effective June 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5371; Filed, June 8, 1942; 12:01 p. m.]

PART 1340—FUEL

[Amendment 4 to Maximum Price Regulation 120 [1]—Bituminous Coal Delivered from Mine or Preparation Plant]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD—COAL FOR GENERATION OF ELECTRICITY

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

A new subdivision (i) is added to paragraph (b) (1) of § 1340.214, as set forth below:

§ 1340.214 *Appendix C: Maximum prices for bituminous coal produced in District No. 3.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this Appendix*—(i) *Special price instructions.* (a) On and after May 18, 1942, maximum prices for Size Groups 7, 8, 9 and 10 coals produced from all Sewell Seam "A" classification mines when sold to the New York, New Haven and Hartford Railroad for use in the generation of electricity shall be $2.60, $2.60, $2.45 and $2.45 per ton, respectively.

* * * * *

§ 1340.211 (a) *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1340.214 (b) (1) (i)) to Maximum Price Regulation No. 120 shall become effective June 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5324; Filed, June 6, 1942; 12:58 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 1 to Maximum Price Regulation 148 [1]—Dressed Hogs and Wholesale Pork Cuts]

PETITIONS FOR AMENDMENTS, ETC.

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

Section 1364.29 is amended, and § 1364.35 is added, as set forth below:

§ 1364.29 *Petitions for amendment and adjustment or exception.* (a) The Administrator may grant an adjustment of or exception from the maximum prices to any person who shows to the satisfaction of the Administrator that it falls within any of the following classes and has sustained special hardship as a result thereof:

(1) Persons whose operations were to a substantial extent curtailed or adversely affected during the period February 16, 1942, to February 20, 1942, inclusive, by reason of their being currently engaged in or immediately committed to plant alterations, repairs, remodelling, or construction which incapacitated them from or hindered them in processing or marketing dressed hogs or wholesale pork cuts in the usual or regular manner;

(2) Persons whose dealings (or the dealing of whose most closely competitive seller in case maximum prices are determinable under paragraph (e) of § 1364.22 of this Maximum Price Regulation) during the week of February 16, 1942, to February 20, 1942, inclusive, consisted primarily of disposing of inventory acquired, or contracted to be acquired, at a time substantially earlier than the time at which other sellers of the same class in the vicinity of the delivery point acquired dressed hogs or wholesale pork cuts of the class as to which adjustment is being requested;

(3) Persons whose dealings (or the dealings of whose most closely competitive seller in case maximum prices are determinable under paragraph (e) of § 1364.22 of this Maximum Price Regulation) were confined during the week of February 16, 1942, to February 20, 1942, inclusive, to dressed hogs or wholesale pork cuts derived from a type of hogs only regionally and seasonally available and not regularly quoted on major live stock markets.

[1] 7 F.R. 1300, 1836, 2132, 2473, 2540, 2682, 3330, 3893.

[2] 7 F.R. 3168, 3447, 3901.

[3] 7 F.R. 1215, 1836, 2132, 2153, 2299, 2997, 3115, 3941.

[1] 7 F.R. 3821.

In such cases the petitioner should submit, and the Administrator will consider, all relevant data, and the necessity for the granting of such an adjustment or exception. The Office of Price Administration may require in connection with any such petition full data on costs, profits, and other relevant factors. Petitions for adjustment or exception pursuant to this section shall be filed in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

(b) Persons seeking modification of any provision of this Maximum Price Regulation No. 148 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

* * * * *

§ 1364.35 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.29 and 1364.35) to Maximum Price Regulation No. 148 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5325; Filed, June 6, 1942; 12:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation[1]—Order No. 7]

AJAX METAL COMPANY, MAXIMUM PRICE FOR CERTAIN ALLOY INGOT

The Ajax Metal Company of Philadelphia, Pennsylvania, has made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for determination of a maximum price for a certain alloy ingot. Due consideration has been given to the application and an Opinion in support of this Order, issued simultaneously herewith, 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 § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.42 *Authorization of a maximum price for a certain alloy ingot to Ajax Metal Company.* (a) On and after June 9, 1942 Ajax Metal Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver alloy ingot of the following specifications at a price not higher than 15.75 cents per pound in less than carload lots, f. o. b. Philadelphia, Pennsylvania.

	Percent
Copper	84
Antimony	2
Lead	11
Tin	3

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991.
[2] 7 F.R. 971.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 7 (§ 1499.42) shall become effective June 9, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5323; Filed, June 6, 1942; 12:56 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 8 to Rationing Order 2A[1]—New Passenger Automobile Rationing Regulations]

RESTRICTION OF TRANSFERS

In § 1360.381 the reference to "§ 1360.351" is amended to read "§ 1360.332"; the undesignated center headnote, "Persons Authorized To Acquire New Passenger Automobiles By War Production Board," and § 1360.351 are revoked; and §§ 1360.332 and 1360.334 are amended to read as set forth below:

§ 1360.332 *Exemptions.* The restrictions upon transfers of new passenger automobiles provided by § 1360.331 shall not apply:

(a) To transfers pursuant to Rationing Order No. 2;[2] or

(b) To transfers to any of the following persons, pursuant to Government Exemption Permits issued by the Director of Industry Operations of the War Production Board:

(1) The United States Army, Navy, Coast Guard or Marine Corps, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the Office of Lend-Lease Administration; or

(2) Persons acquiring new passenger automobiles for export to and consumption or use in any foreign country under Export License issued by the Export Control Branch, Office of Exports, Board of Economic Warfare.

* * * * *

§ 1360.334 *Prohibition of transfer of pool cars.* Nothing in this Rationing Order No. 2A shall be construed to permit transfers of pool cars, except:

(a) To any of the persons specified in paragraph (b) of § 1360.332, pursuant to Government Exemption Permits issued by the Director of Industry Operations of the War Production Board, upon the face of which Permits appears special authority to acquire pool cars; or

(b) To dealers, distributors, manufacturers, or persons who in good faith have lent money on the security of or who have financed the sale of the new passenger automobiles being acquired: *Provided, however:* That such acquisitions shall be for the purpose of resale and are otherwise in accordance with this Rationing Order No. 2A.

* * * * *

§ 1360.422 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1360.332, 1360.334, 1360.351, 1360.381) to Rationing Order No. 2A shall become effective June 12, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 8th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5361; Filed, June 8, 1942; 11:25 a. m.]

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482.
[2] 7 F.R. 667, 936, 1131.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

[General License No. 2]

PART 9—GENERAL LICENSES FOR MOVEMENT OF VESSELS WITHIN, OR DEPARTURE FROM TERRITORIAL WATERS

DEPARTURES OF CERTAIN TWO-WAY-RADIO-EQUIPPED VESSELS FROM DESIGNATED NAVAL DISTRICTS

Whereas by § 6.6 (d), Part 6, Title 33—Anchorage Regulations—regulations for the control of vessels in the territorial waters of the United States (6 F.R. 5222), as amended, it is provided that the Commandant of the Coast Guard, with the approval of the Secretary of the Navy, may issue a general license for any class or classes of vessels for which a departure or movement license is required by said section, if he finds that the granting of such a general license would not be inimical to the interests of national defense and of the safety and protection of vessels, or the territorial waters; and

Whereas I find that the granting of a general license for the class of vessels and under the conditions hereinafter specified would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters:

Now, therefore, by virtue of the authority vested in me by the regulations cited above, the following general license is hereby issued:

§ 9.4 *General License No. 2.* All vessels of the First, Third, Fourth, Fifth, Sixth, Seventh and Eighth Naval Districts which are equipped with radio transmitting and receiving sets are hereby authorized to depart from local waters, as such waters are defined by § 9.1, except that this license shall not apply to (a) the departure of any vessel where the Captain of the Port finds that such departure would be inimical to the national war effort, and (b) the departure of vessels which are required to obtain a clearance under § 6.7 of this chapter. The provisions of paragraphs

(1) to (4), inclusive, of § 9.2[1] of this chapter shall be equally applicable to General License No. 2.

R. R. WAESCHE,
Commandant, U. S. Coast Guard.

Approved: June 5, 1942.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 42-5327; Filed, June 8, 1942; 9:33 a. m.]

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO IN VICINITY OF VENICE, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Gulf of Mexico, in an area in the vicinity of Venice, Florida, comprising an aerial gunnery target range for Army aircraft.[2]

§ 204.86 *Waters of Gulf of Mexico; U. S. Army Air Corps, Aerial Gunnery Target Range in vicinity of Venice, Fla.*— (a) *The danger zone.*[2] The area involved is a parallelogram about 50 miles by 45 miles in dimension, the northerly and southerly sides being latitude parallels 27°15′ and 26°35′, respectively, the northeast and northwest corners being at longitudes 82°45′ and 83°30′, respectively, and the southeast and southwest corners being at longitudes 82°25′ and 83°10′, respectively. The eastern boundary of this area will be a line about 12 miles offshore. The western boundary will be a line 45 miles west of, and parallel with this line.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for target practice except as provided in paragraph (b) (5).

(2) Since aerial target practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, advance notice shall be given of the date on which the first of such activities will begin. At intervals of not more than 3 months thereafter, notice will be sent out that target practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to the conducting of each target practice the areas will be patrolled by Army aircraft to insure that no watercraft are within the dangerous area and any such watercraft seen in the vicinity will be warned by means of signals that target practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of the practice.

(5) These regulations shall not deny access to or egress from harbors contiguous to this danger area by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(6) No marking of the area is proposed, and all aircraft and watercraft shall be presumed to know their whereabouts by distances and directions from landmarks or other topographical features along the shore.

(7) These regulations shall be enforced by the Commanding Officer, Sarasota Airport, Sarasota, Florida, and such agencies as he may designate. (40 Stat. 266; 33 U.S.C. 1) [Regs. May 25, 1942 (CE 7195 (Mexico, Gulf of)—SPEON)]

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

[F. R. Doc. 42-5333; Filed, June 8, 1942; 10:08 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communication Commission

[Order No. 99]

REGISTRATION OF RADIO TRANSMITTERS NOT LICENSED

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of May 1942;

Pursuant to the authority conferred upon it by Order No. 4, dated April 16, 1942, of the Defense Communications Board, the Federal Communications Commission hereby orders every person or organization in possession of a radio transmitter, who does not hold a radio station license for the operation of such transmitter, to apply for registration of such transmitter with the Commission not later than 20 days after the effective date of this Order, in accordance with the following provisions:

1. "Radio transmitter" as herein used means a device designed for transmission of communications by radio frequency energy. This Order is not intended to include apparatus commonly known as phonograph oscillators, test oscillators, signal generators and wired radio systems.

2. Application for registration shall be made on forms furnished by the Commission, and such forms shall be obtained from the Federal Communications Commission in Washington, D. C. or from any of its field offices.

3. Individual applications must be made for each transmitter to be registered and each transmitter must be separately registered. All requests for application forms should state the number of transmitters to be registered.

4. All application forms shall be returned to the Secretary, Federal Communications Commission, Washington, D. C. (*not to the field office*).

5. If, upon receipt of an application for registration, the Commission finds that sufficient and reliable information has been furnished, it will issue a nontransferable certificate of registration to the applicant.

6. The applicant shall be responsible for having the certificate of registration conspicuously affixed to the transmitter for which it is issued.

7. Any person or organization in any manner coming into possession of a transmitter required to be registered under the terms of this Order shall apply to the Commission for a certificate of registration within 15 days after obtaining such possession.

8. If a transmitter for which a certificate of registration has been issued should be transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the registrant (holder of the certificate of registration), he shall notify the Commission within 5 days thereafter, furnishing a statement as to such loss, disposal, or disappearance, and furnishing the name of the recipient of the transmitter if such person is known to the registrant. In such case, the certificate of registration shall be returned to the Commission.

9. The registrant shall notify the Commission, within five days, whenever the transmitter registered is moved from its registered location to another location. The Commission will then issue a new certificate of registration to the registrant.

