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# FEDERAL REGISTER

VOLUME 7

NUMBER 9

Washington, Wednesday, January 14, 1942

## The President

### EXECUTIVE ORDER

#### ESTABLISHMENT OF THE NATIONAL WAR LABOR BOARD

WHEREAS by reason of the state of war declared to exist by joint resolutions of the Congress, approved December 8, 1941 and December 11, 1941, respectively, (Public Laws Nos. 328, 331, 332, 77th Congress), the national interest demands that there shall be no interruption of any work which contributes to the effective prosecution of the war; and

WHEREAS as a result of a conference of representatives of labor and industry which met at the call of the President on December 17, 1941, it has been agreed that for the duration of the war there shall be no strikes or lockouts, and that all labor disputes shall be settled by peaceful means, and that a National War Labor Board be established for the peaceful adjustment of such disputes:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

1. There is hereby created in the Office for Emergency Management a National War Labor Board, hereinafter referred to as the Board. The Board shall be composed of twelve special commissioners to be appointed by the President. Four of the members shall be representative of the public; four shall be representative of employees; and four shall be representative of employers. The President shall designate the Chairman and Vice-Chairman of the Board from the members representing the public. The President shall appoint four alternate members representative of employees and four representative of employers, to serve as Board members in the absence of regular members representative of their respective groups. Six members or alternate members of the Board, including not less than two members from each of the groups represented on the Board, shall constitute a quorum. A vacancy in the Board shall

not impair the right of the remaining members to exercise all the powers of the Board.

2. This Order does not apply to labor disputes for which procedures for adjustment or settlement are otherwise provided until those procedures have been exhausted.

3. The procedures for adjusting and settling labor disputes which might interrupt work which contributes to the effective prosecution of the war shall be as follows: (a) The parties shall first resort to direct negotiations or to the procedures provided in a collective bargaining agreement. (b) If not settled in this manner, the Commissioners of Conciliation of the Department of Labor shall be notified if they have not already intervened in the dispute. (c) If not promptly settled by conciliation, the Secretary of Labor shall certify the dispute to the Board, provided, however, that the Board in its discretion after consultation with the Secretary may take jurisdiction of the dispute on its own motion. After it takes jurisdiction, the Board shall finally determine the dispute, and for this purpose may use mediation, voluntary arbitration, or arbitration under rules established by the Board.

4. The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.

5. The members of the Board (including alternates) shall receive necessary traveling expenses, and, unless their compensation is otherwise prescribed by the President, shall receive in addition to traveling expenses \$25.00 per diem for subsistence expense on such days as they are actually engaged in the performance of duties pursuant to this Order. The Board is authorized to appoint and fix the compensation of its officers, examiners, mediators, umpires, and arbitrators; and the Chairman is authorized to appoint and fix the compensation of other necessary employees of the Board. The Board shall avail itself, insofar as practicable, of the services and facilities of the Office for Emergency Management and of other departments and agencies of the Government.

6. Upon the appointment of the Board and the designation of its Chairman, the

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National Defense Mediation Board established by Executive Order No. 8716<sup>1</sup> of March 19, 1941, shall cease to exist. All employees of the National Defense Mediation Board shall be transferred to the Board without acquiring by such transfer any change in grade or civil service status. All records, papers, and property, and all unexpended funds and appropriations for the use and maintenance of the National Defense Mediation Board shall be transferred to the Board. All duties with respect to cases certified to the National Defense Mediation Board shall be assumed by the Board for discharge under the provisions of this Order.

7. Nothing herein shall be construed as superseding or in conflict with the provisions of the Railway Labor Act (Act of May 20, 1926, as amended, 44 Stat. 577; 48 Stat. 926, 1185; 49 Stat. 1169; 45 U. S. Code 151), the National Labor Relations Act (Act of July 5, 1935, 49 Stat. 457; 29 U. S. Code 151 et seq.), the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat. 1060; 29 U. S. Code 201 et seq.), and the Act to provide conditions for the purchase of supplies, etc., approved June 30, 1936 (49 Stat. 2036; 41 U. S. Code, sections 35-45), or the

<sup>1</sup> 6 F.R. 1532.

Act amending the Act of March 3, 1931, relating to the rate of wages for laborers and mechanics, approved August 30, 1935 (49 Stat. 1011; 40 U. S. Code, section 276 et seq.).

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
January 12, 1942.

[No. 9017]

[F. R. Doc. 42-326; Filed, January 13, 1942; 10:44 a. m.]

## EXECUTIVE ORDER

## SUSPENSION OF THE PROVISIONS OF THE ACT OF MARCH 3, 1931, AS TO THE WAR AND NAVY DEPARTMENTS AND THE COAST GUARD

By virtue of the authority vested in me by section 5 (a) of the act of June 28, 1940, 54 Stat. 678, and finding such action necessary in the interest of national defense, I hereby suspend for the War and Navy Departments and for the Coast Guard and their field services, during the period of the existing national emergency, the provisions of the act of March 3, 1931, 46 Stat. 1482 (U.S.C., title 5, sec. 26 (a)); and during such period the hours of employment of civil personnel in the War and Navy Departments and the Coast Guard and in their field services shall, subject to the provisions of the said section 5 (a) of the act of June 28, 1940, be in accordance with such regulations as the Secretary of War and the Secretary of the Navy may respectively prescribe, such regulations, so far as they relate to the working hours of employees in the District of Columbia, to be subject, in the interest of uniformity as contemplated by the said act of June 28, 1940, to the coordination and approval of the Director of the Bureau of the Budget.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
January 12, 1942.

[No. 9018]

[F. R. Doc. 42-328; Filed, January 13, 1942; 10:44 a. m.]

## EXECUTIVE ORDER

## REVOKING IN PART AND MODIFYING EXECUTIVE ORDER NO. 8578 OF OCTOBER 29, 1940, AND RESERVING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS AN AERIAL MACHINE-GUN RANGE

NEVADA

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered as follows:

1. Executive Order No. 8578<sup>1</sup> of October 29, 1940, reserving public land in the State of Nevada for the use of the War Department as an aerial bombing and gunnery range, is hereby revoked

<sup>1</sup> 5 F.R. 4313.

as to any land not included in the following-described area:

**MOUNT DIABLO MERIDIAN**

Beginning at the northwest corner of T. 1 S., R. 46 W.;  
 Thence east along the Mount Diablo Base Line approximately 38 miles to the southeast corner of T. 1 N., R. 51½ E.;  
 Thence north approximately 1 mile to the southwest corner of T. 1 N., R. 52 E.;  
 Thence east along the Mount Diablo Base Line approximately 15 miles to the northeast corner of sec. 4, T. 1 S., R. 54 E.;  
 Thence southerly along section lines approximately 24 miles to the southeast corner of sec. 33, T. 4 S., R. 54 E.;  
 Thence east along the 1st Standard Parallel South approximately 5 miles;  
 Thence southerly approximately 18 miles;  
 Thence east approximately 10 miles to the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E.;  
 Thence southerly approximately 42 miles to the southeast corner of T. 14 S., R. 56 E.;  
 Thence westerly to the southwest corner of T. 14 S., R. 50 E.;  
 Thence north to the northwest corner of T. 13 S., R. 50 E.;  
 Thence west along the 3rd Standard Parallel South to the southwest corner of T. 12 S., R. 49 E.;  
 Thence northerly approximately 48 miles to the point for the northwest corner of T. 5 S., R. 49 E.;  
 Thence west on the 1st Standard Parallel South approximately 18 miles to the southwest corner of T. 4 S., R. 46 E.;  
 Thence north along the line between ranges 45 and 46 east approximately 24 miles to the northwest corner of T. 1 S., R. 46 E., and the place of beginning;  
 containing approximately 2,617,300 acres.

2. The said Executive Order No. 8578 is hereby modified to the extent that the public land in the above-described area lying north of the 1st Standard Parallel South is reserved for the use of the War Department as a general bombing range, and the public land in the above-described area lying south of the 1st Standard Parallel South is reserved for the use of the War Department as an aerial machine-gun range: *Provided, however,* that the Secretary of the Interior shall have authority to relocate the boundary between the foregoing ranges in accordance with such mutual understanding as may be reached by the Secretary of the Interior and the Secretary of War.

3. Subject to valid existing rights, the public land in the following-described area is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an aerial machine-gun range:

**MOUNT DIABLO MERIDIAN**

Beginning at the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E.;  
 Thence southerly approximately 42 miles to the southeast corner of T. 14 S., R. 56 E.;  
 Thence east to the point for the corner of Tps. 14 and 15 S., Rs. 59 and 60 E.;  
 Thence northerly approximately 42 miles to the point for Tps. 7 and 8 S., Rs. 59 and 60 E.;  
 Thence west approximately 18 miles to the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E., and the place of beginning;  
 containing approximately 483,840 acres.

4. This order, so far as it affects land in the area last described above, shall take precedence over, but shall not re-

scind or revoke, (1) Executive Order No. 7373<sup>1</sup> of May 20, 1936, reserving certain lands for wildlife and other purposes, (2) the Executive order of February 23, 1916, withdrawing land as Public Water Reserve No. 33, Nevada No. 2, (3) the order of the Secretary of the Interior of November 3, 1936,<sup>2</sup> establishing Grazing District No. 5, Nevada, and (4) the order of the Secretary of the Interior of December 2, 1937, withdrawing certain public lands for a proposed grazing district, so far as such orders affect any of the land in the area last described above.

5. In connection with the use by the War Department of any of the land described herein reserved by Executive Order No. 7373 of May 20, 1936, the local army commandant shall, after consultation with the local representatives of the Fish and Wildlife Service and the Grazing Service, Department of the Interior, and to enable the field personnel of such services to carry out their normal patrol and maintenance activities, designate not less than two days a month, exclusive of Saturdays, Sundays, and legal holidays, on which there shall be no firing; and the representatives of said services shall have the right to use the Alamo road in Sheep Valley when on official business.

6. It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purposes for which it is reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
 January 12, 1942.

[No. 9019]

[F. R. Doc. 42-327; Filed, January 13, 1942;  
 10:44 a. m.]

**EXECUTIVE ORDER**

**TRANSFERRING CONTROL OF THE AIRPORT NEAR TONOPAH, NEVADA, TO WAR DEPARTMENT**

Under authority of section 2 (e) of the act of May 24, 1928, c. 728, 45 Stat. 728; 49 U.S.C. 212 (e), there is hereby transferred to the Secretary of War for military purposes, until otherwise ordered, full control of the airport on the lands described below, now leased, subject to the provisions of the said act, to the Board of County Commissioners of Nye County, Nevada:

**MOUNT DIABLO MERIDIAN**

T. 2 N., R. 44 E.,  
 Sec. 6, Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼  
 Sec. 7, Lot 1, NE¼NW¼;  
 T. 3 N., R. 44 E.,  
 Sec. 31, Lots 2, 3, 4, E½SW¼, SE¼NW¼;  
 containing 617.87 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
 January 12, 1942.

[No. 9020]

[F. R. Doc. 42-330; Filed, January 13, 1942;  
 10:46 a. m.]

<sup>1</sup> 1 F.R. 427.  
<sup>2</sup> 1 F.R. 1748.

**EXECUTIVE ORDER**

**MODIFYING CERTAIN EXECUTIVE ORDERS TO PERMIT THE LEASING OF CERTAIN LANDS FOR AIRPORT PURPOSES**

**WYOMING**

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, Executive Orders No. 4685 of July 7, 1927, and No. 4857 of April 16, 1928, withdrawing certain public lands in Wyoming in aid of proposed legislation, and Executive Orders No. 5040 of February 4, 1929, and No. 7680<sup>1</sup> of July 30, 1937, withdrawing certain public lands in the same State for elk-refuge purposes, are hereby modified to the extent necessary to permit the leasing of the following-described lands for use as a public airport under the terms of the act of May 24, 1928, 45 Stat. 728, as amended by the act of August 16, 1941, Public Law 205, 77th Congress:

**SIXTH PRINCIPAL MERIDIAN**

T. 42 N., R. 116 W.,  
 sec. 10, SE¼SE¼;  
 sec. 11, S½SW¼, SE¼;  
 sec. 14, NW¼, S½;  
 sec. 15, E½NE¼, NW¼NE¼;  
 containing 880 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
 January 12, 1942.

[No. 9021]

[F. R. Doc. 42-329; Filed, January 13, 1942;  
 10:46 a. m.]

**Rules, Regulations, Orders**

**TITLE 7—AGRICULTURE**

**CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE**

[B. E. P. Q. 503, 4th revision]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**WHITE-FRINGED BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED, TREATMENTS AUTHORIZED**

Effective January 9, 1942.

*Introductory note.* Recent investigational work has shown that it is possible to destroy all stages of the white-fringed beetles (*Pantomorus* spp.) in soil, with either carbon disulphide or methyl bromide applied as a liquid, provided the temperature of the soil is sufficiently high and the period of exposure is long enough. The administrative instructions in this circular, specifying the various authorized methods of treatment of plants in soil, and of potting soil, are therefore hereby revised by authorizing the above treatment for soil plots, plunging beds, and potting soil (see paragraph (c)).

All treatments apply to the various species of white-fringed beetles.

<sup>2</sup> 2 F.R. 1360.

This circular supersedes all instructions in Circulars B. E. P. Q. 486, 489, and previous issues of 503.<sup>1</sup>

§ 301.72-5c<sup>2</sup> *Administrative instructions; treatments authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], the following methods of treatment are hereby authorized effective January 9, 1942, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls—*

(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation must be done with methyl bromide at a dosage of 1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(ii) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not greater than 3 inches in diameter when spherical or thicker than 3 inches if not spherical, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gas-tight doors.

(iv) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(v) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury must be done with a dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, including the space occupied by the commodity, with an exposure of 1½ hours, the vacuum to be maintained throughout the entire period.

(ii) The temperature of the soil balls shall be 75° F. or above, and the diameter of the soil balls shall be not greater than 11 inches if spherical, or thicker than 11 inches if not spherical.

(iii) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(iv) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of

at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

(3) *Methyl bromide solution—* (1) *Treatment method.* (Applicable to all regulated areas). (a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(b) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (a) In Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(b) In all regulated areas other than Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil—*(1) *Carbon disulphide fumigation.* (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U.S.P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil

in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of an authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation.* (1) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(iv) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment.* (1) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes 1-32 inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.

(4) *Methyl bromide and carbon disulphide.* (See instructions in paragraph (c).)

(c) *Soil plots, plunging beds, and potting soil.*

(1) *Methyl bromide.* (i) Inject the liquid methyl bromide into the soil at a depth of 6 inches by means of a hollow needle or other suitable injector at the rate of 4.7 milliliters per square foot or 7 milliliters per 1½ square feet of soil surface.

(ii) After treatment has been applied to the plot the soil should be covered with 10- or 15-pound building paper, lapped 4 inches and weighted down so that it will not be blown off.

(iii) The soil must be at a temperature not lower than 45° F. at a depth of 6 inches when the treatment is applied. At temperatures from 45° to 62° inclusive the soil must be kept covered for a period of 6 days to insure complete mortality of all eggs, larvae, pupae, and adults of the insect which may be present in the soil under treatment. At temperatures above 62° the soil must be kept so covered for a period of not less than 4 days.

<sup>1</sup> 6 F.R. 4653.

<sup>2</sup> Superseding §§ 301.72-5a and b.

(2) *Carbon disulphide.* (i) The insecticide shall be applied at the rate of 33 milliliters per square foot of soil surface, the liquid to be poured into holes at least 6 inches deep and 1 inch in diameter at the top, and covered immediately with earth.

