

THE NATIONAL ARCHIVES  
LITTE  
SCRIPTA  
MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 7      1934      NUMBER 85

Washington, Friday, May 1, 1942

## The President

### PROCLAMATION 2555

NATIONAL MARITIME DAY, 1942

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS on May 22, 1819, the steamship *The Savannah* sailed from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation; and

WHEREAS the Congress by joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling upon the people of the United States to observe such National Maritime Day; and

WHEREAS we of the United States are engaged in a war for the preservation of our liberties against the powers of aggression; and

WHEREAS it is fitting that public recognition be given to the patriotism and courage of the officers and men of the cargo ships in the Victory Fleet, and to the men in the shipyards and factories whose labor and genius go into their construction:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1942, as National Maritime Day by displaying the flag at their homes or other suitable places and do direct that the flag be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of April, in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
*Secretary of State.*

[F. R. Doc. 42-3680; Filed, April 30, 1942;  
10:35 a. m.]

### EXECUTIVE ORDER 9150

AUTHORIZING THE FEDERAL PUBLIC HOUSING COMMISSIONER, NATIONAL HOUSING AGENCY, TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law, 507, 77th Congress), the Federal Public Housing Commissioner of the National Housing Agency, or any officer of the Federal Public Housing Authority acting in the absence or disability of the Commissioner, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes; *Provided, however,* that the provisions of this order shall be applicable only to property in connection with defense housing and temporary shelter.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
April 28, 1942.

[F. R. Doc. 42-3668; Filed, April 29, 1942;  
3:37 p. m.]

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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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EXECUTIVE ORDER 9151

TRANSFER OF CERTAIN PUBLIC LAND FROM PUBLIC BUILDINGS ADMINISTRATION, FEDERAL WORKS AGENCY, TO THE WAR DEPARTMENT

FLORIDA

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described public land in Pinellas County, Florida, be, and it is hereby transferred from the control and jurisdiction of the Public Buildings Administration, Federal Works Agency, to the control and jurisdiction of the War Department and reserved for use as a bombing range and for other military purposes:

All that portion of the main island known as Mullet Key, in Tampa Bay, Florida, east of the bayou or lagoon which nearly separates the north arm from the east arm of the said island; such land having been reserved as a part of a military reservation by Executive Order of November 17, 1882, and transferred by the War Department to the Treasury Department by letter of May 15, 1899, and transferred from the Treasury Department to the Public Buildings Adminis-

tration, Federal Works Agency, by Reorganization Plan No. I, effective July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 28, 1942.

[F. R. Doc. 42-3869; Filed, April 29, 1942; 3:37 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 29—THE FEDERAL LAND BANK OF WICHITA

SPECIAL INTEREST RATES

Section 29.30 of Title 6, Code of Federal Regulations, is hereby withdrawn.

THE FEDERAL LAND BANK OF WICHITA,

[SEAL] C. G. SHULL, *President.*

[F. R. Doc. 42-3894; Filed, April 30, 1942; 11:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d), and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 (Regulation S-X) as follows:

I. The following definition is added to § 210.1-02 (Rule 1-02):

§ 210.1-02 *Definition of terms used in this part.* \* \* \*

*Trust.* The term "trust" when used in Article 6A means (1) a unit investment trust, including one which issues periodic payment plan certificates, when used in regard to the financial statements to be filed for such trust; and (2) an unincorporated management investment company which issues periodic payment plan certificates when used in regard to the financial statements to be filed for such company.

II. The title of Article 6 is amended to read:

*Article 6, Management Investment Companies*

III. Section 210.6-01 (Rule 6-01) is amended to read:

§ 210.6-01 *Application of Article 6.* This article shall be applicable to financial statements filed for management investment companies other than those which are issuers of periodic payment plan certificates.

IV. The introductory clause of § 210.6-02 (Rule 6-02) is amended to read:

§ 210.6-02. *Balance sheets.* The balance sheets filed for persons to whom this article is applicable shall comply with the following provisions: \* \* \*

V. The introductory clause of § 210.6-03 (Rule 6-03) is amended to read:

§ 210.6-03 *Profit and loss statements.* The profit and loss statements filed for persons to whom this article is applicable shall comply with the following provisions: \* \* \*

VI. Section 210.6-10 (Rule 6-10) is amended to read:

§ 210.6-10 *Application of Article 6A.* This article shall be applicable to financial statements filed for unit investment trusts, including those which are issuers of periodic payment plan certificates, and financial statements filed for unincorporated management investment companies which are issuers of periodic payment plan certificates.

VII. The introductory clause of § 210.6-11 (Rule 6-11) is amended to read:

§ 210.6-11 *Statements of condition.* Statements of condition filed for persons to whom this article is applicable shall comply with the following provisions: \* \* \*

VIII. Paragraph 1 (a) of § 210.6-11 (Rule 6-11) is amended to read:

§ 210.6-11 *Statement of condition.*

(a) *Securities of investment companies.* State separately (1) trust shares in trusts created or serviced by the depositor or sponsor of this trust; (2) trust shares in other trusts; and (3); securities of other investment companies.

IX. Caption 8 of § 210.6-11 (Rule 6-11) is amended to read:

§ 210.6-11 *Statement of condition.*

8. *Trust shares.* State for each class of trust shares (a) the title of issue, the number of trust shares outstanding and the total cost to the investors of such trust shares; (b) the adjustment for market depreciation or appreciation; (c) other deductions from the total cost to

the investors for fees, loads and other charges; and (d) the net amount applicable to the investors. Explain in a note referred to under this caption the deductions for fees, loads and other charges from the total cost to the investors.

X. Caption 9 of § 210.6-11 (Rule 6-11) is amended to read:

§ 210.6-11 *Statement of condition.*

9. *Balance of income and distributable funds applicable to trust shares.* The amount shown here shall agree with that shown in caption 19 of the related statement of income and distributable funds.

XI. Section 210.6-12 (Rule 6-12) is amended to read:

§ 210.6-12 *Statements of income and distributable funds.* The statements of income and distributable funds filed for persons to whom this article is applicable shall comply with the following provisions:

Income

1. *Distributions and dividends.* State separately (a) distributions received on shares of investment trusts, and (b) dividends on other securities. Exclude any distribution or portion thereof received on shares of investment trusts which is known to represent the return of any amount invested in the shares upon which such distribution was paid. Also indicate the basis upon which dividends and distributions are taken into income (e. g., "cash" or "accrual"; and if accrual whether as of declaration or record date); and, as to any distributions and dividends other than cash, the basis on which they have been taken up as income.

2. *Interest.* State separately interest from (a) securities and (b) other sources.

3. *Other income.* State separately by class of income each significant amount.

4. *Total income.*

Expenses

5. *Taxes.*

6. *Fees of the trustee and custodian.*

7. *Fees of the depositor and sponsor.*

8. *Legal fees and expenses.* State separately each significant amount.