10. (a) Whenever the registrant of a transmitter shall be the manufacturer thereof, he shall stamp upon it the name of the manufacturer and a serial number.

(b) Whenever a transmitter has impressed upon it, or is in any way marked with the name of the manufacturer and a serial number, the person in possession shall be responsible for preserving such marking from obliteration, removal or alteration.

11. Any transmitter required to be registered under this Order and for which there is no valid registration certificate outstanding or from which the name of the manufacturer or serial number has been obliterated, removed, or altered, after the date of this Order, shall be subject to closure and removal by the Commission.

12. The following transmitters shall not be subject to any of the provisions of this Order: Transmitters in the possession of the United States Govern-

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[1] See 6 F.R. 5342; 7 F.R. 43, 1721, 2176, 2477, 3213.

[2] A map was filed with the original document.

ment, its officers or agents, or which are under contract for delivery to the United States Government.

This Order shall become effective June 8, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5366; Filed, June 8, 1942; 11:44 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Instruction O.D.T. No. 1]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART C—INSTRUCTIONS TO ALL CARRIERS, WHETHER COMMON, CONTRACT, OR PRIVATE, INCLUDING RAILROADS, EXPRESS COMPANIES, FREIGHT FORWARDERS, TRUCKS, AND BARGE LINES COVERING EXPORT FREIGHT

By virtue of the authority vested in me by Executive Order No. 8989, approved December 18, 1941, and in order to coordinate and direct domestic traffic movements with the objective of preventing possible points of traffic congestion and to assure the orderly and expeditious movement of materials and supplies to points of need; to coordinate domestic traffic movements with ocean shipping in order to avoid terminal congestion at port areas and in order to maintain a maximum flow of traffic, the attainment of which purposes is essential to the prosecution of the war, the following instructions are hereby issued:

SEC.

AUTHORITY: §§ 502.9 to 502.13, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.9 *Definitions.* As used in this subpart:

(a) The terms "export freight" and "overseas shipment" mean any freight shipment, whether carload, truckload, bargeload, or less-than-carload, -truckload or -bargeload, destined for movement offshore from any port in the United States.

(b) The term "O.D.T. block permit" means a code designation consisting of a combination of letters and digits, and assigned to export shipments made by, for or to any governmental agency.

(c) The term "O.D.T. unit permit" means a code designation consisting of a combination of digits, and assigned to any export shipments other than those assigned O.D.T. block permits.

(d) The term "commercial shipment" means any export freight shipment made by, for or to any person not designated as a governmental agency. The term "person" means any individual, firm, copartnership, corporation, company, association, including a farm cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

(e) The term "license number" means the license number issued by the Office of Export Control, Board of Economic Warfare.

(f) The term "bank" means any export freight which may be shipped to a port in the United States under either an O.D.T. block permit or O.D.T. unit permit without first securing steamship space for such export freight shipment. The maintenance of such a bank is to expedite ship loading by having available freight of proper loading character at the port.

(g) The term "release" means the authority granted by either an O.D.T. block permit or O.D.T. unit permit.

(h) The term "priority" means the priority designation assigned by the Office of Export Control, Board of Economic Warfare.

§ 502.10 *Block permits and export shipments by, for or to governmental agencies.* All overseas shipments originating in the United States or Canada, whether carload, bargeload, or truckload, made by, for or to any governmental agency and shipped via United States ports will move to the ports under block permits issued by the Office of Defense Transportation through the Traffic Control Division, Office of the Chief of Transportation, Headquarters, Services of Supply, War Department, Washington, D. C.;

(a) The carriers are authorized to accept carload shipments, provided the bill of lading or shipping document bears upon its face an O.D.T. block number in substantially the following form: O.D.T. Block No. QMR-WB-1408-10. Whenever this block number appears on the shipping order, no other authorization from the Office of Defense Transportation is required even though the shipment be a commercial shipment. (See §§ 502.10 (d) and 502.11). It is necessary, however, that export documents be forwarded at time of shipment to prevent delays, and every shipper should examine these documents to see that they are properly completed;

(b) The carrier must accurately and fully transcribe O.D.T. block permit numbers on waybills. Failure to do so will result in delays and expense to owners, because absolute identification is required;

(c) Agencies or others not now listed who desire a block permit shall make application direct with the procuring agency with whom its governmental contract was negotiated, except that the Dominion of Canada will handle its requirements direct with the Office of Defense Transportation.

§ 502.11 *Unit permits and export commercial shipments.* All overseas shipments, whether carload, bargeload, or truckload, except those outlined in § 502.10 and commonly termed "commercial shipments", can be accepted for movement to the ports only upon presentation to the carrier by the shipper of an O.D.T. unit permit, the number of which is to be transcribed on waybills in a similar manner as the block number. Shipments from the Dominion of Canada will be handled by O.D.T. block permits;

(a) An O.D.T. unit permit may be obtained only by applying to the Office of Export Control, Board of Economic Warfare, Washington, D. C., for a license and priority number. Application is then made to the ocean carrier for a definite space booking.

(b) Unit permits for United States shipments by rail or express will be issued by Mr. G. C. Randall, Manager, Port Traffic, Association of American Railroads, 30 Vesey Street, New York City, and by his outside offices located in the following cities: Mobile, Ala., New Orleans and Lake Charles, La., Houston, Tex., Atlanta, Ga., San Francisco and Los Angeles, Cal., and Seattle, Wash. If there is no office at a port, application is to be made to the nearest office.

(c) Unit permits for shipments via truck will be issued by the field managers of the field offices of the Division of Motor Transport, Office of Defense Transportation, located in the following cities: Boston, Mass., Baltimore, Md., Charleston, S. C., Dallas, Tex., Jacksonville, Fla., New Orleans, La., New York, N. Y., Norfolk, Va., Philadelphia, Pa., Portland, Ore., Los Angeles and San Francisco, Cal., and Seattle, Wash. Likewise, application should be made to the nearest office in the event no office is located at the port to be used.

(d) Unit permits for barge lines will be issued direct by the Division of Inland Waterways, Office of Defense Transportation, Washington, D. C.

§ 502.12 *Less-than-carload, -truckload or -bargeload export shipments.* Shipments of less-than-carload, -truckload, or -bargeload freight may only be accepted when the bill of lading contains the license number issued by the Board of Economic Warfare (if no license is necessary, make such notation on bill of lading) and the steamship contract number for the space. (Shipments for all governmental agencies are exempt from these restrictions, and shipments for Cuba, the Dominican Republic, and Porto Rico may move via Tampa, Florida, without restriction.)

§ 502.13 *Banks and releases.* Just as soon as the inventory of port facilities is completed and the present situation is investigated, the Transportation Control Committee, in cooperation with the Board of Economic Warfare and other interested agencies, will establish the banks at each port for both governmental agency and commercial shipments, and will authorize the necessary releases.

The effective date of this subpart is June 1, 1942, and it is expected that no

shipments will be accepted after that date, unless made in accordance herewith.

Issued at Washington, D. C., this 23d day of May 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-5364; Filed, June 8, 1942; 11:29 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1452]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the Bituminous Coal Consumers' Counsel—for amendment of Rule 1 (J) of section vii of the marketing rules and regulations.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on May 13, 1942 by the Bituminous Coal Consumers' Counsel, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested that Rule 1 (J) of section VII of the Marketing Rules and Regulations be amended to permit prepayment of transportation charges on shipments of bituminous coal to the War Department, without the payment of interest charges, for the duration of the war and for six months thereafter.

Pursuant to an Order of the Acting Director, dated May 19, 1942, and after due notice to interested persons, an informal conference in this matter was held on May 28, 1942. The Bituminous Coal Consumers' Counsel and the War Department were represented at the informal conference. All district boards were notified of the conference but none filed petitions of intervention or appeared.

Rule 1 (J) of section VII of the Marketing Rules and Regulations as amended April 1, 1942, permits prepayment of transportation charges when for shipment to agencies of the Federal Government but requires that the consumer be invoiced for immediate payment and charged 5% interest on any period in excess of 10 days.[1]

It appears from the statements made at the informal conference that the general practice of the War Department in purchasing bituminous coal is to forward to the shipper Government bills of lading. However, emergencies arise from time to time where immediate shipments of coal are essential and telegram or telephone instructions are given the supplier of coal to forward the shipment at once, prepaying the freight. While the War Department pays the bill for both freight and coal as promptly as possible under its usual accounting procedure, ordinarily that is not within 10 days.[2]

The War Department has expressed the opinion that the rule in question may prove a hindrance in the prompt supplying of coal on its emergency orders for producers may be reluctant to supply rush orders of the War Department knowing that the freight charges, which on shipments to agencies of the Federal Government they may prepay, will not be repaid within ten days.[3] No one appeared at the informal conference in opposition to the requested amendment of the rule. In view of these circumstances, the Division's policy that the war program be furthered in every way possible requires that the petition be granted.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending Rule 1 (J) of section VII of the Marketing Rules and Regulations by adding the following provision: "*And Provided Further,* That interest need not be charged on transportation charges prepaid on shipments to the War Department for the duration of the War and for six months thereafter."

Dated June 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5335; Filed, June 8, 1942; 10:59 a. m.]

[1] The rule in its entirety reads as follows: "Transportation charges on all-rail shipments or on ex-river shipments of coal from the lifting point shall not be paid by a Code Member, his Sales Agent, or a Distributor, except to prepay stations as published in current railway tariffs or on shipments to the United States Government, States or political subdivisions thereof, and except as authorized in the minimum price schedules or in paragraph 1 of Section 4 II (i) of the Act. Where the transportation charges are thus prepaid, the amount thereof shall, immediately upon receipt of the freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment, and unless payment for such transportation charges is received by the seller within ten (10) days from the date of the invoice, the seller shall charge and the buyer shall pay interest at the rate of five (5%) per centum per annum from the due date commencing on the day following the date payment is due, except as otherwise provided in the minimum price schedules: *Provided, however,* That in the case of sales made to Federal, State or Local Governments, or any agency thereof, interest need not be paid at a rate in excess of, but shall be paid at a rate of not less than that prescribed by applicable statutes or rules as the maximum rate of interest governing such payments, where that prescribed maximum is less than five (5%) per centum per annum."

[2] The Consumers' Counsel stated that it had not made a canvass of other Federal agencies to determine whether they may be confronted with the same problem.

[3] It was said at the conference that the Comptroller General has ruled that interest may not be paid by agencies of the Federal Government, unless such payment is expressly provided for in a contract or by a federal statute.

[Docket No. A-1325]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL

MEMORANDUM OPINION AND ORDER IN RE PETITIONER'S MOTION TO INCORPORATE ADDITIONAL EVIDENCE AND TO SETTLE CERTAIN PROCEDURAL MATTERS

In the matter of the petition of Bituminous Coal Consumers' Counsel for the establishment of the same price classifications and minimum prices for the coals produced at mines in Subdistrict 4 of District 13 for shipments by river as are applicable for coals for truck shipments, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The above-entitled proceedings were instituted by an original petition filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. A Memorandum Opinion and Order Granting Temporary Relief were entered in this matter on May 11, 1942. During the course of the hearing in this matter, the original petitioner, Bituminous Coal Consumers' Counsel, suggested that the question of permanent relief be postponed for some time and that the parties be given opportunity to reopen the hearing for the possible introduction of such additional evidence as may be obtained from the Tennessee Valley Authority's experimental movement of coal on the Tennessee River, pursuant to the temporary relief granted in Docket No. A-1238. Accordingly, on April 30, 1942, the petitioner filed a motion to reopen the hearing in this proceeding.

