

MAR 19 1942

THE NATIONAL ARCHIVES
LITTEA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 1934 NUMBER 53

Washington, Wednesday, March 18, 1942

The President

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 8507 OF AUGUST 8, 1940, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ANTI-AIRCRAFT FIRING RANGE

CALIFORNIA

By virtue of the authority vested in me by the act of July 9, 1918, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), Executive Order No. 8507¹ of August 8, 1940, withdrawing certain public lands in the State of California for the use of the War Department as an anti-aircraft firing range, is hereby modified so as to eliminate from the effect thereof the following-described public lands, except for the main access road to the firing range crossing such lands, known, among other names, as the "Barstow Road", the "Cave Springs Road", the "Barstow-Bicycle Lake-Death Valley Road", "Road No. 1339", "Road No. 1355", and "Road No. 1356":

San Bernardino Meridian

T. 12 N., R. 2 E., secs. 9 and 10.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 14, 1942.

[No. 9098]

[F. R. Doc. 42-2297; Filed, March 16, 1942;
2:59 p. m.]

EXECUTIVE ORDER

EXCLUDING CERTAIN LANDS FROM THE MANISTEE NATIONAL FOREST

MICHIGAN

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tract of land in

¹ 5 F.R. 2817, 3652.

Michigan be, and it is hereby, excluded from the Manistee National Forest:

Sections 2 and 3, and the east half of section 4, township 20 north, range 12 west of the Michigan Meridian.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 14, 1942.

[No. 9099]

[F. R. Doc. 42-2297; Filed, March 16, 1942;
2:59 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER 1—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 340]

SUBCHAPTER H—EMERGENCY CROP AND FEED LOAN OFFICE

PART 115—REGULATIONS FOR LOANS IN PUERTO RICO

Loan Limitation and Interest Rate

Section 115.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 115.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed \$2,500, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed \$2,500 in amount. No loan will be made for an amount less than \$25. All loans will be made in multiples of \$5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity at the same rate will be deducted at the time the loan is made. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1020i. See also 52 Stat. 26; E.O. 9093, March 10, 1942.)

A. G. BLACK,
Governor.

[F. R. Doc. 42-2292; Filed, March 16, 1942;
11:38 a. m.]

¹ 7 F.R. 1971.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR AGENCY OF THE AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION AND CULTIVATION OF THE 1942 CROP OF SUGAR BEETS

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the difference in conditions among various producing areas; *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas the Secretary of Agriculture, pursuant to a notice of hearing, dated January 2, 1942, held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1942 crop of sugar beets.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.14g *Fair and reasonable wage rates for persons employed in the production and cultivation of the 1942 crop of sugar beets.* Fair and reasonable wage rates for persons employed in the production and cultivation of the 1942 crop of sugar beets shall be as follows:

For any farm or part of a farm, which is covered by a separate labor agreement, from which sugar beets are contracted to be delivered to factories located in the following districts:

District I—Ohio, Michigan, Indiana, and Wisconsin: Blocking, thinning, and hoeing: \$13.50 per acre or 45¢ per hour for blocking and thinning and 40¢ per hour for hoeing. If the above operations are performed by different persons on a piece rate basis, the rate for each operation shall be: Blocking and thinning: \$9.75 per acre. First hoeing: \$2.50 per

acre. Second and each subsequent hoeing or weeding: \$1.25 per acre.

District II—Minnesota and Iowa: Blocking, thinning, and hoeing: "Old method" or "hill drop" fields, \$14.50 per acre. "Blocked" fields, \$12.50 per acre. "Cross cultivated" fields, \$11.50 per acre. Where the "old method" is used, if the operations are performed by different persons, the rate for each operation shall be: Blocking and thinning: \$9.50 per acre. First hoeing, \$3.00 per acre. Second and each subsequent hoeing or weeding: \$2.00 per acre.

District III—Nebraska, Colorado, Kansas, and Southern Wyoming: Blocking and thinning: \$9.50 per acre, or 45¢ per hour. First hoeing: \$3.00 per acre, or 40¢ per hour. Second and each subsequent hoeing or weeding: \$2.00 per acre, or 40¢ per hour.

District IV—South Dakota: Blocking and thinning: \$10.50 per acre. First hoeing: \$3.00 per acre. Second and each subsequent hoeing or weeding: \$2.00 per acre.

District V—Southern and Eastern Montana, Northern Wyoming, and Western North Dakota: Blocking and thinning: \$11.00 per acre. First hoeing: \$3.00 per acre. Second and each subsequent hoeing or weeding: \$2.00 per acre.

District VI—Western Montana: Blocking and thinning: \$10.00 per acre. First hoeing: \$3.50 per acre. Second and each subsequent hoeing or weeding: \$2.50 per acre.

District VII—Northern Montana: Blocking and thinning: \$10.00 per acre. First hoeing: \$3.50 per acre. Second and each subsequent hoeing or weeding: \$2.50 per acre.

District VIII—Utah, Idaho, and Oregon: Blocking and thinning: \$9.50 per acre or 45¢ per hour. First hoeing: \$2.50 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: \$1.50 per acre or 40¢ per hour.

District IX—Washington: Blocking and thinning: \$8.50 per acre or 45¢ per hour. First hoeing: \$3.00 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: \$2.50 per acre or 40¢ per hour.

District X—Southern California:¹ Blocking and thinning: \$8.00 per acre or 40¢ per hour. First hoeing: \$2.00 per acre or 35¢ per hour. Second and each subsequent hoeing or weeding: \$1.50 per acre or 35¢ per hour.

District XI—Northern California:¹ Blocking and thinning: \$9.00 per acre or 45¢ per hour. First hoeing: \$2.50 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: \$2.00 per acre or 40¢ per hour.

Provided, however, (a) That in districts for which only piece rates are specified

¹ Applicable to farms located in the following counties: Madera, Fresno, Tulare, Kings, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange Riverside, San Diego, Imperial.

² Applicable (a) to farms located in counties in California other than those specified in footnote 1, and (b) to farms located outside California from which beets are contracted to be delivered to factories located in counties in California other than those specified in footnote 1.

herein, if employment upon the basis of an hourly rate is preferred, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate for such work specified herein;

(b) That in instances in which the use of special machine methods of planting and cultivation reduce the amount of labor required as compared with the method in common use in the area for the operations for which rates are specified herein, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate specified herein for the part of such work performed;

(c) That in districts for which a combined rate for blocking, thinning, hoeing and weeding is not specified herein, if the producer and the laborer agree in writing that the laborer is to receive the sum of the payments specified above upon a piece rate basis for blocking and thinning and the first and second hoeing, for all such work during the season regardless of the number of hoeings or weedings required, the payment of this amount will be deemed to meet the requirements of this determination of fair and reasonable wages for blocking, thinning, hoeing and weeding;

(d) That the foregoing shall not be construed to mean that a producer may qualify for payment who has not paid in full for all work in connection with the production, cultivation or harvesting of sugar beets the amount agreed upon between the producer and the laborer;

(e) That in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals; and

(f) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

Done at Washington, D. C., this 16th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2327; Filed, March 17, 1942; 11:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT
CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM¹

§ 79.14 *Necktie*. For officers, warrant officers, and enlisted men.

(a) *Material*. Without stripe or figure, of cotton, mohair, olive-drab, No. 3.

(b) *General description*. Of adopted four-in-hand type. (R.S. 1296; 10 U.S.C. 1391) [Par. 14, AR 600-35, Nov. 10, 1941,

¹ § 79.14 is superseded.

as amended by Cir. 72, W.D., March 11, 1942]

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

[F. R. Doc. 42-2299; Filed, March 17, 1942; 9:32 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORM¹

§ 79.17 *Aviation cadet clothing and insignia*. Articles as issued.

(a) *Belt*. (Rescinded) (R.S. 1296; 10 U.S.C. 1391) [Par. 17a, AR 600-35, November 10, 1941, as amended by Cir. 71, W.D., March 9, 1942]

* * * * *
§ 79.30 *Brassards*.

(h) *Newspaper correspondents, photographers, and broadcasters attached to and authorized to accompany forces of the Army of the United States in the theater of operations*. (1) Journalists, feature writers, and radio commentators; a white block letter "C" 2 inches in height on a green background.

(2) Photographers, a white block letter "P" 2 inches in height on a green background. (R.S. 1296; 10 U.S.C. 1391) [Par. 30h, AR 600-35, November 10, 1941, as amended by Cir. 71, W.D., March 9, 1942]

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

[F. R. Doc. 42-2295; Filed, March 16, 1942; 2:00 p. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-1019]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT No. 4

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF THE COALS OF CODE MEMBERS IN SUBDISTRICTS NOS. 3, 4, AND 6, OF DISTRICT NO. 4 FOR ALL SHIPMENTS EXCEPT TRUCK OF OFF-LINE RAILROAD FUEL INTO MARKET AREAS 15, 20, 21, AND 23

A petition having been filed with the Bituminous Coal Division on August 19, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck be amended by increasing the effective price classifications and minimum prices established for the coals of Subdistricts 3, 4, and 6 of District No. 4 by 10 cents

¹ § 71.17 (a) is rescinded and § 71.30 (h) is amended.

per ton when shipped for off-line railroad fuel to destinations in Market Areas 15, 20, 21, and 23;

Petitions of intervention having been filed herein by District Boards 2 and 6;

Pursuant to an order of the Director, and after due notice to interested persons, a hearing in this matter having been held before 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 of 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, § 324.11 (Special prices—

(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) in the Schedule of Effective Minimum Prices for District 4 for All Shipments Except Truck be, and it hereby is, amended to include a note reading as follows: For shipments of off-line railroad fuel from Subdistricts 3, 4, and 6 to destinations in Market Areas 15, 20, 21, and 23, the prices shall be increased 10 cents per ton for all sizes.

It is further ordered, That the relief is granted to the extent set forth above and in all other respects is denied.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2318; Filed, March 17, 1942; 10:48 p. m.]

[Docket No. A-865]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT No. 8

ORDER GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 TO PERMIT THE SALE OF COAL TO THE KEY CITY GAS COMPANY FOR USE IN ITS DUBUQUE, IOWA, PLANT AT THE MINIMUM F. O. B. MINE PRICE ESTABLISHED FOR FREE ALONGSIDE DELIVERY

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Section 3 (a) of the Special River Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, having been duly filed with the Bituminous Coal Division by the Consumers' Counsel Division,¹ on behalf of the Key City Gas Company, a consumer, requesting a modification of

¹ Now the Bituminous Coal Consumers' Counsel.

the District 8 Schedule so as to permit code members in that district to sell coals at free alongside prices to the Key City Gas Company for consumption at its plant at Dubuque, Iowa, and also seeking an amendment of said Schedule, to specifically provide that 45 cents per ton may be deducted on $\frac{3}{8}$ " x 0 screenings when shipped via the river to Dubuque, Iowa, for retort gas use;

Petitions of intervention having been filed by District Boards, 2, 8, and 11;

A hearing having been held on November 12, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived preparation and filing of the Examiner's report, the undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;

It is therefore ordered, That § 328.13 (Special prices—(b) Prices for river (free alongside deliveries) and ex-river shipments—(iii) Special cases) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be, and the same hereby is, amended by inserting the following note: Key City Gas Company (for consumption at its plant located at Dubuque, Iowa).