9. *Auditing fees and expenses.* State separately each significant amount.

10. *Other expenses.* State separately by class of expense each significant amount.

11. *Total expenses.*

12. *Balance of income before gain or loss realized from security transactions.* See caption 13 below.

13. *Gain or loss realized from security transactions.* State separately the net of gains and losses arising from transactions in (a) trust shares of trusts created or serviced by the depositor or sponsor of this trust; (b) trust shares in other trusts; and (c) other investments in securities. State here or in a note herein referred to the principle followed in determining the cost of securities sold, e. g.,

"average cost" or "first-in, first-out." This caption, and caption 12 above, may be omitted by unit investment trusts provided the information herein required is contained in Schedule III of § 210.6-13 (Rule 6-13), and provided there be given in a footnote in the financial statements (a) the aggregate amount received from sale of securities; (b) the aggregate cost of the securities sold; (c) the realized gain or loss thereon; and (d) the principle followed in determining the cost of securities sold, e. g., "average cost" or "first-in, first-out."

14. *Net income for the period.* If captions 12 and 13 are omitted by unit investment trusts, this caption shall be changed to *Net income for the period excluding gain or loss realized from security transactions.*

15. *Balance of income and distributable funds applicable to trust shares at the beginning of the period.*

16. *Additions to distributable funds.* State separately (a) that portion from the sale of trust shares which represents payments for participation in the balance of income and distributable funds; and (b) any other significant amounts.

17. *Deductions other than distributions.* State separately (a) amounts withheld (1) for reserves and (2) for investments, and (b) any other significant amounts.

18. *Distributions to shareholders.* For each class of trust shares state the amount per share and in the aggregate State, as to any distributions other than cash, the nature of the distributions and the basis of determining the amount charged to income and distributable funds. Indicate here or in a note herein referred to the aggregate distributions made upon the surrender and cancellation of trust shares which represent income and distribute funds applicable thereto at the date of surrender and cancellation.

19. *Balance of income and distributable funds applicable to trust shares at close of the period.*

XII. Section 210.6-13 (Rule 6-13) is amended to read:

§ 210.6-13 *What schedules are to be filed.* (a) Schedule IV, specified below, shall be filed as of the date of the most recent statement of condition filed. The other schedules specified shall be filed for each period for which a statement of income and distributable funds is filed. All schedules shall be certified.

(b) Reference to the schedules shall be made against the appropriate captions of the statement of condition and the statement of income and distributable funds.

*Schedule I—Investment in securities.* The schedule prescribed by § 210.12-33 (Rule 12-33) shall be filed in support of caption 1 of each statement of condition and of captions 1 and 2 of each statement of income and distributable funds.

*Schedule II—Trust shares.* The schedule prescribed by § 210.12-34 (Rule 12-

34) shall be filed in support of caption 8 of each statement of condition.

*Schedule III—Gain or loss from transactions in trust property.* A schedule shall be submitted showing for each investment set forth in Schedule I in which there were any sales or redemptions during the period: (a) the aggregate amount received from sale; (b) the aggregate cost of the investment sold; and (c) the realized gain or loss thereon.

*Schedule IV—Allocation of trust assets to series of trust shares.* If the trust assets are specifically allocated to different series of trust shares, and if such allocation is not shown in the statement of condition in columnar form or by the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of trust assets, indicated by each statement of condition filed, which is applicable to each series of trust shares.

*Schedule V—Allocation of trust income and distributable funds to series of trust shares.* If the trust income and distributable funds are specifically allocated to different series of trust shares and if such allocation is not shown in the statement of income and distributable funds in columnar form or by the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of income and distributable funds, indicated by each statement of income and distributable funds filed, which is applicable to each series of trust shares.

XIII. The descriptive caption of § 210.12-33 (Rule 12-33) is amended to read:

§ 210.12-33 *Investment in Securities.* (For all Unit Investment Trusts, and for those Unincorporated Management Investment Companies which are Issuers of Periodic Payment Plan Certificates).

XIV. Note 2 of § 210.12-33 (Rule 12-33) is amended to read:

\* Group separately (a) shares of investment companies, and (b) other securities. As to securities, set forth in group (a) list separately (1) trust shares in trusts created or serviced by the depositor or sponsor of this trust; (2) trust shares in other trusts; and (3) securities of other investment companies. As to securities set forth in group (b) list (1) evidences of indebtedness; (2) preferred shares; (3) common shares; and (4) other securities. Within each of these subdivisions classify according to type of business, insofar as possible, e. g., railroads, utilities, banks, insurance companies, industrials. Give totals of each group, subdivision, and class.

XV. The descriptive caption of § 210.12-34 (Rule 12-34) is amended to read:

§ 210.12-34 *Trust shares.* (For all Unit Investment Trusts, and for those Unincorporated Management Investment Companies which are Issuers of Periodic Payment Plan Certificates.)

XVI. Note 3 of § 210.12-34 (Rule 12-34) is amended to read:

\* State separately all significant items. If market appreciation of underlying trust property is included, the amount thereof shall be shown separately. Income required to be set forth in the statement of income and distributable funds shall not be set forth here.

XVII. Note 4 of § 210.12-34 (Rule 12-34) is amended to read:

\* State separately all significant items. If market depreciation of underlying trust property is included, the amount thereof shall be shown separately. Expenses required to be set forth in the statement of income and distributable funds shall not be set forth here.

Effective April 28, 1942.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3834; Filed, April 29, 1942;  
9:26 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket Nos. A-1380, A-1381 and A-1384]

#### PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1; OF JOHN CONNELLY, A CODE MEMBER IN DISTRICT NO. 1 FOR CHANGE IN SHIPPING POINT FOR THE CONNELLY MINE, MINE INDEX NO. 3380, IN DISTRICT NO. 1; AND OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of

1937, having been duly filed with this Division by District Board No. 1 requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1, and by John Connelly, a code member in District No. 1, for a change in the shipping point for the Connelly Mine, Mine Index No. 3380, in District No. 1; and

It appearing that the above-entitled matters raise similar and related issues; that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and that no petitions of intervention have been filed with this Division in the above-entitled matters; and the following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That the above-entitled matters be, and the same hereby are, consolidated.

*It is further ordered,* That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point and freight origin group number appearing in the said Supplement R are effective in place of the shipping point and freight origin group number heretofore assigned to Mine Index No. 3280.