Now comes the original petitioner and makes the following motions: (1) that affidavits of Clifton T. Barker, J. Marshall Johnson, H. A. Griffith, and E. L. Goforth, giving the results to date of the Tennessee Valley Authority's experimental movement of coal authorized by the temporary Order in Docket No. A-1238, be incorporated into the record of this proceeding as evidence; (2) that the Order incorporating these affidavits as exhibits be equitable to all other parties in this proceeding, giving such parties an opportunity to file any answering affidavits in this matter; (3) that the Examiner's Report in this proceeding be dispensed with, and the matter be submitted to the Acting Director; and (4) that an Order be issued fixing an early date for the filing of briefs herein. The petitioner also states that it withdraws its motion of April 30, 1942, requesting a reopening of the hearing.

Since the Examiner's Report in this matter was not waived at the hearing before the Examiner, it would appear that this matter is technically still before the Examiner and that these motions would be more properly addressed to him. However, in view of the fact that District Boards 8 and 13, the two parties appearing at the hearing to oppose the relief herein requested, indicated a willingness to waive the Examiner's Report, while the original petitioner was the only appearing party to oppose its waiver, the petitioner's present motion moving that the Examiner's Report in this matter be

waived places the disposition of this proceeding before the undersigned.

The undersigned has given careful consideration to the petitioner's motion that certain affidavits be incorporated as evidence in this record. The incorporation of the affidavits, together with such answering affidavits that any other party to this proceeding may wish to submit, will obviate the necessity of reopening the hearing. Therefore, it appears that sufficient reason exists to grant the motion of the petitioner permitting the incorporation into the record of this proceeding of the affidavits containing additional evidence on the Tennessee Valley Authority's experimental movement of coal from Subdistrict 4 of District 13 to Wilson Dam, Alabama.

The motion of the petitioner, as well as the attached affidavits, are hereby made available to all interested parties at the offices of the Division, 734 Fifteenth Street, NW., Washington, D. C. Within seven (7) days after the mailing of this Opinion and Order, any party may file his objections to the incorporation of these affidavits as additional evidence in the record of this proceeding or submit answering affidavits which, upon proper motion, will likewise be made a part of the record and ruled upon. Objections to the incorporation of this additional evidence shall be in writing and shall set forth in detail the reasons therefor. Answering affidavits shall be properly subscribed and sworn to.

Briefs in this proceeding were originally due on April 4, 1942. The petitioner later moved that the time for the filing of briefs be extended until 10 days after the conclusion of the reopened hearing which it had requested in this matter. Since the incorporaton of the petitioner's affidavits and any answering affidavits that may hereinafter be filed may obviate the necessity of reopening the hearing in this matter, briefs may be filed as late as but no later than twenty (20) days after the date of this Memorandum Opinion and Order, unless it is otherwise ordered.

And it is so ordered.

Dated: June 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5338; Filed, June 8, 1942; 11:00 a. m.]

PETITION OF DISTRICT BOARD 11

[Docket No. A-725]

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, DENYING REQUEST FOR ORAL ARGUMENT AND DENYING RELIEF

In the matter of the petition of District Board 11 for the establishment of seasonal discounts to apply on the sales of District No. 11 coals during certain specified months, for shipment to all market areas, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting relief so as to permit District 11 producers to grant seasonal discounts on coals shipped into Market Areas 20 to 28 and 30 to 34, comparable to the seasonal discounts effective for District 8 coals, and on coals shipped into all market areas other than 20 to 28 and 30 to 34 comparable to the seasonal discounts effective for the coals of the Southern Illinois producers of District 10;

Petitions of intervention having been filed by District Boards 1, 2, 3, 4, and 7, and, jointly, by Central State Collieries, Inc., Little John Coal Company, Midland Electric Coal Corporation, Northern Illinois Coal Corporation, Osage Coal Company, Southwestern Illinois Coal Corporation, Truax-Traer Coal Company, The United Electric Coal Companies, Wilmington Coal Mines, Inc., and Alpha Coal Company, producers in District 10;

Pursuant to Orders of the Director, a hearing in this matter having been held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Temporary relief having been granted in part by Order of the Director dated May 15, 1941;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated October 7, 1941, in which he recommended that the prayers for relief contained in the several petitions filed herein should be denied;

Exceptions thereto having been filed on November 5, 1941, by the Officer of the Bituminous Coal Consumers' Counsel and on November 7, 1941, by District Board 11, the latter also having requested oral argument;

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the request of District Board 11 for oral argument herein be and it hereby is denied.

It is further ordered, That the exceptions of Bituminous Coal Consumers' Counsel and of District Board 11 to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and they hereby are severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the several petitions filed herein be and they hereby are denied.

It is further ordered, That the temporary relief granted to certain District 11 producers in Price Groups 6, 14, 15, 16, and 17 by Order of the Director dated May 15, 1941, be and it hereby is revoked, such revocation to become effective fifteen (15) days from the date of this Order.

Dated: June 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5350; Filed, June 8, 1942; 11:00 a. m.]

[Docket No. A-749]

PETITION OF DISTRICT BOARD NO. 9

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

In the matter of the petition of District Board No. 9, for the establishment of seasonal discounts on district No. 9 coals in size groups 1-6, inclusive, and 8 and 9, sold for "domestic" purposes, to retail dealers in certain market areas, during the months of May, June, July, and August, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 9, requesting the amendment of the District 9 Price Schedules, so as to permit District 9 code members to allow specified seasonal discounts on coal shipped to retail yards for domestic use only, during the months of May, June, July, and August;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on April 23-24, 1941, before Floyd McGown, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, Floyd McGown, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated October 3, 1941, recommending that the relief prayed for by District Board 9 in this matter be denied;

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

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the relief prayed for by District Board 9 in this

proceeding be, and the same hereby is, denied.

Dated: June 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5336; Filed, June 8, 1942; 11:00 a. m.]

[Docket No. A-836]

PETITION OF DISTRICT BOARD NO. 15

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

In the matter of the petition of District Board No. 15 for permission to the code members in District No. 15 to allow from the effective minimum prices for their coals in Size Groups No. 1 to 7, inclusive, certain seasonal discounts upon shipments during the months of May, June, July, and August, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 15, requesting that District 15 producers be permitted to grant certain seasonal discounts on their coals in Size Groups 1 to 7, inclusive, for rail and truck shipments to all consumers in various market areas to which producers in District 15 move their coals.

Thereafter the petitioner filed a request for permission to amend its original petition.[1]

Petitions of intervention were filed by District Boards 10, 12, and 19 and by the Old Ben Coal Corporation, Bell & Zoller Coal & Mining Company, Chicago, Wilmington & Franklin Coal Company, Franklin County Coal Corporation, Peabody Coal Company, and Wasson Coal Company, code member producers in District 10, all opposing the granting of the requested relief. District Board 17 filed an answer and a petition for intervention, agreeing "in principal" with the proposals of District Board 15, and approving thereof under certain stated conditions affecting District 17. The Consumers' Counsel Division[2] filed a notice of appearance.

Pursuant to an appropriate Order, a hearing in this matter was held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Boards 10, 17, and 18, the Old Ben Coal Corporation, Bell & Zoller Coal & Mining Company, Chicago, Wilmington & Franklin Coal Company, Franklin County Coal Corporation, Peabody Coal Company, Wasson Coal Company, and the Consumers' Counsel Division appeared.

Thereafter, the Consumers' Counsel Division and District Board 10 filed briefs, and thereafter the Acting Director issued an Order denying temporary relief herein.

On August 27, 1941, the Examiner made his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter in which he recommended that the prayers for relief contained in the petitions filed herein should be denied. Exceptions to the Examiner's Report were filed by the Bituminous Coal Consumers' Counsel on November 5, 1941, and by District Board 15 on November 26, 1941. On December 10, 1941, District Board 10 filed a reply to the exceptions to the Examiner's Report.

The petitioner alleged that the privilege to take seasonal discounts had been afforded code members in districts competitive in certain market areas with District 15 code members, naming specifically Districts 8, 10, and 13. The petitioner alleged further that a substantial number of District 15 code members had in the past been dependent upon moving their domestic coals from May through August at reduced prices as an inducement to retail dealers and consumers to buy, and that such sales had afforded these District 15 code members an opportunity to provide some employment for their employees and thereby to hold their organizations reasonably intact during the summer months.

1. *The Examiner's report.* The Examiner found that although the petitioner adduced evidence which showed a history of sales of District 15 coals, principally those of Production Groups 1, 7, and 8, at lower levels during summer than winter months and at progressively increasing prices during summer months, such evidence alone did not warrant the granting of seasonal discounts on District 15 coals. The Examiner found that the coordination of the Southern Illinois coals of District 10 and District 15 coals is such that seasonal discounts would not be proper on District 15 coals unless their general price level was first raised 15 cents, and that there was no indication that District 15 would be willing to increase its winter level of prices by 15 cents in order to enjoy seasonal discounts. The Examiner further found that coordination between the effective minimum prices of District 15 and Central Illinois coals would be disrupted if District 15 were permitted to grant seasonal discounts from its present level of prices. The Examiner also found that it is highly questionable whether it is in the interests of the consuming public to encourage, by the granting of seasonal discount privileges, the stocking of coals not of proved stocking quality and that the petitioner had not shown that District 15 coals were of good stocking quality.

Noting that relief was also requested for coals shipped to Market Area 212, the Examiner found that no showing was made that coals of districts competing with the domestic coals of District 15 in that market area enjoy seasonal discounts or any other price advantage in competition with District 15 coals. The Examiner concluded that the petitioner had failed to prove a case for either the necessity for or the wisdom of granting seasonal discount privileges to District 15 producers.

2. *Exceptions to the Examiner's report.* (a) The exceptions of District Board 15 are, in summary, as follows:

(1) Undue emphasis was placed by the Examiner on the stocking qualities of coals entitled to seasonal discounts.

(2) The record does not support the finding that coordination between District 15 and District 10 effective minimum prices would be disrupted if District 15 producers were granted seasonal discounts from their present level of prices.

(3) The finding that effective minimum prices of Central Illinois coals would be out of coordination with District 15 prices is not a proper finding upon which to base the allowance or disallowance of the prayer for relief herein.

(4) The seasonal discounts requested for District 15 coals do not exceed those heretofore allowed on similar sizes of coals produced by the "Quality Circle" group in the Southern Illinois Subdistrict of District 10.

(5) The necessity for, not the wisdom, of granting seasonal discounts was at issue in this proceeding.

(6) To deny seasonal discounts to District 15 coals when such discounts have been granted the "Quality Circle" group of Southern Illinois coals is to fail to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act.

(b) The exceptions by the Bituminous Coal Consumers' Counsel are based upon the premise that the Examiner recommended the denial of relief on two grounds, (1) that District 15 coals were not considered good stocking coals and (2) that the requested discounts on District 15 coals would disrupt the coordinated relationship with District 10 coals. These exceptions will be considered together with the consideration, infra, of the exceptions of District Board 15.

Discussion. (1) District Board 15 alleges that the Examiner unduly emphasized the question of whether District 15 coals are of stocking quality. The petitioner states that no reference to or use of the word "stocking" or words "stocking purposes" is to be found in section 4 II (b) of the Act. Accordingly, the petitioner contends, coordination in accordance with the standards of the Act is not accomplished if District 15 producers are not allowed seasonal discounts because the stocking qualities of their coals are such as to make them possibly less desirable for summer purchase than the coals with which they compete, which have more desirable stocking qualities and are allowed seasonal discounts. In like manner, the Consumers' Counsel also contends that the refusal of the Examiner to recommend seasonal discounts on District 15 coals on the ground that such coals were

[1] The petitioner requested that the prayer contained in the original petition in this matter be amended to eliminate any request for seasonal discounts to be applicable in Market Areas 226, 227, 228, and 229. No objection to this request was made, and it appearing proper, it is hereby granted.