It is further ordered, That the request to amend said Schedule to specifically provide that 45 cents per ton may be deducted on $\frac{3}{8}$ " x 0 screenings shipped via river to Dubuque, Iowa, for retort gas use should be, and the same hereby is, denied.

It is further ordered, That, except as hereinabove provided, all prayers for relief be and they are hereby denied.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2319; Filed, March 17, 1942;
10:48 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

*Amendment No. 1 to Regulation No. 1*¹

Paragraph (a) (1) of War Production Board Regulation No. 1 issued January 26, 1942 is hereby amended to read as follows:

§ 903.0 *Regulation No. 1.* (a) (1) The Director of the Division of Industry Operations, who shall be known as the Director of Industry Operations, shall perform the functions and exercise all the powers, authority and discretion conferred upon the President by section 2 (a) of the Act of June 29, 1940 (Pub.

¹ 7 F.R. 561.

Law 671, 76th Cong.; 54 Stat. 676) as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), including the power of the Chairman of the War Production Board under paragraph (e) of Directive No. 1² (903.1) to delegate to the Office of Price Administration additional powers with respect to the exercise of rationing control and to amend the delegation with respect thereto contained in said Directive No. 1. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st sess.; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562.)

Issued this 14th day of March 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-2302; Filed, March 16, 1942;
5:02 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 967—FORMALDEHYDE, PARA-FORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

*Amendment No. 6 to General Preference Order No. M-25*¹

Section 967.1 (General Preference Order No. M-25) is hereby amended in the following particulars:

Present subparagraph (c) (4) is hereby amended to read as follows:

§ 967.1 *General Preference Order M-25.* (c) Directions with respect to residual supply.

(4) Deliveries of formaldehyde to persons who require the same for use in embalming and who, prior to delivery thereof, shall have certified to the deliveror:

(i) That the formaldehyde sought will be used for such purpose only, and

(ii) That the quantities sought, in any calendar quarter, together with all quantities on order for delivery to such persons during such calendar quarter, do not exceed one-quarter of the quantity of formaldehyde used by such persons for such purpose during the twelve-month period ended December 31, 1940.

are hereby assigned preference rating B-3. Calendar quarter shall mean the several three-month periods commencing January 1, April 1, July 1, and October 1.

A new subparagraph (c) (5) is hereby added to read as follows:

(5) Except as provided in paragraph (c) (4) of this section, deliveries of formaldehyde, paraformaldehyde or hexamethylenetetramine for all nondefense nonresin uses are hereby assigned preference rating B-4. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024,

¹ 6 F.R. 4301, 4527, 5090, 5848; 7 F.R. 29.

² 7 F.R. 562.

Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall take effect immediately.

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2305; Filed, March 16, 1942;
5:03 p. m.]

PART 1020—AUTOMATIC PHONOGRAPHS AND WEIGHING, AMUSEMENT AND GAMING MACHINES

Supplementary General Limitation Order L-21-a

In accordance with the provisions of § 1020.1 (General Limitation Order L-21) which the following Order supplements:

§ 1020.2 *Supplementary General Limitation Order L-21-a—(a) Further restrictions.* (1) During the period beginning March 1, 1942 and ending April 30, 1942, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce any type of such equipment in an amount greater than three times 25% of the monthly average of such type equipment produced by him during the twelve months ending June 30, 1941. Effective May 1, 1942, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce or assemble any such type equipment, or process, fabricate, work on or assemble any material or parts for use in the production of such equipment. The foregoing provisions shall supersede the provisions contained in the last sentence of subparagraph (b) (1) of Limitation Order L-21 for the period after February 28, 1942.

(2) From the effective date of this Order:

(i) no manufacturer of automatic phonographs, or weighing, amusement or gaming machines shall cut, stamp or otherwise shape or change the physical form of any copper, copper base alloy, nickel or stainless steel in the production of any such equipment or of any parts therefor;

(ii) no person shall commence the fabrication of any repair parts for gaming machines;

(iii) no manufacturer of automatic phonographs, or weighing, amusement or gaming machines shall receive or accept delivery of any raw materials, semi-processed materials, or finished parts not fully completed on the effective date of this Order for use in the production of any such equipment or of parts therefor;

(iv) no manufacturer of automatic phonographs or weighing, amusement or gaming machines, shall sell, transfer or deliver any part of his inventory of raw materials, semi-processed parts or finished parts which he holds for use in the production of such equipment except

(a) in connection with the manufacture or sale of such equipment to the extent that such manufacture or sale is not prohibited by the terms of this Order, of Order L-21, or of any other Order issued by the Director of Industry Operations or by the Director of Priorities, or to be issued hereafter by the Director of Industry Operations, limiting the use of any materials;

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

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

(c) *Reports.* Each manufacturer of automatic phonographs or weighing, amusement or gaming machines shall file with the War Production Board within twenty-one days of the effective date of this Order, his inventory as of the effective date of this Order, of raw materials, semi-processed parts and finished parts for use in the production of such equipment.

(d) *Effective date.* This Order is to take effect on the date of its issuance and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Congress, Third Session, as amended by Public Law 89, 77th Congress, First Session).

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2306; Filed, March 16, 1942;
5:03 p. m.]

PART 1055—WOOL

Amendment No. 2 to Conservation Order No. M-73¹ Curtailing the Use of Wool

Section 1055.1 (Conservation Order No. M-73) is hereby further amended by adding thereto the following new paragraph:

(f) *Viscose rayon staple fiber for use on the worsted system.* (1) Each producer of viscose rayon staple fiber shall set aside each month such amount of his production of viscose rayon staple fiber as may be designated by the Director of Industry Operations for sale and delivery to or for the account of persons putting wool owned by them into process, or causing such wool to be put into process by others for their account, on the worsted system, as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, on the worsted system, shall be eligible to purchase out of the viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, an amount of such viscose rayon staple fiber during

¹ 7 F.R. 1570, 1854.

the month of March, 1942, not to exceed 1% of his basic quarterly poundage: *Provided, however,* That no viscose rayon staple fiber so purchased shall be used in the manufacture of floor coverings. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2304; Filed, March 16, 1942;
5:02 p. m.]

PART 1055—WOOL

Amendment No. 1 to Conservation Order No. M-73¹ as Amended and Extended to July 4, 1942, Curtailing the Use of Wool

Section 1055.1 (Conservation Order No. M-73, as Amended and Extended to July 4, 1942) is hereby further amended by adding thereto the following new paragraph:

(g) *Viscose rayon staple fiber for use on the worsted system.* (1) Each producer of viscose rayon staple fiber shall set aside each month such amount of his production of viscose rayon staple fiber as may be designated by the Director of Industry Operations for sale and delivery to or for the account of persons putting wool owned by them into process, or causing such wool to be put into process by others for their account, on the worsted system, as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, on the worsted system, shall be eligible to purchase each month, out of the viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, an amount of such viscose rayon staple fiber not to exceed such percentage of his basic quarterly poundage as may from month to month be prescribed by the Director of Industry Operations: *Provided, however,* That no viscose rayon staple fiber so purchased shall be used in the manufacture of floor coverings.

(3) Each person eligible to purchase viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, shall place his order with the producers thereof on or before the first day of the month preceding the month in which delivery is to be made: *Provided, however,* That orders for delivery during the month of April shall be placed on or before March 21, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R.

¹ 7 F.R. 1570, 1854.

527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

This amendment shall take effect immediately.

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations

[F. R. Doc. 42-2303; Filed, March 16, 1942;
5:02 p. m.]

PART 1001—TIN

Conservation Order No. M-43-a (As amended March 17, 1942)

Section 1001.2 (Conservation Order M-43-a) as heretofore amended February 14, 1942, is hereby further amended to read as follows:

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

§ 1001.2 *Conservation order M-43-a—*
(a) *Prohibitions on use of tin in articles appearing on List A.* (1) Between January 1 and March 31, 1942, no person shall use in the manufacture of any item on List A more than 50% of the amount of tin used by him for such item during the corresponding calendar quarter of 1940.

(2) Effective April 1, 1942, no tin shall be used in the production of any item on List A.

(3) From and after the effective date of this Order, no person shall fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin-bearing material, for the purpose of making any units of items on List A, or parts thereof, unless such units or parts will be finished before April 1, 1942, and are completed within the 50% limitation imposed by sub-paragraph (a) (1) hereof.

(b) *Limitations on other uses of tin—*
(1) *General restrictions.* From January 1 to April 1, 1942, no person shall use in the manufacture of any article which is not on List A more than 50% of the amount of tin used by him for such article during the corresponding calendar quarter of 1940, and beginning April 1, 1942, no person shall in any calendar quarter use in the manufacture of any article not on List A more than 40% of the amount of tin used by him for such article during the corresponding calendar quarter of 1940: *Provided, however,* That no person shall use tin in the manufacture of any article not on List A, where or beyond the extent to which the use of any substitute material is practical, and in addition, no person shall use virgin tin in the manufacture of any article not on List A, where or beyond the extent to which the use of secondary tin metal is practical. Each person shall fill orders for repair and replacement parts for

articles not on List A in preference to orders for complete articles whenever the provisions of this paragraph (b) (1) prevent him from doing both.

(2) *Special restrictions.* In addition to the restrictions contained in paragraph (a) and sub-paragraph (b) (1), from and after the effective date of this Order, no person shall, unless specifically authorized by the Director of Industry Operations;

(i) Manufacture or use any lead base alloy (other than solder) having a tin content of more than 12% by weight;

(ii) Manufacture or use any tin alloy (other than solder) having a tin content of more than 12% by weight;

(iii) Prior to May 1, 1942, manufacture or use any solder having a tin content of more than 38% by weight, and on and after May 1, 1942, manufacture or use any solder having a tin content of more than 30% by weight;

(iv) Manufacture any material having a tin content of more than 7½% by weight for use in collapsible tubes;

(v) Use any virgin tin in the manufacture or treating of type metal;

(vi) Manufacture or use any terne metal having a tin content of more than 15% by weight for the production of cans (as defined in Conservation Order M-81), or any terne metal having a tin content of more than 10% by weight for coating long ternes (as defined in Supplementary Order M-21-e).

(3) *Restrictions on manufacturing jewelers.* From and after February 14, 1942, no manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by said date by any manufacturing jeweler: *Provided, however,* That any manufacturing jeweler who on or before April 1, 1942 files Form PD-229 with the War Production Board, Reference: M-43-a, may use before May 1, 1942 from tin to be set aside from his tin scrap and findings, or if these are insufficient, and to the extent these are insufficient, from his other inventory an amount of tin equal to three (3%) percent of the amount of tin used in jewelry by him during the year 1941.