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

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

Dated: April 20, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

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

§ 321.7 Alphabetical list of code members—Supplement R

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

| Mine index No. | Code member  | Mine name       | Sub-dist. No. | Seam | Shipping point    | Railroad | Freight origin group No. | 1   | 2   | 3   | 4   | 5   |
|----------------|--|-----------------|---------------|------|-------------------|----------|--------------------------|-----|-----|-----|-----|-----|
| 3465           | Allegheny River Mining Company                           | Chickasaw #2    | 11            | E    | Chickasaw, Pa.    | P&S      | 119                      | G   | G   | G   | G   | H   |
| 3461           | Allison, W. F. (Windber High Grade Coal Co.)             | Wyatt #1        | 33            | B    | Windber, Pa.      | PRR      | 49                       | (†) | (†) | (†) | (†) | (†) |
| 3438           | Connacher & Smith  | Round Top       | 8             | C    | Rald Hill, Pa.    | NYC      | 44                       | (†) | (†) | (†) | (†) | (†) |
| 3380           | Connolly, John   | Connolly        | 7             | E    | Carlinburgh, Pa.  | NYC      | 44                       | (†) | (†) | (†) | (†) | (†) |
| 3284           | Ealy Coal Company (Mrs. E. T. Ealy)                      | Ealy Coal Co.   | 16            | B    | Garrman, Pa.      | PRR      | 60                       | (†) | (†) | (†) | (†) | (†) |
| 3457           | Fenstermaker, Amos                                       | Fenstermaker #3 | 5             | D    | Stanton, Pa.      | P&S      | 119                      | (†) | (†) | (†) | (†) | (†) |
| 3444           | Gironde, Vito  | Gironde         | 32            | C'   | Windber, Pa.      | PRR      | 49                       | (†) | (†) | (†) | (†) | (†) |
| 3462           | Hawk Run Coal Mining Co.                                 | Coaldale #28-B  | 8             | B    | Hawk Run, Pa.     | NYC      | 44                       | (†) | (†) | (†) | (†) | (†) |
| 3463           | Hawk Run Coal Mining Co.                                 | Coaldale #28-A  | 8             | A    | Hawk Run, Pa.     | NYC      | 44                       | (†) | (†) | (†) | (†) | (†) |
| 3464           | Hawk Run Coal Mining Co.                                 | Coaldale #28-B  | 8             | B    | Hawk Run, Pa.     | NYC      | 44                       | (†) | (†) | (†) | (†) | (†) |
| 3467           | Indian Head Fuel Co. (H. L. Sparks)                      | Indian Head #1  | 35            | D    | White Bridge, Pa. | B&O      | 100                      | (†) | (†) | (†) | (†) | (†) |
| 3160           | Kerr, Frederick B., Receiver of Boardman Coal Mining Co. | Boardman #4     | 13            | A    | Boardman, Pa.     | NYC      | 44                       | H   | H   | (*) | H   | H   |
| 2220           | Miller, Willis   | Park            | 22            | E    | Shelbetsa, Pa.    | B&O      | 112                      | (†) | (†) | (†) | (†) | (†) |
| 2388           | Muth, Raymond (Muth Coal Co.)                            | Hayes           | 6             | E    | Luthersburg, Pa.  | B&O      | 113                      | (†) | (†) | (†) | (†) | (†) |
| 985            | Rodger, Clark W.   | Rodger          | 37            | B    | Rooversville, Pa. | B&O      | 100                      | (†) | (†) | (†) | (†) | (†) |
| 457            | Shaffer & Sons, I.                                       | Shaffer         | 29            | B    | Windber, Pa.      | PRR      | 49                       | (†) | (†) | (†) | (†) | (†) |
| 3200           | Shirley, Luther (Shirley Bros. Coal Co. #1 and #2)       | Lichtenfels     | 28            | E    | Heshbon, Pa.      | PRR      | 56                       | H   | (†) | (†) | H   | (†) |
| 3468           | Shirley, Luther (Shirley Bros. Coal Co. #1 and #2)       | No. 2           | 28            | E    | Heshbon, Pa.      | PRR      | 56                       | H   | (†) | (†) | H   | (†) |
| 3465           | Shovestull Coal Co. (Ira F. Shovestull)                  | Chittester      | 5             | B    | Brookville, Pa.   | P&S      | 119                      | (†) | (†) | (†) | (†) | (†) |
| 3465           | Thompson, A. R. (Thompson Coal Mining Co.)               | Hagevo          | 33            | B    | Windber, Pa.      | PRR      | 49                       | (†) | (†) | (†) | (†) | (†) |
| 3479           | Walker, L. M.  | Foster          | 11            | E    | Dayton, Pa.       | B&O      | 112                      | (†) | (†) | (†) | (†) | H   |

†When shown under a Size Group Number this symbol indicates no classification effective for this Size Group.  
 \*When shown under a Size Group Number this symbol indicates coals previously classified for this Size Group.  
 ‡ Denotes new shipping point and Freight Origin Group. Shipping point at Curwensville, Pa. on the Baltimore & Ohio Railroad in Freight Origin Group No. 113 shall no longer be applicable.

Mine Index Nos. 841 and 572 of Hunter Coal Company.  
 Mine Index Nos. 327 and 328 of Mohawk Coal Mining Company.  
 NOTE: If coals of Mine Index Nos. 98, 3462, 3463 and 3464 of Hawk Run Coal Mining Co., are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

NOTE: If coals within either of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification:

[Dockets Nos. A-1383 and A-1390]

**PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3**

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3, AND FOR CHANGE IN SHIPPING POINT FOR KINGMONT, JR. MINE, MINE INDEX NO. 941, OF N. R. HEBB; AND IN THE MATTER OF THE PETITION OF PINE BLUFF COAL CO., A CODE MEMBER IN DISTRICT NO. 3, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PINE BLUFF MINE, MINE INDEX NO. 1319, IN DISTRICT NO. 3