[2] Now the Office of the Bituminous Coal Consumers Counsel.

not of "good stocking quality" was wholly improper. The Consumers' Counsel states that a particular coal might be considered satisfactory for stocking by one consumer but unsatisfactory by another. The Consumers' Counsel contends that permissive seasonal discounts on the coals generally are necessary to assure fair and equitable treatment to all producers and consumers. The Consumers' Counsel submits that the requirement in the Act that minimum prices shall reflect seasonal demand requires the continuance of the practice heretofore existing in District 15 of granting seasonal discounts or price concessions in summer.

Although it is true that the word "stocking" or words "stocking purposes" do not expressly appear in section 4 II (b) of the Act, that section does provide that "All minimum prices * * *, shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, *qualities*, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, * * *" (Emphasis supplied). The term "qualities" obviously includes the consideration of the structure of coals which determines their suitability for stocking. The stocking qualities of coals were therefore a proper consideration in the establishment and coordination of their effective minimum prices.

The Consumers' Counsel, however, deprecates the emphasis on stocking qualities, and stresses the practice of District 15 producers under open competition of granting seasonal discounts or price concessions in summer. The mere movement of coals during certain months under open competition at a reduced price, however, may merely indicate that certain consumers found it worth their while to buy coals during summer months because the prices at which such coals were offered were depressed unreasonably. Indeed, the practice of offering coals at unreasonably low prices was one of the circumstances leading to the passage of the Act.

The Director pointed out in General Docket No. 15 that the evaluation of domestic coals by consumers is affected by factors, other than comparative analytical qualities, such as stocking ability. The summer movement of coals for domestic uses being almost exclusively for storage purposes, whether in the dealer's yard or consumer's bin, the Director stated that the summer demand for domestic coals is necessarily limited to coals suitable for that purpose. No evidence appears here to disprove such findings as to the importance of stocking qualities. In these circumstances, it appears to the undersigned that it was incumbent upon the petitioner to show that District 15 coals moved during the summer, although at reduced prices, primarily because of their suitability for storage. In the absence of evidence to show this, mere evidence as to past movements alone, during the summer, at reduced prices does not indicate that seasonal discounts are necessarily in order to reflect properly the relative market values of the District 15 coals in domestic sizes and to preserve existing fair competitive opportunities.

(2) District Board 15 excepts to the Examiner's finding that the coordination between District 15 and District 10 effective minimum prices would be disrupted if District 15 producers were granted seasonal discounts from their present level of prices. It contends that no proof was offered in support of the contention on behalf of the "Quality Circle" group in the Southern Illinois Subdistrict of District 10 that their coals were increased 15 cents per month during eight months of the year in order that they might be afforded a discount during the four summer months. The Consumers' Counsel also contends that not to allow seasonal discounts on District 15 coals on the theory that such discounts would disrupt the coordinated relationship with District 10 coals is improper. The Consumers' Counsel claims that if District 10 and District 15 coals were properly related during the winter months, the allowance of a lower summer price on District 10 coals without a corresponding reduction on District 15 coals (in accordance with past practice) would result in an improper relationship during the summer months. If the winter or base prices of District 10 coals are improper in their relationship to District 15 coals, the Consumers' Counsel submits, the matter should be determined in a separate proceeding instituted under section 4 II (d) of the Act for that express purpose.

There is nothing in this record to indicate, however, that the District 10 and District 15 coals are improperly coordinated. On the contrary, it appears that on a year-round basis the coals of those Districts are properly coordinated. That coordination takes into account the seasonal discounts permitted District 10 producers. To grant such discounts to District 15 producers, without recoordinating prices, would be to disrupt that coordination. The petitioner herein has failed to indicate its position or to introduce evidence with respect to such recoordination. The exceptions in this respect are not well taken.

(3) The petitioner excepts to the finding by the Examiner that effective minimum prices of Central Illinois coals, which have no seasonal discounts, would be out of coordination with District 15 prices if relief were granted herein. An exception stated so broadly cannot be answered more particularly than has been done in a consideration of exception (2).

(4) The petitioner claims that the record does not support a finding that the discounts herein sought exceed the discounts heretofore granted on similar sizes produced by the "Quality Circle" in the Southern Illinois Subdistrict of District 10. The petitioner states that an examination of the schedule introduced at the hearing by District Board 10 to show the extent to which the petitioner's proposed discounts would exceed those of Southern Illinois producers would indicate that it is inadequate since it fails to take into account transportation charges and size groupings. It may be noted that the Examiner did not make a specific finding as to the accuracy of the schedule in question, noting merely its introduction and what it purported to prove. It may be further noted that the petitioner neither at the hearing nor in its exceptions showed in what respect the schedule failed accurately to reflect the facts.

Furthermore, in the coordination of Southern Illinois and District 15 coals, transportation charges were necessarily taken into account and are reflected in the base minimum prices established for said coals. It is difficult to understand how those charges are further reflected in the seasonal discounts presently available to Illinois producers or would be reflected in the seasonal discounts here sought.

In connection with this exception, the petitioner also contends that the record reveals competition in market areas in Missouri between rail-shipped coals of the "Quality Circle" group of District 10 and the rail and truck-shipped coals of District 15. The petitioner submits that any finding to the effect that the truck mines of District 15 are not entitled to seasonal discounts is erroneous. Mere evidence that District 15 coals move by truck into the same market areas as District 10 rail coals which may take seasonal discounts, however, is hardly enough to warrant the granting of relief. In the absence of facts in the record which show that District 15 truck coals are of the type and move so as to be entitled to seasonal discounts, such an argument cannot be accepted.

(5) The petitioner excepts to the finding by the Examiner that it failed to prove a case for the wisdom of granting seasonal discount privileges to District 15 producers. The petitioner stresses that the petition concerned only the *necessity* of affording seasonal discounts to District 15 code members and not the *wisdom* thereof. As indicated above, the Examiner found that the petitioner failed to prove a case for either the necessity for or the wisdom of granting seasonal discount privileges to District 15 producers.

While it is true that the petition herein raises the issue of the necessity for the relief sought, whether such necessity has been shown is, in a considerable degree, a question of expert judgment. The soundness of the exercise of that judgment is something to be determined in the light of the evidence. To the extent that the Examiner meant this, I find, as he did, that the petitioner has failed to show either the necessity for or the wisdom of granting the relief here sought. To the extent that the Examiner, by use of the word "wisdom" may have meant something else, the most that can be said of the use of the word is that it was surplusage.

(6) The petitioner excepts to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner on the ground that they are not responsive to the record and do not effectuate the purposes of the Act and comply with the standards of section 4 II (a) and 4 (II (b) of the Act.

The petitioner contends that the record shows competition between District 10 "Quality Circle" coals and District 15 coals. Further, the petitioner states that the only opposition apparent was that from District 10 producers and, to a portion of one market area, from District Board 17.

Upon a review of the record, however, I find no justification for altering the conclusions reached by the Examiner. Such justification does not exist merely by virtue of the absence of opposition. Mere evidence of past history of sales of District 15 coals at lower levels during summer than winter months and that some competing producers are permitted seasonal discounts cannot serve as a basis for allowing the seasonal discount privileges requested. I therefore conclude that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner are proper and should be adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the exceptions of District Board 15 and the Bituminous Coal Consumers' Counsel to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are, severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the petition filed herein by District Board 15 be, and they hereby are, denied.

Dated: June 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5337; Filed, June 8, 1942; 11:00 a. m.]

[Docket No. B-263]

CROZIER COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of E. F. Crozier and E. W. Crozier, individually and as co-partners doing business under the name and style of Crozier Coal Company, code member.

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act") district boards are authorized, in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on November 10, 1941, referred to District Board 12 information in its possession bearing on whether or not violations of the Act, the Code and orders, rules and regulations thereunder have been committed by E. F. Crozier and E. W. Crozier, individually and as co-partners, doing business under the name and style of Crozier Coal Company, the code member above-named (hereinafter referred to as the "Code member") who operates the Crozier Coal Company Mine, Mine Index No. 279, located in Price Production Group No. 5 of District No. 12, Appanoose County, Iowa, in connection with:

(a) the sale of approximately 1,127 tons of coal produced at said mine from October 1940 to January 1941 and the failure to comply with the provisions of Orders Nos. 296 and 297 of the Division, dated September 23, 1940 and October 22, 1940, respectively, during said period in that said Code member failed to maintain and file with the Division, records, sales slips, other memoranda and reports on this coal sold and shipped by truck or wagon within the time and in the manner prescribed in said orders; and

(b) the sale of approximately 1,047 tons of coal produced at said mine from January 1941 to February 1941 and the failure to comply with Order No. 307 of the Division dated December 11, 1940, during said period in that said Code member failed to maintain and keep on file truck tickets, sales slips, invoices, other memoranda or records relating to these sales of coal by truck or wagon within the time and in the manner prescribed in said order.

3. District Board No. 12 has notified the Division that it does not intend to institute compliance proceedings against the Code member in this matter.

4. Section 6 (a) of the Act provides in part that in the event that a District Board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the district board.

5. District Board No. 12 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) whether or not the Code member has wilfully violated the Act, the Code and Orders Nos. 296, 297 and 307 of the Division dated respectively, September 23, 1940, October 22, 1940 and December 11, 1940, promulgated thereunder; and

(b) Whether or not in the event that the Code member is found to have violated the Act and the Code, and Rules and Regulations promulgated thereunder, an Order should be entered revoking the Code membership of E. F. Crozier and E. W. Crozier, individually and as co-partners doing business under the name and style of Crozier Coal Company, Code member, or directing said Code member to cease and desist from violating the Act and the Code and the Rules and Regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act be held on July 15, 1942, at 10 a. m. at a hearing room of the Division at the United States District Courtroom, Centerville, Iowa, to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

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

Dated: June 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5339; Filed, June 8, 1942; 11:01 a. m.]

[Docket No. B-265]

JOHN KEZELE

NOTICE OF AND ORDER FOR HEARING

In the matter of John Kezele, Code Member.

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act") district boards are authorized, in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on February 13, 1942, referred to District Board No. 17 information in its possession bearing on whether or not violations of the Act, the Code, and orders, rules and regulations thereunder have been committed by John Kezele, the Code member above named (hereinafter referred to as the "Code member") who operates the Forbes No. 10 Mine, Mine Index No. 309, located in Subdistrict No. 7 of District No. 17, Las Animas County, Colorado, in connection with:

(a) the sale and delivery by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum established therefor in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, including a substantial amount of various sizes of slack coal, Size Group 13, delivered during the period from October 8, 1940, through December 8, 1941, both dates inclusive, to various purchasers at Trinidad, Colorado, a distance of approximately 13 miles, at the delivered prices shown below, thereby failing to add to the applicable minimum f. o. b. mine prices amounts at least equal, as nearly as practicable, to the actual cost of truck transportation from the mine to the points of delivery, as required by Price Instruction No. 14 contained in Supplement No. 1 of said Schedule, as follows:

Date of sale	Tons	Size group	Delivered sales price	Effective minimum price f. o. b. mine
Oct. 8, 1940, to Nov. 7, 1940	14.60	13	$2.25	$2.25
Nov. 13, 1940, to Dec. 30, 1940	40.60	13	2.50	2.25
Jan. 7, 1941, to Dec. 8, 1940	134.29	13	2.50	2.25

resulting in violations of section 4 Part II (e) and (g) of the Act, Part II (e) and (g) of the Code.

3. By letter dated April 29, 1942, the Division notified said Board that unless it took action in this matter the Division would take such action in lieu of the Board if it deemed it to be appropriate.

4. District Board No. 17 has not taken any action in this matter.

5. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

6. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to Section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) whether or not the Code member has wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code;

(b) whether or not, in the event that the Code member is found to have violated the Act and the Code and the Rules and Regulations thereunder, an Order should be entered revoking the code membership of John Kezele, or directing said Code member to cease and desist from violating the Act, the Code and Rules and Regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provision of the Act be held on July 27, 1942 at 10 a. m. at a hearing room of the Division at the District Court Room, Denver, Colorado, to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and Rules and Regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is 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 such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Porcedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five days (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations herein-before described and a consent to the entry of an appropriate order thereon.