(ii) After application the plot should be covered with 10- to 15-pound building paper which shall remain in position for at least 4 days in order to insure complete mortality of any eggs, larvae, pupae, or adults of white-fringed beetles that may be present.

(iii) The treatment shall not be applied to soil which is below 80° F. in temperature at a depth of 6 inches.

(d) *Disclaimer.* There has been opportunity to test these treatments on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

(e) *Caution—(1) Methyl bromide.* (i) Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use gas masks approved by the United States Bureau of Mines for use with methyl bromide, when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(ii) The method for application of methyl bromide described in paragraph (c) provides a closed system in which the operator is not exposed to a dangerous concentration of the gas provided there is no leakage in any exposed portion of the equipment. Extreme care should be exercised to keep all joints of such apparatus tight and replace any defective parts to prevent accident. The operator should avoid getting any liquid methyl bromide on his clothing or his body at any time.

(2) *Carbon disulphide.* (i) The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

(ii) Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air. (7 C.F.R. § 301.72-5; sec. 8.39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

Done at Washington, D. C., this 6th day of January 1942.

[SEAL] P. N. ANNAND,  
Chief.

[F. R. Doc. 42-331; Filed, January 13, 1942;  
11:18 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### CHAPTER II—RAILROAD RETIREMENT BOARD

#### PART 210—EXECUTION AND FILING OF AN APPLICATION

##### AMENDING § 210.02 OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), the proviso in § 210.02 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended by Board Order 42-19 dated January 8, 1942, to read as follows:

§ 210.02 *Application to be filed.* \* \* \* *Provided, however,* That a claim or application filed with the Social Security Board, whether before or after the adoption of this Regulation, for a lump sum payment under Sec. 204(a) of Title II of the Social Security Act as approved August 14, 1935 or for primary insurance benefits under Sec. 202(a) of the Social Security Act as amended August 10, 1939 based in whole or in part on service with an employer under the Railroad Retirement Act of 1935 or 1937 which service had not at the time of such filing been determined by the Board to be with an employer shall be an application for an annuity filed with the Railroad Retirement Board as of the date on which such claim or application was filed with the Social Security Board. (Secs. 2, 10, 50 Stat. 309, 314; 45 U.S.C. Sup. III, 228b, 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary of the Board.

JANUARY 13, 1942.

[F. R. Doc. 42-332; Filed, January 13, 1942;  
11:29 a. m.]

## TITLE 30—MINERAL RESOURCES

### CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-892]

#### PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER AMENDING 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 Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter on June 18, 1941, 6 F.R. 3149, establishing price classifications and minimum prices for the coals of certain

mines in District No. 2, including the establishment of minimum prices for the coals of the Christner Mine with Mine Index No. 3069, for truck shipments.

It now appears that this mine is, in fact, located in District No. 1, and that the minimum prices established in Supplement T, § 322.23 (*General prices*) in the said order for the said mine should be revoked. Price classifications and minimum prices have been proposed for the coals of the Christner Mine by District Board No. 1 in its petition in Docket No. A-1236 and an order will be entered in that proceeding establishing price classifications and minimum prices for the coals of the Christner Mine, with Mine Index No. 3069, for all shipments except truck and for truck shipments.

Now, therefore, it is ordered, That the said Order Granting Temporary Relief and Conditionally Providing For Final Relief, dated June 18, 1941, in the above-entitled matter be, and it hereby is, amended by revoking the minimum prices established therein for the coals of the Christner Mine, with Mine Index No. 3069, of Thomas A. O. Beer, for truck shipments; and

It is further ordered, That in all other respects the said Order of June 18, 1941, be, and it hereby is, continued in full force and effect, until otherwise ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-324; Filed, January 13, 1942;  
10:40 a. m.]

[Docket No. A-1241]

#### PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 528 OPERATED BY THE KELLY COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14

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 revision, both temporary and permanent, of the effective price classifications and minimum prices for the coals produced at the Kelly Mine (Mine Index No. 528) of the Kelly Coal Company, a code member in District No. 14; and

It appearing that the price classifications and minimum prices presently effective as to the coals of the Kelly Mine reflect their relative market values when mined by the solid shot method, but that the Kelly Coal Company now proposes to mine those coals by the machine-cutting method, and that the revisions now requested by the petitioner are necessary in order to reflect properly the relative market values of those coals when mined by the latter method; 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, § 334.5 (Alphabetical list of code members) and § 334.24

(General prices for shipment into all market areas) in the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments are amended by revising the effective minimum prices contained therein for the coals produced at the Kelly Mine (Mine Index No. 528) of code member Kelly Coal Company in Production Group 2 in District No. 14 as follows:

in part, by Order of the Director dated October 8, 1941, 6 F.R. 5435;

Pursuant to Orders of the Director, and after due notice to interested parties, a hearing in this matter having been held before Floyd McGown, 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;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

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

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order § 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 amended in accordance with the Schedule marked "Supplement R" attached hereto and made a part hereof, and the shipping points designated in said Supplement for the mines specified therein shall be in lieu of all shipping points previously designated therefor.

It is further ordered, That the prayers of the original petition are granted to the extent set forth above and in all other respects are denied.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER, Acting Director.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members

	Size groups													
	3	4	6	7	8	9	10	11	13	14	15	16	17	18
From: Classifications.....	C									B				Q
To: Classifications.....		J	K	K	K	L	K	I	D	B	B	B	A	M

FOR TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas

	Size groups													
	3	4	6	7	8	9	10	11	13	14	15	16	17	18
From: Prices.....	335									135				270
To: Prices.....		405	405	405	405	380	340	315	200	135	115	105	185	330

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: January 10, 1942.

[SEAL] DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-325; Filed, January 13, 1942; 10:39 a. m.]

[Docket No. A-1050 Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF ADDITIONAL RAIL LOADING POINTS FOR THE COALS OF MINE INDEX NOS. 1417, 604 AND 721 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1023, 919, 870, 860, 2619 AND 2093, IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

A petition having been filed with the Bituminous Coal Division on September 5, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the

establishment of effective price classifications and minimum prices for the coals of certain code members in District 1 for shipment by rail;

A petition of intervention having been filed herein by District Board 2, on November 7, 1941; Temporary relief having been granted,

PERMANENT SUPPLEMENT, DISTRICT NO. 1

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

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

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

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.					
								1	2	3	4	5
1023	Armstrong, Paul J.....	Armstrong.....	6	E	Juneau, Pa.....	B&O.....	112	(†)	(†)	F	(†)	(†)
919	Bailey, Robert.....	Bailey #4.....	8	D & E	Morrisdale, Pa.....	NYC.....	44	(†)	(†)	D	(†)	(†)
870	Card, Grant.....	Card #1.....	2	B	Sabula, Pa.....	PRR.....	120	H	(†)	H	J	J
1417	Garzoni, Chinto A.....	Garzoni.....	6	E	Adrian, Pa.....	B&O.....	112	(†)	(†)	F	F	F
604	P & G Coal Company (A. D. Grasso).....	P & G.....	1	B	Holden, Pa.....	LEF&C.....	32	F	F	*F	*F	*F
860	Reiter, V. M.....	Laurel Run #3.....	2	B	Penfield, Pa.....	PRR.....	120	(†)	(†)	H	(†)	(†)
2619	Staley, James H.....	Staley.....	6	D	Anita, Pa.....	PRR.....	50	(†)	(†)	E	E	E
2093	Stear Bros. (C. M. Stear).....	Dennison.....	6	D	Sprankles Mills, Pa.....	P&S.....	119	(†)	(†)	E	E	E
721	Thomas, Floyd.....	Thomas.....	4	E	Eddyville, Pa.....	P&S.....	119	G	G	G	H	H

\*Subject to Temporary Relief in Docket Nos. A-63 to A-68.  
†Indicates no classifications effective for these size groups.

[F. R. Doc. 42-233; Filed, January 12, 1942; 9:25 a. m.]

[Docket No. A-1221]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISH-

MENT 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, re-

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, § 322.23 (General prices)

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: January 3, 1942. 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

Table with columns: Mine Index No., Code member, Mine name, Seam, Shipping point, Railroad, Freight origin group No., Size group Nos. (1-16)

All mines in Freight Origin Group No. 67 will take the same necessary and permissible adjustments as Freight Origin Group No. 12 for shipments into Market Areas 1, 2, 3, 4, 5, 6, 10, and for movements via Lake Ontario ports; and same adjustments as Freight Origin Group No. 74 for shipments into Market Areas 10, 11, 12, 13, 14 and for movements via Lake Erie ports.

mine index numbers in groups shown. Group No. 1: 2266, 2273, 2276, 2281. Group No. 2: 1356, 2252, 2268, 2274. Group No. 3: 1042, 1050. Group No. 4: 2271, 2272. Group No. 5: 2248, 2270, 2278. Group No. 6: 2261, 2262, 2267, 2272. Group No. 7: 1676, 2248, 2270, 2278. Group No. 8: 1405, 2283, 2285, 2289. Group No. 9: 1405, 2283, 2285, 2289. Group No. 10: 1042, 1050. Group No. 11: 1405, 2283, 2285, 2289. Group No. 12: 1042, 1050. Group No. 13: 1405, 2283, 2285, 2289. Group No. 14: 1042, 1050. Group No. 15: 823, 865, 2289. Group No. 16: 1405, 2283, 2285, 2289.

FOR TRUCK SHIPMENTS  
 § 322.23 General prices—Supplement T  
 [Prices in cents per net ton for shipment 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"	Stone 1" x 4"	Pea 3/4" x 3/4"	Run of mine	2" N/S	1 1/2" slack	3/4" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Klein, S. (Klein Coal Company)	2232	Port View (Strip)	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
M. & S. Coal Co. (Avon R. McAnulty)	2281	M. & S. (Strip)	Pittsburgh	300	290	280	255	235	235	235	235	205	195	185
ARMSTRONG COUNTY														
Katunich, John	2250	Katunich	Kittanning	280	270	260	240	235	225	205	215	195	185	175
Reges Bros. Coal Co. (Joseph S. Reges)	2231	Reges Bros.	L. Kittanning	280	270	260	240	235	225	205	215	195	185	175
Shiel, M. J.	2280	Katherine	Freeport	275	265	255	235	225	220	215	215	195	185	175
BEAVER COUNTY														
Allison, W. Lee	2259	Allison	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
BUTLER COUNTY														
C. & S. Coal & Clay Co.	2268	Cunningham #2 (Strip)	Freeport	300	290	280	255	250	245	225	225	185	175	165
Central Iron & Coal Co. (J. P. MacKay)	2269	Hamilton #3 (Strip)	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Mittica & Pugh (C. W. Mittica)	2275	M. & P.	U. Freeport	275	265	255	240	220	220	210	220	180	170	165
FAYETTE COUNTY														
Betchy, Geo. W., Sr.	2270	Manganese	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Corristan Bros. (Hugh Corristan)	2264	Potter	U. Freeport	265	255	245	235	215	205	205	205	190	185	170
Dearth Coke Corporation c/o Lawrence Parshall	2271	Messmore (Strip)	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Martin & Wolfe (Thomas J. Wolfe)	2248	Big Chief	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Shaw, William J.	2262	Bakerstown	L. Freeport	280	270	260	245	225	210	210	210	200	195	175
Wynn Coal & Coke Company (Martin W. Ruane)	2272	Roderick (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Yahoda, J. A.	2249	Pearl	Sewickley	265	255	245	235	215	205	205	205	190	185	170
GREENE COUNTY														
Sproat, Noah R.	2260	Sproat	Waynesburg	255	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Sonntag, Adam E.	2253	Dacko	M. Kittanning	300	290	280	255	250	245	225	225	185	175	165
WASHINGTON COUNTY														
Brown, Clarence	2263	Brown	Redstone	275	265	255	230	220	205	195	205	180	170	160
Burya, Rudolph	2279	Burya	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Darulla, John	2265	Darulla	Pittsburgh	280	270	260	235	230	215	205	215	190	170	160
Hague, Robert G.	2273	Ward #3	Pittsburgh	310	300	290	270	250	240	235	240	210	200	175
Sigsmund, Anna (Sigsmund Coal Co.)	2252	Sigsmund (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Weel, W. W. (Bill Neal Coal Co.)	2274	Neal #3 (Strip)	Waynesburg	285	255	245	220	205	195	190	195	175	165	155
WESTMORELAND COUNTY														
Grimm & Loucks (Geo. H. Grimm)	2261	G. & L. (Strip)	Pittsburgh	300	290	280	260	240	230	220	235	210	200	175
Lynch, H. W.	2251	Lynch (Deep)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Lynch, H. W.	2277	Lynch (Strip)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Mammoth Coal & Coke Company c/o A. B. Kelley	2266	Mammoth (Deep)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Mammoth Coal & Coke Company c/o A. B. Kelley	2276	Mammoth (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
McKetta, John, Sr (McKetta Coal Co.)	2267	McKetta	Pittsburgh	290	280	270	250	230	220	215	225	205	195	175

[F. R. Doc. 42-284; Filed, January 12, 1942; 9:26 a. m.]

[Docket No. A-1234]  
 PART 323—MINIMUM PRICE SCHEDULE,  
 DISTRICT NO. 3  
 ORDER GRANTING TEMPORARY RELIEF AND  
 CONDITIONALLY PROVIDING FOR FINAL RELIEF  
 IN THE MATTER OF THE PETITION OF

DISTRICT NO. 3 FOR THE ESTABLISHMENT  
 OF PRICE CLASSIFICATIONS AND MINIMUM  
 PRICES FOR THE COALS OF CERTAIN MINES  
 IN DISTRICT NO. 3

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. 3; 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 § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein with respect to the coals of H. C. Boggess, Winchester No. 2 (strip) Mine, Mine Index No. 1265, as it appears that minimum prices were established for the coals of this mine for All Shipments Except Truck and for Truck Shipments in Docket No. A-1215, which was consolidated with Docket No. A-1191 by an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief dated December 27, 1941, issued in Dockets Nos. A-1191 and A-1215.

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: January 3, 1942.

[SEAL] DAN H. WHEELER,  
 Acting Director.



TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

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 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Seam	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	
1266	Bailey, Cecil A.	Bailey #1	Redstone	Weston, W. Va.	B&O	31	F	F	F	F	F	H	F	F	F	F							
1276	Bowden Coal Company	Big Knob #1(s)	Sewell	Bowden, W. Va.	WM	33	A	A	A	A	A	A	A	A	A	A							
1277	Bowden Coal Company	Big Knob #2 (Strip)	Sewell	Bowden, W. Va.	WM	33	A	A	A	A	A	A	A	A	A	A							
1268	Sherrodsville Mining Company c/o H. Giavina	Meadowbrook	Pittsburgh	Meadowbrook, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F							
331	Vincent, J. E.	Marlon	Pittsburgh	Fairmont, W. Va.	Mon	52	A	A	A	A	A	A	A	A	A	A							
1272	Walker Coal Mining Company	Big Sewell #2	Sewell	Bemis, W. Va.	WM	33	A	A	A	A	A	A	A	A	A	A							

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 1269, Group No. 2: 1266, Group No. 5: 1272, 1276, 1277.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 1269, Group No. 2: 1266, Group No. 5: 1272, 1276, 1277.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

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

Code member index	Mine index No.	Mine	Seam	County	Size groups							
					Lump over 2' egg over 1 1/2" bottom size	Lump 2' egg over 1 1/2" bottom size but over 1 1/2"	Lump 1 1/2" and under, bottom size	All nut and pea 1 1/2" and under, bottom size	Rim of mine resultant over 1 1/2" and 2" slack	1 1/2" and 2" slack	3/4" slack	1/2" slack
E. & B. Coal Company (Beasley, John A.)	1275	Black Betty #1	Waynesburg	Marion	208	203	203	178	178	163	153	
Bailey, Cecil A.	1266	Bailey #1	Redstone	Lewis	223	218	218	193	183	178	168	
Bolyard, Roy D.	1268	Brown #2	Redstone	Preston	235	235	210	210	200	190		
Beasley, R. K.	1271	Dixie Run	Redstone	Barbour	223	218	218	193	183	178	168	
Bowden Coal Company	1276	Big Knob #2 (S)	Sewell	Randolph	253	248	248	223	223	213	193	
Lowden Coal Company	1277	Big Knob #2 (Strip)	Sewell	Randolph	253	248	248	223	223	213	193	
Sherrodsville Mining Company, c/o H. Giavina	1269	Meadowbrook (Strip)	Pittsburgh	Harrison	223	218	218	193	193	178	168	
Tenney, Lehen	1267	Tenney	H. V. Freeport	Upshur	223	218	218	193	193	178	168	
Walker Coal Mining Company	1272	Big Sewell #2	Sewell	Randolph	253	248	248	223	223	213	193	
Zickfoose, Minter J.	1273	Huffman	H. V. Kitt	Upshur	208	203	203	178	178	168	158	

[F. R. Doc. 42-282; Filed, January 12, 1942; 9:25 a. m.]

Sec.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 613—PROCEDURE ON REGISTRATION DAY

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 613 of the Second Edition of the Selective Service Regulations:

Paragraph 241 as amended becomes § 613.1.  
 Paragraph 242 as amended becomes § 613.11.  
 Paragraph 243 as amended becomes § 613.12.  
 Paragraph 244 as amended becomes § 613.13.  
 Paragraph 245 as amended becomes § 613.14.  
 Paragraph 246 as amended becomes § 613.15.  
 Paragraph 247 as amended becomes § 613.16.  
 Paragraph 248 as amended becomes § 613.17.  
 Paragraph 249 as amended becomes § 613.18.  
 Paragraph 250 as amended becomes § 613.19.  
 Paragraph 251 as amended becomes § 613.20.  
 Paragraph 252 as amended becomes § 613.21.  
 Paragraph 253 as amended becomes § 613.31.  
 Paragraph 254 as amended becomes § 613.32.

PART 613—PROCEDURE ON REGISTRATION DAY

REGISTRATION HOURS

613.1 Hours of duty.

INTERVIEW OF REGISTRANT

613.11 Procedure for interviewing registrant.  
 613.12 Need for careful work in making out Registration Card.

613.13 Serial number; order number.

613.14 Instructions concerning answers on front of Registration Card.  
 613.15 Instructions concerning answers on back of Registration Card.  
 613.16 Registrant's signature.  
 613.17 Warning to report change of address.  
 613.18 Certification by registrar.  
 613.19 Registration Certificate.  
 613.20 Interpreters.  
 613.21 Recalcitrants.

REPORTS AND DISPOSITION OF FORMS

613.31 Report.  
 613.32 Disposition of Registration Cards and Registration Certificates.

REGISTRATION HOURS

§ 613.1 Hours of duty. (a) Chief registrars shall keep all registration places open on the day and during the hours specified in the Presidential proclamation and on such preceding days during such hours as the State Director of Selective Service may authorize for advance registration. On those days and during those hours there must be at least one registrar always on duty.

(b) All persons waiting to register at the closing hour on the day specified in the Presidential proclamation shall be registered.\*

\*§§ 613.1 to 613.32, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318 inclusive, E.O. No. 8545, 5 F.R. 3779.

INTERVIEW OF REGISTRANT

§ 613.11 Procedure for interviewing registrant. (a) Only one registrant shall be permitted to approach the registration table at any one time.

(b) All persons who present themselves for registration shall be registered on a Registration Card (Form 1). The Director of Selective Service will specify the color of card to be used for each registration. All persons who present themselves for registration, including persons who should have registered on a previous registration day, shall be registered on the card of the color so specified.

(c) The registrar shall ask the registrant to answer the questions in the order in which they appear on the Registration Card (Form 1), and each answer shall be entered by the registrar in the proper space. If the registrant's answer to any question is not clear, the question shall be explained carefully and asked again.

(d) The registrar shall be patient and take plenty of time. The registrar shall enter into no argument with the registrant. Proceedings shall not be rushed.\*

§ 613.12 *Need for careful work in making out Registration Card.* (a) All entries on the Registration Card (Form 1) must be made by the registrar and shall be in ink, clear and readable. Two kinds of questions are asked: (1) Those on the front of the card, answers to which are given by the registrant and written down by the registrar, and (2) those on the back, which are both answered and written down by the registrar. The registrar shall not permit anyone other than himself to write on the Registration Card (Form 1), except when the registrant signs the completed card. In an unusual case, a registrant may insist on making a special notation on the Registration Card (Form 1) before he will sign it. The registrar should explain to such a registrant that his notation will have no legal effect and that the registrant will be given a full opportunity to make any claim he desires at a later time. If the registrant still insists on making a special notation, he may be permitted to do so. He shall limit such notation to the margin of the Registration Card (Form 1) and shall in no event write on any portion of the card designed for normal entries.\*

§ 613.13 *Serial number; order number.* The spaces on the Registration Card (Form 1) for serial number and order number shall be left blank.\*

§ 613.14 *Instructions concerning answers on front of Registration Card—*

(a) *Question 1: Name of the registrant.* The registrar shall ask the registrant to spell out his full name (including full middle name). If the registrant has no given name but only initials, or has only an initial for a middle name, this may be shown thus:

J. B. (initials only) Thompson.  
John B. (initial only) Thompson.

As the registrant spells out his name, the registrar shall record it on a scrap of paper and then ask the registrant to verify it and, if possible, give some identification showing it to be his true name. When satisfied that the registrant's name on the scrap of paper is correct, the registrar shall carefully print the name on line 1 of the Registration Card (Form 1). Remember this is the record upon which all subsequent selective service records

are based, and it is extremely important that the name be legible.

(b) *Question 2: Place of residence.* The registrar shall then ask the registrant the place of his residence in the continental United States, in the Territory of Alaska, in the Territory of Hawaii, or in Puerto Rico. No registrant shall be permitted to give a place of residence outside of these areas, and no place of residence not within these areas shall be entered on line 2 of any Registration Card (Form 1). The registrant, in describing the place of his residence, shall identify its location. Where a street number is used, he shall give each number separately and spell out the name of the street. In every case he shall give the name of the town, township, village, or city, and the county and State in which it is located. No R. F. D. number shall be sufficient unless it is supplemented by more particular information showing where the registrant's residence is located on the R. F. D. route. As the registrant gives the numbers and spells the names constituting the place of his residence, the registrar shall record them on a scrap of paper and then have the registrant verify the description as written. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time. The registrar shall make no effort to dictate or interfere with this choice. However, the registrant shall be carefully advised by the registrar that the place he gives as his residence will determine, once and for all, the local board which has jurisdiction over him and that after he is registered that jurisdiction will never be changed. For the same reason, the registrar should be very careful to satisfy himself that the place he has recorded on the scrap of paper clearly describes the location of the registrant's place of residence. When the registrar is satisfied that it is correct, he shall very carefully print the description of the place of the registrant's residence on line 2 of the Registration Card (Form 1). The local board for the area in which the residence of the registrant (the place described on line 2 of the Registration Card (Form 1)) is located will always have jurisdiction of the registrant. It is therefore important that the description of the place of residence be printed legibly and that it be as complete as possible.

(c) *Question 3: Mailing address if other than place described on line 2.* The registrar shall ask the registrant if his mailing address and the description of the place of his residence entered on line 2 are the same. If they are, the registrar shall write in the word "same" on line 3. If they are not, the registrar shall secure and enter the registrant's present mailing address on line 3 of the Registration Card (Form 1), using the same method and the same care as was used in securing and entering the place of residence on line 2. Remember that the mailing address is very important because it is the address to which all notices to the registrant will be sent.

(d) *Remaining questions.* In a similar manner the registrar shall ask the

registrant for the answers to the remaining questions on the Registration Card (Form 1) and with the same care check each answer before it is entered.

(e) In making all entries on the Registration Card (Form 1), remember the importance of legibility and thoroughness. This record is the foundation upon which all selective service records are built, and an error, or an illegible entry, can cause great trouble both to the registrant and those whose duty it is to administer the Selective Training and Service Act of 1940, as amended.\*

§ 613.15 *Instructions concerning answers on back of Registration Card.* After the registrant has answered all questions and the registrar has entered his answers on the front of the card, and before the registrant signs the Registration Card (Form 1), it shall be turned over and the registrar's report on the back shall be completed. The registrar shall indicate the race, color of eyes, color of hair, and complexion of the registrant by a check mark (✓), and shall record an estimate of his height, in feet and inches, and his weight, in pounds. If the registrant has any obvious physical characteristics which will aid in identification, these shall be recorded by the registrar in the space provided therefor. If he has no such obvious physical characteristics, the registrar shall write the word "none" in such space.\*

§ 613.16 *Registrant's signature.* (a) When the provisions of §§ 613.14 and 613.15 have been carried out, the registrar shall have the registrant verify the correctness of the entries.

(b) The registrant should then sign his name, exactly as he usually signs it, in the proper place on the front of the Registration Card (Form 1) in the space provided for his signature. If he cannot sign his name, he should make his mark, and the registrar shall then write in after the mark the words "the mark of \_\_\_\_\_ made in my

(Name of registrant) presence" and shall sign his own name thereunder, followed by the word "Registrar."

(c) If the registrant is unable or refuses to sign the Registration Card (Form 1), or to make a mark in lieu of such signature, the registrar shall sign such registrant's name and indicate that he has done so by signing his own name, followed by the word "Registrar," beneath the name of such registrant, and the act of the registrar in so doing shall have the same force and effect as if such registrant had signed the Registration Card (Form 1), and such registrant shall thereby be registered.\*

§ 613.17 *Warning to report change of address.* At this point, the registrar should instruct the registrant that he must keep in touch with his local board and especially that he must report immediately to the local board if he wishes notices sent to some address other than that indicated by the answer on line 3 of the Registration Card (Form 1).\*

§ 613.18 *Certification by registrar.* (a) After the Registration Card (Form 1) is signed, the registrar shall note, in the space provided therefor on the back

thereof, the registrant's answers which he believes to be incorrect or false, if any. If he does not believe any of the registrant's statements to be incorrect or false, he shall write the words "None to my knowledge" in such space. It is the sworn duty of the registrar to report on the Registration Card (Form 1) any statements of the registrant he believes to be incorrect or false.

(b) The registrar shall then sign the certification and fill in the local board number, city or county and State, and the date of registration on the back of the Registration Card (Form 1). The registrar should then carefully check the completed Registration Card (Form 1) to be sure that every question is correctly answered and that all the answers are complete and legible.\*

§ 613.19 *Registration Certificate.* After the Registration Card (Form 1) is completed and signed, the registrar shall prepare, from information taken from the Registration Card (Form 1), the Registration Certificate (Form 2) and give it to the registrant. The Registrar shall never fill out the Registration Certificate (Form 2) until after completely finishing the Registration Card (Form 1). The registrant should be warned that he must have his Registration Certificate (Form 2) in his personal possession at all times and that, upon request, he must exhibit it to any law-enforcement officer, any official of National Headquarters for Selective Service or of a State Headquarters for Selective Service, or any member of the local board or board of appeal.\*

§ 613.20 *Interpreters.* Registrars may accept the gratuitous assistance of such interpreters as are necessary, provided such interpreters shall first execute an Oath of Office and Waiver of Pay or Compensation (Form 21) and shall be sworn to correctly interpret the questions asked by the registrar and the answers given by the registrant.\*

§ 613.21 *Recalcitrants.* If a registrant refuses to cooperate or is inclined to evade, refuse to answer, or to answer falsely, his attention should be called to the penal provision of the Selective Training and Service Act of 1940, as amended. If he is still refractory, witnesses should be called, and after the penalty of the law has been explained again to him in the presence and hearing of witnesses, a full opportunity should be given him to reconsider his actions and answer the questions. If he is still refractory, his name and the names of the witnesses should be noted and the case immediately reported to the chairman of the local board, who may report the case to the United States district attorney. The registration should not be obstructed or delayed. Persons attempting to obstruct or delay it should be dealt with promptly and firmly.\*

REPORTS AND DISPOSITION OF FORMS

§ 613.31 *Report.* When the registration is completed, each chief registrar must immediately prepare and sign a written report of the number of com-

pleted registrations in the form shown below:

The undersigned hereby certifies that he was duly sworn to perform the duties of a chief registrar and that the number of persons registered by the registrars and special registrars working at his registration place was -----

Place where registration was conducted: -----

(Address)

Signature -----

The report shall be delivered to the chairman of the local board as soon as possible after registration is completed.\*

§ 613.32 *Disposition of Registration Cards and Registration Certificates.* (a) The completed Registration Cards (Form 1) shall be tied in a neat package by the chief registrar. He shall mark on the wrapper:

----- completed Registration Cards (Form 1)  
(Number of)  
delivered by -----  
(Name of chief registrar)  
to the Chairman of Local Board No. -----  
of ----- State of -----

(b) All unused Registration Cards (Form 1) and Registration Certificates (Form 2) shall be tied into another package.

(c) All Registration Cards (Form 1) and Registration Certificates (Form 2) which have been spoiled and not completed and are unfit for further use shall be fastened into a third package.

(d) As soon as possible after registration is completed, each chief registrar shall deliver (1) the marked package of completed Registration Cards (Form 1), (2) the package of unused Registration Cards (Form 1) and Registration Certificates (Form 2), and (3) the package of spoiled Registration Cards (Form 1) and Registration Certificates (Form 2) to the chairman of the local board, who shall give him a receipt therefor.\*

LEWIS B. HERSHEY,  
Director.

JANUARY 9, 1942

[F. R. Doc. 42-304; Filed, January 12, 1942;  
1:36 p. m.]

PART 653—WORK OF NATIONAL IMPORTANCE  
UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations and Camp Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 653 of the Second Edition of the Selective Service Regulations:

SELECTIVE SERVICE REGULATIONS

Paragraph 365f as amended becomes § 653.11.  
Paragraph 365g as amended becomes § 653.15.

Paragraph 365h as amended becomes § 653.4.  
Paragraph 365i as amended becomes § 653.14.  
Paragraph 365j as amended becomes § 653.16.

CAMP REGULATIONS

Paragraph 1 as amended becomes § 653.1.  
Paragraph 2 as amended becomes § 653.1.  
Paragraph 2 as amended becomes § 653.2.  
Paragraph 3 as amended becomes § 653.2.  
Paragraph 4a as amended becomes § 653.3.  
Paragraph 4b as amended becomes § 653.2.  
Paragraph 5 as amended becomes § 653.5.  
Paragraph 5 as amended becomes § 653.11.  
Paragraph 8 as amended becomes § 653.12.  
Paragraph 14 as amended becomes § 653.3.  
Paragraph 15 as amended becomes § 653.3.  
Paragraph 16 as amended becomes § 653.3.  
Paragraph 21a as amended becomes § 653.13.  
Paragraph 21a as amended becomes § 653.15.  
Paragraph 21b as amended becomes § 653.16.  
Paragraph 21c as amended becomes § 653.4.  
Paragraph 21c as amended becomes § 653.14.  
Paragraph 21c as amended becomes § 653.16.  
Paragraph 21.1 as amended becomes § 653.4.