**FOR TRUCK SHIPMENTS**

**§ 321.24 General prices—Supplement T**

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

| Code member index  | Mine Index No. | Mine              | Subdistrict No. | County     | Seam | 1   | 2   | 3   | 4   | 5   |
|--|----------------|-------------------|-----------------|------------|------|-----|-----|-----|-----|-----|
| Allegheny River Mining Company                           | 3466           | Chickasaw #2      | 11              | Armstrong  | E    | 240 | 215 | 215 | 205 | 190 |
| Allison, W. F. (Windber High Grade Coal Co.)             | 3461           | Wyatt #1          | 33              | Somerset   | B    | 245 | 220 | 220 | 210 | 200 |
| Bailey and Ruth  | 3456           | Barnhart #2       | 8               | Clearfield | B    | 245 | 220 | 220 | 210 | 200 |
| Conacher & Smith   | 3438           | Round Top         | 16              | Cambla.    | B    | 245 | 220 | 220 | 210 | 200 |
| Early Coal Company (Mrs. E. T. Early)                    | 3284           | Early Coal Co.    | 16              | Cambla.    | B    | 245 | 220 | 220 | 210 | 200 |
| Fenstermaker, Amos                                       | 3457           | Fenstermaker #3   | 5               | Jefferson  | D    | 240 | 215 | 225 | 200 | 190 |
| Finelrock, Frank A. & Son                                | 3440           | Finelrock         | 7               | Clarion    | C'   | 240 | 215 | 215 | 200 | 190 |
| Gingery, William M.                                      | 3445           | Merodith          | 7               | Clarion    | D    | 240 | 215 | 220 | 200 | 190 |
| Girona, Vito   | 3444           | Girona            | 32              | Somerset   | C'   | 240 | 215 | 225 | 200 | 190 |
| Hawk Run Coal Mining Co.                                 | 3462           | Coaldale #25-B    | 8               | Centre     | B    | 240 | 210 | 210 | 200 | 190 |
| Hawk Run Coal Mining Co.                                 | 3463           | Coaldale #28-A    | 8               | Centre     | B    | 240 | 210 | 210 | 200 | 190 |
| Hawk Run Coal Mining Co.                                 | 3464           | Coaldale #28-B    | 8               | Centre     | B    | 240 | 210 | 210 | 200 | 190 |
| Indian Head Fuel Co. (H. L. Sparks)                      | 3467           | Indian Head #1    | 35              | Fayette    | D    | 240 | 210 | 220 | 200 | 190 |
| Kerr, Frederick B., Receiver of Boardman Coal Mining Co. | 3160           | Boardman #4       | 13              | Clearfield | A    | 235 | 210 | (*) | 200 | 190 |
| Ridings & Sisler Coal Co. (James A. Ridings)             | 3427           | Ridings & Sisler  | 44              | Garrett    | E    | 230 | 210 | 230 | 200 | 190 |
| Shaffer & Sons, I.                                       | 457            | Shaffer           | 29              | Cambla.    | B    | 235 | 210 | (*) | 210 | 200 |
| Shirley, Luther (Shirley Bros. Coal Co. #1 & #2)         | 3200           | Lichtenfels       | 28              | Indiana    | E    | 235 | 210 | (*) | 200 | 190 |
| Shirley, Luther (Shirley Bros. Coal Co. #1 & #2)         | 3498           | No. 2             | 28              | Indiana    | E    | 235 | 210 | 210 | 200 | 190 |
| Shoverstall Coal Co. (Ira F. Shoverstall)                | 3435           | Cblttester        | 5               | Jefferson  | B    | 235 | 210 | 225 | 200 | 190 |
| Thompson, A. R. (Thompson Coal Mining Co.)               | 3465           | Hagevo            | 33              | Somerset   | B    | 235 | 210 | 245 | 200 | 190 |
| U. M. Coal Co.   | 3459           | U. M. Coal Co. #1 | 9               | Clearfield | D    | 235 | 210 | 230 | 200 | 190 |
| Voytus, Steve  | 3460           | Voytus            | 12              | Indiana    | E    | 235 | 210 | 215 | 200 | 190 |
| Walker, L. M.  | 3179           | Foster            | 11              | Armstrong  | E    | 235 | 210 | (*) | 205 | 190 |

\*When shown under a Size Group Number this symbol indicates coals previously classified for this Size Group.

[F. R. Doc. 42-3856; Filed, April 29, 1942; 10:58 a. m.]

matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point appearing in said Supplement R is effective in place of the shipping point heretofore assigned to Mine Index No. 941.

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

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

Dated: April 20, 1942.  
[SEAL] DAN H. WHEELER,  
Acting Director.

Original petitions having been duly filed with this Division by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3:

and It appearing that the above-entitled matters raise similar and related issues; it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with this Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That the above-entitled



§ 323.8 *Special prices (b) Railroad fuel prices for all movements except via lakes—Supplement R-II.* For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in part 323, Minimum Price Schedule. Group No. 1: 332, 374, 407, 776, 1312, 1314, 1315, 1317, 1318, 1319, Group No. 3: 682, 1316.

§ 323.8 *Special prices (c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.* For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in part 323, Minimum Price Schedule. Group No. 1: 332, 374, 407, 776, 1312, 1314, 1315, 1317, 1318, 1319, Group No. 3: 682, 1316.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices—Supplement T*

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

| Code member index                             | Mine index No. | Mine                | Seam           | County   | Size groups                             |  |  |                              |                                |                     |            |
|---|----------------|---------------------|----------------|----------|---|--|--|------------------------------|--------------------------------|---------------------|------------|
|   |                |                     |                |          | Lump, over 2", egg over 2", bottom size | Lump 2", egg 2", bottom size but over 1 1/4" | Lump 1 1/4" and under, egg 1 1/4" and under, bottom size | All nut and pea 2" and under | Run of mine result-ant over 2' | 1 1/4" and 2" slack | 3/4" slack |
|   |                |                     |                |          | 1                                       | 2  | 3  | 4                            | 5                              | 6                   | 7          |
| Bogross, H. O.                                | 1312           | Colfax (Strip)      | Pittsburgh     | Marion   | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Bowen, L. M.                                  | 406            | Bowen #1            | No. 5 Block    | Braxton  | 248                                     | 238  | 238  | 203                          | 203                            | 318                 | 317        |
| Bowen, L. M.                                  | 1313           | Bowen #2            | No. 5 Block    | Braxton  | 248                                     | 238  | 238  | 203                          | 203                            | 183                 | 173        |
| Coakley, William                              | 1306           | Desert Fork         | Sewell         | Webster  | 253                                     | 248  | 248  | 223                          | 223                            | 213                 | 193        |
| Ferguson Brothers Company, c/o H. L. Ferguson | 1314           | Ferguson #4 (Strip) | Pittsburgh     | Harrison | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Hardesty, Guy A.                              | 1315           | Blackburn #3        | Pittsburgh     | Harrison | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| McCoy, Robert L.                              | 407            | McCoy               | Pittsburgh     | Marion   | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Moore & Son Coal Co., C. L. (C. L. Moore)     | 337            | Moore #2            | Clarion        | Braxton  | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Morton, P. D.                                 | 1307           | Morton              | No. 5 Block    | Webster  | 248                                     | 238  | 238  | 203                          | 203                            | 183                 | 173        |
| Pine Bluff Coal Co., c/o E. T. Kelley         | 1319           | Pine Bluff          | Pittsburgh     | Harrison | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Starford, W. E. (Eureka Coal Company)         | 1316           | Eureka #1           | M. V. Freeport | Preston  | 225                                     | 225  | 225  | 200                          | 200                            | 190                 | 180        |
| Stout, H. V.                                  | 1317           | Hooppole (Strip)    | Pittsburgh     | Harrison | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |
| Yoland Coal Company                           | 1318           | Yoland #2 (Strip)   | Pittsburgh     | Harrison | 223                                     | 218  | 218  | 193                          | 193                            | 178                 | 168        |

[F. R. Doc. 42-3653; Filed, April 29, 1942; 10:59 a. m.]