(c) *Exceptions*—(1) *Exceptions to Paragraph (b) (1).* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations and restrictions contained in paragraph (b) (1) shall not apply to the manufacture of any product which is being produced:

(i) For delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Re-

search and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", (Lend-Lease Act) if in any such case the use of tin to the extent employed is required by the specifications of the prime contract; or

(ii) With the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns any rating higher than A-2; or

(iii) For use as bearing metal with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-3 or higher.

(2) *Exceptions to paragraphs (a) and (b).* The prohibitions, limitations, and restrictions contained in paragraph (a) and (b), (except those contained in paragraph (b) (3)), shall not apply:

(i) To the manufacture of products required to comply with Safety Regulations issued under governmental authority if and to the extent that such regulations cannot be complied with by the use of substitute materials;

(ii) To tin plating, terne plating, hot tinning or electroplating, where and to the extent that the material so processed is to be used in the manufacture of cans (as defined in Conservation Order M-81) and subject to all the applicable provisions, limitations and restrictions of Supplementary Order M-21-e, Conservation Order M-81, and any other or further Order or direction of the Director of Industry Operations;

(iii) To the manufacture and use of tinned wire for the packaging of food for human consumption, where such wire will be in direct contact with the food packaged, but only to the extent that any substitute for tin is impracticable.

(iv) To the manufacture of health supplies as defined in Preference Rating Order P-29, as the same may be amended, to the extent a preference rating of A-10 or higher is assigned under said Order to deliveries of tin (excluding pure tin collapsible tubes for packaging) for the manufacture of any such supplies;

(v) To the use of secondary tin metal in plates and type metal for the printing, publishing and related service industries: *Provided,* That the amount of secondary metal so used by any person during any calendar quarter shall be limited to the amount used by him for such purposes during the corresponding calendar quarter of 1940;

(vi) To the use of solder or solder foil in the preparation and manufacture of printing plates: *Provided,* That the tin content of such solder and solder foil, respectively, shall be limited from the effective date of this Order to May 1, 1942, to 38% by weight, and on and after May 1, 1942, to 30% by weight; *And provided further,* That no person shall use more solder or solder foil for such purposes during any calendar quarter than the quantity, respectively, so used by him during the corresponding calendar quarter of 1940;

(vii) To the use of soft babbitt foil for the preparation of industrial metallic

packings: *Provided,* That the tin content of such foil shall not exceed 1.5% by weight; *And provided further,* That no person shall use more soft babbitt foil for such purposes during any calendar quarter than the quantity so used by him during the corresponding calendar quarter of 1941;

(viii) To the manufacture of measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, flow meters, pressure gauges, gas analyzers and their associated control valves, but only to the extent that the use of any substitute material is impractical;

(ix) To the reuse of remelt bearing metal originating in the user's own plant: *Provided,* That no virgin tin or secondary tin shall be added thereto.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver any tin or tin bearing material or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this Order.

(e) *Limitation on inventories.* No manufacturer shall receive delivery of tin, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this Order.

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

(2) *Appeal.* Any person whose business is affected by this Order, and 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 tin conserved, or that compliance with this Order would disrupt or impair a program of defense work, may appeal to the War Production Board on Form PD-229, Reference M-43-a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof,

or pursuant to a contract supported by a preference rating. Insofar as any other Order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of tin in the production of any item or article, the limitations of such Order shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Tin" means tin metal or the tin content of any tin bearing material whether or not such material is first converted into tin metal, either imported from foreign sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Lead Base Alloy" means any alloy containing 50% or more of lead metal by weight.

(iii) "Tin Alloy" means any alloy containing 1.5% or more of tin metal by weight;

(iv) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include installation of a finished product for the ultimate consumer on the consumer's premises, or the processing of tin ore or scrap into pig or ingot metal.

(v) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person

(vi) An "Item on List A" means to a particular Manufacturer, all products made by him and described by the same detailed classification contained on List A; and, where the Manufacturer sells parts, it means all component parts of products described by the same detailed classification.

(vii) An "Article" means to a particular Manufacturer, all finished products made by him which are not on List A, used by the ultimate consumer for the same purpose; and where the Manufacturer sells parts, it means all component parts of products used by the ultimate consumer for the same purpose.

(viii) "Manufacturing Jeweler" means any Manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains or any component parts thereof.

(ix) "Use" means both (1) the act of putting tin into process in the manufacture of any item or article and (2) the act of completing the manufacture of any such item or article. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the

amount of material put into process during the base period and (2) the total amount of material contained in a completed item or article, multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(x) "Put into Process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(g) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 17th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

List A for Order M-43-a

The use of tin in items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Advertising Specialties.

Art Objects.

Automobile Body Solder.

Band and other Musical Instruments (except for maintenance and repair of pipe organs for religious and educational institutions).

Beverage Dispensing Units & Parts thereof including pipe (except for maintenance and repair of existing units, and only where and to the extent that used tin pipe in an amount equal in tin content to the tin required, is returned by the customer to the supplier).

Britannia Metal.

Broom Wire.

Buckles.

Buttons.

Chimes and Bells.

Emblems and Insignia.

Fasteners: Eyelets, Spiral Binders, Office & Industrial Staples, Book Match Clips, Paper Clips, Zippers, Dress Hooks.

Foil—except for: (1) Condensers, (2) Electrotyping and Moulding Lead in Printing Trade, (3) X-Ray Supplies and (4) Dental Use.

Galvanizing.

Household Furnishings & Equipment.

Jewelry.

Kitchen Equipment (including cutlery and tableware), except articles for food preparation.

Novelties, Souvenirs and Trophies.

Ornaments and Ornamental Fittings.

Pewter and Pewter Holloware.

Plating or Coating for Decorative Purposes.

Powder (decorative).

Refrigerator Trays and Shelves.

Seals and Labels (except meat seals).

Slot, Game and Vending Machines.

Coated Paper.

Oxide in Enamelware as an Opacifier.

Toys.

[F. R. Doc. 42-2829; Filed, March 17, 1942; 11:54 a. m.]

PART 1040—VENDING MACHINES

Supplementary Limitation Order L-27-a

In accordance with the provisions of § 1040.1 (General Limitation Order L-27) which the following Order supplements,

§ 1040.2 *Supplementary Limitation Order L-27-a—(a) Restrictions After April 30, 1942.* (1) Except as provided in subparagraphs (a) (2) and (a) (4), no manufacturer of vending machines shall, after April 30, 1942, process, fabricate, work on or assemble any materials for use in the manufacture of vending machines, nor shall any manufacturer of vending machines manufacture or assemble any vending machines after that date.

(2) The restrictions contained in subparagraph (a) (1) shall not apply to the manufacture of vending machines which are used to vend sanitary napkins for women. During the three months' period beginning May 1, 1942 and ending July 31, 1942, and for each three months' period thereafter, each manufacturer of vending machines may use in the manufacture of such vending machines used to vend sanitary napkins for women:

(i) three times 50% of the monthly average of iron and steel used by him in the manufacture of such vending machines used to vend sanitary napkins for women during the twelve months ending June 30, 1941, and

(ii) three times 25% of the monthly average of metals other than iron, steel, or prohibited metals used by him in the manufacture of such vending machines used to vend sanitary napkins during the twelve months ending June 30, 1941.

(3) No manufacturer of vending machines shall use any prohibited metals or alnico magnets in the manufacture of any vending machines pursuant to subparagraph (a) (2) after April 30, 1942.

(4) The restrictions contained in subparagraphs (a) (1), (a) (2) and (a) (3) shall not apply to the manufacture of repair and replacement parts for vending machines. During the three months' period beginning May 1, 1942 and ending July 31, 1942, and for each three months' period thereafter, each manufacturer of vending machines may use in the manufacture of repair and replacement parts for vending machines three times 100% of the monthly average of iron, steel, prohibited metals and other metals used by him in the manufacture of such repair and replacement parts for vending machines during the twelve months ending June 30, 1941. For the purposes of this subparagraph, "repair and replacement parts" shall mean such parts as are essentially required for the restoration of vending machines to a sound operating condition when such equipment has been rendered unfit or unsafe for use through wear, tear, damage or destruction of parts or other similar causes. It shall not include the substitution of equipment of greater capacity than the equipment which is replaced.

(b) *Acceleration of April, 1942 quotas.* From the effective date of this Order, the restrictions contained in subparagraph (b) (2) of Limitation Order L-27

shall not prevent any manufacturer of vending machines from accelerating his rate of production during the month of March, 1942, in order to produce all or any part of the quota of vending machines that he is permitted to produce during the month of April, 1942, in lieu of producing such vending machines during the month of April, 1942.

(c) *Communications.* All appeals and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L-27-a.

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

Issued this 17th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2331; Filed, March 17, 1942; 11:54 a. m.]

PART 1112—OFFICE MACHINERY

Interpretation No. 1 of General Limitation Order No. L-54¹

The following official interpretation of the meaning of the term "typewriter" is hereby issued by the Director of Industry Operations:

The term shall not include billing and continuous forms handling typewriters; Braille typewriters; toy typewriters; wide-carriage (18-inch or wider) typewriters with special inbuilt features designed for statistical or accounting work; shorthand writing machines; telegraphically controlled typewriting machines; linotype machines; or monotype machines. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 17th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2328; Filed, March 17, 1942; 11:54 a. m.]

PART 1112—OFFICE MACHINERY

Conversion Order No. L-54-a

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of typewriters for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the

¹ 7 F.R. 1755, 1794.

public interest and to promote the national defense:

§ 1112.2 *Conversion Order L-54-a—*
(a) *Definitions.* For the purpose of this order:

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

(2) "Manufacturer" means any person manufacturing typewriters, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said Manufacturer.

(3) "Dealer" means any wholesaler, retailer or other distributor of typewriters other than sales and distribution outlets controlled by a Manufacturer.

(4) "Typewriter", unless expressly otherwise stated, includes nonportable typewriters, (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include billing and continuous forms handling typewriters; wide carriage (18 inches or wider) typewriters designed for statistical or accounting work; shorthand writing machines, telegraphically controlled typewriters; braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

(5) "Sets of Parts" means typewriter parts fabricated at plants in the United States and shipped to foreign countries for assembly into typewriters.

(b) *General restrictions.* No manufacturer shall hereafter manufacture typewriters in greater numbers than specifically authorized here or from time to time hereafter by the Director of Industry Operations; and no person shall hereafter distribute, or receive delivery of, new or used typewriters in any manner other than as specifically authorized here or from time to time hereafter by the Director of Industry Operations or any governmental agency authorized by the Chairman of the War Production Board to regulate the distribution of new or used typewriters.