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

Dated: June 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5340; Filed, June 8, 1942; 11:01 a. m.]

[Docket No. B-18]

HARTFORD COAL COMPANY

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

In the matter of Hartford Coal Company, code member.

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on September 4, 1941, by the Bituminous Coal Producers Board for District No. 9 alleging that Hartford Coal Company, a code member in District No. 9 has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel or revoke the code membership of Hartford Coal Company or in its discretion, direct the code member to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Owensboro, Kentucky, on November 25, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated December 22, 1942, in which it was recomended that an order be entered directing the code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments, the Code and rules and regulations thereunder; based upon the following findings:

The Hartford Coal Company between December 4, 1940, and January 1, 1941, inclusive, sold 9.24 tons of ¾" x 0 coal to various producers at a price of 50 cents per ton f. o. b. the mine, the effective minimum price therefore being $1.10 per ton.

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 determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner

should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

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

It is further ordered, That the code member, Hartford Coal Company, its representatives, agents, servants, employees, attorneys, successors or 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 Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments, the Bituminous Coal Code and the rules and regulations thereunder;

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

Dated: June 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5343; Filed, June 8, 1942; 11:02 a. m.]

[Docket No. 1790-FD]

SOUTH PITTSBURG COAL COMPANY

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING, RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of South Pittsburg Coal Company, Code Member.

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, and an amended and supplemental complaint, dated May 11, 1942, alleging wilful violation by the code member of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein pursuant to Order of the Acting Director, dated June 2, 1942; and

A hearing in the above-entitled matter having been scheduled for 10 a. m. on September 30, 1941, at a hearing room of the Bituminous Coal Division at Chancery Court Room, County Court House, Chattanooga, Tennessee by Order of the Division dated August 20, 1941, and having been subsequently postponed, by Order of the Division dated September 11, 1941, to a date and at a hearing room to be thereafter designated by an appropriate Order; and

The Acting Director deeming it advisable that the date and place of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing herein dated August 20, 1941, as amended, be and the same hereby is further amended by deleting the last paragraph therefrom and substituting in lieu thereof the following:

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code and rules and regulations thereunder as follows: That the South Pittsburg Coal Company, a corporation, whose address is South Pittsburgh, Tennessee, whose code membership became effective on August 26, 1937, and which operates the South Pittsburg Coal Company Mine, Mine Index No. 723, located in Marion County, Tennessee, in District No. 13, sold subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum prices established therefor, including the sale of approximately 1714.87 tons of 3/4" slack coal to Penn-Dixie Cement Company, Richard City, Tennessee, during the period October 1940 through July 1941, at prices of $1.85 and $1.90 per ton delivered to the Penn-Dixie Cement Company at Richard City, Tennessee, whereas said coal, pursuant to Price Instruction No. 4 of the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments fell within Size Group No. 11 for which the effective minimum price was $2.05 per ton f. o.b. said mine, as set forth in said Schedule, resulting in a violation of section 4 II (e) of the Act, and Part II (e) of the Code;

It is further ordered, That a hearing in the above-entitled matter be held on July 15, 1942, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee.

It is further ordered, That Scott A. Dahlquist be and he is hereby designated to preside at such hearing vice Travis Williams; and

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

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

It is further ordered, That said Notice of and Order for Hearing herein dated August 20, 1941, as amended, shall in all other respects remain in full force and effect.

Dated: June 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5341; Filed, June 8, 1942; 11:02 a. m.]

[Docket No. 1609-FD]

HANNA COAL SALES COMPANY

ORDER FOR REINSTATEMENT OF REGISTRATION

In the matter of Hanna Coal Sales Company, registered distributor, Registration No. 3961, Respondent.

An order having been entered in the above-entitled matter dated March 21, 1942, suspending the registration of the respondent, Hanna Coal Sales Company, as a distributor, Registration No. 3961, for a period of sixty (60) days beginning 15 days after the date of said Order; and

Said Order having been duly served upon respondent on March 26, 1942; and

Hanna Coal Sales Company, respondent herein, having duly filed with the Division on May 30, 1942, an affidavit dated May 28, 1942, pursuant to § 304.15 of the Rules and Regulations for the Registration of Distributors, and said Order dated March 21, 1942; and

It appearing to the Acting Director that said affidavit of the Hanna Coal Sales Company sufficiently complies with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and with said Order dated March 21, 1942.

Now, therefore, it is ordered, That the registration of Hanna Coal Sales Company be and it is hereby reinstated.

Dated: June 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5344; Filed, June 8, 1942; 11:03 a. m.]

[Docket No. A-1464]

PETITION OF DISTRICT BOARD 11—PELL COAL CORPORATION

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

In the matter of the petition of District Board 11 for change in the loading point for the coals of the No. 1 mine of the Pell Coal Corporation.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with the Division requesting a change in the loading point for the coals of the No. 1 Mine (Mine Index No. 140) of the Pell Coal Corporation, a code member in District No. 11, for all shipments except truck.

It appears that the coals of the No. 1 Mine were formerly loaded from the Butler tipple which is in need of repairs

and that in view of this fact the Pell Coal Corporation has cancelled its lease for the use of the Butler tipple and has leased the tipple formerly used by Black Beauty Coal Corporation (Mine Index No. 98) to prepare and load the coals of its No. 1 Mine for rail shipment; that the freight rates applicable from the two tipples both located on the Pennsylvania Railroad are the same; that therefore the effective minimum prices f. o. b. the mine and the deductions for differences in freight rates will be the same on shipments from the Black Beauty tipple as those which have already been established for the No. 1 Mine for shipments from the Butler tipple.

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 this 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 be, and the same hereby is, granted as follows: Commencing forthwith the coals of the No. 1 Mine (Mine Index No. 140), of the Pell Coal Corporation may be prepared and loaded from the tipple of the Black Beauty Coal Corporation (Mine Index No. 98), and may no longer be loaded from the Butler tipple.

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: June 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5345; Filed, June 8, 1942; 11:03 a. m.]

[Docket No. A-1465]

PETITION OF DISTRICT BOARD 11—ALUM CAVE MINE

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

In the matter of the petition of District Board 11 for change in the loading point for the coals of the Alum Cave Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division requesting a change in loading point for the coals of the Alum Cave Mine (Mine Index No. 137), of the H. A. Siepman Coal Company, a code member in District No. 11, for all shipments except truck.

It appears that H. A. Siepman Coal Company desires to use the tipple of the Oakleaf Mine (Mine Index No. 65), which it also operates, to prepare and load the coals of its Alum Cave Mine for rail shipment; that the freight rates applicable on shipments on the C. M. St. P. & P. Railroad from the tipple over which the coals of the Alum Cave Mine are presently loaded, are the same in all instances as those from the Oakleaf tipple also located on this railroad; that therefore the effective minimum prices f. o. b. the mine and the deductions for differences in freight rates will be the same on shipments from the Oakleaf tipple as those which have already been established for the Alum Cave Mine for shipments from its present tipple.

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 this 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 be, and the same hereby is, granted as follows: Commencing forthwith, the coals of the Alum Cave Mine (Mine Index No. 137) of the H. A. Siepman Coal Company, may be prepared and loaded from the tipple of the Oakleaf Mine (Mine Index No. 65) also operated by this company.

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 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: June 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5346; Filed, June 8, 1942; 11:03 a. m.]

[Docket No. 1540-FD]

COSTANZO COAL MINING COMPANY

MEMORANDUM OPINION AND ORDER DENYING MOTION TO VACATE THE ORDER OF THE ACTING DIRECTOR

In the matter of Costanzo Coal Mining Company, registered distributor, Registration No. 1897, respondent.

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 for the purpose of investigating and determining whether Costanzo Coal Mining Company, a registered distributor (Registration No. 1897), of Wheeling, West Virginia, violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act. After due notice, a hearing was held on June 9, 10, 11, 12, 13, 16 and 17 and July 1, 1941, before W. A. Cuff, a duly designated Examiner of the Division, in Pittsburgh, Pennsylvania, and Washington, D. C. On November 19, 1941, the Examiner filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in which he recommended that respondent's registration as a registered distributor be revoked. Respondent moved to vacate the Examiner's Report on the ground that it was not prepared by him. I denied this motion in an order dated December 12, 1941. Thereafter, respondent filed exceptions to the Report, and, pursuant to respondent's request, oral argument was held before me on January 14, 1942. After a detailed consideration of the case, I made certain finding and entered an Order, dated March 26, 1942, adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner with certain modifications which were set forth in my Findings of Fact, Conclusions of Law and Opinion filed at the same time and suspending respondent's registration as a distributor for a period of nine months.

Respondent by motion, May 4, 1942, seeks to vacate this Order and to strike from the docket the "Findings of Fact, Conclusions of Law and Opinion Concerning Exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner," made and entered by me under date of March 26, 1942. Respondent claims that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations set out in the Report of the Examiner are to be regarded "as a nullity" because the Report was prepared not by W. A. Cuff but "by employees of the Bituminous Coal Division, other than W. A. Cuff." The Report, therefore, according to respondent's reasoning, has no proper place in the record and consequently my own Findings of Fact, Conclusions of Law and Opinion, which not only refer to the Report of the Examiner but incorporate the Report with specific modifications, must be set aside. Respondent further assails the language of my Order of December 12, 1941, in which I denied respondent's motion to vacate the Examiner's Report for reasons similar to those urged in the present motion. Specifically, it seems to be asserted that the Division or its Acting Director has in some way an affirmative burden to prove to respondent's own satisfaction that the Examiner who presided at the hearing and who placed his signature on the Report filed did not avail himself of the assistance of other employees of the Division. If any such assistance were given, respondent claims it would offend § 301.128 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal

Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937.[1]

These contentions are in effect the same as those previously made and rejected by me. The only difference is that now I have myself given independent consideration to the issues of the case and the contentions of respondent, including those made at the oral hearing before me. On the basis of this consideration my own judgment led me to adopt many of the conclusions and findings set forth in the Report of the Examiner, although it also led me in certain respects to modify the findings and conclusions contained in the Report. By incorporating by express reference in my own opinion those portions of the Report with which I was in agreement, I followed the established practice of the Division as well as that of other administrative and judicial agencies. I do not see that the respondent was in any way prejudiced by this treatment.

As previously indicated, I am firmly of the mind that respondent's contentions are completely without merit and, therefore, I am prompted to reject them once again. That rejection is amply warranted by the applicable legal learning.[2] Nor do I perceive that under any construction of respondent's argument there has been a violation of the rules of practice and procedure. I conclude, accordingly, that there is no basis either for vacating my Order of March 26, 1942, or for revising the Findings of Fact, Conclusions of Law and Opinion entered the same day.

Now, therefore, it is ordered, That the motion to vacate the Order and to strike from the docket the Findings of Fact, Conclusions of Law and Opinion entered March 26, 1942, be, and the same hereby is, denied.

Dated: June 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5342; Filed, June 8, 1942; 11:02 a. m.]

[1] The Rules governing proceedings under sections 4 II (j) and 5 (b) do not, of course, control proceedings such as the present, brought under section 4 II (h). It will, therefore, be assumed that respondent's argument is addressed to the similar provision of section XXIV of the Rules of Practice and Procedure, as originally promulgated by the National Bituminous Coal Commission.