[Docket No. A-1339]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both tempo-

rary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 324.8 (Numerical list of mines is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, § 324.11 (Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, and § 324.24 (General prices in cents per net ton for shipments into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition requests revision of the minimum prices established for the coals of the Chaplow Mine (Mine Index No. 1371), on the ground that although previously classified as a deep mine, it is, in fact, a strip mine. It appears that on the same property there are both deep (Mine Index No. 1371) and strip (Mine Index No. 2269) mine operations, known as the Chaplow Mine. Accordingly, it appears that the price classifications and minimum prices established in General Docket No. 15-A for the coals of Mine Index No. 2269, a strip mine, for truck shipment, should be revised, as requested in the petition.

It further appears from the petition that the coals of the Danielson Mine (Mine Index No. 588) of Danielson Bros. Coal Company were improperly priced in General Docket No. 15 and that minimum prices therefor should be revised because the Danielson Mine is in Subdistrict No. 6 and not in Subdistrict No. 1.

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

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

Dated: April 18, 1942.

[SEAL] DAN H. WHEELER, Acting Director.



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

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-I

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

| Mine index No. | Code member                                    | Mine name       | Sub-dist. No. | Seam | Type  | Shipping points in Ohio | Railroad | Freight origin group Nos. | Price classifications by size group Nos. |   |   |   |   |   |   |   |   |    |    |    |   |   |
|----------------|--|-----------------|---------------|------|-------|-------------------------|----------|---------------------------|--|---|---|---|---|---|---|---|---|----|----|----|---|---|
|                |  |                 |               |      |       |                         |          |                           | 1  | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |   |   |
| 1078           | Aldridge, W. T.                                | Yearling        | 7             | 1    | Deep  | Jackson                 | DT & L   | 42                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 354            | Arkeley, Andy                                  | Arkeley         | 5             | 6    | Deep  | Carrington              | NYC      | 27                        | K  | K | K | K | K | K | K | K | K | K  | K  | K  | K | K |
| 1039           | Blanchard, E. D. (Blanchard Coal & Lumber Co.) | Blanchard       | 7             | 5    | Deep  | Wallston                | B&O      | 41                        | K  | K | K | K | K | K | K | K | K | K  | K  | K  | K | K |
| 1932           | Centertown Coal Co. (John H. Elliott)          | Centertown      | 3             | 4    | Deep  | Phillips                | NYC      | 52                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 355            | Grant Collieries, Inc. (John H. E. Donnelly)   | Grant "B"       | 4             | 7A   | Strip | Salineville             | PRR      | 53                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q |
| 3004           | Hess & Son (Leonard Hess, Jr.)                 | Hess            | 8             | 8A   | Deep  | Pomeroy                 | C&O      | 23                        | K  | K | K | K | K | K | K | K | K | K  | K  | K  | K | K |
| 509            | Kish Coal Company (John Kish, Jr.)             | Pearsol         | 1             | 8    | Deep  | Powhatan                | PRR      | 15                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 354            | Pancake Bros. (Raymond Pancake)                | Big 4           | 5             | 6    | Deep  | Georgetown              | C&O      | 22                        | K  | K | K | K | K | K | K | K | K | K  | K  | K  | K | K |
| 582            | Reese, J. L. (Unity Coal Co.)                  | McCoy           | 1             | 6    | Deep  | Georgetown (Adena)      | W&LE     | 18                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 2424           | Robinson & Sons, L. A. (L. A. Robinson)        | Robinson & Sons | 6             | 6    | Deep  | McLaney                 | PRR      | 34                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 351            | Thornton & Son, O. C. (O. C. Thornton)         | Thornton No. 2  | 1             | 8    | Deep  | Maynard                 | W&LE     | 18                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O |
| 2504           | Wray, Pearl (Wray Coal Co.)                    | Wray Coal Co.   | 5             | 6    | Deep  | Carbon Hill             | C&O      | 22                        | K  | K | K | K | K | K | K | K | K | K  | K  | K  | K | K |

§ 324.8 Numerical list of mines—Supplement R-II

| Mine index No. | Mine name       | Code member                                    | Freight origin districts | Freight origin group Nos. | Railroad | Sub-district No. |
|----------------|-----------------|--|--------------------------|---------------------------|----------|------------------|
| 351            | Thornton No. 2  | Thornton & Son, O. C. (O. C. Thornton)         | Ohio No. 8               | 18                        | W&LE     | 1                |
| 354            | Big 4           | Pancake Bros. (Raymond Pancake)                | Hocking                  | 22                        | C&O      | 6                |
| 355            | Grant "B"       | Grant Collieries, Inc. (John H. E. Donnelly)   | Middle                   | 53                        | PRR      | 4                |
| 357            | Arkeley         | Andy Arkeley                                   | Hocking                  | 27                        | NYC      | 5                |
| 509            | Pearsol         | Kish Coal Co. (John Kish, Jr.)                 | Ohio No. 8               | 15                        | PRR      | 1                |
| 582            | McCoy           | Reese, J. L. (Unity Coal Co.)                  | Ohio No. 8               | 18                        | W&LE     | 1                |
| 1039           | Blanchard       | Blanchard, E. D. (Blanchard Coal & Lumber Co.) | Jackson                  | 41                        | B&O      | 1                |
| 1078           | Yearling        | Aldridge, W. T.                                | Jackson                  | 42                        | DT&L     | 7                |
| 1932           | Centertown      | Centertown Coal Co. (John H. Elliott)          | Middle                   | 52                        | NYC      | 3                |
| 2424           | Robinson & Sons | Robinson & Sons, L. A. (L. A. Robinson)        | Crooksville              | 34                        | PRR      | 6                |
| 2504           | Wray Coal Co.   | Wray, Pearl (Wray Coal Co.)                    | Hocking                  | 22                        | C&O      | 5                |
| 3004           | Hess            | Hess & Son (Leonard Hess, Jr.)                 | Pomeroy                  | 23                        | C&O      | 8                |

§ 324.2 Seasonal discounts—Supplement R-III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel]

| Freight origin districts | Freight origin group Nos.         | Mine Index Nos.   | Additional mine index Nos.         | Amount of discount for shipments during the month of— |     |      |      |
|--------------------------|-----------------------------------|---|------------------------------------|---|-----|------|------|
|                          |                                   |   |                                    | Apr.  | May | June | July |
| Ohio No. 8               | 9, 10, 11, 12, 14, 15, 17, 18, 19 | 10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167 | Add mine index Nos. 351, 509, 582  | 30  | 20  | 10   | ---  |
| Hocking                  | 21, 22, 26, 27, 28                | 1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 108, 126, 130, 168, 170, 171   | Add mine index Nos. 354, 357, 2504 | 50  | 40  | 30   | 20   |
| Pomeroy                  | 23, 25                            | 14, 22, 38, 70, 82, 100, 101, 105, 112, 113   | Add mine index Nos. 3004           | 50  | 40  | 30   | 20   |
| Crooksville              | 31, 32, 33, 34, 36                | 4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165  | Add mine index No. 2424            | 30  | 20  | 10   | ---  |
| Jackson                  | 41, 42, 44                        | 58, 72, 142   | Add mine index No. 1078            | 30  | 20  | 10   | ---  |
| Middle                   | 41, 42, 43                        | 2, 131, 134   | Add mine index No. 1039            | 50  | 40  | 30   | 20   |
|                          | 53, 54, 57                        | 49, 50, 67, 94, 132   | Add mine index No. 355             | 30  | 20  | 10   | ---  |
|                          | 52                                | 6, 158, 172   | Add mine index No. 1932            | 30  | 20  | 10   | ---  |