(c) *Authorized production quotas—*(1) *Quotas from March 15, 1942 to June 30, 1942.* During the period commencing March 15, 1942, and ending May 31, 1942, and the month of June 1942, respectively, each manufacturer shall manufacture quantities of non-portable and portable typewriters, or parts therefor (not including sets of parts for export), not in excess of the following percentages of the average monthly number of non-portable and portable typewriters (not including parts therefor or sets of parts for export) respectively, billed to customers

by such manufacturer during the calendar year 1941:

Name of manufacturer	March 15- May 31, 1942,	June 1942
	Non-portable production	
	Percent	Percent
Underwood Elliott Fisher Co....	2½ times 75	53
Remington Rand, Inc.....	2½ times 75	53
Royal Typewriter Company, Inc.....	2½ times 75	53
L. C. Smith & Corona Type- writers, Inc.....	2½ times 75	53
International Business Ma- chines Corp.....	2½ times 75	53
Woodstock Typewriter Co.....	2½ times 90	75
	Portable production	
	Percent	Percent
Underwood Elliott Fisher Co....	2½ times 36	11
Remington Rand, Inc.....	2½ times 36	11
Royal Typewriter Co., Inc.....	2½ times 36	11
L. C. Smith & Corona Type- writers, Inc.....	2½ times 36	11

Provided, however, That any manufacturer who does not produce his quota of non-portable or portable typewriters, including parts therefor, during the quota period March 15 to May 31, 1942, may exceed production quotas for subsequent periods to produce a quantity of non-portable or portable typewriters, or parts therefor, as the case may be, equal to the amount of such deficiency.

(2) *Sets of parts for export.* Each manufacturer may produce for export during the period commencing March 15, 1942, and ending May 31, 1942, and the month of June, 1942, respectively, a number of sets of parts for non-portable and portable typewriters, not in excess of the following percentages of the average monthly number of sets of parts for non-portable and portable typewriters, respectively, shipped from his factories during 1941:

Name of manufacturer	March 15- May 31, 1942,	June 1942
	Non-portable production	
	Percent	Percent
Underwood Elliott Fisher Co....	2½ times 75	53
Remington Rand, Inc.....	2½ times 75	53
Royal Typewriter Company, Inc.....	2½ times 75	53
L. C. Smith & Corona Type- writers, Inc.....	2½ times 75	53
International Business Machines Corp.....	2½ times 75	53
Woodstock Typewriter Co.....	2½ times 90	75
	Portable production	
	Percent	Percent
Underwood Elliott Fisher Co....	1½ times 36	11
Remington Rand, Inc.....	1½ times 36	11
Royal Typewriter Company, Inc.....	1½ times 36	11
L. C. Smith & Corona Type- writers, Inc.....	1½ times 36	11

The right to produce and export any such sets of parts shall not be construed to authorize the export of such sets unless export licenses can be secured.

Provided, however, That any manufacturer who is unable to ascertain the physical quantity of sets of parts for non-portable or portable typewriters which he shipped from factories during 1941 may produce for export a dollar value of such non-portable or portable sets of parts not in excess of the above-mentioned percentages of the average monthly dollar value of sets of parts for non-portable or portable typewriters, respectively, shipped from his factories during 1941.

The quantity of sets of parts for non-portable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No manufacturer so producing and exporting sets of parts shall, directly or indirectly, import any typewriters into the United States.

(3) *Distribution among models and types.* No manufacturer shall produce, in any production quota period, a percentage of noiseless typewriters to total non-portable typewriter production in excess of the percentage which the quantity of noiseless typewriters billed to his customers in 1941 is of all non-portable typewriters billed to his customers in 1941.

Unless expressly otherwise authorized by the Director of Industry Operations, manufacturers shall produce their production quotas of portable typewriters in accordance with specifications of the Army or Navy of the United States.

(d) *Restrictions not applicable to replacement parts; distribution of replacement parts.* The restrictions upon the production of portable and non-portable typewriters and parts therefor shall not be construed to limit the production of parts to be used to service and repair typewriters: *Provided, however,* That no manufacturer shall produce parts in excess of quantities required to maintain a minimum practicable working inventory of such service and repair parts.

During the balance of the calendar year 1942 each manufacturer whose practice has been to sell parts to persons engaged in the servicing or repair of typewriters shall make available to persons engaged in the servicing or repair of typewriters, and willing and able to meet regularly established prices and terms of sale or payment, a supply of maintenance and repair parts not to exceed 150% of the dollar value of sales by such manufacturer to such person during the calendar year 1941, or if such person was not engaged in such servicing or repair during 1941, a reasonable supply. Deliveries of such maintenance and repair parts shall be apportioned throughout the year. No person servicing or repairing typewriters shall maintain a stock of such parts in excess of the minimum practicable working inventory.

(e) *Revocation of General Limitation Order L-54¹* General Limitation Order L-54, and all amendments thereto and interpretations thereof, are hereby revoked: *Provided, however,* That all de-

liveries expressly authorized thereunder by the Director of Industry Operations may be completed.

(f) *Distribution of typewriters by manufacturers—(1) Distribution of non-portable typewriters.* On and after the date of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating, each manufacturer shall distribute his production and stock of new non-portable typewriters as follows:

(i) Each manufacturer shall, in each quota period, make available to the Army of the United States, including the War Department, a quantity of new non-portable typewriters equal to 48.9 per centum of his production for such quota period.

(ii) Each manufacturer shall, in each quota period, make available to the Navy of the United States, including the Navy Department, a quantity of new non-portable typewriters equal to 19.6 per centum of his production for such quota period.

(iii) Unless expressly otherwise authorized by the Director of Industry Operations, the quantities to be made available to the Army and Navy of the United States shall be cumulative, and shall be held available until such time as required by the Army or Navy, as the case may be.

(iv) Each manufacturer shall set aside, to be distributed in accordance with express authorizations of the Director of Industry Operations, a quantity of new non-portable typewriters equal to his stocks of new non-portable typewriters on the date of issue of this order plus 31.5 per centum of his production in each production quota period.

(2) *Distribution of portable typewriters.* On and after the date of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating, no manufacturer of portable typewriters shall deliver any of his stocks of new portable typewriters or of his future production thereof except to the Army or Navy, unless expressly otherwise authorized by the Director of Industry Operations.

(g) *Distribution of typewriters by persons other than manufacturers.* In accordance with the terms of Supplementary Directive 10, stocks of new non-portable and portable typewriters now in the hands of dealers, and all imports of new typewriters, are made available to the Office of Price Administration for rationing; and no dealer shall deliver any such typewriters except in accordance with such rules, regulations and authorizations as may be issued by the Office of Price Administration.

Provided, however, That any dealer, other than a manufacturer, may deliver new typewriters in stock to any manufacturer willing to accept the same. Such typewriters shall, however, remain subject to rationing rules, regulations and authorizations of the Office of Price Administration.

Provided, further, That any dealer may deliver a new typewriter to the Army or Navy of the United States and replace any such delivery, by presenting a copy of the purchase order, dated on or after the date of issue of this order, to the Manufacturer making the delivered brand. Manufacturers shall deliver typewriters at regularly established prices and terms of sale or payment to dealers upon presentation of such purchase orders, and shall reduce correspondingly the number of typewriters required under paragraph (f) to be made available to the Army or the Navy, as the case may be.

(h) *Persons entitled to receive new typewriters.* (1) *Persons other than United States agencies and exporters.* In accordance with the terms of Supplementary Directive 10, persons other than agencies of the United States, and governmental agencies or other persons acquiring new typewriters for export may purchase, accept, or otherwise receive delivery of new typewriters only as authorized by the Office of Price Administration.

(2) *Army and Navy.* Without further authorization, the Army of the United States, including the War Department, may acquire, during the period March 15, to May 31, 1942, 27,908 new portable typewriters, and 53,319 new non-portable typewriters; during June 1942, 3,409 new portable typewriters and 15,172 new non-portable typewriters; and during each month thereafter until further notice, 3,409 new portable typewriters and 15,172 new non-portable typewriters. Without further authorization the Navy of the United States, including the Navy Department, may acquire, during the period March 15 to May 31, 1942, 7,855 new portable typewriters and 21,373 new non-portable typewriters; during June 1942, 959 new portable typewriters and 6,081 new non-portable typewriters; and during each month thereafter until further notice, 959 new portable typewriters and 6,081 new non-portable typewriters.

Quotas not taken up by the Army or Navy during any quota period may be carried over and acquired in subsequent periods.

(3) *Exporters.* (i) *Lend-lease.* Any agency of the United States government acquiring new typewriters to be delivered to, or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) shall purchase, accept delivery of, or otherwise acquire new typewriters only upon express authorization of the Director of Industry Operations. Manufacturers and dealers shall deliver new typewriters to any such agency upon the presentation of an authorization signed by the Director of Industry Operations. Any dealer may receive any new typewriter to fill any such order from any manufacturer producing such typewriters, and manufacturers shall deliver typewriters to such dealers upon the presentation of any such authorization.

¹ 7 F.R. 1755, 1794, and Interpretation No. 1, *supra*.

(ii) *Other than lend-lease.* No governmental agency or other person acquiring new typewriters for export shall purchase, accept delivery of, or otherwise receive new typewriters except upon express authorization of the Director of Industry Operations. Any person desiring to acquire a new typewriter for export from the United States must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C. for an Export License. If the Office of Export Control recommends that an Export License be issued to the applicant, the War Production Board will be notified, and an authorization, on Form PD-365, to acquire a new typewriter may be issued to the applicant or to a person designated by the Board of Economic Warfare for his account. Upon presentation of said Form PD-365, duly signed, any Manufacturer or Dealer is authorized to deliver a new typewriter. Any dealer may receive any typewriter to fill any such order from any Manufacturer producing such typewriters, and manufacturers shall deliver typewriters to dealers upon the receipt of any such authorizations on Form PD-365.

(4) *Other Government agencies.* Except as specified in paragraphs (2) and (3), above, no agency of the United States may purchase new typewriters except the Procurement Division of the Treasury Department. Once each month the Director of Industry Operations shall expressly authorize said Procurement Division to acquire specific quantities and brands of new typewriters and said Procurement Division shall distribute such new typewriters to such agencies of the United States government (other than the Army, the Navy, and agencies acquiring new typewriters for export) and in such quantities, and brands, as the Director of Industry Operations shall authorize. Any such agency which believes it will require such new typewriters during any month shall file, on or before the 25th day of the month preceding, Form PD-366 with the Procurement Division of the Treasury Department which shall forward all such forms to the Director of Industry Operations. The Director of Industry Operations shall thereupon authorize said Procurement Division to acquire and distribute such quantities of new typewriters as, in his opinion, shall be necessary or appropriate in the public interest and to promote the national defense. No such agency shall request a new typewriter unless, to the best of its knowledge, such typewriter and all other typewriters possessed by the agency will be actually employed during the succeeding month.

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

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

1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter directed to the Director of Industry Operations, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of typewriters.