[2] See, for example, *Bethlehem Shipbuilding Corporation, Ltd.*, v. *N.L.R.B.*, 114 Fed. (2d) 930, 942 (CCA 1st, 1940); *National Labor Relations Board* v. *Baldwin Locomotive Works, Pike & Fischer*, Admin. Laws, 48d.43-1 (CCA 3d 1942); *National Labor Relations Board* v. *Lane Cotton Mills*, 108 Fed. (2d) 568, 570 (CCA 5th 1940); *Inland Steel Co.* v. *N.L.R.B.*, 105 Fed. (2d) 246, 251 (CCA 7th 1939); *Cupples Company Manufacturers* v. *N.L.R.B.*, 103 Fed. (2d) 953, 958 (CCA 8th 1939); *National Labor Relations Board* v. *Biles Coleman Lumber Co.*, 98 Fed. (2d) 16, 17 (CCA 9th 1938); *Bethlehem Steel Co.* v. *N.L.R.B.*, 120 Fed. (2d) 641, 653 (App. D.C. 1941), and cf. *United States* v. *Morgan*, 313 U.S. 409, 422 (1941).

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Administration Letter 507, (Classification 764)[1]]

RELEASE AND SATISFACTION OF CERTAIN FSA LIENS IN TRANSACTIONS INVOLVING THE ACQUISITION OF REAL ESTATE FOR DEFENSE PURPOSES

APRIL 2, 1942.

I. In order to expedite the closing transactions of the War Department or other Government departments or agencies in the acquisition (by purchase, lease or otherwise) of real estate for defense purposes in defense areas, regional directors and their delegates are hereby authorized to execute appropriate releases and satisfactions of any lien (except valueless junior liens) held by the FSA on real or personal property involved in the transactions. Such releases or satisfactions may be delivered to the collecting official prior to actual receipt of funds in payment of the indebtedness to the FSA so secured or evidenced, such releases and satisfactions to be retained by the collecting official until the time of payment of the debt, at which time they may be immediately delivered.

II. This authority is *limited* to transactions involving the acquisition of real estate for defense purposes, in defense areas, and must be exercised subject to the approval of the regional attorney in each case. No report of such release transactions involving liens on real estate will be forwarded to Washington (paragraph V D of FSA Instruction 764.2 is modified accordingly).

Approved: May 11, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-5363; Filed, June 8, 1942; 11:28 a. m.]

[1] Supersedes AL 450 (Class. 764); Modifies Par. V D of FSA Instruction 764.2.

DEPARTMENT OF LABOR.

Children's Bureau.

EMPLOYMENT OF MINORS IN FRUIT-DRYING INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT TO CHILD LABOR REGULATION NO. 3

JUNE 8, 1942.

Whereas, the employment of minors under the age of 16 years in any occupation constitutes oppressive child labor within the meaning of section 3 (l) of the Fair Labor Standards Act of 1938, excepting that the Chief of the Children's Bureau may provide by regulation or order that the employment of minors between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that he has determined that such employment is confined to periods which will not interfere with their schooling or with their health or well-being, and

Whereas, the Chief of the Children's Bureau, pursuant to section 3 (l) of the Act, issued Child Labor Regulation No. 3 (4 F.R. 1983, Code of Federal Regulations 1939 Sup., Ti. 29, Ch. IV, Part 441), effective May 24, 1939, providing that the employment of minors between the ages of 14 and 16 years in certain occupations under specified conditions shall not be deemed to constitute oppressive child labor but excluding from such occupations manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed, and

Whereas, a petition has been received from fruit-dry-yard operators and supporting organizations located in Lake County, California, requesting authority to employ minors under 16 years of age in the cutting of Bartlett pears, a processing occupation outside the scope of Child Labor Regulation No. 3, and

Whereas, the question raised by said petition appears to be a question of interest to the entire fruit-drying industry, and

Whereas, the Chief of the Children's Bureau is of the opinion that it is desirable to hold a public hearing on the question whether Child Labor Regulation No. 3 should be amended to provide that the employment of minors between the ages of 14 and 16 years in the fruit-drying industry shall not be deemed to constitute oppressive child labor,

Now, therefore, notice is hereby given that:

I. A public hearing will be held at 10 a. m. Thursday, June 25, 1942, in Room 919, Pacific Building, 821 Market Street, San Francisco, California, before Julius Schlezinger or any other presiding officer designated by me for the purpose of taking testimony on the following question:

In what, if any, occupations in the fruit-drying industry and under what conditions will the employment of minors between the ages of 14 and 16 years not interfere with their schooling or with their health or well-being?

II. Any interested person may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person if, not later than June 20, 1942, he files with Miss Mary B. Perry, Regional Child Labor Consultant, by mail or otherwise, at the office of the Children's Bureau of the United States Department of Labor, Room 819, Pacific Building, 821 Market Street, San Francisco, California, a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

III. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C., or to Miss Mary B. Perry, Regional Child Labor Consultant, Children's Bureau, United States Department of Labor, Room 819, Pacific Building, 821 Market Street, San Francisco, California.

IV. Any interested person may secure a copy of the report of the Children's Bureau entitled "Report on Certain Aspects of the Fruit-Drying Industry" upon request made to the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C., or to Miss Mary B. Perry, Regional Child Labor Consultant, Children's Bureau, United States Department of Labor, Room 819, Pacific Building, 821 Market Street, San Francisco, California.

V. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Chief of the Children's Bureau or the presiding officer as may be deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person upon request made to the official reporter of the Children's Bureau, United States Department of Labor, Washington, D. C.

2. At the discretion of the presiding officer, the hearing will be continued from day to day or adjourned to a later day or to a different place by announcement thereof at the hearing by the presiding officer or by other appropriate notice.

3. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken except at the request of the Chief of the Children's Bureau unless provision has been made at the hearing for the later receipt of such evidence.

VI. On the close of the hearing, the presiding officer shall forthwith file a compiete record of the proceedings with the Chief of the Children's Bureau.

VII. No amendment to Child Labor Regulation No. 3 issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 8th day of June 1942.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-5351; Filed, June 8, 1942; 11:21 a. m.]

Wage and Hour Division.

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

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

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

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

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

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

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

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

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

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

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

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

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

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 8, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

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

Apparel

Brody Clothing Company, 44 K St., South Boston, Massachusetts; Boys and men's clothing; 4 learners (T); June 8, 1943.

Central Cravat Co., 165 Passaic St., Passaic, New Jersey; Men's neckwear; 2 learners (T); June 8, 1943.

California Chenille Co., 239 S. Los Angeles St., Los Angeles, California; Robes; 5 learners (T); June 8, 1943.

Empire Sportswear Mfg. Co., 35 Kingston St., Boston, Massachusetts; Men's and Boys reversible coats and jackets; 3 learners (T); June 8, 1943.

Esta Hat Co., 77 St. Francis St., Newark, New Jersey; Novelty headwear; 5 learners (T); December 8, 1942.

Hendel Mfg. Co., Inc., 54 Coit St., New London, Connecticut; Men's and boys' gym, track, camp, tennis, basketball, bathing suits, girls' gym suits; 2 learners (T); June 8, 1943.

Knickerbocker Mfg. Co., Inc., West Main St., West Point, Mississippi; Underwear; 20 learners (E); December 8, 1942.

Packard Mfg. Co., 308 Court Ave., Des Moines, Iowa; Wool jackets, wool mackinaws, fingertip coats, reversible coats; 4 learners (T); June 8, 1943.

Pullman Wholesale Tailors, Inc., 132 South West Temple St., Salt Lake City, Utah; Tailoring men's shirts and overcoats; 14 learners (E); December 8, 1942.

The Warren Featherbone Co., North Elm St., Three Oaks, Michigan; Raincoats and raincaps, aprons, baby pants, garters; 6 learners (T); June 8, 1943.

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

Ajel Mfg. Co., 280 Natoma St., San Francisco, California; Towels and toweling, commercial uniforms, industrial garments, coats, aprons, caps; 10 percent (T); June 8, 1943.

Alpert & Fuchs, 780 East 135th St., New York, New York; Work uniforms and flannel shirts; 8 learners (T); December 8, 1942.

Bell Sportswear Co., 127 E. Ninth St., Los Angeles, California; Ladies slacks, ladies slack suits, ladies jackets; 5 learners (T); June 8, 1943.

Blue Ridge Shirt Mfg. Co., 114 N. Elk Ave., Fayetteville, Tennessee; Work shirts; 10 percent (T); June 8, 1943.

Co-Ed Frocks, Inc., White Hall, Illinois; Wash dresses; 10 percent (T); June 8, 1943.

Elder Mfg. Co., Dexter, Missouri; Youth's pants; 10 percent (T); June 8, 1943.

Elder Mfg. Co., 7025 Pennsylvania Ave., St. Louis, Missouri; Men's dress shirts, army O. D. cotton khaki shirts; 10 percent (T); June 8, 1943.

The Emerson Co., 1304 Arch St., Philadelphia, Pennsylvania; Maids and nurses uniforms; 5 learners (T); June 8, 1943.

Mrs. R. Gebel's Homemade Apron Co., 342 N. Water St., Milwaukee, Wisconsin; Apron stamped goods; 6 learners (T); June 8, 1943.

Gracette Mfg. Co., Inc., 308 Ontario St., Cohoes, New York; Ladies undergarments; 10 learners (T); June 8, 1943.

Gracette Mfg. Co., Inc., 308 Ontario St., Cohoes, New York; Ladies undergarments; 10 learners (E); December 8, 1942.

Hebron Mfg. Co., Sharptown, Maryland; Children's dresses and misses slacks; 7 learners (T); June 8, 1943.

Jones Mfg. Co., Chatham, New York; Children's dresses; 10 learners (T); June 8, 1943.

Knickerbocker Mfg. Co., Inc., West Main St., West Point, Mississippi; Pajamas; 10 learners (T); December 8, 1942.

Lanier Mfg. Co., South A St., Easley, South Carolina; Men's ensembles from cotton; 10 percent (T); June 8, 1943.

Leo Dress Co., 1372 South Main St., Port Griffith, Pennsylvania; Dresses; 10 learners (T); June 8, 1943.

Manhattan Shirt Co., Poplar Hill Ave., Salisbury, Maryland; Shirts, collars, sleeping wear; 10 percent (T); June 8, 1943.

Middlesex Co., Inc., 284 State St., Perth Amboy, New Jersey; Men's shirts; 10 percent (T); June 8, 1943.

Miriam Frock Dress Co., 304 Mullberry St., Scranton, Pennsylvania; dresses; 10 learners (T); June 8, 1943.

Muscatine Pants & Overall Co., 416 East Third St., Muscatine, Iowa; Overalls and work pants; 7 learners (T); January 29, 1943.

New England Mackintosh Co., Inc., 46 Irving St., Framingham, Massachusetts; Snow suits, gabardines, reversibles; 10 percent (T); June 8, 1943.

New England Pajama Co., c/o Booth Mill, Rodney French Boulevard; New Bedford, Massachusetts; Nightgowns and sleepers; 10 learners (T); June 8, 1943.

Nightingale Mfg. Co., Inc., 1010 Chestnut St., Allentown, Pennsylvania; Children's sleeping pajamas, nightgowns; 5 learners (T); June 8, 1943.

Rosenau Bros., W. Patterson St., Lansford, Pennsylvania; Children's dresses; 10 percent (T); June 8, 1943.

Shane Uniform Co., Inc., Maryland St. at Buchanan Road, Evansville, Indiana; Washable uniforms, garrison khaki caps; 30 learners (E); December 8, 1942.

S. Silverman, 1st St., & Monument Ave., Wyoming, Pennsylvania; Aprons and smocks; 1 learner (T); June 8, 1943.

A. Soloff, 273 Pleasant St., Fall River, Massachusetts; Sportswear; 10 percent (T); June 8, 1943.

Sondra Undergarments, Inc., 601 N. Jordan St., Allentown, Pennsylvania; Ladies underwear and nightwear; 10 percent (T); June 8, 1943.

Stark's Sportswear, 1213 South Main St., Los Angeles, California; Ladies Slack suits; 3 learners (T); June 8, 1943.

T. & S. Dress Co., High St. & Delaware Ave., Burlington, New Jersey; Children's dresses; 3 learners (T); June 8, 1943.

Gloves

Ackshand Knitting Co., Inc., 9 River St., Oneonta, New York; Knit wool gloves; 10 percent (T); June 8, 1943.