PART 653—WORK OF NATIONAL IMPORTANCE  
UNDER CIVILIAN DIRECTION

DESIGNATION AND ADMINISTRATION

Sec. . . . .  
653.1 Work projects.  
653.2 Camps.  
653.3 Property and finance.  
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ASSIGNEES

653.11 Reception at camps.  
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653.16 Release for some reason other than for induction into the land or naval forces.

DESIGNATION AND ADMINISTRATION

§ 653.1 *Work projects.* (a) The Director of Selective Service is authorized to establish, designate, or determine work of national importance under civilian direction. He may establish, designate, or determine, by an appropriate order, projects which he deems to be work of national importance. Such projects will be identified by number and may be referred to as "civilian public service camps."

(b) Each work project will be under the civilian direction of United States Department of Agriculture, United States Department of the Interior, or such other Federal, State, or local governmental or private agency as may be designated by the Director of Selective Service. Each such agency will hereinafter be referred to as the "technical agency."

(c) The responsibility and authority for supervision and control over all work

projects is vested in the Director of Selective Service.\*

\* §§ 653.1 to 653.16, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779 and E.O. No. 8675, 6 F.R. 831.

§ 653.2 *Camps.* (a) The Director of Selective Service may arrange for the establishment of a camp at any project designated as work of national importance under civilian direction.

(b) Government-operated camps may be established in which the work of national importance and camp operations will both be under the civilian direction of a Federal technical agency using funds provided by the Selective Service System and operating under such camp rules as may be prescribed by the Director of Selective Service.

(c) The Director of Selective Service may authorize the National Service Board for Religious Objectors, a voluntary unincorporated association of religious organizations, to operate camps. The work project for assignees of such camps will be under the civilian direction of a technical agency. Such camps and work projects shall be operated under such camp rules as may be prescribed by the Director of Selective Service.\*

§ 653.3 *Property and finance.* (a) The Director of Selective Service will allot funds to each technical agency having supervision over a work project. Such funds may be obligated and expended by such technical agencies in accordance with the laws, rules, and regulations governing expenditures by the Selective Service System, except in cases where the Director of Selective Service specifically authorizes the technical agency to obligate and expend such funds for a particular purpose in accordance with the laws, rules, and regulations governing the usual activities of such technical agency. Not later than the 10th day of each month the representative, designated for such purpose by each technical agency receiving funds allotted by the Director of Selective Service, shall prepare a Report of Obligations (Form 260 and supplements) showing all funds obligated by such agency during the preceding month and shall distribute the original and copies of such forms in accordance with instructions thereon.

(b) The technical agency receiving property or equipment purchased from funds allotted by the Director of Selective Service shall designate a representative who shall be the responsible and the accountable officer.

(c) The National Service Board for Religious Objectors shall designate a representative as the responsible and accountable officer for and shall post a sufficient bond to indemnify the United States against loss of or damage to all camp buildings, camp-operating equipment, and other Government-owned property loaned to the non-Federal group in connection with the operation of any of its camps.

(d) When the National Service Board for Religious Objectors has been authorized to operate a camp, it shall assume

the entire financial responsibility for the wages of the camp director and other employees, the clothing, feeding, housing, medical care, hospitalization, welfare, and recreation of assignees and all other costs of operating the camp.

(e) The Director of Selective Service is authorized to pay assignees in Government-operated camps. The pay of assignees shall not be more than \$5 per month except that not to exceed 6 percent of the assignees may be paid not more than \$7.50 per month. The Director of Selective Service is also authorized to provide subsistence, proper clothing for the performance of their duties, and such other personal supplies or equipment as he deems necessary for assignees in Government-operated camps, without expense to such assignees.

(f) The purchase and procurement of food, supplies, clothing, and equipment; the maintenance and repair of buildings and equipment; the pay of administrative personnel; the pay of assignees; the incurring of other obligations; and other expenditures in connection with Government-operated camps will be made (1) in accordance with the laws, rules, and regulations governing such transactions within the Selective Service System or (2) when specifically authorized for a particular purpose by the Director of Selective Service, in accordance with the laws, rules, and regulations governing the usual activities of such technical agency.\*

§ 653.4 *Special provisions concerning travel and subsistence expenses.* (a) Books of Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be supplied by the Director of Selective Service to the National Service Board for Religious Objectors or to the technical agency operating the camp, which in turn shall supply camp directors with such books as are necessary. Upon receiving from the Director of Selective Service an order of transfer or release of an assignee, the camp director shall issue requests to the assignee to provide for necessary transportation, meals, or lodging between the camp (or other place of release) and (1) the local board from which the assignee was assigned; or (2) the assignee's home, if the distance thereto is equal to or less than the distance to the local board of assignment; or (3) any other place chosen by the assignee if the distance thereto is equal to or less than the distance to the local board of assignment; *Provided*, That if an assignee has been transferred to the camp (or other place of release) for the convenience of the assignee, he shall not be provided with requests in excess of the requests that would have been required had such transfer not taken place. Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be issued in accordance with the provisions of §§ 608.44 and 608.45.

(b) An assignee or person connected with the staff of the technical agency

may be authorized by the Director of Selective Service to accompany any physically incapacitated assignee who is being transported to his home or to a place where he is to receive medical care or treatment and when so authorized shall receive the allowances provided for by paragraph (c) of this section.

(c) Travel by employees of the technical agency will be accomplished in the manner provided in the rules and regulations of the technical agency, except that no allowance for travel or subsistence shall be paid in excess of that provided for in Standardized Government Travel Regulations.\*

§ 653.5 *Communications concerning assignees.* In no event will the camp director communicate with the local board or the State Director of Selective Service concerning assignees, but all such communications shall be directed to the Director of Selective Service, Washington, D. C.\*

#### ASSIGNEES

§ 653.11 *Reception at camps.* (a) When the assignee has reported to camp, the camp director shall complete the Order to Report for Work of National Importance (Form 50). Four copies of the completed Order to Report for Work of National Importance (Form 50) shall be sent to the Director of Selective Service; one copy will be retained by the camp director. The Director of Selective Service will forward two copies of the Order to Report for Work of National Importance (Form 50) to the appropriate State Director of Selective Service, who will retain one copy for his files and mail the other copy to the local board for filing in the registrant's Cover Sheet (Form 53).

(b) In the event an assignee does not report to the camp at the time prescribed in his Order to Report for Work of National Importance (Form 50) or pursuant to the instructions of the local board, the camp director will report such fact to the Director of Selective Service.

(c) If the assignee has indicated in Item 84, Section VI, of the Report of Physical Examination and Induction (Form 221) that his physical condition has changed since his final-type physical examination for registrants in Class IV-E, the finding of the camp physician with reference thereto shall be entered in Item 85, Section VI, of the Report of Physical Examination and Induction (Form 221). If the assignee is not accepted for work of national importance, the camp director will indicate the reason therefor, and the assignee, pending instructions from the Director of Selective Service, will be retained in the camp or hospitalized where necessary.

(d) The camp director shall complete Section VI of the Report of Physical Examination and Induction (Form 221), changing such parts thereof as may be required. The camp director shall retain the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221) and shall forward the Surgeon General's Copy and the National Headquarters' Copy thereof to the Director of Selective Service.

(e) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work in the Classification Record (Form 100). Upon receiving notice that a registrant has been rejected for work of national importance, the local board shall take the action outlined in § 633.13 (b) and shall either retain the registrant in Class IV-E or change his classification to Class IV-E-LS or Class IV-F as the circumstances may require.\*

§ 653.12 *Duties.* Assignees will remain in camp until released by proper authority; perform their assigned duties promptly and efficiently; keep their persons, clothing, equipment, and quarters neat and clean; conserve and protect Government property; conduct themselves both in and outside of the camp so as to bring no discredit to the individual or the organization; and comply with such camp rules as may be prescribed from time to time by the Director of Selective Service.\*

§ 653.13 *Transfer.* (a) No assignee shall be transferred from one camp to another except upon the written authority and direction of the Director of Selective Service.

(b) If an assignee is transferred from one camp to another for the convenience of the assignee, such transfer shall be made at the expense of the assignee or of the religious organization desiring such transfer.\*

§ 653.14 *Final release.* (a) Each assignee who completes his period of active participation in work of national importance under civilian direction shall receive a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45). Four copies of the Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) will be prepared by the Director of Selective Service and distributed as follows: The original will be transmitted to the camp director for delivery to the released assignee; two copies will be sent to the appropriate State Director of Selective Service, who will retain one copy for his file and transmit the other copy to the assignee's local board; and the remaining copy will be filed in the assignee's file in National Headquarters for Selective Service.

(b) Each such assignee after the completion of his period of service shall be transferred to a reserve until he attains the age of 45, or until the expiration of 10 years after he is transferred to such reserve, or until he is discharged from such reserve, whichever shall occur first, and shall, during such period, be deemed to be a member of such reserve and shall be subject to such additional participation in work of national importance under civilian direction as may now or hereafter be prescribed by law. Such assignee will be retained in Class IV-E by the local board.

(c) Each assignee who has completed his period of active participation in work of national importance under civilian direction and has received a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) as provided in § 653.4.\*

§ 653.15 *Release for induction into the land or naval forces.* (a) The Director of Selective Service may release an assignee from active participation in work of national importance under civilian direction prior to the completion of his period of service for the purpose of permitting him to be inducted into the land or naval forces.

(b) An assignee's local board is authorized to change the classification of an assignee prior to his release from work of national importance under civilian direction upon receiving a request from the Director of Selective Service that the assignee's classification be reopened.

(c) When (1) an assignee makes an application to the Director of Selective Service to volunteer for induction into the land or naval forces either for combatant or noncombatant service or (2) an assignee's conduct indicates that he may have been improperly classified, the Director of Selective Service may request that the assignee's classification be reopened and that the assignee be classified anew.

(d) An assignee's application to volunteer for induction into the land or naval forces either for combatant or noncombatant service shall be submitted to the Director of Selective Service through his camp director. Such application need not be in any particular form but shall contain the following information: The assignee's name, residence address at the time of assignment, order number, local board number and location, and the name of the camp to which he is assigned. The camp director is not required to approve or disapprove such request, but if he sees fit, he may submit a report concerning the assignee to the Director of Selective Service. Such assignee shall retain his status as an assignee and will remain in camp until released by the Director of Selective Service.

(e) Upon receipt of the request of the Director of Selective Service that the classification of the assignee be reopened, the local board shall consider the case under the provisions of Part 626.

(f) If the classification of the assignee is changed by the local board to Class I-A or Class I-A-O, arrangements will be made by the Director of Selective Service for the assignee to be delivered to his local board or to a local board of transfer for physical examination by the armed forces and for induction into the land or naval forces. Such assignee shall remain in camp until released by the Director of Selective Service. Such

assignee shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) for travel between the camp and his local board or a local board of transfer.\*

§ 653.16 *Release for some reason other than for induction into the land or naval forces.* (a) The Director of Selective Service may release an assignee from active participation in work of national importance under civilian direction prior to the completion of his period of service under conditions which would warrant release by the Secretary of War or the Secretary of the Navy of a registrant who has been inducted into the land or naval forces.

(b) Each assignee released from active participation in work of national importance under civilian direction prior to the completion of his period of service for any reason other than for induction into the land or naval forces shall receive an Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) stating the reasons for such release.

(c) The Director of Selective Service shall prepare an Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46), in quadruplicate, and instructions to the local board for the disposition of the assignee's case, in triplicate. He shall distribute them as follows: The original of the Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) will be transmitted to the camp director for delivery to the assignee; two copies of the Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) and the original and one copy of the instructions will be sent to the appropriate State Director of Selective Service who will transmit one copy of each to the assignee's local board and retain the other copy for his file; the remaining copy of each will be filed in the assignee's file in National Headquarters for Selective Service.

(d) Each such assignee shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) as provided in § 653.4.

(e) Upon receiving a copy of the assignee's Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) and the instructions of the Director of Selective Service, the local board shall take such action as may be necessary in order to carry out the instructions of the Director of Selective Service.\*

LEWIS B. HERSHEY,  
Director.

JANUARY 9, 1942.

[F. R. Doc. 42-303; Filed, January 12, 1942;  
1:36 p. m.]

## CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

## SUBCHAPTER B—PRIORITIES DIVISION

## PART 933—COPPER

*Amendment to Conservation Order No. M-9-c as Amended December 10, 1941 Curtailing the Use of Copper in Certain Items*

Section 933.4 (Conservation Order No. M-9-c<sup>1</sup>) is hereby amended as follows: By adding at the end of List "B" the following:

## § 933.4 Conservation Order No. M-9-c.

Health Supplies, as defined in Preference Rating Order No. P-29 as the same may be amended, to the extent a preference rating of A-10, or higher, is assigned under said Order for the delivery of Copper or Copper Base Alloy in the manufacture of any of such items.

(P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This Amendment shall take effect immediately.

Issued this 13th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-313; Filed, January 13, 1942; 10:13 a. m.]

## PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

*Priorities Regulation No. 3—To Provide for the Use of Revised Preference Rating Certificates and Prescribe the Manner of Application of Ratings Assigned Thereby*

The following Regulation is issued by the Director of Priorities to promote the defense of the United States and for the purpose of improving and facilitating the operation of the Priorities System.

## § 944.23 Priority Regulation No. 3—

(a) *Adoption of revised forms of Preference Rating Certificates.* On and after February 2, 1942, preference ratings to be assigned by Preference Rating Certificates may be assigned and on and after March 1, 1942, shall be assigned, in the manner and subject to the provisions hereinafter set forth, by revised forms of Preference Rating Certificates hereby designated as Preference Rating Certificate PD-1A and Preference Rating Certificate PD-3A, copies of which are hereto attached and made a part hereof,<sup>2</sup> and hereby adopted in place of the Preference Rating Certificates Forms PD-1, PD-2, PD-3, PD-4 and PD-5; *Provided*, That all Preference Rating Certificates Forms PD-1, PD-2, PD-3, PD-4 and PD-5 duly issued prior to

<sup>1</sup> 6 F.R. 6354.

<sup>2</sup> Filed as part of the original document.

March 1, 1942, are valid and shall continue valid in effect until termination or expiration by the terms thereof or by the circumstances or conditions of their application, or until hereafter cancelled, modified, changed or amended by the Director of Priorities.

(b) *Categories of use of prescribed Preference Rating Certificates.* (1) Preference Rating Certificate PD-3A shall be used to assign preference ratings, where appropriate, to deliveries under contracts or purchase orders of the Army, Navy, Coast Guard, Maritime Commission, Coast and Geodetic Survey, Panama Canal, National Advisory Committee on Aeronautics, Civil Aeronautics Authority, Office of Scientific Research and Development, Procurement Division of the Department of the Treasury and Surplus Marketing Administration of the Department of Agriculture; contracts or purchase orders of foreign governments; and such other contracts or purchase orders as may be prescribed from time to time.

(2) Preference Rating Certificate PD-1A shall be used to assign, where appropriate, preference ratings to deliveries under all other contracts and purchase orders.

(c) *Extension of preference ratings to deliveries under contracts and purchase orders and subcontracts and suborders.* (1) Preference ratings assigned by Preference Rating Certificates PD-1A and PD-3A may be extended to deliveries under contracts and purchase orders and subcontracts and suborders by endorsing on the purchase order or other equivalent document furnished to the Supplier or Subsupplier a Certification in the form prescribed by the appropriate certificate, filled in and manually signed by an official of the purchasing company duly authorized for such purpose.