FOR TRUCK SHIPMENTS

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

| Code member index                                   | Mine                 | Mine index No. | Seam | Base sizes |     |     |     |     |     |     |     |     |  |  |
|---|----------------------|----------------|------|------------|-----|-----|-----|-----|-----|-----|-----|-----|--|--|
|   |                      |                |      | 1          | 2   | 3   | 4   | 5   | 6   | 7   | 8   |     |  |  |
| SUBDISTRICT NO. 1—EASTERN OHIO                      |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| BELMONT COUNTY                                      |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Thornton & Son, O. C. (O. C. Thornton)              | Thornton No. 2       | 351            |      | 8          | 285 | 275 | 200 | 235 | 230 | 220 | 200 | 190 |  |  |
| SUBDISTRICT NO. 4—MIDDLE CARROLL COUNTY             |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Carillon Coal Co. (Calvin Carillon)                 | Bartick              | 3013           |      | 7A         | 275 | 205 | 250 | 235 | 235 | 230 | 190 | 190 |  |  |
| National Fireproofing Corporation c/o R. A. Shipley | Magnolia             | 3007           |      | 6          | 275 | 205 | 250 | 235 | 235 | 230 | 190 | 180 |  |  |
| COLUMBIANA COUNTY                                   |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Grant Collieries, Inc., c/o H. E. Donnelly          | Grant "B"            | 355            |      | 7A         | 300 | 290 | 275 | 250 | 245 | 225 | 205 | 195 |  |  |
| Tri-County Fuel Company                             | Chaplow              | 2369           |      | 6 and 7    | 300 | 290 | 275 | 250 | 245 | 225 | 205 | 195 |  |  |
| STARK COUNTY  |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Kroft, W. H. (Kroft Coal Co.)                       | Kroft Coal Co.       | 356            |      | 5          | 275 | 265 | 230 | 235 | 235 | 230 | 190 | 180 |  |  |
| TUSCARAWAS COUNTY                                   |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Horsfall, John                                      | Horsfall             | 344            |      | 6          | 275 | 265 | 250 | 235 | 235 | 230 | 190 | 180 |  |  |
| Jenkins & Brogdon (Clarence L. Brogdon)             | Dorsey #1            | 342            |      |            | 275 | 265 | 250 | 235 | 235 | 230 | 190 | 180 |  |  |
| SUBDISTRICT NO. 5—HOCKING ATHENS COUNTY             |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Bobo & Co., James (James Bobo)                      | Sams                 | 340            |      | 8          | 270 | 260 | 250 | 225 | 220 | 195 | 165 | 155 |  |  |
| #56 Coal Company (James L. Tully)                   | #56 Coal Co. (Strip) | 345            |      | 6          | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 155 |  |  |
| HOCKING COUNTY                                      |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Pancake Bros. (Raymond Pancake)                     | Big 4                | 354            |      | 6          | 285 | 285 | 275 | 250 | 245 | 195 | 165 | 155 |  |  |
| PERRY COUNTY  |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Arkley, Andy  | Arkley               | 357            |      | 6          | 295 | 285 | 275 | 250 | 245 | 195 | 165 | 155 |  |  |
| Woodruff & Geysinger (Frank Woodruff)               | Green Briar          | 3012           |      | 6          | 295 | 285 | 275 | 250 | 245 | 195 | 165 | 155 |  |  |
| SUBDISTRICT NO. 6—CROOKSVILLE MUSKINGUM COUNTY      |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Angelo, Felix                                       | Blue Diamond         | 339            |      |            | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 165 |  |  |
| Black Ace Coal Co. (Paul Snurr)                     | Black Ace Coal Co.   | 3011           |      |            | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 165 |  |  |
| Church, Ralph                                       | Tripple X            | 343            |      |            | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 165 |  |  |
| PERRY COUNTY  |                      |                |      |            |     |     |     |     |     |     |     |     |  |  |
| Gardner Coal Co. (C. A. Gardner)                    | Gardner              | 341            |      |            | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 155 |  |  |
| Peirce & Stoneburner                                | Cedar Hill           | 3008           |      |            | 280 | 270 | 260 | 235 | 230 | 195 | 165 | 155 |  |  |

§ 324.9 Recapitulation of price classifications—Supplement R-IV

(Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—see schedule of effective minimum prices, § 324.9 and § 324.10. Also applies to market areas 98 and 99 (Great Lakes), § 324.11 (b), 324.11 (c), and vessel fuel, § 324.11 (d))

| Freight origin districts   | Freight origin group Nos.   | Mine Index Nos.   | Additional mine index Nos.  |
|--|---|---|---|
| Ohio No. 8   | 9, 10, 11, 12, 14, 15, 17, 18, 19   | 10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 124, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167 | Additional mine index Nos. 351, 509, 582  |
| Hocking  | 21, 22, 26, 27, 28  | 1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171   | Additional mine index Nos. 304, 357, 2304   |
| Pomeroy  | 23, 25  | 14, 22, 38, 70, 82, 100, 105, 112, 113  | Additional mine index No. 3004  |
| Crooksville  | 31, 32, 33, 34, 36  | 4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165  | Additional mine index No. 2424  |
| Jackson  | 41, 42, 44  | 58, 72, 142   | Additional mine index No. 1078  |
| Middle   | 41, 42, 43, 53, 54, 57, 52  | 2, 131, 134, 40, 50, 67, 94, 132, 6, 158, 172   | Additional mine index No. 1039, Additional mine index No. 355, Additional mine index No. 1932 |
| § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—see schedule of effective minimum prices, § 324.11 (a) |   |   |   |
| Name of railroad   | Mine Index Nos.   | Additional mine index Nos.  |   |
| Baltimore & Ohio Railroad Co.  | 10, 21, 30, 33, 39, 49, 58, 71, 72, 73, 81, 85, 87, 96, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162 | Additional mine index No. 1099  |   |
| Chesapeake & Ohio Railway Co.  | 14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 163, 170, 171   | Additional mine index Nos. 354, 2504, 3004  |   |
| Detroit, Toledo & Ironton Railroad Co.   | 2, 72, 142  | Additional mine index No. 1078  |   |
| New York Central System  | 1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172                  | Additional mine index Nos. 357, 1932  |   |
| Pennsylvania Railroad Co.  | 11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169  | Additional mine index Nos. 509, 2424  |   |
| Wheeling & Lake Erie Railway Co.   | 166   | Additional mine index No. 855   |   |
| Akron, Canton & Youngstown Railway Co.   | 9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164   | Additional mine index Nos. 351, 582   |   |
| Ann Arbor Railroad Co.   | From all mine index Nos. 351, 354, 357, 509, 582, 1039, 1078, 1932, 2424, 2504, 3004  | Additional mine index No. 355   |   |
| Canadian National Railways and Grand Trunk Railway System.   | From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166                     |   |   |
| Canadian Pacific Railway Co.   | From all mine index Nos. except those shown below   |   |   |
| Detroit and Mackinac Railway Company.  | From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166                     |   |   |
| Detroit & Toledo Shore Line Railroad Co.   | From all mine index Nos. except those shown below   |   |   |
| Erie Railroad  | From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166                     |   |   |
| Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)   | From all mine index Nos. except those shown below   |   |   |
| Pere Marquette Railway Co.   | From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166                     |   |   |
| For all Railroads not shown above—<br>1 Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.  |   |   |   |