(m) *Reports.* All persons affected by this order shall execute and file with the Office Machinery and Services Branch, Division of Industry Operations, War Production Board, such reports and questionnaires as said branch shall from time to time request.

(n) *Communications to War Production Board.* All reports required to be filed hereunder, all communications concerning this Order, and all applications directly to the Division of Industry Operations, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-54-A.

(o) *Effective date.* This order shall take effect upon the date of the issue thereof and shall continue in effect until revoked by the Director of Industry Operations, subject to such changes and supplements thereof as shall be issued from time to time. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 17th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-2330; Filed March 17, 1942; 11:55 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

ORDER AMENDING ENFORCEMENT SECTIONS OF CERTAIN REVISED PRICE SCHEDULES

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.¹

¹ The statement of considerations has been filed with the Division of the Federal Register.

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered that the respective enforcement sections of Revised Price Schedules, listed in paragraph (b), are amended to read as follows:

(a) *Enforcement.* (1) Persons violating any provision of this Revised Price Schedule No. ----- are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

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

(b) The applicable section number and schedule number is to be inserted for each Revised Price Schedule as follows: the section number should precede the headnote of the section and the schedule number should appear in the text at the spaces indicated. The respective section number and schedule number are as follows:

Sec.	Revised Price Schedule No.	Sec.	Revised Price Schedule No.
1301.5	1	1330.57	55
1302.6	2	1315.57	56
1303.6	3	1352.9	57
1304.10	4	1354.6	58
1306.6	6	1353.7	59
1307.7	7	1334.57	60
1308.6	8	1314.57	61
1314.8	9	1358.6	62
1316.9	11	1315.106	63
1309.15	12	1356.9	64
1312.5	13	1315.1206	65
1309.56	15	1335.506	68
1334.4	16	1355.5	69
1333.6	17	1355.60	70
1339.7	18	1357.5	71
1312.30	19	1340.105	72
1309.65	20	1363.6	73
1335.56	21	1363.56	74
1340.25	22	1362.6	75
1337.18	23	1335.705	76
1342.6	24	1345.56	77
1312.55	26	1335.555	78
1335.155	28	1335.605	79
1345.5	29	1335.655	80
1347.6	30	1303.55	81
1335.206	31	1336.58	83
1347.57	32	1336.107	84
1307.56	33	1360.57	85
1335.256	34	1380.7	86
1316.57	35	1315.1256	87
1335.306	36	1340.155	88
1335.356	37	1316.107	89
1335.406	38	1401.55	90
1325.57	39	1351.258	91
1346.5	40	1351.306	92
1306.107	41	1348.5	93
1335.456	42	1312.255	94
1306.206	43	1401.6	95
1312.155	44	1330.106	96
1346.55	45	1312.305	97
1306.256	46	1335.755	98
1347.106	47	1335.805	99
1306.155	49	1306.305	100
1351.5	50	1335.855	101
1351.58	51	1330.56	102
1351.108	52	1335.955	103
1351.155	53	1335.905	104
1312.205	54	1406.5	105

(Pub. Law 421, 77th Cong., 2nd Sess.)

This Order shall become effective March 16th, 1942. Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2301; Filed, March 16, 1942;
4:59 p. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 16¹—RAW CANE SUGARS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.²

Two new sections, §§ 1334.8a and 1334.13, are added as set forth below:

§ 1334.13 *Temporary exception for raw cane sugars from foreign countries other than Cuba.* (a) There shall be excepted from the provisions of § 1334.9 (a) (1) and (a) (2) of Revised Price Schedule No. 16 raw cane sugars from foreign countries other than Cuba: *Provided*, such sugars:

(1) Are delivered to United States Atlantic ports north of Cape Hatteras;

(2) Are purchased by a refiner or by any person for resale to a refiner for Lend-Lease purposes at prices not in excess of the maximum prices established therefor by this § 1334.13;

(3) When refined, or an equivalent amount of refined sugar, raw value, are offered to the Federal Surplus Commodities Corporation for Lend-Lease purposes or are used to fulfill such an offer previously accepted by the Federal Surplus Commodities Corporation for Lend-Lease purposes.

(b) The maximum prices per pound for such raw cane sugars from foreign countries other than Cuba of 96 degrees polarization cost and freight basis, not including duty, shall be as follows (duty and excise tax shall be for refiner's account):

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 2.8025 cents.

(2) United States Atlantic ports north of New York, 2.8225 cents. (Pub. Law 421, 77th Cong. 2d Sess.)

§ 1334.8a *Effective dates of amendments.* (a) Amendment No. 1 (1334.13) to Revised Price Schedule No. 16 shall become effective on March 17, 1942 and shall, unless earlier revoked or extended, expire at twelve o'clock midnight June 20, 1942. (Pub. Law 421, 77th Cong. 2d Sess.)

Issued this 17th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2324; Filed, March 17, 1942;
11:40 a. m.]

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 82¹—WIRE, CABLE AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.²

Sections 1349.1 (a), 1349.4, 1349.5, 1349.7 (a) (14), 1349.7 (a) (17), 1349.10 and 1349.11 are amended to read as set forth below. Two new paragraphs (h) and (i) are added to § 1349.8 and two new §§ 1349a and 1349.12, are added as set forth below:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver wire, cable or cable accessories and no person shall buy or receive from a manufacturer wire, cable or cable accessories in the course of trade or business at prices higher than the maximum prices set forth in Appendices A, B and C hereof, incorporated herein as §§ 1349.10 to 1349.12, inclusive; and no manufacturer or other person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of wire, cable or cable accessories to a purchaser if prior to January 29, 1942 such wire, cable or cable accessories had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1349.4 *Records and reports.* (a) Every manufacturer of wire, cable or cable accessories making any sale after January 29, 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 sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer 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 transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington,

D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer. Every such manufacturer shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance.

(d) On or before April 6, 1942 every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., a statement of each standard estimating procedure in use on October 15, 1941, together with a general list of the products for which each such standard estimating procedure is used and an illustrative computation under each.

(e) Manufacturers wishing to establish price sheets for wire, cable or cable accessories developed subsequent to October 15, 1941, or sold on or before October 15, 1941, without listing in price sheets shall submit to the Office of Price Administration, Washington, D. C., not less than ten days before the proposed date of issuance of such price sheets, a report on such wire, cable or cable accessories. Such report shall contain copies of the price sheets proposed to be issued, a description of the products covered, price and cost estimate sheets, and any other material relevant to the determination of prices listed in such price sheets.

(f) Manufacturers wishing to use a new standard estimating procedure not in use on or before March 17, 1942, shall submit a report to the Office of Price Administration, Washington, D. C., not less than ten days before the proposed use of such new standard estimating procedure. Such report shall contain a statement of such proposed standard estimating procedure, a general list of the products for which it is to be used, an illustrative computation thereunder, a statement of the reasons for its adoption, and any other material relevant to the selection of such new standard estimating procedure. Manufacturers using standard estimating procedures prior to March 17, 1942, but not on or before October 15, 1941, shall submit a report to the Office of Price Administration, Washington, D. C., on or before April 6, 1942. Such report shall contain the information hereinbefore required in connection with new standard estimating procedures.

(g) If the maximum prices for wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix C hereof, incorporated herein as § 1349.12, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price and cost estimate sheets, the proposed billing date, a statement that no standard estimating procedure is applicable and the reasons therefor, and a statement, where applicable, of differentials in the cost of material used in substitution for materials no longer available, all certified by an authorized

¹ 7 F.R. 1239.

² Filed with the Division of the Federal Register.

¹ 7 F.R. 1358.

² The statement of considerations has been filed with the Division of the Federal Register.

agent having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be deemed approved unless an objection is received from the Office of Price Administration before such proposed billing date.

(h) Persons affected by Revised Price Schedule No. 82 shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require, either in addition to or in substitution for the reports herein provided for.

§ 1349.5 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 82 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 82 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1349.7 *Products subject to Revised Price Schedule No. 82.* The term: (a) "wire, cable and cable accessories" means:

Any copper, copperclad or copper alloy wire or assembly or wires used for conducting electricity, including the following types:

(14) *Special purpose communication, control or signal wire and cable* which shall include single or multiple conductors, rubber, cotton or synthetic insulated whether or not saturated with a weather resistant compound and with or without a fibrous or metallic protective covering.

(17) *Flexible cord and cord sets—Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances. *Cord sets* which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus. Specifically included are battery cables and wiring harnesses such as used in automobiles, tanks or airplanes.

§ 1349.8 *Definitions.* When used in Revised Price Schedule No. 82 the term:

(h) "Standard estimating procedure" means any general method or formula

used by a manufacturer for determining prices of wire, cable or cable accessories not listed in price sheets which utilizes the manufacturer's knowledge and experience in the manufacture of the same or similar products.

(i) "Developmental contract" or "developmental subcontract" means any contract or arrangement whereby a manufacturer agrees to produce one or more samples of wire, cable or cable accessories pending the selection of a product or the accumulation of sufficient manufacturing experience to permit the setting of a price for such product, or both, but shall not include an order for production of such product in quantity at a fixed price.

§ 1349.10 *Appendix A: Maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except solid copper Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.

(b) Maximum prices for solid copper Weatherproof Wire shall be computed in applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid soft drawn, weatherproof copper wire and cable, shipped in less than carload lots.

(c) Price sheets may be established for wire, cable or cable accessories developed subsequent to October 15, 1941, or sold on or before October 15, 1941, without listing in price sheets. Maximum prices for such wire, cable and cable accessories shall be the prices listed in such new price sheets after such sheets have been submitted to and approved in writing by the Office of Price Administration pursuant to § 1349.4 (e).

§ 1349.11 *Appendix B: Maximum prices for wire, cable and cable accessories priced in accordance with standard estimating procedures.* For all wire, cable and cable accessories not covered by Appendix A, incorporated herein as § 1349.10:

(a) for which a standard estimating procedure or formula was in effect on or before October 15, 1941, maximum prices shall be the net prices the manufacturer thereof would have charged on October 15, 1941, if such prices had been calculated upon labor and materials costs existing on such date and by the use of such standard estimating procedure or formula.

(b) for which a standard estimating procedure was not in effect on or before October 15, 1941, but for which a standard estimating procedure has been submitted to and approved in writing by the Office

of Price Administration pursuant to § 1349.4 (f), maximum prices shall be the net prices calculated by the use of such estimating procedure.

Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided above plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.

§ 1349.12 *Appendix C: Maximum prices for wire, cable and cable accessories not covered by §§ 1349.10 or 1349.11. Appendices A or B.* For all wire, cable and cable accessories not covered by Appendices A or B, incorporated herein as §§ 1349.10 and 1349.11, maximum prices shall be the prices the manufacturer thereof would have charged on October 15, 1941, employing experience acquired by him subsequent to such date in manufacturing the same or similar products, and adjusted to reflect differentials in the cost of materials used in substitution for materials no longer available. Such prices shall not become effective until submitted to and approved by the Office of Price Administration pursuant to § 1349.4 (g): *Provided*, That nothing in Revised Price Schedule No. 82 shall be construed as setting maximum prices for any wire, cable or cable accessories manufactured pursuant to a developmental contract with any agency of the United States or pursuant to a developmental subcontract authorized by an agency of the United States.