(2) In cases where Preference Rating Certificates PD-3A issue under letters of intent and therefore no contract number can be inserted in the space provided in the Certification form, reference to a footnote addition shall be inserted and in such footnote the Supply Arm or Bureau of the Army or Navy or other government agency issuing the letter of intent and the date of such letter, together with any identification symbol on such letter, shall be stated.

(3) A Supplier or Subsupplier who has received two or more contracts or purchase orders bearing ratings of the same grade originally assigned by Preference Rating Certificates PD-1A and PD-3A, may include in a single contract or purchase order, and (within the limitations of (e) hereof) may extend such rating to, any or all of the material which he in turn requires to make delivery in accordance with such contracts or purchase orders or to replace in inventory material so delivered, but must specify in the Certification endorsed on such single purchase order or equivalent document all of the Preference Rating Certificate Form Numbers and corresponding Serial Numbers of the ratings which have been so received by him and pursuant to which he is extending the rating. All spaces must be filled in where applicable.

(d) *False statements.* The execution and transmission of the Certification above set forth to a Supplier or Subsupplier shall be deemed a representation to the Office of Production Management for the purpose of Section 35 (A) of the Criminal Code (18 U.S.C. 80), which makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

(e) *Restrictions on extension of ratings assigned by a Preference Rating Certificate PD-1A or PD-3A.* (1) A Supplier or Subsupplier may extend the preference rating only to:

(i) Deliveries of material which will be physically incorporated into material to be ultimately delivered by him or by another Supplier to the original recipient of the preference rating, or to deliveries of material which will itself be ultimately delivered by him or by another Supplier to the original recipient of the preference rating, or which will be used, within the limitations of paragraphs (e) (1), (2) and (3) hereof, to replace in inventory material so delivered;

(ii) Material which is neither greater in quantity nor to be delivered on dates earlier than required to make on schedule a rated delivery or, within the limitations of (2) and (3) below, to replace in inventory material so delivered. Material shall not be deemed to be so required if the rated delivery may be made and a practicable working minimum inventory thereof still retained; and if, in making such delivery, the inventory is reduced below such minimum, the rating may be extended only to the extent necessary to restore the inventory to such minimum.

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

(3) A Supplier or Subsupplier 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 extensions of the rating originally assigned by a Preference Rating Certificate PD-1A or PD-3A for such material 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 extension of any rating for more than three months after he becomes entitled to apply it.

(4) The extension of preference ratings assigned by Preference Rating Certificate PD-3A may be made subject to such additional provisions and conditions as may from time to time be prescribed by the appropriate Supply Arm or Bureau of the Army or Navy, with the approval of the Army and Navy Muni-

tions Board and of the Director of Priorities.

(5) Any Supplier or Subsupplier who extends the preference rating shall be subject to all of the terms and conditions of this Regulation.

(f) *Records, audit and inspection, and reports.* Any person who applies for or extends a preference rating or to whom a preference rating certificate is issued, and any Supplier or Subsupplier who receives a contract or purchase order bearing a rating, shall maintain such records and shall be subject to such audit and inspection as are provided by Priorities Regulation No. 1 as the same may be amended or supplemented from time to time; and shall make such reports as may be required by the Director of Priorities from time to time hereafter.

(g) *Violations.* Any person who willfully violates any provision of this Regulation or of Preference Rating Certificates PD-1A or PD-3A or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this Regulation, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Reproduction of forms.* Preference Rating Certificate Form PD-1A may be reproduced in blank by or for the user thereof but Preference Rating Certificate Form PD-3A may not be reproduced. Preference Rating Certificate Form PD-1A may be procured from the Priorities Division of the Office of Production Management or any of the field offices thereof; Preference Rating Certificates Form PD-3A may be procured from the duly authorized contracting and procurement officers and inspectors of the Army and Navy.

(i) *Effective date.* This Regulation shall take effect the 2nd day of February, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 12th day of January, 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-308; Filed, January 12, 1942; 4:20 p. m.]

PART 949—CHROMIUM

*Amendment No. 1 to General Preference Order M-18-a To Conserve the Supply and Direct the Distribution of Chromium*

Section 949.2 (General Preference Order M-18-a<sup>1</sup>), issued November 28, 1941, is hereby amended as follows:

Paragraph (e) of said section is hereby amended to read as follows:

<sup>1</sup> 6 F.R. 6142.

§ 949.2 General Preference Order M-18-a.

(e) *Restrictions on melting and directions for deliveries.* Hereafter no person shall melt more than two tons of ferro-chromium in any month except as specifically authorized by the Director of Priorities. The Director may from time to time specifically direct the manner and quantities in which deliveries of ferro-chromium or any other chromium shall be made or withheld for particular uses or for particular persons. Such directions will be made to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements. In making any deliveries of chromium with respect to which no specific directions have been issued by the Director of Priorities, each producer, processor, and dealer must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, as amended from time to time, and must be governed by any preference ratings assigned to particular contracts or purchase orders. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This amendment shall take effect immediately. Issued this 13th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-314; Filed, January 13, 1942; 10:12 a. m.]

PART 1001—TIN

*Amendment No. 1 to General Preference Order M-43 To Conserve the Supply and Direct the Distribution of Tin*

Section 1001.1 (General Preference Order M-43),<sup>1</sup> issued December 17, 1941, is hereby amended as follows:

Paragraph (a) (3) is hereby amended to read as follows:

§ 1001.1 General Preference Order M-43—(a) Definitions.

(3) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

Paragraph (d) of said order is hereby amended to read as follows:

(d) *General restrictions on deliveries; reports—(1) Deliveries.* No person shall

<sup>1</sup> 6 F.R. 6519.

deliver any tin imported into the United States prior to the effective date of this order, or any tin otherwise obtained by him, either prior or subsequent to the effective date of this order, except as specifically authorized by the Director of Priorities. Any distributor, however, in the absence of a contrary direction by the Director of Priorities, is hereby authorized to deliver such tin to his regular customers in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month: *Provided*, That the aggregate of such deliveries which any person may receive from all distributors pursuant to this authorization shall in no event exceed five long tons in any one calendar month; and *Provided further*, That any person seeking such a delivery shall at the time of placing his purchase order, file with the distributor a statement substantially in the following form, manually signed by an official duly authorized for such purpose:

The undersigned hereby certifies:

(i) That no allocation of tin has been made to the undersigned by the Director of Priorities during the calendar month in which delivery of the tin covered by the accompanying purchase order is specified.

(ii) That such tin if delivered will not cause the undersigned's total receipts of tin from all distributors during the same calendar month pursuant to the authorization of paragraph (d) of General Preference Order M-43, as amended, to exceed five long tons, and

(iii) That such tin will not be used or disposed of by the undersigned in violation of any order, rule or regulation issued by the Director of Priorities.

-----  
(Name of Purchaser)

by -----  
(Duly Authorized Official)

(2) *Reports.* On or before February 10, 1942, and on or before the 10th day of each succeeding month, each distributor shall report to the Office of Production Management in such form and detail as the Tin and Lead Branch of said Office may from time to time prescribe, his transactions in all tin during the previous month. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This amendment shall take effect immediately. Issued this 13th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-311; Filed, January 13, 1942; 10:13 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

*Interpretation No. 1 of Conservation Order M-47*

The following official interpretation is hereby issued by the Director of Priorities with respect to § 1014.1, para-

graph (b) (1), Conservation Order No. M-47,<sup>1</sup> as amended December 31, 1941.

Any Importer or Importing Bag Manufacturer shall be deemed to have accepted delivery of Burlap from any cargo imported to the Continental United States before December 22, 1941, the effective date of Conservation Order M-47, within the meaning of the words "hereafter accepting delivery" in paragraph (b) (1) of the said Order if the vessel carrying such burlap arrived at any port of discharge prior to December 22, 1941. The date of arrival at a port of discharge is the date on which the captain of the vessel files his entry papers to the Custom House at the port of arrival. Any vessel which arrived at any port in Continental United States prior to December 22 shall be considered to have arrived with respect to its entire cargo prior to December 22 although part of the cargo is subsequently discharged at a second port of entry.

Issued this 13th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-312; Filed, January 13, 1942;  
10:13 a. m.]

#### PART 1045—CASHEW NUT SHELL OIL

##### General Preference Order M-66 To Conserve the Supply and Direct the Distribution of Cashew Nut Shell Oil

Whereas the national defense requirements for Cashew Nut Shell Oil and products made therefrom have created a shortage of the supply thereof for defense, for private account, and for export, and it is necessary in the public interest and to promote the national defense to allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 1045.1 *General Preference Order M-66—(a) Applicability 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.

(b) *Additional definitions.* For the purposes of this Order (1) "Cashew Nut Shell Oil" shall mean that oil extracted by any means from the shell of the Cashew Nut and containing approximately 80% of Phenol with a molecular weight of 288 and approximately 20% of higher molecular weight Phenol, and whether extracted from nuts in this country or abroad.

(2) "Dealer" shall mean any person heretofore selling Cashew Nut Shell Oil in liquid form.

(c) *Restrictions on deliveries and uses of cashew nut shell oil.* Notwithstanding the requirements of Section 944.2 of Priorities Regulation No. 1 as to the acceptance and filling of Defense Orders and other rated orders, no person shall

<sup>1</sup> 6 F.R. 6648.

hereafter deliver, use, or accept delivery of Cashew Nut Shell Oil except to fulfill defense orders bearing a preference rating of A-2 or better for the following end products.

(1) Brake linings.

(2) Molding resins to be used for insulating aviation ignitions.

(3) Resin solutions for impregnating electrical coils.

(4) Such products as may from time to time be specifically designated by the Director of Priorities.

*Provided, however,* That nothing contained herein or in Priorities Regulation No. 1 shall prohibit deliveries of Cashew Nut Shell Oil to a dealer.

(d) *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 Cashew Nut Shell Oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference M-66, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-66.

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 13th day of January 1942.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 42-310; Filed, January 13, 1942;  
10:12 a. m.]

#### CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

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

##### PRICE SCHEDULE NO. 66—RETRADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

The war being waged with the Japanese Empire makes uncertain the future shipment of rubber from the Far East, which has hitherto been supplying this country with the greatest part of its crude rubber. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national de-

fense. The production and sale of new rubber tires and tubes for ordinary civilian use have been greatly curtailed by Supplementary General Limitation Orders M-15-b<sup>1</sup> and M-15-c<sup>2</sup> of the Office of Production Management. The maximum prices for which new rubber tires and tubes may be sold at retail have been fixed by Price Schedule No. 63.<sup>3</sup>

A result of the regulation of the manufacture, sale and price of new rubber tires has been a sudden, greatly increased demand for basic tire carcasses, retreaded and recapped rubber tires and for the retreading and recapping of rubber tires. In a number of instances, in the last few weeks, prices, excited by the demand, have shot upward without regard to reason and with not even a claim of justification. Indeed, the price of camelback, the principal material used in the retreading and recapping process, was stabilized by action taken by the Office of Price Administration on December 3, 1941. To halt such flagrant profiteering and pending the outcome of a thorough investigation now in process of completion, the Office of Price Administration finds it necessary to issue a Price Schedule establishing as maximum prices the prices presently prevailing. These prices have been established after independent investigation and conferences with the industry.

Accordingly under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.* On and after January 19, 1942, regardless of the terms of any contract of sale or other commitment: (a) no person shall sell, offer to sell, deliver or transfer any retreaded or recapped tire or any basic tire carcass at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1210; and (b) no person shall retread or recap any tire at prices higher than the maximum prices set forth in Appendix A hereof.\*

\*§§ 1315.1201 to 1315.1210, inclusive, issued pursuant to authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.1202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged or demanded.\*

§ 1315.1203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the sale, delivery or transfer of a tire carcass or retreaded or recapped rubber tire, alone or in conjunction with any other article or material, or in connection with the retreading or recapping of any rubber tire, by way of any commission, service, transportation or other charge, or by tying-agreement, or other trade understanding, or by increasing the charges for the extension of credit, or for the demounting or mounting of a tire on a vehicle, or rim or for any other

<sup>1</sup> 6 F.R. 6406.

<sup>2</sup> 6 F.R. 6792, 7 F.R. 121.

<sup>3</sup> 7 F.R. 35.



service over those in effect on January 9, 1942, or by making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price for any basic tire carcass or retreaded or recapped rubber tire or for retreading or recapping any rubber tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any basic tire carcass or retreaded or recapped rubber tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.\*

§ 1315.1204 *Posting of prices.* Every person engaged in the business of retreading or recapping rubber tires or of selling retreaded or recapped rubber tires or basic tire carcasses shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under this Schedule for such basic tire carcasses, retreaded or recapped rubber tires, and for retreading or recapping such rubber tires. For this purpose it shall be permissible to employ a copy of the printed list of maximum prices published by the Office of Price Administration if a copy of such list is then in the hands of such person. Such statement or list shall be posted not later than 8 AM on January 19, 1942.

If, on January 9, 1942, the seller made special charges for the extension of credit or for the demounting or mounting of tires or tubes on a rim or vehicle, or for any other service, and if he desires to continue such charges after January 19, 1942, such seller shall prepare a notarized statement listing the prices charged on January 9, 1942 for such extra service and shall post such statement not later than 8 AM on January 19, 1942, along with the statement or list of maximum prices required to be posted by this section.\*

§ 1315.1205 *Records and reports.* (a) Every person engaged in the business of selling retreaded or recapped rubber tires or of retreading or recapping rubber tires shall furnish the purchaser with a written statement reciting (1) whether the tire has been retreaded, full capped, or top capped; (2) the market price of the camelback used; and (3) the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(b) Every person engaged in the business of selling basic tire carcasses or retreaded or recapped rubber tires or of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and

accurate records of every sale of such articles or of every retreading or recapping operation performed including the date thereof, the name and address of the purchaser, the price per unit, the quantity and size of tires sold, retreaded or recapped, specifying whether the work was retreading, full capping or top capping, the market price of the camelback used, and the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(c) Every person engaged in the business of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of his entire inventory of camelback, showing the date of each purchase or acquisition, the name of the seller or source, the price paid and the stocks on hand as of the 19th and 31st days of January 1942 and of the last day of each succeeding month thereafter.

(d) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1315.1206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of this Schedule, or in the event of evasion or attempt to evade the price limitations, or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with the Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of basic tire carcasses, retreaded or recapped rubber tires or retreading or recapping rubber tires, or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1315.1207 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this

section will be considered unless filed by persons complying with this Schedule.\*

§ 1315.1208 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying new rubber to the tread surface and side walls;

(c) "Recapping" means the process of applying a top cap or full cap to a used rubber tire;

(d) "Top cap" means a tread renewal where the worn tread of the tire is buffed off the top surface of the tire and new rubber is applied to the tread surface only;

(e) "Full cap" means a tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and new rubber is applied to both the tread surface and tire shoulders;

(f) "Purchaser" means a person who buys or offers to buy a basic tire carcass or retreaded or recapped tire, or who has any tire retreaded or recapped;

(g) "Seller" means a person who sells or offers to sell a basic tire carcass or retreaded or recapped rubber tire, or who retreads or recaps or offers to retread or recap used tires;

(h) "Basic tire carcass" means a used rubber tire retaining a maximum of  $\frac{3}{32}$  inch of the original tread when measured at the shallowest point of the center circumference;

(i) "Tire" means any rubber tire of the size and type described in Appendix A to this Schedule;

(j) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of retreading.\*

§ 1315.1209 *Effective date of this Schedule.* This Schedule shall become effective on January 19, 1942.