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

| Code member index                              | Mine                | Mine index No. | Seam | Base sizes |                 |         |             |             |                              |                      |              |                |
|--|---------------------|----------------|------|------------|-----------------|---------|-------------|-------------|------------------------------|----------------------|--------------|----------------|
|  |                     |                |      | 6" lump    | 3", 4", 5" lump | 2" lump | 2" x 4" egg | 2" x 6" egg | 1 1/2" lump, 1 1/4" x 4" egg | Mine run nut and pea | 2" x 0 slack | 3/4" x 0 slack |
|  |                     |                |      | 1          | 2               | 3       | 4           | 5           | 6                            | 7                    | 8            |                |
| SUBDISTRICT NO. 7—JACKSON                      |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| JACKSON COUNTY                                 |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| H. S. & C. Coal Co. (c/o E. C. Hurst).....     | H. S. & C.....      | 3010           |      | 4          | 295             | 285     | 275         | 250         | 245                          | 195                  | 165          | 155            |
| VINTON COUNTY                                  |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| H. C. & C. Coal Co. (Harrison Harmon)....      | H. C. & C.....      | 3009           |      | 4          | 295             | 285     | 275         | 250         | 245                          | 195                  | 175          | 165            |
| SUB-DISTRICT NO. 8—POMEROY                     |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| MEIGS COUNTY                                   |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| Hess & Son (Leonard Hess, Jr.).....            | Hess.....           | 3004           | 8A   | 295        | 285             | 275     | 250         | 245         | 195                          | 140                  | 140          |                |
| SUBDISTRICT NO. 6—CROOKSVILLE                  |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| PERRY COUNTY                                   |                     |                |      |            |                 |         |             |             |                              |                      |              |                |
| Danielson Brothers Coal Co. (A. B. Danielson). | Danielson Bros..... | 588            |      | 280        | 270             | (*)     | (*)         | (*)         | 195                          | 165                  | 155          |                |

\*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-3854; Filed, April 29, 1942; 10:59 a. m.]

[Docket No. A-1373]

PART 324—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RELIEF  
IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT  
OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF  
CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I,

§ 324.8 (Numerical list of mines) is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, § 324.11 (Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, and § 324.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition proposed a minimum price of \$3.05 for truck shipment of the Size Group 3 coals of the S & H mine (Mine Index No. 374) of Stahl and Head. It appears that \$3.15 is the minimum price applicable to analogous Size Group 3 coals of other mines in Wayne County, for truck shipment, and that the petition fails to make any showing as to the necessity for the establishment for the coals in Size Group 3 produced at Mine Index No. 374 of a minimum price lower than that established for analogous coals. Accordingly, it appears that a minimum price of \$3.15 is proper and should be established for the Size Group 3 coals of Mine Index No. 374 of Stahl and Head, for truck shipments.

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

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

Dated: April 21, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-I

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

| Mine Index No. | Code member   | Mine name           | Sub-district No. | Seam | Type  | Shipping points in Ohio | Railroad | Freight origin group Nos. | Price classifications by size group Nos. |   |   |   |   |   |   |   |   |    |    |    |   |   |   |
|----------------|---|---------------------|------------------|------|-------|-------------------------|----------|---------------------------|--|---|---|---|---|---|---|---|---|----|----|----|---|---|---|
|                |   |                     |                  |      |       |                         |          |                           | 1  | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |   |   |   |
| 1200           | Benedict & Sherman (Floyd L. Benedict).                   | Benedict & Sherman  | 7                | 6    | Strip | Creola                  | C&O      | 43                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q |   |
| 353            | Breyer, Theo. V. (Breyer Coal Co.).                       | Blicktown Gap #2    | 4                | 5    | Strip | Dover                   | B&O      | 51                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 360            | Cadiz Realty Co., The c/o Herbert S. Kneighbaum.          | Narva               | 1                | 8    | Strip | Narva Sliding           | PRR      | 15                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 350            | Elliott, Walter J.  | Pierce              | 7                | 4    | Strip | McArthur                | C&O      | 43                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 380            | Folmer, W. L.   | Victory             | 8                | 8A   | Deep  | Pomeroy                 | C&O      | 23                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 2725           | Glass, John   | Weed                | 5                | 6    | Deep  | Hope                    | B&O      | 41                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 2301           | Hysell, Carl  | Dolph Hysell        | 8                | 1    | Deep  | Rutland                 | NYC      | 25                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 373            | McKitterick, Jas. J. (McKitterick Coal Co.)               | Harrison            | 7                | 8    | Strip | Jackson                 | DT&I     | 42                        | O  | O | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 372            | McKitterick, Jas. J. (McKitterick Coal Co.)               | Hipple              | 7                | 2    | Strip | Jackson                 | DT&I     | 42                        | K  | K | M | O | O | O | O | M | M | M  | M  | M  | M | M | M |
| 377            | McKitterick, Wesley (Wesley McKitterick Co.)              | Evans               | 7                | 2    | Strip | Jackson                 | DT&I     | 42                        | K  | K | M | O | O | O | O | M | M | M  | M  | M  | M | M | M |
| 1520           | Noble, Fred (Noble Coal Co.)                              | Noble #1            | 4                | 6    | Deep  | Morgan Run              | WLE      | 55                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 364            | Ohio Coal Co. (Valla Mowrey)                              | Bock                | 7                | 2    | Strip | Ray                     | B&O      | 41                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 2795           | S & W Coal Co. (Carl C. Wiseman)                          | S&W                 | 8                | 8A   | Deep  | Pomeroy                 | C&O      | 23                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 368            | Santavicea, Domenic & Hugo Ciardelli (Domenic Santavicea) | Indian Run Coal Co. | 1                | 8    | Deep  | Bellaire                | PRR      | 15                        | O  | O | O | O | O | O | O | O | O | O  | O  | O  | O | O | O |
| 385            | Tasa Coal Co. c/o H. B. Salkeld                           | Fremont #2          | 1                | 8    | Strip | Hurford                 | WLE      | 17                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 352            | Indian Coal Co. (Tokie, Andrew)                           | Indian Coal Co.     | 5                | 7A   | Deep  | Hardyville              | NYC      | 28                        | Q  | Q | Q | Q | Q | Q | Q | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 376            | Vinton Stone & Coal Co.                                   | Vinton Stone #4     | 7                | 4    | Deep  | Oreton                  | C&O      | 43                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 375            | Vinton Stone & Coal Co. (Thomas Charles)                  | No. 3 Strip         | 7                | 3    | Strip | Hamden                  | B&O      | 41                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 388            | White Ash Coal Co. (Thomas Charles)                       | White Ash Coal Co.  | 5                | 6    | Deep  | Shawnee                 | NYC      | 27                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |
| 361            | Williams, Elbert  | Williams            | 8                | 8A   | Deep  | Pomeroy                 | C&O      | 23                        | K  | K | O | O | O | O | O | Q | Q | Q  | Q  | Q  | Q | Q | Q |