§ 1349.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1349.1 (a), 1349.4, 1349.5, 1349.7 (a) (14), 1349.7 (a) (17), 1349.8 (h), 1349.8 (i), 1349.9a, 1349.10, 1349.11, 1349.12) to Revised Price Schedule No. 82 shall become effective March 17, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2325; Filed, March 17, 1942; 11:40 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 85¹—NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.²

§ 1360.51 (b) is amended to read as follows:

§ 1360.51 *Maximum wholesale price for new passenger automobiles.*

(b) In the event that the automobile is without equipment which was standard on October 15, 1941, the maximum prices shall be reduced by the wholesale value of the equipment removed. This provision

¹ 7 F.R. 1364, 1675.

² The statement of considerations has been filed with the Division of the Federal Register.

shall not apply to the Ford Motor Company.

§ 1360.60a *Effective dates of amendments.*

(b) Amendment No. 2 (§ 1360.51 (b), 1360.60a (b)) to Revised Price Schedule No. 85 shall be effective as of February 2, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2296; Filed, March 16, 1942;
4:58 p. m.]

TITLE 35—PANAMA CANAL
CHAPTER I—CANAL ZONE
REGULATIONS

PART 28—PHOTOGRAPHING

By virtue of and pursuant to the authority vested in me by section 15 of title 2 of the Canal Zone Code, as added by the Act of Congress of December 12, 1941 (Pub. No. 336—77th Congress), and having, in the interests of the protection of the Panama Canal and Canal Zone, determined that the parts or features of the Panama Canal and the areas, objects, installations, or structures within the Canal Zone, which are hereinafter described or enumerated, require protection against the general dissemination of information relative thereto, I hereby prescribe the following regulations, effective March 10, 1942:

Sec.

- 28.1 Areas, objects, or structures, photographing, etc., of which is prohibited.
- 28.2 Areas within which photographing, etc., is prohibited.
- 28.3 Areas within which possession of cameras is prohibited.
- 28.4 Exception as to certain areas and personnel.
- 28.5 Exception as to activities in course of official duties.
- 28.6 Punishment for violations.

§ 28.1 *Areas, objects, or structures, photographing, etc., of which is prohibited.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any of the following areas, objects, installations, or structures within the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal, and promptly submitting the product obtained to the Governor for such action as he may deem necessary:

- (a) Bridges, highway or railroad; underpasses; trestles; or approaches thereto.
- (b) Any Canal Zone area from the air or from Panama Railroad coaches, cars, or other rolling equipment.
- (c) Coaling plants or appurtenant docks, cranes, structures or installations.
- (d) Cold storage plants; food storage or processing plants.
- (e) Camps, concentration or detention, or quarantine stations.

(f) Cranes, floating, stiff-leg or locomotive.

(g) Dams or appurtenant spillways, structures or installations.

(h) Docks, piers, wharves, quays, or appurtenant structures or installations.

(i) Dredges.

(j) Dry docks, or appurtenant structures or installations.

(k) Explosives, magazines or dumps.

(l) Ferries, ferry ramps, slips or landward approaches.

(m) Gravel plants or appurtenant structures or installations.

(n) Locks, completed or under construction, or appurtenant control houses, gates, dams, walls, excavations, structures, installations or areas.

(o) Oil, fuel, or gasoline storage tanks or appurtenant pipe lines, pumping plants, farms, areas, structures or installations.

(p) Power plants, hydro-electric, Diesel-electric or steam-electric or appurtenant structures, installations or areas.

(q) Quarries, or appurtenant structures, installations, areas, crushers or hoppers.

(r) Railroad terminals, yards, or locomotives.

(s) Ships, vessels, or any floating craft of any nature.

(t) Shops, of Mechanical Division, Dredging Division, Municipal Engineering Division, Motor Transportation Division, or appurtenant structures, installations or areas.

(u) Storehouses, storage yards, supply dumps, or warehouses.

(v) Signal stations, or appurtenant structures, or installations.

(w) Electrical substations, transformers, switching stations, or appurtenant structures, installations, indoor or outdoor.

(x) Tunnels.

(y) Water tanks, reservoirs, filter plants, pumping plants, intakes, pipe lines, or appurtenant installations, structures.

(z) Military or Naval reservations, posts, camps, stations, depots, forts, fortifications, storehouses, fuel oil tanks, air bases, air fields, landing fields, anti-aircraft or searchlight positions, fire control or aircraft warning positions, radio stations, radio direction finder stations, ammunition storage depots, dumps, magazines, section bases, submarine bases, roads or trails, or any other places occupied by military or naval forces, whether temporarily or otherwise, or any appurtenant structures, installations or equipment, or any area adjacent to any of the above.

(aa) Any object, installation, structure, material or equipment of any branch of the military or naval services which is the property of, or is being used by the U. S. Army or U. S. Navy, wherever located and whether serviceable or unserviceable; any aircraft, airplane or seaplane, whether in flight, on the ground, on the water, or at anchorage; any areas, objects or structures damaged or destroyed as a result of military, naval, or air action by enemy or friendly troops; any camouflage, artificial or natural, wherever located; any movements of

troops or equipment, whether by air, land, or water, or whether in combat or otherwise.

(bb) Any extensive area within the Canal Zone which shows the topography of such area.

(cc) Any port, port area, anchorage basin, canal channel, approach to the canal channel, mine field, beach or shoreline.

(dd) Any area, object, structure or installation that is posted by authority of the Governor with signs prohibiting the photographing thereof.

(ee) Any airraid shelter or other shelter for the protection of military or naval personnel or material in case of attack.*

§§ 28.1 to 28.6, inclusive, issued under the authority contained in sec. 15, Canal Zone Code, Pub. Law 336, 77th Cong.

§ 28.2 *Areas within which photographing, etc., is prohibited.* No person shall make any photograph, sketch, drawing, map or graphical representation within or upon any of the following areas, objects, installations, or structures in the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal, and promptly submitting the product obtained to the Governor for such action as he may deem necessary:

(a) On board any ship, vessel or other floating craft of any nature in Canal Zone waters.

(b) The airspace above the Canal Zone.

(c) Dam and spillway areas.

(d) Oil storage areas.

(e) Shop areas of Mechanical Division, Dredging Division, Municipal Engineering Division, Motor Transportation Division.

(f) Lock areas for existing locks and for those locks under construction.

(g) Docks and pier areas.

(h) Any area containing any object, structure, or installation included in § 28.1 of the regulations in this part that is enclosed by a fence; or any area posted by authority of the Governor with signs prohibiting photographing therein.

(i) Any military or naval reservation, post, camp, station, depot, fort, fortification, air base, air field, landing field, anti-aircraft or searchlight position, fire control or aircraft warning position, radio station, radio direction finder station, ammunition storage depot, dump, magazine, section base, submarine base, railroad track or right of way, or any other area exclusively assigned or used for military or naval operations.

(j) Any waters, port areas, anchorage basin, canal channel, approach to the canal channel, or mine field of or in the Panama Canal.

(k) On board any train, coach, car or other rolling equipment of the Panama Railroad Company.*

§ 28.3 *Areas within which possession of cameras is prohibited.* No person shall have any camera in his possession within any of the following areas in the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal:

(a) (1) On board any vessel in transit through the Panama Canal. (See paragraph (b) of this section.)

(2) The airspace above the Canal Zone. (See paragraph (c) of this section.)

(3) Any dam or spillway area.

(4) Oil storage areas.

(5) Shop areas of the Mechanical Division and Dredging Division.

(6) Locks areas for existing locks and for those under construction.

(7) Dock areas at Cristobal and Balboa, except on those piers and docks used for passenger embarkation and when camera is being carried by or for a bona fide passenger in actual transit to or from his ship at such dock or pier.

(8) Any military or naval reservation, post, camp, station, depot, fort, fortification, air base, air field, landing field, anti-aircraft or searchlight position, fire control or aircraft warning position, gun emplacement, battery, defense work or position, signal tower or station, military fortification, radio station, radio direction finder station, ammunition storage depot, dump, magazine, section base, submarine base, any other area exclusively assigned or used for military or naval operations, or any of the islands at the Pacific entrance to the Canal.

(b) Referring to subparagraph (1) of this paragraph, all persons on board any vessel destined for transit through the Panama Canal shall, prior to the beginning of such transit, or, if embarking in the Canal Zone, immediately upon embarkation, deliver to the master of the vessel any and all cameras in the possession of such persons; such cameras to be, as required by Executive Order No. 8382, March 25, 1940, 5 F.R. 1185, retained by the master in his possession, in a secure and inaccessible place, until the disembarkation of the original possessors thereof or until the transit is completed, and this item shall not apply to possession and keeping of cameras by masters of vessels as herein provided.

(c) Referring to subparagraph (2) of this paragraph, all persons on board any aircraft destined for navigation into, within, or through the airspace above the Canal Zone shall, before the aircraft takes off from the last point of landing prior to entry into the airspace above the Canal Zone, deliver to the commander or person in responsible charge of the aircraft any and all cameras in the possession of such persons; such cameras to be, as required by Executive Order No. 8251, September 12, 1939, 35 CFR 5.18a to 5.18i, sealed prior to taking off from the last point of landing prior to entry into the airspace above the Canal Zone and to remain under seal while within the said airspace, and this item shall not apply to possession and keeping of such cameras by the commander or person in responsible charge of such aircraft.*

§ 28.4 *Exception as to certain areas and personnel.* None of the provisions of these regulations shall be construed to prohibit:

(a) The possession of cameras in any area by army, navy, or civilian personnel on duty at or employed in such area and

habitually residing therein, or by the bona fide guests of any of the foregoing; or

(b) The commanding officer or person in charge of areas where the possession of cameras is generally prohibited, or their representatives, from temporarily receiving for deposit and safeguarding cameras of any person living on or visiting such areas; or

(c) The taking of photographs of or within military or naval reservations, or other areas exclusively assigned or used for military or naval operations by persons lawfully in possession of cameras within such areas under the provisions of these regulations: *Provided*, That such photographs do not include any military or naval equipment or installations, or any structures, supplies, troops, camouflage, or other thing of military value or any extensive area within such areas: *And provided further*, That the product obtained shall be submitted promptly to the Governor or to the Commanding Officer of the military or naval reservation or other area upon which it was taken or where the taker resides if he is in the military or naval service or employed by either service, for such action as may be deemed necessary.*

§ 28.5 *Exception as to activities in course of official duties.* None of the provisions of these regulations shall apply to activities of the kind covered by these regulations which are conducted or performed by persons in the service or employ of the United States in the course of their official duties or which may be specifically authorized by or under the direction of the Commanding General, Panama Canal Department, or other competent military or naval authority to be conducted or performed.*