§ 1315.1210 *Appendix A; maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses—*

(a) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum prices for retreading or recapping a tire are the prices set forth for such retreading or recapping in the following tables.

(b) *Retreaded and recapped tires (tire carcass furnished by seller).* The maximum prices for a retreaded or recapped tire, where the tire carcass is furnished by the seller are, regardless of the thickness of rubber on the tread of such tire carcass, the sum of the price for the retreading or recapping plus the price for the tire carcass as set forth herein under the designation "Basic tire carcasses."

(c) *Basic tire carcasses.* The maximum prices for basic tire carcasses are the prices set forth herein under the designation "Basic tire carcasses."

TABLE I.—Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses<sup>1</sup>—Continued

Table with columns for Tire size, Maximum prices (When using camelback, price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb.), and Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.

<sup>1</sup> When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

TABLE II.—Maximum prices for retreading and full capping truck and bus tires and for truck and bus basic tire carcasses<sup>1</sup>

Table with columns for Tire size, Maximum prices (When using camelback, price of which, exclusive of Federal excise tax, is 26 cents per lb. or over), and Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.

See footnotes at end of table.

TABLE I.—Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses<sup>1</sup>

Table with columns for Tire size, Maximum prices (When using camelback, price of which, exclusive of Federal excise tax, is 21 to 26 cents per lb. or over), and Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.

Table with columns for Tire size, Maximum prices (When using camelback, price of which, exclusive of Federal excise tax, is less than 17 cents per lb.), and Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.

See footnotes at end of table.

TABLE III.—Maximum prices for top capping truck and bus tires and for truck and bus basic tire carcasses.—Continued

Tire size	Maximum prices		Maximum prices		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over.		When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb.		
	Tread design depths: 12/32' or more	Less than 12/32'	Tread design depths: 12/32' or more	Less than 12/32'	
7.00-18.....					\$5.40
7.00-20.....					6.00
7.00-20 32-6, 10 ply.....					8.40
7.00-24 36-6, 10 ply.....					7.20
7.50-16.....					6.80
7.50-17.....					6.00
7.50-18.....					6.00
7.50-18 32-7, 10 ply.....					6.00
7.50-20.....					6.00
7.50-20 34-7, 10 ply.....					6.00
7.50-24 38-7.....					6.00
8.25-15.....					7.20
8.25-18.....					10.80
8.25-20.....					10.80
8.25-22.....					10.80
8.25-24.....					10.80
9.00-15.....					12.00
9.00-18.....					12.00
9.00-20 36-8.....					12.00
9.00-22.....					12.00
10.00-15.....					18.20
10.00-18 (9.75-18).....					18.20
10.00-20 (9.75-20) 38-9.....					13.20
10.00-22 (9.75-22).....					13.20
10.00-24 (9.75-24) 42-9.....					13.20
11.00-20 (10.50-20).....					14.40
11.00-22 (10.50-22).....					14.40
11.00-24 (10.50-24).....					14.40
12.00-20 (11.25-20).....					16.80
12.00-22 (11.25-22).....					16.80
12.00-24 (11.25-24).....					16.80
13.00-20 (12.75-20).....					18.00
13.00-24 (12.75-24).....					18.00
14.00-20 (13.50-20).....					19.20
14.00-24 (13.50-24).....					19.20

<sup>1</sup> When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

<sup>2</sup> Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE II.—Maximum prices for retreading and full capping truck and bus tires and for truck and bus basic tire carcasses.—Continued

Tire size	Maximum prices		Maximum prices		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over.		When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb.		
	Tread design depths: 12/32' or more	Less than 12/32'	Tread design depths: 12/32' or more	Less than 12/32'	
8.25-24.....					\$10.80
9.00-15.....					12.00
9.00-18.....					12.00
9.00-20 36-8.....					12.00
9.00-22.....					12.00
10.00-15.....					12.00
10.00-18 (9.75-18).....					12.00
10.00-20 (9.75-20) 38-9.....					12.00
10.00-22 (9.75-22).....					12.00
10.00-24 (9.75-24) 42-9.....					12.00
11.00-20 (10.50-20).....					13.20
11.00-22 (10.50-22).....					13.20
11.00-24 (10.50-24).....					13.20
12.00-20 (11.25-20).....					14.40
12.00-22 (11.25-22).....					14.40
12.00-24 (11.25-24).....					14.40
13.00-20 (12.75-20).....					16.80
13.00-24 (12.75-24).....					16.80
14.00-20 (13.50-20).....					18.00
14.00-24 (13.50-24).....					18.00

<sup>1</sup> When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

<sup>2</sup> Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE III.—Maximum prices for top capping truck and bus tires and for truck and bus basic tire carcasses.

Tire size	Maximum prices		Maximum prices		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over.		When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb.		
	Tread design depths: 12/32' or more	Less than 12/32'	Tread design depths: 12/32' or more	Less than 12/32'	
6.00-20 30-5, 6 ply.....					\$4.20
6.00-20 30-5, 8 ply.....					6.00
6.50-20 6 ply.....					4.50
6.50-20 32-6, 8 ply.....					6.00
7.00-17.....					4.80

TABLE IV.—Maximum prices for retreading, full capping or top capping truck airwheel tires and for truck airwheel basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00-16	\$5.00	\$1.92
6.50-16	5.75	1.92
7.00-15 (TA-15)	6.75	1.92
7.00-16	6.85	1.92
7.50-15	7.55	1.92
7.50-16	7.70	1.92
9.00-13	12.80	1.92

TABLE V.—Maximum prices for retreading, full capping or top capping stop-start tires and for stop-start basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
No. 10	\$8.10	\$1.92
No. 13	8.95	1.92
No. 15	10.70	1.92
No. 16	12.30	1.92
No. 17	15.65	1.92
No. 11	7.95	1.92
No. 14	11.60	2.20
No. 17	14.20	4.12
No. 19	18.50	5.50
No. 20	18.10	4.40
No. 22	23.15	7.70
No. 28	29.50	8.80
No. 34	36.00	9.90
No. 40	44.50	11.00
No. 42	46.85	11.00
No. 48	49.90	13.20
No. 50	52.75	13.20
No. 52	54.95	13.20

TABLE VI.—Maximum prices for retreading, full capping or top capping studded ground grip types and for studded ground grip type basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
5.25-17	\$5.35	\$1.37
5.50-17	5.85	1.37
6.00-16	6.15	1.37
6.25-16	6.80	1.37
6.50-16	7.10	1.37
7.00-15	8.40	1.37
7.00-16	8.60	1.37

<sup>1</sup> When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

TABLE VII.—Maximum prices for retreading, full capping or top capping grader tires and for grader tire basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00-20	\$10.55	\$3.85
6.50-20	13.40	3.85
7.00-20	22.10	5.50
7.00-24	25.50	6.60
7.50-24	29.05	7.70
8.25-20	30.40	8.80
8.25-24	32.70	8.80
9.00-24	34.65	9.90
10.00-24 (9.75-24)	36.60	11.00
11.00-24 (10.50-24)	37.65	13.20
12.00-24 (11.25-24)	40.00	15.40
13.00-20 (12.75-20)	41.70	16.50
13.00-24 (12.75-24)	45.15	16.50
14.00-20 (13.50-20)	62.95	17.60

TABLE VIII.—Maximum prices for retreading, full capping or top capping motorcycle types and for motorcycle type basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
4.00-18	\$4.50	\$1.10
4.00-19	4.65	1.10
4.50-18	4.95	1.10
4.50-19	5.10	1.10
5.00-16	5.40	1.10

TABLE IX.—Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller	
6.00-16	6 ply	\$8.75	\$1.92
6.00-20/30 x 5	6 ply	9.60	3.85
6.00-20/30 x 5	8 ply	11.35	5.50
6.50-20	6 ply	11.45	4.12
6.50-20/32 x 6	8 ply	14.40	5.50
7.00-17	6 ply	12.45	4.40
7.00-20	8 ply	14.95	5.50
7.00-20/32 x 6	10 ply	18.35	7.70
7.50-15	6 ply	11.20	4.00
7.50-16	8 ply	16.05	4.40
7.50-17	8 ply	17.70	5.50
7.50-20	8 ply	18.70	6.60
7.50-20/34 x 7	10 ply	20.60	8.80
8.25-20		27.60	9.90
8.25-24		31.20	9.90
9.00-18		29.95	10.00
9.00-20/36 x 8		32.95	11.00
9.00-24/40 x 8		36.00	11.00
10.00-20/38 x 9		41.75	12.10
10.00-24/42 x 9		45.25	12.10
11.00-18		46.20	12.10
11.00-20		49.10	12.10
11.00-24		53.60	12.10
12.00-20		64.25	15.40
12.00-24		68.80	15.40
14.00-24		104.10	19.80
18.00-24		214.20	65.00

TABLE IX.—Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses<sup>1</sup>—Continued.

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
18.00-40	\$473.75	\$55.00
21.00-24 16 ply	333.70	72.50
21.00-24 20 ply	367.45	93.50
24.00-32 24 ply	644.45	137.50
24.00-32 34 ply	1,044.40	192.50
30.00-40 28 ply	1,655.00	220.00
30.00-40 34 ply	2,013.40	330.00
36.00-40 34 ply	2,584.95	440.00

TABLE X.—Maximum prices for retreading, full capping or top capping truck and bus tires, off-the-road types, and for basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
<b>EARTH MOVER TIRES</b>		
7.50-20	\$17.80	\$6.60
8.25-20	22.25	9.90
9.00-20	29.95	11.00
10.00-20 (9.75-20)	37.35	12.10
11.00-20 (10.50-20)	42.55	13.20
12.00-20	51.00	15.40
13.00-20	58.75	16.50
14.00-20 (13.50-20)	66.60	17.60
16.00-20	139.15	22.00
16.00-24	152.05	27.50
18.00-24	176.15	66.00
21.00-24	333.70	82.50
24.00-32	844.50	137.50
<b>HARD ROCK TIRES</b>		
7.00-20 (32 x 6)	22.45	7.70
7.50-20 (34 x 7)	29.85	8.80
8.25-20	31.90	9.90
9.00-20	38.00	11.00
9.00-24	41.50	11.00
10.00-20 (9.75-20)	48.10	12.10
10.00-24 (9.75-24)	52.10	12.10
11.00-20 (10.50-20)	56.54	13.20
11.00-24 (10.50-24)	62.05	13.20
12.00-20	74.05	14.00
12.00-24 (11.25-24)	79.30	15.40
13.00-24 (12.00-24)	91.90	16.50
14.00-24 (13.50-24)	119.85	27.50
16.00-24	245.15	33.00
18.00-24	276.00	65.00
21.00-24	350.35	82.50

TABLE XI.—Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses<sup>1</sup>

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
<b>FRONT WHEEL</b>		
4.00-9	\$4.40	\$1.37
4.00-15	4.75	1.37
4.00-19	5.10	1.37
4.75-15	5.95	1.37
5.00-15	6.25	1.37

TABLE XI.—Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses<sup>1</sup>—Continued.

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
<b>FRONT WHEEL—continued</b>		
5.25-21.....	\$7.00	\$1.37
5.50-16.....	6.90	1.10
6.00-9.....	10.50	2.10
6.00-12.....	7.85	1.37
6.00-16.....	7.90	1.37
6.00-20.....	8.60	2.75
6.50-16.....	8.90	1.37
7.50-10.....	11.60	2.20
7.50-16.....	10.05	1.37
7.50-18.....	10.80	2.20
7.50-20.....	12.00	3.30
9.00-10.....	14.85	3.30
<b>REAR WHEEL</b>		
6.00-22.....	8.85	3.30
6.50-32.....	17.95	3.85
6.50-40.....	22.45	4.15
7.00-22.....	12.95	4.15
7.00-24 (8-24).....	16.35	4.40
7.00-40.....	24.95	4.40
7.50-22.....	13.50	4.40
7.50-24 (9-24).....	18.70	4.95
7.50-36 (9-36).....	32.05	6.60
7.50-40 (9-40).....	34.35	6.60
8.25-36 (10-36).....	31.90	6.60
9.00-24 (11-24).....	30.95	6.60
9.00-28 (11-28).....	33.25	6.60
9.00-36 (11-36).....	34.50	9.90
9.00-40 (11-40).....	35.60	10.45
10.00-36 (12-36).....	43.30	11.00
10.00-40 (12-40).....	46.70	11.00
11.25-24 (13-24).....	38.40	12.20
11.25-28 (13-28).....	42.00	12.65
11.25-36 (13-36).....	47.45	13.20
11.25-40 (13-40).....	53.10	13.75
12.75-24 (14-24).....	46.55	14.30
12.75-28 (14-28).....	51.50	14.85
12.75-32 (14-32).....	56.65	15.40
13.50-24 (15-24).....	52.00	15.40
13.50-28 (15-28).....	57.70	15.95
13.50-32 (15-32).....	62.40	16.50

<sup>1</sup> When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

Issued this 10th day of January 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-290; Filed, January 12, 1942;  
10:50 a. m.]

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

**AMENDMENT NO. 1 TO TIRE RATIONING REGULATIONS<sup>1</sup>**

Section 1315.151 (n) is hereby amended as follows:

**§ 1315.151. Definitions.**

(n) "Truck" means any vehicle designed for use on the highways to carry freight, including raw materials, semi-finished goods and finished products, farm products and foods.

<sup>1</sup> 7 F. R. 72.

This amendment No. 1 shall become effective January 12, 1942. Issued this 12th day of January 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-340; Filed, January 13, 1942;  
11:45 a. m.]

**PART 1335—CHEMICALS**

**PRICE SCHEDULE NO. 68—HIDE GLUE STOCK**

Hide Glue Stock consists of a group of animal materials, which are waste products of the meat packing, tanning and fur cutting industries. From these materials hide glue, an important adhesive with essential defense and civilian uses, is manufactured.

As a result of economic activity induced by the national defense program, the demand for hide glue stock has increased greatly in recent months. Inadequacy of the supply of hide glue stock has forced glue manufacturers to curtail hide glue production. The prices of nearly all kinds of hide glue stock have risen sharply as a result of competition among hide glue manufacturers in attempting to retain their customary raw material suppliers and to obtain new sources of supply. One material, for instance, which sold for \$1.75 per cwt. in 1940, is now commanding as much as \$6.50 per cwt. Such price advances have contributed to a 40% increase in hide glue prices since 1940. Further increases in the prices of hide glue stock are threatened.

After investigation and conferences with members of the hide glue stock industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue stock to prevent inflationary trends not only in the price of such stock but also in the prices of hide glue and other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.501 *Maximum prices for hide glue stock.* On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue stock in quantities of 100 pounds or more, and no person shall buy, offer to buy, or accept delivery of hide glue stock in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.510.\*

\* §§ 1335.501 to 1335.510, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F. R. 1917, 4483.

§ 1335.502 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.503 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase,

sale, delivery or transfer of hide glue stock, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.\*

§ 1335.504 *Records and reports.* Every person making purchases or sales of hide glue stock in quantities of 100 pounds or more after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the hide glue stock purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1335.505 *Affirmations of compliance.* On or before March 20, 1942, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has purchased hide glue stock in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 168:1 containing a sworn statement that during such month all such purchases were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 168:1 can be procured from the Office of Price Administration, or, *Provided*, That no change is made in the style and content of the Form and that it is reproduced on 8 x 10 1/2 paper, they may be prepared by persons required to submit affirmations of compliance hereunder.\*

§ 1335.506 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices

higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue stock, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1335.507 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.\*

§ 1335.508. *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue stock" means the materials listed in Appendix A hereof, regardless of the uses to which such materials are to be put;

(c) "Seller's shipping point" means point of production or other point of distribution maintained by a producer or seller.