Acme Glove Corp., Slocum Ave., Granville, New York; Leather dress gloves; 5 learners (T); June 8, 1943.

Scotsmoor Co., Inc., 29 N. Market St., Johnstown, New York; Knit wool gloves; 15 learners (E); December 8, 1942.

Hosiery

Arrowhead Fashion Mills, East 50th & Covington Streets, Chattanooga, Tennessee; Full-fashioned hosiery; 10 percent (T); June 8, 1943.

Athens College Hosiery Mill, Athens, Alabama; Hosiery; 156 learners (E); February 8, 1943.

Elegant Hosiery, Inc., 692 Broadway, New York, New York; Converts and repairs women's hosiery; 5 learners (T); December 8, 1942.

Excell Hosiery Mills, Union, South Carolina; Seamless Hosiery; 10 percent (T); June 8, 1943.

John L. Fead & Sons, 1638 Poplar St., Port Huron, Michigan; Seamless hosiery; 10 percent (T); June 8, 1943.

Glenn Hosiery Co., Kivett Drive, High Point, North Carolina; Seamless hosiery; 10 percent (T); June 8, 1943.

Hagerstown Hosiery Co., Inc., West Antietam St., Hagerstown, Maryland; Seamless hosiery; 20 learners (E); February 8, 1943.

Hatch Full Fashioned Hosiery Co., Belmont, North Carolina; Full-fashioned hosiery; 5 percent (T); June 8, 1943.

Hosecraft Hosiery Mills, Inc., #304 East 23rd St., New York, New York; Cut and sewed hosiery; 10 learners (E); December 8, 1942.

Kale Knitting Mills, Inc., Graham St., Mebane, North Carolina; Seamless and full-fashioned hosiery; 5 learners (T); June 8, 1943.

Maryon Hosiery Mill, Box 164, Carrollton, Georgia; Seamless hosiery; 5 learners (T) February 8, 1943.

Murray Hosiery Mills, Inc., South 4th St., Murray, Kentucky; Seamless hosiery; 10 percent (T); June 8, 1943.

Randleman Full-Fashioned Hosiery Mill, Randleman, North Carolina; Full-fashioned hosiery; 5 percent (T); June 8, 1943.

Southland Hosiery Mills, Inc., 2210 High Point Road, Greensboro, North Carolina; Seamless hosiery; 5 learners (T); June 8, 1943.

Supreme Hosiery Co., Oliver and Cemetery Streets, Jersey Shore, Pennsylvania; Full-fashioned hosiery; 5 learners (T); June 8, 1943.

Unrivaled Hosiery Mills, Williamstown, Pennsylvania; Seamless hosiery; 20 learners (E); February 8, 1943.

Knitted Wear

Joyce Mfg. Co., 624 N. 7th St., Allentown, Pennsylvania; Knitted Underwear; 10 percent (T); June 8, 1943.

Maiden Fair Co., 3rd & Turner Streets, Allentown, Pennsylvania; Knitted under and outer wear; 5 percent (T); June 8, 1943.

Mohnton Knitting Mills, Mohnton, Pennsylvania; Knitted underwear; 5 learners (T); June 8, 1943.

Morse and Morse, 1013 S. Los Angeles St., Los Angeles, California; Knitted rayon underwear and sportswear; 10 percent (T); June 8, 1943.

Union Knitting Mills, Inc., 10 W. William St., Schuylkill Haven, Pennsylvania; Knitted underwear; 6 learners (T); June 8, 1943.

Telephone

Bradford County Telephone Co., 45 Owen St., Forty Fort, Pennsylvania; to employ learners as commercial switchboard operators at its Towanda, Pennsylvania Exchange, located at 211 Main St., Towanda, Pennsylvania; 2 learners (T); June 8, 1943.

Textile

Bartow Textile Co., Cartersville, Georgia; All cotton; 10 percent of its total number of chenille and punch work operators (T); June 8, 1943.

California Chenille Co., 239 S. Los Angeles St., Los Angeles, California; Cotton; 3 learners (T); June 8, 1943.

Century Ribbon Mills, Inc., Patton, Pennsylvania; silk, rayon and nylon; 3 learners (T); June 8, 1943.

Industrial Tape Mills Co., Trenton Avenue & E. Sergeant Streets, Philadelphia, Pennsylvania; Rayon fabrics; 6 percent (T); June 8, 1943.

New City Mills Co., 235 East 2nd St., Newton, North Carolina; Textile—flannel and yarn (cotton); 6 learners (T); June 8, 1943.

Penn-Hadley Mills, Main Street, Blakely, Pennsylvania; Rayon griege goods; 37 learners (E); December 8, 1942.

The Randolph Mills, Inc., Franklinville, North Carolina; Cotton flannel and sheetings; 7 learners (T); June 8, 1943.

The Springs Cotton Mills, Fort Mill, South Carolina; Cotton; 55 learners (T); June 8, 1943.

Summerville Mfg. Co., Summerville, Georgia; Cotton; 3 percent (T); June 8, 1943.

Signed at New York, N. Y., this 6th day of June 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-5329; Filed, June 8, 1942; 10:00 a. m.]

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

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 8, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as

indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

State Embroidery Works, 2311 Summit Avenue, Union City, New Jersey; Embroidery on Handkerchiefs; 3 learners; 4 weeks (160 hours) for any one learner; 28 cents per hour; Spanner; December 8, 1942.

Weder and Fehr, 161 18th St., Union City, New Jersey; Embroidery on Handkerchiefs; 3 learners; 4 weeks (160 hours) for any one learner; 28 cents per hour; Spanner; December 8, 1942.

Weller Embroidery Co., 545 38th St., Union City, New Jersey; Schiffli Embroidery on handkerchiefs, pillow cases, etc.; 6 learners; 4 weeks (160 hours) for any one learner; 28 cents per hour; Spanner; December 8, 1942.

Williams Brothers, E. Broad Street, St. Joseph, Michigan; Set-up paper boxes; 10 percent; 6 weeks (240 hours) for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; December 8, 1942.

Signed at New York, N. Y., this 6th day of June 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-5330; Filed, June 8, 1942, 10:00 a. m.]

[Administrative Order No. 145]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 45 FOR THE EMBROIDERIES INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the Embroideries Industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Max Meyer, Chairman, New York, New York. Clyde E. Dankert, Hanover, New Hampshire. Elizabeth S. Magee, Cleveland, Ohio. Kenneth L. M. Pray, Philadelphia, Pennsylvania.

For the Employees: Irving Epstine, New York, New York. Z. L. Freedman, New York, New York. Abraham Plotkin, Chicago, Illinois. Frederick F. Umhey, New York, New York.

For the Employers: Abraham Friedensohn, New York, New York. Ernest Mosmann, North Bergen, New Jersey. Irvin H. Weiss, Chicago, Illinois. Louis Knee, New York, New York.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "embroideries industry" means:

The production of all kinds of hand and machine-made embroideries and ornamental stitchings, including, but not by way of limitation, tucking, shirring, smocking, hemstitching, hand rolling, fagoting, Bonnaz embroidery, appliqueing, crochet beading, hand drawing, machine drawing, rhinestone trimming, sequin trimming, spangle trimming, eyelets, passementerie, pleating, the application of rhinestones and nailheads, stamping and perforating of designs, Schiffli embroidery and laces, burnt-out laces and velvets, Swiss hand-machine embroidery, thread splitting, embroidery thread cutting, scallop cutting, lace cutting, lace making-up, making-up of embroidered yard goods, straight cutting of embroidery and cutting out of embroidery, embroidery trimmings, bindings (not made in textile establishments), pipings and emblems: *Provided, however,* That (1) the foregoing when produced or performed by a manufacturer of a garment, fabric or other article for use on such garment, fabric or other article, and (2) the manufacture of covered buttons and buckles, shall not be included.

3. The definition of the embroideries industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on June 30, 1942, in the College Room of the Hotel Astor, New York City, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York this 6th day of June 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5328; Filed, June 8, 1942; 10:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

HAROLD F. GROSS AND EDMUND C. SHIELDS (WHAL)

NOTICE OF HEARING

[File No. B2-MP-1541]

In re application, dated March 9, 1942, for modification of construction permit. Class of service, broadcast; class of station, broadcast; location, Saginaw, Michigan. Operating assignment specified: Frequency, 980 kc.; power, 500 w day; hours of operation, daytime.

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

1. To determine the cost of completing the construction authorized in construction permit No. B2-P-936, as modified, and the financial outlay, if any, incurred in connection therewith by applicant partnership, prior to April 27, 1942.

2. To determine when the construction heretofore authorized in construction permit No. B2-P-936, as modified, was actually commenced.

3. To determine what materials and equipment the applicant partnership has on hand or available for the construction heretofore authorized in construction permit No. B2-P-936, as modified, and the additional equipment and materials, if any, necessary for the completion thereof.

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

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

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

The applicant's address is as follows:

Harold F. Gross and Edmund C. Shields, Radio Station WHAL, City National Building, Lansing, Michigan.

Dated at Washington, D. C., June 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-5311; Filed, June 6, 1942; 9:52 a. m.]

RATES FOR COMMUNICATIONS BETWEEN UNITED STATES AND WEST INDIES, CENTRAL AND SOUTH AMERICA

[Docket No. 6046]

SUPPLEMENTAL ORDER

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America.

Title 29

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 2nd day of June, 1942.

The Commission having under consideration its order issued on March 18, 1941, in Docket No. 6046, instituting an investigation into rates and charges applicable to communications between the United States and points in Central and South America; and

It appearing that such order should be supplemented in certain respects;

It is ordered, That a proceeding of investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, classifications, regulations, practices, and services for and in connection with telegraph communication service between various points in the United States, on the one hand, and various points in the West Indies, Central America, and South America, on the other hand;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the division of charges between the various carriers participating in telegraph traffic between points in the United States, on the one hand, and points in the West Indies, Central America, and South America, on the other hand; the basis for such divisions, and the justness and reasonableness thereof;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the routing of telegraph traffic between various points in the United States, on the one hand, and various points in the West Indies, Central America, and South America, on the other hand, in order to determine whether it is necessary or desirable in the public interest to establish additional physical connections and through routes for the handling of such traffic, and charges applicable thereto, and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the differentials in charges for telegraph communication service between New York City and various points in the West Indies, Central America, and South America, as compared with the charges for telegraph communication between other points in the United States, on the one hand, and various points in the West Indies, Central America, and South America, on the other hand, in order to determine the basis therefor, and whether or not there is involved therein any unjust and unreasonable discrimination or any undue or unreasonable preference, advantage, prejudice, or disadvantage;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the differentials in charges for southbound and northbound telegraph communication service between various points in the United States, on the one hand, and various points in the West Indies, Central America, and South America, on the other hand, in order to determine the basis therefor, and whether or not there is involved therein any unjust and unreasonable discrimination or any undue or unreasonable preference, advantage, prejudice, or disadvantage;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the differentials in charges for telegraph communication service between any specific point in the United States and the various points in the West Indies, Central America, and South America, in order to determine the basis therefor, and whether or not there is involved therein any unjust and unreasonable discrimination or any undue or unreasonable preference, advantage, prejudice, or disadvantage;

It is further ordered, That the telegraph carriers made parties respondent in this proceeding shall show cause under oath, why the Commission should not find the rates, charges, classifications, regulations, practices, and services, hereinabove referred to, unjust and unreasonable, unjustly or unreasonably discriminatory, or unduly or unreasonably preferential, advantageous, prejudicial, or disadvantageous, or otherwise violative of the Communications Act of 1934;

It is further ordered, That copies of this order shall be served on the parties respondent hereto, and that each of the respondents engaged in any telegraph communication service covered by this order or the order of March 18, 1941, in this proceeding, shall, within thirty days from the date of service of this order, file verified answers to the show cause provisions of this order and said order of March 18, 1941;

It is further ordered, That a hearing shall be held with respect to the matters covered by this order, and the matters covered by said order of March 18, 1941, in so far as they relate to telegraph communications, beginning at 10:00 a. m., on the 15th day of July, 1942, at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5365; Filed, June 8, 1942; 11:44 a. m.]