§ 28.6 *Punishment for violations.* Any person who shall violate any of the regulations established hereby shall be punishable, as provided in section 15 of title 2, Canal Zone Code, as added as aforesaid, by a fine of not more than \$1,000, or by imprisonment in jail for not more than one year, or by both.*

J. C. MEHAFFEY,
Acting Governor.

[F. R. Doc. 42-2300; Filed, March 17, 1942;
9:53 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-227]

IN THE MATTER OF ALBERT M. BOEHMAN AND JOSEPH J. BOEHMAN, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF BOEHMAN BROTHERS, CODE MEMBER DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 2, 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 March 4, 1942, by Bituminous Coal Pro-

ducers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging wilful 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 April 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That Joseph D. Dermody 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, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants 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 defendants; 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 wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendants, whose addresses are Ferdinand, Indiana, and

whose code membership became effective as of September 16, 1939, wilfully violated

(a) Section 4 II (e) of the Act and Part II (e) of the Code

1. By selling to Cecil Elliot, French Lick, Indiana, during the period October 1, 1940 to August 18, 1941, both dates inclusive, approximately 500 tons of 1¼" lump coal (Size Group No. 6) produced at their Boehman No. 2 Mine, Mine Index No. 592, located in Spencer County, Indiana, in District No. 11, at a price of \$2.00 per ton f. o. b. the mine, and approximately 50 tons of 1¼" x 0 screenings (Size Group No. 14) produced at said mine, at prices ranging from 45 cents to 50 cents per ton f. o. b. the mine, whereas the effective minimum prices for such coal was \$2.20 per net ton f. o. b. the mine for the 1¼" lump coal (Size Group No. 6) and \$1.40 per net ton f. o. b. the mine for the 1¼" screenings (Size Group No. 14), as set forth in the Schedule of Effective Minimum Prices for District No. 11, for Truck Shipments.

2. By selling to Edward Brockman, 158 Mill Street, Jasper, Indiana, during the period October 1, 1940 to August 31, 1941, both dates inclusive, approximately 1400 tons of 1¼" lump coal (Size Group No. 6) produced at said mine at prices ranging from \$1.75 to \$2.00 per ton f. o. b. the mine, whereas, the effective minimum price was \$2.20 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

(b) Sections 4 II (e) and 4 II (i) 6 of the Act, Part II (e) and II (i) 6 of the Code, and Rule 6 of Section XIII of the Marketing Rules and Regulations, by gratuitously giving to Cecil Elliot, French Lick, Indiana, approximately 20 tons of 1¼" x 0 screenings (Size Group No. 14), whereas such transaction constituted an allowance not extended to all purchasers under like terms, conditions or circumstances.

(c) Orders No. 296 dated September 23, 1940, No. 307 dated December 11, 1940 and No. 312 dated February 24, 1941, of the Division, during the period October 1, 1940 to August 18, 1941, both dates inclusive, by failing to file and maintain tickets, sales slips, invoices, memoranda and records and data.

(d) Order No. 310 dated December 16, 1940, of the Division, by failing to file reports covering production and mine operations of their said Boehman No. 2 Mine, Mine Index No. 592, for the calendar year 1940.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Code or directing the code member to cease and desist from violating the Code and regulations made thereunder.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2312; Filed, March 17, 1942;
10:46 a. m.]

[Docket No. A-1298 Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 266 AND FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF MINE INDEX NO. 984, IN DISTRICT NO. 9, FOR ALL SHIPMENTS EXCEPT TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for March 18, 1942, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 18, 1942, until 10 o'clock in the forenoon of March 31, 1942, at the place and before the officers heretofore designated.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2313; Filed, March 17, 1942;
10:46 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OF PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN RE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10, FOR ORDER MODIFYING SCHEDULE OF MAXIMUM DISCOUNTS THAT MAY BE ALLOWED TO REGISTERED DISTRIBUTORS ON COAL OF DISTRICT NO. 10 MINES RESOLD TO THE WABASH RAILWAY COMPANY

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

A petition, pursuant to the reservation by the Division of jurisdiction in the Order dated June 19, 1940, in General Docket No. 12, to entertain proceedings to modify and of the determinations made therein, having been filed with the Bituminous Coal Division by District Board 10, requesting that General Docket No. 12 be reopened, and requesting that the rules and regulations prescribing the maximum discount per net ton that may be made to registered distributors from established minimum prices on coal which they purchase for resale and resell in not less than cargo or railroad carload lots to the Wabash Railway Company be modified and that such maximum discount be established at 5 cents per net ton for all sizes, whether shipped from on-line or off-line mines; or in the alternative, that such maximum discount be made uniform without

regard to whether the coal is shipped from on-line or off-line mines;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on August 26, 1941, before W. A. Shipman, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, W. A. Shipman, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated January 27, 1942, recommending that the relief prayed for by District Board 10 in this matter be denied;

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

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

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

It is further ordered, That relief prayed for by District Board 10 in this proceeding be, and the same hereby is, denied.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2314; Filed, March 17, 1942;
10:46 a. m.]

[Docket No. A-1269]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

[Docket No. A-1269 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CHILCOTE'S MINE, MINE INDEX NO. 960, OF CHILCOTE COAL CO., LEE MINE, MINE INDEX NO. 2757, OF C. M. FARNSWORTH, RADFORD COAL CO. MINE, MINE INDEX NO. 1307, OF RADFORD BROTHERS, D. A. THOMAS MINE, MINE INDEX NO. 1317, OF D. A. THOMAS, FAIRVIEW MINE, MINE INDEX NO. 1902, OF J. E. WITCHEY (FAIRVIEW COAL CO.), CENTERTOWN COAL CO. MINE, MINE INDEX NO. 1932, OF CENTERTOWN COAL CO., TRACY MINE, MINE INDEX NO. 1318, OF JAMES E. TRACY, VITKO BROS. MINE, MINE INDEX NO. 2998, OF THE T. C. HUTSON COAL COMPANY AND BELLAIRE NO. 2 MINE, MINE INDEX NO. 177, OF THE BELLAIRE COAL CO., KEYSTONE NO. 1 MINE OF LAWRENCE WILLIAMS (KEY-

STONE COAL CO.), AND DARWIN COAL CO. MINE OF PAUL STRAWSER, (DARWIN COAL CO.) IN DISTRICT NO. 4

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1269 PART II FROM DOCKET NO. A-1269, ORDER GRANTING IN PART TEMPORARY RELIEF IN DOCKET NO. A-1269 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1269 PART II

The original petition in the above-entitled matter, which was filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requested the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As was found in an Order issued today in Docket No. A-1269, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except as to the coals of Chilcote's Mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998, of T. C. Hutson Coal Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for all shipments except truck, and Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.), and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.) for all shipments except truck and truck shipments. With respect to the establishment of permanent price classifications and minimum prices for the above-mentioned coals, it appears that a hearing should be held.

The petition proposes that price classifications and minimum prices be made effective from two shipping points for the coals of Mine Index Nos. 960, 2757, 1307, 1317, and 1902 for all shipments except truck. While it appears that an adequate showing of necessity has been made for the granting of temporary relief, establishing temporary price classifications and minimum prices for the coals of the above-named mines for all shipments except truck from one shipping point, it appears that the original petitioner has not set forth sufficient facts to warrant making such price classifications and minimum prices effective from additional shipping points for the coals of these mines for all shipments except truck, without a hearing. The shipping points hereinafter temporarily assigned to the coals of such mines for all shipments except truck are those which appear to be the nearer to such mines and appropriate, therefore, for the granting of temporary relief.

The petition also proposes the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1932 and 1318 for rail shipments from Eastern, Ohio, on the New York Central Railroad and from White

Rock (Cars Run), Ohio, on the Chesapeake and Ohio Railroad, respectively. From the records of the Division it does not appear that there are such rail shipping points in Ohio, and consequently, that no coal freight rates have been established for shipments therefrom. It does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of the requested price classifications and minimum prices for the coals of the said mines for rail shipments from the above-mentioned points, without a hearing.

The petition also proposes that the price classifications and minimum prices effective for the coals of the Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for rail shipments from Cadiz, Ohio, on the Pennsylvania Railroad, also be made effective for such shipments from Jewett, Ohio, on the Wheeling and Lake Erie Railroad. It appears that the original petitioner has not set forth sufficient facts to warrant the establishment of the requested prices for the coals of the said mine, without a hearing.

The petition also proposes the establishment of price classifications and minimum prices for the coals of Mine Index No. 2998 for all shipments except truck from Lowellville, Ohio, on the Baltimore & Ohio Railroad. From the records in this Division it appears that no coal freight rates have been established for shipments from Lowellville, via any railroad, that Lowellville, Ohio, is located at a very considerable distance from the said mine, and that the original petitioner has not set forth sufficient facts to warrant making the proposed price classifications and minimum prices effective from Lowellville, Ohio, on the Baltimore & Ohio Railroad, without a hearing.

Finally, the petition also proposes the establishment of price classifications and minimum prices for the coals of the Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.) and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.), produced in each instance from both a deep and a strip mine. The price classifications and minimum prices proposed are, however, similar, in some instances, to those heretofore established for District No. 4 deep mine coals and, in other instances, similar to those heretofore established for District No. 4 strip mine coals, but the petition does not allege any facts in support of the proposal to establish the same price classifications and minimum prices for both the deep and strip mine coals which are produced by each code member. It appears, therefore, that no relief should be granted as to such coals without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1269 relating to the coals of Chilcote's Mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine,

Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998 of T. C. Hutson Coal Company, Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., Keystone No. 1 Mine of Lawrence Williams, and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.) be, and it hereby is, severed from the remainder of Docket No. A-1269 and designated as Docket No. A-1269 Part II.

It is further ordered, That a hearing in Docket No. A-1269 Part II under the applicable provisions of said Act and the rules of the Division be held on April 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street N.W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Division 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 April 3, 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. 4 for the establishment of price classifications and minimum prices for the coals of Chilcote's mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine In-

dex No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998, of T. C. Hutson Coal Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co. for all shipments except truck and for the establishment of price classifications and minimum prices for the coals of Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.) and the Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.)

It is further ordered, That pending final disposition of Docket No. A-1269 Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R" annexed hereto and hereby made a part hereof.¹

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed 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.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2315; Filed, March 17, 1942;
10:47 a. m.]

[Docket No. 1742-FD]

IN THE MATTER OF HERBERT JONES, DOING BUSINESS UNDER THE TRADE NAME OF MACON COUNTY COAL COMPANY, DEFENDANT

MEMORANDUM ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND ORDER OF DISMISSAL

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, was filed with the Bituminous Coal Division on June 17, 1941, by the Bituminous Coal Producers Board for District No. 15, alleging that Herbert Jones, doing business under the trade name of Macon County Coal Company, a code member in District No. 15, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

¹ Not filed with the original document.

A hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Macon, Missouri, on October 22, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter on January 20, 1942, in which it was recommended that an order be entered dismissing the complaint against the defendant.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs, but no such exceptions or supporting briefs have been filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

The essential facts developed in this proceeding are as follows:

The defendant, on September 28, 1940, pursuant to a bill of sale of that date, sold to the City of Macon, Missouri, 4,000 tons of 1 $\frac{1}{4}$ " x $\frac{1}{4}$ " screenings at \$1.00 per ton f. o. b. his Mine No. 68. The coal at that time was stored in a field at the mine and remained there until October 1, 1940. At various times during the period from October 1, 1940, to May 20, 1941, the City of Macon removed, in trucks hired by it, 3,987.33 tons of this coal, for which it paid the defendant at the rate of \$1.00 per ton. The effective minimum price for the said coal was \$1.70 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 15, For Truck Shipments.

The Examiner found that since there was a valid sale and transfer of title to the coal on September 28, 1940, there was no violation of the Code by the defendant because minimum prices did not become effective until October 1, 1940. He also found that "No sale and delivery prior to that date can be a violation of the Act."

While I agree that there was a valid sale and transfer of title to the coal on September 28, 1940, I cannot agree that there was a delivery of the coal on that date within the meaning of the Act. Section 4 II (e) of the Bituminous Coal Act of 1937 provides, *inter alia*, as follows:

No coal subject to the provisions of this section shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of the code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933.

* * * * *

From and after the date of approval of this Act, until prices shall have been

established pursuant to subsections (a) and (b) of part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the making of the contract.

"Delivery" of coal is specifically set forth as one of three separate and distinct acts which are prohibited by the terms of section 4 II (e) of the Act as violations of the Code. The delivery contemplated by the framers of the Act was clearly an actual delivery or physical removal of the coal; at least the release of control over it by the producer. This was not present here.

The inference is strong that the transaction between the defendant and the City of Macon was entered into on September 28, 1940, for the purpose of selling the coal at a price below that which would be the effective minimum price after September 30, 1940. The device used by the defendant failed to comply with the provisions of the Act, and the delivery of the coal subsequent to establishment of effective minimum prices was a violation of section 4 II (e) of the Act. Such practices, if allowed, would defeat the purposes of the Act by allowing large quantities of coal to be sold for later delivery, without regard to prices established at the time of delivery.

However, notwithstanding my conclusion that the defendant's conduct here was in violation of section 4 II (e) of the Act, I am of the opinion that the complaint should be dismissed, because the complaint (as well as the Notice of and Order for Hearing) charged the defendant with violating the Act only in connection with the "sale" of the coal to the City of Macon, although the provisions of section 4 II (e) make either the sale or "delivery" of coal at a price below the applicable minimum price a violation of the Act. While the "delivery" of the coal was subsequent to October 1, 1940, the "sale" of the coal was prior thereto, consequently the violation charged has not been sustained.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is further ordered, That the complaint against the defendant herein, Herbert Jones, doing business as the Macon County Coal Company, be and the same hereby is dismissed.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2316; Filed, March 17, 1942;
10:47 a. m.]

APPLICATIONS FOR REGISTRATION AS
DISTRIBUTORS

An application for registration as a distributor has been filed by each of the

following and is under consideration by the Acting Director:

Name and Address	Date application Filed
Callaway Fuel Co., 1323 N. Water St., Milwaukee, Wis.	Mar. 2, 1942
F. G. Allen, Pierre, S. Dak.	Mar. 5, 1942
Kriswal Mng. Co., Lanse, Pa.	Mar. 6, 1942
D. S. Riddle, 1301 Market St., Chattanooga, Tenn.	Mar. 4, 1942
H. M. Scott, 1924 North 61st St., Philadelphia, Pa.	Mar. 5, 1942
West Virginia Coal & Coke Corp., P. O. Box 1460, Cincinnati, Ohio.	Mar. 9, 1942

Any district board, code member, distributor, the Consumers' Counsel or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before April 13, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2317; Filed, March 17, 1942; 10:48 a. m.]

DEPARTMENT OF AGRICULTURE.

Sugar Agency of the Agricultural Conservation and Adjustment Administration.

SUGAR CROP WAGE RATES AND PRICES,
VIRGIN ISLANDS

NOTICE OF HEARING AND DESIGNATION OF
PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301, and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that a public hearing will be held at Christiansted, St. Croix, Virgin Islands, in the Municipal Council Hall, on March 26, 1942, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates to be paid in the Virgin Islands to persons employed, in connection with the harvesting of the 1942 crop and any planting or cultivating work for subsequent crops which may be performed during the calendar year 1942, on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1942 crop of sugarcane to be paid, under either purchase or toll agreements, by persons who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with

respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may, for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

Joshua Bernhardt, J. Bernard Frisbie, Alcides Zeno, Jose Capo Caballero, and Davis D. Slappey, are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 16th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2326; Filed, March 17, 1942; 11:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6225]

IN RE APPLICATION OF THE MCKEESPORT
BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of The McKeesport Broadcasting Company, Inc. (New), dated September 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, McKeesport, Pa.; operating assignment specified: Frequency, 730 kc.; power, 1 kw. day; hours of operation, daytime.

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

1. To determine whether the proposed station would provide primary service to the metropolitan district of Pittsburgh, Pa., as contemplated by the Standards of Good Engineering Practice;
2. To determine whether the proposed construction involves the use of any critical materials;
3. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.
4. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (See Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
5. To determine whether the operation of the station as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).
6. To determine whether in view of the matters shown under all of the issues, the granting of this application would

serve public interest, convenience and necessity.

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

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

The applicant's address is as follows:

The McKeesport Broadcasting Company, Inc., c/o Paul W. Norton, 507 Locust Street, McKeesport, Pennsylvania.

Dated at Washington, D. C., March 13, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2307; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6220]

IN RE APPLICATION OF HERMAN RADNER,
DEARBORN, MICHIGAN, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT HEARING DATE

It is ordered, On the Commission's own motion this 12th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6220 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 6, 1942, be and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2308; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6282]

IN THE MATTER OF INVESTIGATION OF RATES
OF R. C. A. COMMUNICATIONS, INC., FOR
GOVERNMENT DIRECT RADIOTELEGRAPH
TRANSMISSION SERVICE

ORDER FOR INVESTIGATION

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C. on the 10th day of March 1942:

It appearing, that R. C. A. Communications, Inc., has filed a new Tariff, designated as F.C.C. No. 51, effective March 3, 1942, establishing rates, charges, classifications, regulations and practices for and in connection with Direct Radiotelegraph Transmisison Service available to the United States Government only; and

It further appearing, that the rates, charges, classifications, regulations and practices for and in connection with such service made available by such Tariff F. C. C. No. 51 may be unjust, unreasonable or otherwise unlawful;

It is ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of rates, charges, classifications, regulations, practices and services of R. C. A. Communications, Inc. for and in connection with direct radiotelegraph transmission service, as such service is defined in its Tariff F.C.C. No. 51;

It is further ordered, That R. C. A. Communications, Inc. be, and the same is hereby, made respondent to this proceeding, and said respondent shall show cause why its rates for such direct radiotelegraph transmission service should not be reduced, and shall file its verified answer to this order on or before 15 days from the date of service of this order;

It is further ordered, That any department of the United States Government interested in direct radiotelegraph transmission service may intervene and participate in this proceeding; and that a copy of this order be served upon the Department of Justice; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10:00 a. m., beginning on the 6th day of May 1942, at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2309; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6266]

NOTICE OF HEARING

In re application of Ralph W. S. Bonnett, (New) dated October 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Sandusky, Ohio; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

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

1. To determine applicant's qualifications to construct and operate the proposed station.
2. To determine the character of the proposed program service.
3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and station WHLS.

7. To determine the areas and populations which may be expected to lose primary service, particularly from station WHLS, should this application be granted; and what broadcast service is available to these areas and populations.

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

9. To determine whether in view of the matters shown under all of the issues the granting of this application would serve public interest, convenience, and necessity.

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

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

The applicant's address is as follows:

Ralph W. S. Bonnett, 1320 F Street NW., Washington, D. C.

Dated at Washington, D. C., March 14, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2310; Filed, March 17, 1942; 10:12 a. m.]

[Docket No. 6267]

NOTICE OF HEARING

In re application of Indiana Broadcasting Corporation (WIBC), dated September 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Indianapolis, Indiana; operating assignment specified: Frequency, 1,070 kc.; power, 5 kw.* night; 10 kw. day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above de-

scribed application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which Station WIBC operating as proposed may cause to the service of Station CBA, Sackville, N. B. (Appendix II, Table I, NARBA).

2. To determine the extent of any interference which would result from the simultaneous operation of Station WIBC as proposed and Station WINK during daytime hours.

3. To determine the areas and populations which may be expected to lose primary service during daytime hours, particularly from Station WINK, should Station WIBC operate as proposed, and what other broadcast service is available to those areas and populations.

4. To determine whether the proposed construction involves the use of any critical materials.

5. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

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

8. To determine whether in view of the facts adduced under all of the issues the granting of the application would serve public interest, convenience and necessity.

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

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

The applicant's address is as follows:

Indiana Broadcasting Corporation, Radio Station WIBC, 350 N. Meridian Street, Indianapolis, Indiana.

Dated at Washington, D. C., March 14, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2311; Filed, March 17, 1942; 10:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-200, G-207]

CITY OF DETROIT, MICHIGAN, AND COUNTY OF WAYNE, MICHIGAN, v. PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION; AND IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION

ORDER DENYING PETITION FOR A 120-DAY POSTPONEMENT AND FIXING DATE OF HEARING

MARCH 16, 1942.

Upon petition filed February 28, 1942, by Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Defendants, for a continuance of the hearing in this proceeding for a period of not less than 120 days; and

It appearing that:

(a) The City of Detroit, Michigan, and County of Wayne, Michigan, Com-

plainants, and Michigan Consolidated Gas Company, Intervener, have objected to the said petition for continuance;

(b) Subsequent to the filing of the said petition for continuance, the hearing was recessed by the Commission's Examiner to reconvene on March 18, 1942;

(c) No good cause exists for a 120-day postponement of the hearing;

The Commission orders that:

(A) The said petition for a continuance of 120 days be and it is hereby denied;

(B) The hearing in this proceeding, heretofore set for March 18, 1942, be postponed to March 30, 1942, at 9:45 a. m., in the Commission's hearing room, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 42-2293; Filed, March 16, 1942;
12:09 p. m.]

[Docket Nos. IT-5765, IT-5766]

IN THE MATTER OF SUPERIOR WATER, LIGHT AND POWER COMPANY; AND NORTHERN POWER COMPANY

ORDER POSTPONING HEARINGS

MARCH 14, 1942.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission orders that:

The hearings in the above-entitled matters, heretofore set for March 16, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, be and the same are hereby postponed to March 23, 1942, at the same time and place.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 42-2294; Filed, March 16, 1942;
12:09 p. m.]