§ 1335.509 *Effective date of the Schedule.* This Schedule shall become effective January 20, 1942.

§ 1335.510 *Appendix A; maximum prices for hide glue stock.* (a) The following maximum prices are established for hide glue stock, f. o. b. seller's shipping point:

	<i>Per cwt.</i>
1. Green salted hide trimmings.....	\$1.10
including green salted pates	
green salted tips	
cattle tail pieces	
2. Limed cattle trimmings.....	.90
including limed hide trimmings	
limed cattle pieces	
3. Goat trimmings and pieces.....	.45
including long haired	
short haired	
de-haired	
4. Limed calf trimmings.....	1.00
including calf trimmings	
green limed calf	
5. Chrome stock.....	.50
including chrome splits	
chrome shavings	
chrome trimmings	
6. Coney stock.....	3.50
7. Goat and sheep fleshings.....	.125
8. Packers trimmings.....	1.00
including green salted ears, lips,	
snouts and tails	
green salted sinews	
and pizzles	
9. Sheep trimmings.....	.60
including limed sheep trim-	
mings	
limed sheep tails	
pickled sheep	
10. Horse fleshings.....	.30
11. Calf fleshings.....	.40
12. Horse and Beam trimmings.....	.50
including green salted horse	
trimmings	
limed horse trim-	
mings	
beam trimmings	
horse tail pieces	
13. Sole leather fleshings.....	1.00

	<i>Per cwt.</i>
14. Common and #2 fleshings.....	\$0.75
15. Other cattle fleshings.....	.65
including sulfide fleshings	
kip fleshings	

(b) The above maximum prices do not apply to hide glue stock which is imported into the United States.\*

Issued this 13th day of January 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-341; Filed, January 13, 1942;  
11:45 a. m.]

## TITLE 46—SHIPPING

### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

#### SUBCHAPTER K—SEAMEN

[Order No. 198]

#### INVESTIGATION OF MARINE CASUALTIES

#### *Order Waiving Compliance With Certain of the Provisions of Section 4450, R.S., as Amended<sup>1</sup>*

JANUARY 12, 1942.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 4450, R.S., as amended (46 U.S.C. 239), to the extent and upon the terms hereinafter set forth:

(1) No investigation of a marine casualty shall be made unless the Director of the Bureau of Marine Inspection and Navigation deems that the conduct of such investigation would not be contrary to the interests of the United States.

(2) In any such investigation conducted the Director shall take such steps as may be necessary to assure that no information shall be divulged, the disclosure of which would be contrary to the public interests. No officer, seaman, or other employee of any public vessel controlled by the Army or Navy of the United States, or its allies, shall be summoned or otherwise required to appear as a witness before an investigation board without the consent of the department of the Government which is concerned.

(3) Records of proceedings, of the reports, findings, and recommendations of the boards, the actions of the Director of the Bureau of Marine Inspection and Navigation, and of the Secretary of Commerce in cases classified by the Director as confidential shall not be open to public inspection except as authorized by the Secretary of Commerce in specific cases.

[SEAL] ROBERT H. HINCKLEY,  
*Acting Secretary of Commerce.*

[F. R. Doc. 42-309; Filed, January 12, 1942;  
4:31 p. m.]

<sup>1</sup> Affects 46 CFR Parts 136 and 137.

## Notices

### TREASURY DEPARTMENT.

#### Bureau of Internal Revenue.

#### NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENT OF REGULATIONS NO. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

JANUARY 13, 1942.

Pursuant to the provisions of section 5 of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Friday, January 23, 1942, at 10:00 A. M., in Room 3601 of the Internal Revenue Building, 10th and Pennsylvania Avenue, Washington, D. C., for the purpose of taking evidence with reference to the following proposed amendment to Regulations No. 5 (27 CFR Part 5), Relating to Labeling and Advertising of Distilled Spirits:

To amend section 21, Class 1, of said regulations (27 CFR 5.21(a)) in such manner as to modify the standards of identity for "neutral spirits" or "alcohol" so as to include all distilled spirits distilled at more than 160° proof from a fermented mash of grain, which are unaged and which are so treated in the process of original and continuous distillation as to lack the taste, aroma, and characteristics generally attributed to whiskey.

[SEAL] STEWART BERKSHIRE,  
*Deputy Commissioner.*

[F. R. Doc. 42-334; Filed, January 13, 1942;  
11:27 a. m.]

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 1757-FD]

#### IN THE MATTER OF KIEFFNER COAL COMPANY, A PARTNERSHIP, DEFENDANT

#### ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on May 28, 1941, by District Board 11, alleging that Kieffner Coal Company, a partnership, defendant, a code member in District No. 11, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder, and praying that the Division either cancel or revoke the defendant's code membership or in its discretion direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana, on September, 26, 1941:

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Act, the Code, and rules and regulations thereunder;

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

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

Now, therefore, it is ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.<sup>1</sup>

It is further ordered That the defendant, Kieffner Coal Company, a partnership composed of Harry Kieffner and August Kieffner, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, or in behalf or interest of Harry Kieffner and August Kieffner, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

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

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-314; Filed, January 13, 1942;  
10:35 a. m.]

[Docket No. A-1218]

IN THE MATTER OF THE REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY NORTH WESTERN FUEL COMPANY SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS AND SPOT ORDERS IN ACCORDANCE WITH THEIR TERMS PURSUANT TO SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This matter was instituted by the Bituminous Coal Division pursuant to sec-

<sup>1</sup> In adopting the Proposed Findings of Fact of the Examiner, the Acting Director desires to correct a statement made by the Examiner to the effect that one Erb, a witness who testified at the hearing, is a compliance officer of the Division. The record indicates and I find that Erb is engineer for District Board 11.

tion 4 II (b) of the Bituminous Coal Act of 1937 at the request of the North Western Fuel Company ("North Western"), a registered distributor (Registration No. 6897). The relief sought by North Western was a revision in the minimum prices presently effective for sales or deliveries of coal by it from its docks at Milwaukee and Superior, Wisconsin, and Duluth, Minnesota, or from the docks located on the west bank of Lake Michigan or the south bank of Lake Superior to certain purchasers in Market Areas 42, 43 and 44 in fulfillment of contracts or spot orders previously entered into.

After telegraphic notice to all interested parties, an informal conference in this matter was held on December 22, 1941. Appearances at the conference were entered by District Boards 2, 7 and 8.<sup>1</sup>

North Western Fuel Company, a corporation organized under the laws of Wisconsin with principal offices in St. Paul, Minnesota, is a registered distributor (Registration No. 6897). It appears that the coal unloading and reloading bridge serving its dock at Menominee, Michigan, has been damaged by a gale and that the rebuilding thereof will require from three to four months. North Western seeks permission to ship from its docks at Milwaukee, Wisconsin, Duluth, Minnesota, Superior, Wisconsin, or docks of its competitors located at the American head of the Great Lakes from whom it can purchase coal in order to fulfill contract and spot order obligations to customers normally served by its dock at Menominee at such prices that the purchaser will pay no more for the coal delivered than it would pay for coal delivered from Menominee. It appears that in order to be able to sell these coals at such prices, the North Western may have to absorb certain freight differentials or dock charges, the result of which absorptions may be a sale below the minimum prices f. o. b. dock for such coals unless the relief sought here is granted.

Lack of objection was signified by District Boards 10 and 11. District Boards 2, 7 and 8 also stated that they had no objection to the granting of relief, but qualified their approval upon the condition that the f. o. b. mine prices should not be reduced.

The undersigned finds that a reasonable showing has been made of the necessity for granting the temporary relief and that no competitor of North Western will be injured by the granting of relief here whereas the failure to grant relief will result in injury to North Western. The recognition of the emergency nature of the relief by interested district boards is shown by their lack of objection thereto, although with the qualification by some that f. o. b. mine prices should not be reduced. Since, however, North Western does not seek any reduction of f. o. b. mine prices, the concern of these district boards has no basis; the request of North Western is rather one for permission to absorb transportation charges and dock charges between the docks and the consumer. Permission must be sought not because of the effect the relief will have on f. o. b. mine prices but

<sup>1</sup> North Western did not attend but filed a statement in support of the requested relief.

instead its effect on minimum prices f. o. b. dock.<sup>2</sup> However, in view of the special nature of the request, I will restrict the relief to April 1, 1942, by which time it appears that the Menominee bridge will be repaired.

It is, therefore, ordered, That the North Western Fuel Company, a registered distributor (Registration No. 6897), may, until April 1, 1942, ship coals from its docks at Milwaukee, Wisconsin, Duluth, Minnesota, or Superior, Wisconsin, or from other docks located on the west bank of Lake Michigan or the south bank of Lake Superior, to its customers in Market Areas 42, 43, and 44 normally served by the dock at Menominee, Michigan, at the delivered prices applicable to such coals when shipped over the Menominee dock; *Provided, however*, That no reductions of f. o. b. mine prices shall be taken, and *provided, further*, That not later than the fifteenth day subsequent to the last day of each month, the North Western Fuel Company shall file with the Division reports showing at least the following: (a) the names and addresses of the customers to whom such shipments are made; (b) the tonnage and size of coal sold; (c) the price f. o. b. dock; (d) the applicable freight rate and (e) the amount of freight absorption. Such reports shall be identified as being filed pursuant to the terms of this relief; and

It is further ordered, That the relief herein granted shall expire on March 31, 1942, unless otherwise ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-315; Filed, January 13, 1942;  
10:35 a. m.]

[Docket No. A-1204]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS, MINIMUM PRICES AND ADDITIONAL SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

[Docket No. A-1204, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF MINE INDEX NO. 579 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 831 IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1204 PART II FROM DOCKET NO. A-1204 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1204, PART II

The original petition in the above-entitled matter, filed with this Division

<sup>2</sup> Paragraph (b) of the applicant's Distributor's Agreement provides that it will not contract to sell or will not sell coals below the effective minimum prices therefor. Section 4 II (g) of the Act provides: "The price provisions of this Act shall not be evaded or violated by or through the use of docks \* \* \* or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof."

on December 8, 1941 and amended December 26, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications, minimum prices and additional shipping points for the coals of certain mines in District No. 9 for all shipments except truck.

As indicated in a separate order issued in Docket No. A-1204, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner except with respect to the establishment of price classifications and minimum prices for the coals of the Hughes Mine of Robert R. Rehm (Mine Index No. 831) and the establishment of an additional shipping point for the coals of the Jim Bob Mine (Mine Index No. 579) of C. L. Lille. The original petition does not contain sufficient facts to warrant the establishment of an additional shipping point for the coals of Mine Index No. 579. Additional facts concerning this proposal should be developed at a hearing.

The original petition prays for the establishment of price classifications and minimum prices for the coals of Mine Index No. 831 for all shipments except truck and designates this mine as a new one; the prices sought are those comparable to the prices established for mines in the number 9 seam, though the petition states that Mine Index No. 831 is in the number 6 seam. Records of the Division indicate that Mine Index No. 831 is the same mine as Mine Index No. 622 for which prices have already been established for truck shipment. It appears that a hearing is necessary to develop additional facts concerning the prices proposed for this mine, and to determine whether Mine Index Nos. 831 and 622 are the same mine.

Now, therefore, it is ordered, That the portion of Docket No. A-1204 relating to the coals of Mine Index Nos. 579 and 831 be and the same hereby is severed from the remainder of Docket No. A-1204 and designated as Docket No. A-1204 Part II.

It is further ordered, That a hearing in Docket No. A-1204 Part II under the applicable provisions of said Act and the rules of the Division be held on February 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and

conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 5, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of Central City, Kentucky, as an additional rail loading point for the coals of the Jim Bob Mine (Mine Index No. 579); the establishment of price classifications and minimum prices for the coals of the Hughes Mine (Mine Index No. 831) of Robert R. Rehm, for all shipments except truck, and to determine whether Mine Index Nos. 831 and 622 are the same mine.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-316; Filed, January 13, 1942;  
10:36 a. m.]

[Docket No. B-175]

IN THE MATTER OF J. BRUCE MEYER, CODE  
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Room 323, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) That the defendant, J. Bruce Meyer of Clearfield, Pennsylvania, whose code membership became effective as of June 21, 1937, operator of the Peters No. 2 Mine (Mine Index No. 1760) located in Clearfield County, Pennsylvania, District No. 1, sold and delivered to or through R. S. Walker, operating as the Bradford Coal Company, at its siding on the B. & O. Railroad, which is designated as Shannon No. 1, during the period from October 1 to December 9, 1940, quantities of run of mine coal at \$2.20 per ton (less any discount or commission and 20 cents per ton for the use of the Bradford Coal Company siding), which



is less than the effective minimum price f. o. b. the mine therefor of \$2.20 per ton, plus the actual cost of transportation thereof from the mine to said point of delivery, such distance being approximately 2½ miles; or

(b) The aforesaid defendant during the period from October 14, 1940 to December 9, 1940, both dates inclusive, sold substantial quantities of run of mine coal produced at the aforesaid Peters No. 2 Mine, Mine Index No. 1760, to R. S. Walker, trading under the name and style of the Bradford Coal Company, Bigler, Pennsylvania. Said coal was delivered by said defendant to the Shannon No. 1 Railroad siding located on the Baltimore & Ohio Railroad, a distance of approximately 2½ miles from said mine at the delivered price of \$2.20 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-317; Filed, January 13, 1942;  
10:36 a. m.]

[Docket No. B-174]

IN THE MATTER OF FRANK W. ALBERT, CODE  
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

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

an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, Frank W. Albert of Phillipsburg, Pennsylvania, whose code membership became effective as of January 6, 1928, operator of the Albert Strip Mine, Mine Index No. 1006, located in Clearfield County, Pennsylvania, District No. 1.

1. Has violated the effective minimum price schedule for District No. 1, truck shipments, by selling and delivering from the above-mentioned mine, from September 30, 1940, to January 1, 1941, approximately eight cars of run of mine coal to the Bradford Coal Company at its siding at Morrisdale, Pennsylvania, at a price less than the effective minimum f. o. b. mine price of \$2.30 per ton established therefor as set forth in the Schedule of Effective Minimum Prices For District No. 1 for Truck Shipments; and

2. The aforesaid defendant has violated Price Instruction No. 6 of said effective minimum price schedule for District No. 1, for truck shipments, by selling and delivering approximately eight cars of run of mine coal from the above-mentioned mine to the Bradford Coal Company at its siding at Morrisdale, Pennsylvania, from September 20, 1940,

to January 1, 1941, and failing to add to the effective minimum price established therefor the estimated actual transportation, handling or incidental costs from transportation facilities at the mine to the point from which all such costs were assumed and directly paid by the purchaser; and

3. The aforesaid defendant has violated the Director's Orders Nos. 156, 293, and 288 by failing to file the reports, data and information requested by these orders.

(b) The aforesaid defendant during the period from October 14, 1940, to January 1, 1941, both dates inclusive, sold a substantial quantity of run of mine coal produced at the aforesaid Albert Strip Mine, Mine Index No. 1006, to R. S. Walker, trading under the name and style of Bradford Coal Company, Bigler, Pennsylvania. Said coal was delivered for railroad shipment at a railroad siding of said Bradford Coal Company, located in Morrisdale, Pennsylvania, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-318; Filed, January 13, 1942;  
10:36 a. m.]