FEDERAL POWER COMMISSION.

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

LONE STAR GAS COMPANY AND CITY OF DALLAS, TEX.

ORDER CANCELLING HEARING

JUNE 5, 1942.

In the Matters of Lone Star Gas Company, and City of Dallas, Texas, (a municipal corporation), complainant, v. Lone Star Gas Company, defendant.

It appearing to the Commission that:

(a) On April 7, 1942, the Commission entered its order consolidating the aforesaid proceedings for purpose of hearing and fixing the date of hearing for June 8, 1942, at Dallas, Texas;

(b) On May 4, 1942, the Commission entered its order reducing the rates of Lone Star Gas Company, which order was entered upon waiver of hearing and upon consent of said Company;

The Commission *orders* that:

The hearing set for June 8, 1942, at 9:45 o'clock a. m. in Courtroom No. 2 of the Federal Building, Dallas, Texas, be and it is hereby cancelled.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-5308; Filed, June 6, 1942; 9:23 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4747]

A. P. W. PAPER COMPANY, INC.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1942.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, June 13, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 2, Federal Building, Albany, N. Y.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-5349; Filed, June 8, 1942; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

B. K. HIBBETT SALVAGE COMPANY

APPROVAL OF REGISTRATION

Order No. 3 under Supplementary Regulation No. 1[1] to General Price Regulation.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as engaging solely

[1] 7 F.R. 3158, 3488.

in the reconditioning and sale of damaged commodities received from insurance companies, transportation companies, or agencies of the United States Government:

B. K. Hibbett Salvage Company, 116 Third Avenue, South, Nashville, Tennessee.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by the B. K. Hibbett Salvage Company, Nashville, Tennessee, be, and the same hereby are excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1 to the General Maximum Price Regulation.

(b) This Order No. 3 shall become effective June 6, 1942.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5299; Filed, June 5, 1942; 5:18 p. m.]

NEWARK STOVE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 3 under revised price schedule No. 64 [1]—Domestic Cooking and Heating Stoves.

On March 31, 1942, Newark Stove Company of Newark, Ohio filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for two private brand gas ranges, Models Nos. 342 Philgas and 442 Philgas, to be sold to Phillips Petroleum Company, Detroit, Michigan.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Newark Stove Company may sell, offer to sell, deliver or transfer Models Nos. 342 Philgas and 442 Philgas, respectively, at prices no higher than the maximum prices for Models Nos. 341 and 441, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 3 shall become effective on the 6th day of June 1942.

Issued this 5th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5309; Filed June 6, 1942; 9:46 a. m.]

[1] 7 F.R. 1329, 1836, 2000, 2132.

CURTIS AND TRAVIS

APPROVAL OF REGISTRATION

Order No. 4 under Supplementary Regulation No. 1 [1] to General Maximum Price Regulation.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

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

Curtis & Travis, 473 Broadway, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

(a) That sales or deliveries by Curtis & Travis, New York, New York, be, and the same hereby are excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1 to the General Maximum Price Regulation.

(b) This Order No. 4 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5367; Filed, June 8, 1942; 11:58 a. m.]

NORTHWESTERN STEEL AND WIRE COMPANY

[Docket No. 3006-4]

DENIAL OF EXCEPTION

Order No. 13 under Revised Price Schedule No. 6 [2]—Iron and Steel Products.

On March 20, 1942, Northwestern Steel and Wire Company, Sterling, Illinois, filed an amended request for an exception from the terms of Revised Price Schedule No. 6. This application has been considered as a petition under § 1306.7 (b) of Revised Price Schedule No. 6, as amended by amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 13, 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, [3] issued by the Office of Price Administration, it is hereby ordered:

That the petition for exception of Northwestern Steel and Wire Company be, and it hereby is, denied.

This Order No. 13 shall become effective June 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 16th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5368; Filed, June 8, 1942; 11:59 a. m.]

[1] 7 F.R. 3158, 3488, 3892, 4183.
[2] 7 F.R. 1215, 1836, 2132, 2153, 2298, 2299, 2351, 3115.
[3] 7 F.R. 971.

PACIFIC MILLS

[Docket No. 3089-13]

GRANTING OF EXCEPTION

Order No. 6 under Revised Price Schedule No. 89 [1]—Bed Linens.

On April 24, 1942, Pacific Mills, 214 Church Street, New York, New York, filed a petition for an exception pursuant to § 1316.111 (d) (5) of Revised Price Schedule No. 89. Due consideration has been given to the petition, and an opinion in support of the Order No. 6 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:

(a) Pacific Mills may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of bed linens set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive such kinds and grades of bed linens at such prices from Pacific Mills.

(b) Sheets and pillow cases having colored selvage may be sold at a maximum price computed under the applicable terms of § 1316.111 (c) plus 5 cents per dozen for pillow cases and 20 cents per dozen for sheets, less trade and all other discounts applicable under Revised Price Schedule No. 89.

(c) All prayers of the petition not herein granted are denied.

(d) This Order No. 6 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1316.109 of Revised Price Schedule No. 89 shall apply to the terms used herein.

(f) This Order No. 6 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5370; Filed, June 8, 1942; 12:00 m.]

[1] 7 F.R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176.
[2] 7 F.R. 971.

[Docket Nos. 3089-3-E and 3089-4-E]

JOSEPH BANCROFT & SONS COMPANY AND RHOADS & COMPANY

GRANTING OF EXCEPTION

Order No. 5 under Revised Price Schedule No. 89 [1]—Bed Linens.

On March 28, 1942, Joseph Bancroft & Sons Company, Wilmington, Delaware, and Rhoads & Company, 401 North Broad Street, Philadelphia, Pennsylvania, each filed a petition for an exception pursuant to § 1316.111 (d) (5) of Revised Price Schedule No. 89. Due consideration has been given to the petitions, and an opinion in support of this Order No. 5 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:

(a) Joseph Bancroft & Sons Company and Rhoads and Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of bed linens set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive such kinds and grades of bed linens at such prices from Joseph Bancroft & Sons Company and Rhoads & Company.

(b) "Basco" Hospital sheets which are finished by the process described in the petition as the "Basco" finish may be sold at a premium in excess of the applicable maximum price established by Revised Price Schedule No. 89. Said premium shall not exceed an amount equal to 3½% of the applicable base price for Type 128 sheets set forth in Table II, § 1316.111 (c) of the Schedule.

(c) All prayers of the petitions not herein granted are denied.

(d) This Order No. 5 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1316.109 of Revised Price Schedule No. 89 shall apply to the terms used herein.

(f) This Order No. 5 shall become effective June 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5369; Filed, June 8, 1942; 12:00 m.]

[1] 7 F.R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176.
[2] 7 F.R. 971.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2698]

PEARSON COMPANY, INCORPORATED, $1 PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1942.

The Pearson Company, Incorporated pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Common Stock from listing and registration on the Chicago Board of Trade; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, June 29, 1942, at the office of the Securities and Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5303; Filed, June 6, 1942; 9:22 a. m.]

[File No. 1-3054]

DURHAM MANUFACTURING COMPANY $1 PAR COMMON STOCK

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of June, A. D., 1942

The Durham Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Common Stock from listing and registration on the Detroit Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on Wednesday, June 17, 1942 in Philadelphia, Pennsylvania; and

Counsel for the Commission having requested a postponement of said hearing;

It is ordered, That the matter be set down for hearing at 11 a. m. Monday, July 6, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5304; Filed, June 6, 1942; 9:22 a. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of June 1942.

The Commission having previously by its order dated July 23, 1941, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ordered said Engineers Public Service Company within one year to sever its relationship with Puget Sound Power & Light Company and its subsidiaries and The Key West Electric Company by disposing or causing the disposition of its direct and indirect ownership, control and holding of securities issued by said companies:

Notice is hereby given that Engineers Public Service Company, a registered holding company, has filed on May 29, 1942, pursuant to section 11 (c) of the Act, an application for an extension of an additional year from July 23, 1942, to comply with the Commission's order of July 23, 1941.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held to consider said application:

It is hereby ordered, That a hearing on said application under the applicable provisions of the Act and the rules of the Commission thereunder be held on June 22, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the Hearing Room Clerk in Room 318 may designate.

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

(1) Whether Engineers Public Service Company has exercised due diligence in its efforts to comply with the order of the Commission of July 23, 1941.

(2) Whether an extension of an additional year for compliance with said order of July 23, 1941 is necessary or appropriate in the public interest or for the protection of investors or consumers.

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

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before June 18, 1942, his request or application therefor as provided in Rule XVII of the Commission's Rules of Practice.

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5305; Filed, June 6, 1942; 9:22 a. m.]

[File Nos. 59-11, 59-17, and 54-25]

UNITED LIGHT AND POWER COMPANY, ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of June, A. D. 1942.

In the Matter of The United Light and Power Company, The United Light and Railways Company, Continental Gas & Electric Corporation, Columbus and Southern Ohio Electric Company, and Point Pleasant Water and Light Company.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than June 19, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission 18th and Locust Streets, Philadelphia, Pennsylvania.

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

Point Pleasant Water and Light Company (Point Pleasant), a subsidiary of and wholly-owned by Columbus and Southern Ohio Electric Company (Columbus), in turn a subsidiary of Continental Gas & Electric Corporation, in turn a subsidiary of The United Light and Railways Company, in turn a subsidiary of The United Light and Power Company, the last three companies being registered holding companies, proposes to sell to Appalachian Electric Power Company (Appalachian), a subsidiary of American Gas and Electric Company and not an affiliate of any of the applicants, all of its property used or useful for electric service, except cash and merchandise, and with the further exception of materials, supplies and customers' accounts receivable unless Point Pleasant and Appalachian agree upon their value.

The proposed purchase price to be paid by Appalachian is approximately $379,000 in cash plus the agreed value of the aforementioned materials, supplies and customers' accounts receivable, plus the total of expenditures by Point Pleasant for betterments or additions to its capital account between October 31, 1941 and the date of closing of the sale, less the value of Point Pleasant's property normally retired from service during the same period. It is anticipated that the said expenditures for betterments and additions will be approximately equal to the said property retirements.

Upon completion of the said sale and the payment by Point Pleasant of its then debts and taxes, its net assets are expected to approximate $408,000. Point Pleasant proposes to liquidate its business by distributing such net assets to Columbus upon surrender by Columbus to Point Pleasant of all the outstanding securities of Point Pleasant and the cancellation thereof by Point Pleasant.

The sale of property by and the liquidation of Point Pleasant are steps proposed to be taken by the applicants in compliance with orders of this Commission previously issued under section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5306; Filed, June 6, 1942; 9:23 a. m.]

SAN FRANCISCO STOCK EXCHANGE

DECLARATION OF EFFECTIVENESS OF AMENDED PLAN

Declaration of effectiveness of an amendment to the special offering plan of the San Francisco Stock Exchange pursuant to Rule X-10B-2 (d) [§ 240.10b-2 (d)].

The Securities and Exchange Commission, having declared effective on April 17, 1942 a plan for special offerings filed pursuant to Rule X-10B-2 (d) by the San Francisco Stock Exchange; and the San Francisco Stock Exchange on June 1, 1942, having filed an amendment to such special offering plan; and

The Securities and Exchange Commission, having given due consideration to the plan as amended and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan, as modified by the amendment filed June 1, 1942, to be effective until the close of business on July 31, 1942, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' written notice to the San Francisco Stock Exchange terminating the effectiveness of such plan.

Effective June 5, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5307; Filed, June 6, 1942; 9:23 a. m.]