[Docket No. B-158]

IN THE MATTER OF W. D. WALKER AND C.  
A. WALKER, INDIVIDUALLY AND AS PART-  
NERS DOING BUSINESS UNDER THE NAME  
AND STYLE OF W. D. WALKER AND  
BROTHER, REGISTERED DISTRIBUTOR, REG-  
ISTRATION No. 9371, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not W. D. Walker and C. A. Walker, individually and as partners doing business under the name and style of W. D. Walker and Brother, Registered Distributor, Registration No. 9371, whose address is Bigler, Pennsylvania, the respondents in the above-entitled matter, have violated any provisions of the Act, the Code, any orders or regulations of the Division, including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed October 7, 1940, by the respondents, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondents are W. D. Walker and C. A. Walker, individually and as partners doing business under the name and style of W. D. Walker and Brother, Bigler, Pennsylvania.

3. Respondents acting in the capacity of sales agents, pursuant to an agreement dated March 28, 1941, with H. C. Burnsworth, code member principal, operating the Burnsworth Mine (Mine Index No. 1169), located at Clearfield County, Pennsylvania, District No. 1, during the period March 28, 1941, to June 27, 1941, both dates inclusive, sold on behalf of said code member approximately 241.89 net tons of run of mine coal produced at the aforesaid mine. Respondents accepted and retained commissions ranging from 27 cents per net ton to 67 cents per net ton, which were substantially in excess of the maximum discounts allowable to a registered distributor on sales of such coals, as established by Order of the Director dated June 19, 1940, in General Docket No. 12, although during the aforesaid period no application had been filed by the said code member principal for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor. Respondents, in accepting and retaining said excessive commissions, participated in violations of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement referred to in paragraph 1 (a) hereof.

*It is, therefore, ordered,* That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on February 17, 1942, at 10 a. m., in a hearing room of the Bituminous Coal Division at the Post Office Building, Room 323, Altoona, Pennsylvania.

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

Notice of such hearing is hereby given to said respondents, and to all other parties herein and to all persons and entities having an interest in such proceeding.

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

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged 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: January 10, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-319; Filed, January 13, 1942;  
10:38 a. m.]

[Docket No. B-87]

IN THE MATTER OF SNOWDEN COAL CO., A PARTNERSHIP, ALSO KNOWN AS LEE SNOWDEN, LUTHER BRYAN, JAMES BUTLER, NEWTON LANE, MILTON HALL, CHARLES DRAKE, SPENCER M. LOWE, RAYMOND ROUATT, LOUIE ROBERTS, MIKE TOPPAS, WILLIAM DRAKE, AND WILLIAM BIGG, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF SNOWDEN COAL CO. (LEE SNOWDEN) CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above entitled matter, by Order dated December 6, 1941, having been heretofore scheduled for hearing at 10 a. m. on January 12, 1942 at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

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

*Now, therefore, it is ordered,* That the hearing in the above entitled matter be postponed from 10 a. m. January 12, 1942, to 9 a. m. January 19, 1942, at a hearing of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana, before the officers previously designated to preside at said hearing.

Dated: January 10, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-320; Filed, January 13, 1942;  
10:38 a. m.]

[Docket No. A-276]

PETITION OF DISTRICT BOARD NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN THAT DISTRICT FOR SHIPMENT INTO MARKET AREAS 200 AND 201

ORDER POSTPONING AND CHANGING PLACE OF HEARING

A hearing in the above-entitled matter having been scheduled to be held in

Rawlins, Wyoming, on January 23, 1942, and it now being deemed advisable to postpone such hearing from January 23, 1942, until January 28, 1942, and to change the place of said hearing from Rawlins, Wyoming to Cheyenne, Wyoming;

*Now, therefore, it is ordered,* That the hearing in the above-entitled matter be, and it hereby is, postponed from January 23, 1942, until 10 o'clock in the forenoon on January 28, 1942, before the officers previously designated to preside at such hearing, and the place of such hearing is changed from Rawlins, Wyoming to a hearing room of the Division, at the Plains Hotel, Cheyenne, Wyoming.

The time for filing petitions of intervention in this matter is hereby extended to and including January 23, 1942.

Dated: January 10, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-321; Filed, January 13, 1942;  
10:38 a. m.]

[Docket No. A-1180]

PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR 3/4" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

ORDER POSTPONING HEARING, CHANGING PLACE OF HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing before Examiner Joseph A. Huston at 10 o'clock in the forenoon of January 12, 1942, at a hearing room of the Bituminous Coal Division, in Washington, D. C.; and

The Acting Director deeming it advisable to postpone said hearing until January 30, 1942, to change the place of hearing from Washington, D. C., to Cheyenne, Wyoming, and to designate D. C. McCurtain as the trial examiner to preside at said hearing vice Joseph A. Huston;

*Now, therefore, it is ordered,* That the hearing in the above-entitled matter be and it hereby is postponed until 10 o'clock in the forenoon of January 30, 1942.

*It is further ordered,* That the place of hearing in the above-entitled matter be changed from Washington, D. C., to a hearing room of the Division, at the Plains Hotel, Cheyenne, Wyoming.

*It is further ordered,* That D. C. McCurtain or any other duly designated officer of the Division shall preside at the hearing in the above-entitled matter vice Joseph A. Huston.

*It is further ordered,* That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including January 24, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter

on December 19, 1941, shall remain in full force and effect.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-322; Filed, January 13, 1942;  
10:39 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART & HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

ORDER CORRECTING ERROR IN THE NOTICE OF AND ORDER FOR HEARING

A complaint dated October 9, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 10, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations issued thereunder; and

A Notice of and Order for Hearing having been issued in the above-entitled matter on November 22, 1941; and

It appearing that in the third line of the last paragraph of said Notice of and Order for Hearing the alleged violations are stated to have commenced April 29, 1941, whereas the said complaint alleges that the violations commenced April 16, 1941;

Now, therefore, it is ordered, That the date "April 29" appearing in the third line of the last paragraph of the aforesaid Order be and the same is hereby corrected to read "April 16, 1941."

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-323; Filed, January 13, 1942;  
10:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

IN THE MATTER OF THE APPLICATIONS FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (b) (3) OF THE ACT AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

Whereas notice has been previously given, and published in the FEDERAL REGISTER for December 23, 1941,<sup>1</sup> that public hearings would be held for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of sec-

tion 7 (b) (3) of the act and Part 526, as amended, of the Regulations issued thereunder, and if so the appropriate limits of said industry; and

Whereas notice was previously given that these public hearings were to be held at the following places and dates:

- (1) Tampa, Florida, January 12, 1942, at 10 a. m., in the Federal Building,
- (2) San Antonio, Texas, January 20, 1942, at 10 a. m., in the Federal Building,
- (3) Los Angeles, California, January 26, 1942, at 10 a. m., in the Federal Building; and

Whereas it is deemed advisable to change the places and dates of such hearings;

Now, therefore, notice is hereby given that the above-scheduled hearings are cancelled, and that testimony for the purpose of determining the above-entitled matter will be taken in Washington, D. C., on January 16, 1942, at 2 p. m., in Room 5144, Department of Labor Building, before James G. Johnson as authorized representative of the Administrator of the Wage and Hour Division.

Signed at Washington, D. C., this 12th day of January 1942.

THOMAS W. HOLLAND,  
Administrator.

[F. R. Doc. 42-333; Filed, January 13, 1942;  
11:25 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (sec. 101 (h) (1), 49 Stat. 688; 12 U. S. C., Sup., 264 (h) (1)), It is ordered, That each insured bank file with the Corporation on or before January 15, 1942, the following described certified statement forms; (1) Certified Statement, Part One, Based on Deposits for the Six Months Ending December 31, 1941, Form 545M in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement, Part Two, for the Six Months Ending December 31, 1941, Form 555M, in triplicate.

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

[F. R. Doc. 42-306; Filed, January 12, 1942;  
3:46 p. m.]

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended (sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured State nonmem-

<sup>1</sup> Filed with the original document.

ber bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, December 31, 1941, on Form 64—Call No. 16,<sup>1</sup> and a report of earnings and dividends for the year ending December 31, 1941, on Form 73. Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64," and said annual report of earnings and dividends shall be prepared in accordance with the instruction booklet issued as of December 1937.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,

By E. F. DOWNEY, Secretary.

[F. R. Doc. 42-305; Filed, January 12, 1942;  
3:46 P. M.]

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended (Sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured nonmember mutual savings bank be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, December 31, 1941, on Form 64 (Savings)<sup>1</sup> and a report of earnings and dividends for the year ending December 31, 1941, on Form 73. Said report of condition and report of earnings and dividends shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) and Reports of Earnings and Dividends on Form 73 (Savings) by Insured Mutual Savings Banks," issued as of December 1940.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,

By E. F. DOWNEY, Secretary.

[F. R. Doc. 42-307; Filed, January 12, 1942;  
3:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-471]

IN THE MATTER OF AMERICAN POWER & LIGHT COMPANY AND SUPERIOR WATER, LIGHT AND POWER COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of January, A. D. 1942.

American Power & Light Company, a registered holding company, and its subsidiary, Superior Water, Light and Power Company, having filed an application

<sup>1</sup> Filed with the original document.

<sup>1</sup> 6 F.R. 6668.

and declaration under the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 12 (b) thereof, and Rule U-45 thereunder, regarding the issuance and sale by Superior Water, Light and Power Company to Guaranty Trust Company of New York, of not to exceed \$1,600,000 of Superior Water, Light and Power Company's unsecured notes, and regarding the subordination by American Power & Light Company to the indebtedness to Guaranty Trust Company thus created of \$1,636,000 of open-account indebtedness owing by Superior Water, Light and Power Company to American Power & Light Company; and

A public hearing having been held on said application and declaration after appropriate notice and the Commission having examined the record and having this day issued and filed its Memorandum Opinion herein:

*It is ordered,* That said application and declaration be, and the same hereby are, granted and permitted to become effective forthwith, subject to the following terms and conditions:

1. That jurisdiction is expressly reserved to require by supplemental order, after appropriate further hearings (which shall be resumed and brought to completion as soon as conveniently possible), that all or any portion of the open-account indebtedness owed, or to be owing, by Superior Water, Light and Power Company to American Power & Light Company shall be converted into common stock, to the extent such conversion appears necessary under applicable requirements and standards of the Act.

2. That no dividends shall be declared or paid by Superior Water, Light and Power Company on its common stock until entry of such further order or orders as may be appropriate pursuant to said reservation of jurisdiction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-335; Filed, January 13, 1942;  
11:32 a. m.]

[File Nos. 70-245; 70-254; 70-266; 70-267;  
70-292]

**IN THE MATTER OF CENTRAL STATES POWER  
& LIGHT CORPORATION**

**NOTICE AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1942.

Central States Power & Light Corporation, a public utility company which is also a registered holding company in the Ogden Corporation holding company system, having filed declarations with respect to the sale of certain of its assets, assets of its subsidiaries and securities of its subsidiaries under section 12 (d) of the Public Utility Holding Company Act of 1935 and having also filed declara-

tions under section 12 (c) of the Act with respect to the utilization of proceeds derived from the sale of such assets and securities to purchase a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953; and

The Commission having permitted such declarations to become effective subject, however, to certain conditions including reservation of jurisdiction with respect to fees to be paid in connection with such transactions; and

Central States Power & Light Corporation having filed applications for authority to pay claimed fees aggregating approximately \$63,500; and

The Commission having on December 30, 1941, entered an order authorizing the making of a partial payment to Matthews, Harmon, Karr & Springer in the sum of \$15,000; and

It appearing to the Commission that evidence should be received with respect to the reasonableness of the remaining claimed fees including the balance of fees claimed by Matthews, Harmon, Karr & Springer amounting to \$20,450;

*It is ordered,* That a hearing for the purpose of receiving such evidence be held on January 29, 1942, at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to the claimants, to Central States Power & Light Corporation, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-336; Filed, January 13, 1942;  
11:32 a. m.]

[File No. 70-479]

**IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION**

**NOTICE REGARDING FILING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than Janu-

ary 23, 1942, at 4:45 p. m., E. S. 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, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its \$3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,967 shares of such stock presently outstanding. The aggregate amount of this dividend will be \$86,596.13.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-337; Filed, January 13, 1942;  
11:32 a. m.]

[File Nos. 70-352, 70-353, 59-36]

**IN THE MATTERS OF INTERBOROUGH GAS COMPANY AND CONEWAGO GAS COMPANY; PENNSYLVANIA GAS & ELECTRIC COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION; YORK COUNTY GAS COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION**

**ORDER AMENDING ORDER OF THE COMMISSION  
ISSUED JANUARY 3, 1942**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

The Commission, having on January 3, 1942, issued an order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935;

It appearing that the words "sections 2 (a) (4) and" appearing in paragraph numbered 3 on page 2 of said order should be deleted therefrom and the word "section" substituted in their place;

*It is ordered,* That said order be, and it hereby is, amended by deleting the words "sections 2 (a) (4) and" appearing in paragraph numbered 3 of page 2 thereof, and substituting therefor the word "section".

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-338; Filed, January 13, 1942;  
11:33 a. m.]

[File Nos. 59-17, 59-11, and 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NUMBER 7 PROVIDING FOR THE LIQUIDATION AND DISSOLUTION OF MILWAUKEE SOLVAY COKE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of January 1942.

The Commission having previously by order entered in these proceedings on August 5, 1941, ordered, among other things, that The United Light and Power Company and The United Light and Railways Company shall eliminate from their respective holding company systems their interests in Milwaukee Solvay Coke Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The Milwaukee Coke & Gas Company and Mil-

waukee Solvay Coke Company have filed on January 9, 1942, an application designated as "Application Number 7" pursuant to Sections 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-46 thereunder, or any other applicable section of the Act or rules thereunder with respect to the proposed transactions which will accomplish the dissolution of Milwaukee Solvay Coke Company, a wholly owned subsidiary of The Milwaukee Coke & Gas Company, which in turn is a wholly owned subsidiary of American Light and Traction Company, a registered holding company. Applicants represent that Milwaukee Solvay Coke Company is a non-utility company which operated as a non-profit selling agency of The Milwaukee Coke & Gas Company prior to June 1, 1938 but subsequently ceased to conduct any business and at the present time is inactive and has no present revenue or plant. The proposed transactions are briefly described as follows:

1. The surrender by The Milwaukee Coke & Gas Company to Milwaukee Solvay Coke Company of all its outstanding capital stock in the amount of 100 shares with a par value of \$50 each.

2. The acquisition by Milwaukee Solvay Coke Company of its own capital stock for cancellation and in consideration therefor to release and discharge the open account indebtedness in the amount of \$5,000 owed to it by The Milwaukee Coke & Gas Company.

3. The cancellation of such capital stock and the dissolution of Milwaukee Solvay Coke Company.

Applicants represent that the proposed liquidation and dissolution of Milwaukee Solvay Coke Company is an appropriate step in compliance by The United Light and Power Company and its subsidiary holding companies with the order entered by the Commission in the above entitled proceeding on August 5, 1941.

Notice is further given that The Milwaukee Coke & Gas Company and Milwaukee Solvay Coke Company have requested that an order be entered granting said application pursuant to the procedure prescribed by Rule U-23.

Notice is further given that any interested person may, not later than February 2, 1942, at 4:45 P. M. Eastern Standard Time, 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 application as filed or as amended may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to such Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-339; Filed, January 13, 1942; 11:36 a. m.]