§ 324.8 Numerical list of mines—Supplement R-II

| Mine Index No. | Mine name           | Code member   | Freight origin districts | Freight origin group Nos. | Railroad | Subdistrict No. |
|----------------|---------------------|---|--------------------------|---------------------------|----------|-----------------|
| 350            | Pierce              | Elliott, Walter J.  | Jackson                  | 43                        | C&O      | 7               |
| 353            | Blicktown Gap #2    | Breyer, Theo. V. (Breyer Coal Co.)                        | Middle                   | 51                        | B&O      | 4               |
| 360            | Narva               | Cadiz Realty Company, The c/o Herbert S. Kneighbaum       | Ohio No. 8               | 15                        | PRR      | 1               |
| 361            | Williams            | Williams, Elbert  | Pomeroy                  | 23                        | C&O      | 8               |
| 364            | Ohio Coal Co.       | Ohio Coal Co. (Valla Mowrey)                              | Jackson                  | 41                        | B&O      | 7               |
| 388            | Indian Run Coal Co. | Santavicea, Domenic & Hugo Ciardelli (Domenic Santavicea) | Ohio No. 8               | 15                        | PRR      | 1               |
| 372            | Hipple              | McKitterick, Jas. J. (McKitterick Coal Co.)               | Jackson                  | 42                        | DT&I     | 7               |
| 373            | Harrison            | McKitterick, Jas. J. (McKitterick Coal Co.)               | Jackson                  | 42                        | DT&I     | 7               |
| 375            | No. 3 Strip         | Vinton Stone & Coal Co.                                   | Jackson                  | 41                        | B&O      | 7               |

§ 324.8 Numerical list of mines—Supplement R-II—Continued

| Mine Index No. | Mine name          | Code member                                  | Freight origin districts | Freight origin group Nos. | Railroad | Subdistrict No. |
|----------------|--------------------|--|--------------------------|---------------------------|----------|-----------------|
| 376            | Vinton Stone #4    | Vinton Stone & Coal Co.                      | Jackson                  | 43                        | C&O      | 7               |
| 377            | Evans              | McKitterick, Wesley (Wesley McKitterick Co.) | Jackson                  | 42                        | DT&I     | 7               |
| 380            | Victory            | Folmer, W. L.                                | Pomeroy                  | 23                        | C&O      | 8               |
| 385            | Fremont #2         | Tasa Coal Company c/o H. B. Salkeld          | Ohio No. 8               | 18                        | WLE      | 1               |
| 388            | White Ash Coal Co. | White Ash Coal Co. (Thomas Charles)          | Hocking                  | 27                        | NYC      | 6               |
| 832            | Indian Coal Co.    | Indian Coal Co. (Tokie, Andrew)              | Hecking                  | 47                        | C&O      | 5               |
| 1293           | Benedict & Sherman | Benedict & Sherman (Floyd L. Benedict)       | Jackson                  | 23                        | C&O      | 7               |
| 1520           | Noble #1           | Noble, Fred (Noble Coal Co.)                 | Middle                   | 55                        | WLE      | 4               |
| 2301           | Dolph Hysell       | Hysell, Carl                                 | Pomeroy                  | 25                        | NYC      | 8               |
| 2725           | Weed               | Glass, John                                  | Jackson                  | 41                        | B&O      | 5               |
| 2795           | S&W                | S&W Coal Co. (Carl C. Wiseman)               | Pomeroy                  | 23                        | C&O      | 8               |

§ 324.9 Recapitulation of price classifications—Supplement R-IV—Continued

| Freight origin districts | Freight origin group Nos. | Additional freight origin group Nos. | Mine index Nos.                             | Additional mine index Nos.                         |
|--------------------------|---------------------------|--------------------------------------|---|--|
| Pomeroy                  | 23, 25                    |                                      | 14, 22, 38, 70, 82, 100, 101, 105, 112, 113 | Add mine index Nos. 380, 2301, 2795, 361, 372, 377 |
| Jackson                  | 41                        | Add 42                               | 153   | Add mine index Nos. 1200, 350, 364, 375, 2725      |
|                          | 41                        | Add 42                               | 25  | Add mine index No. 2725                            |
|                          | 41                        | Add 42                               | 39, 136                                     | Add mine index No. 373                             |
|                          | 41                        | Add 42                               | 133   | Add mine index No. 376                             |
| Middle                   | 41, 42, 43                | Add 51                               | 2, 131, 134                                 | Add mine index Nos. 353, 377, 377, 377             |
|                          | 52                        |                                      | 13, 108                                     | Add mine index No. 1520                            |
|                          | 55, 56                    |                                      | 9, 24, 32, 52, 135                          |  |

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

(Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below—See schedule of effective minimum prices, § 324.11 (a))

| Name of railroad   | Mine index Nos.  | Additional mine index Nos.              |
|--|--|---|
| Baltimore & Ohio Railroad Co.                                  | 10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162  | Add mine index No. 2725                 |
| Chesapeake & Ohio Railway Co.                                  | 8, 25, 133, 153, 161   | Add mine index Nos. 353, 364, 375, 2795 |
| Detroit, Toledo & Ironton Railroad Co.                         | 14, 28, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171, 170, 880  | Add mine index Nos. 350, 1200           |
| New York Central System  | 1, 4, 6, 18, 22, 27, 28, 31, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 150, 158, 177, 181, 185, 11, 20, 31, 42, 43, 49, 50, 53, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 166, 169, 169 | Add mine index No. 368                  |
| Pennsylvania Railroad Co.                                      | 9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164  | Add mine index No. 360                  |
| Wheeling & Lake Erie Railway Co.                               | 5, 12, 37, 48, 110, 119  | Add mine index No. 1520                 |
| Akron, Canton & Youngstown Railway Co.                         |  | Add mine index No. 385                  |
| Ann Arbor Railroad Co.   |  |   |
| Canadian National Railways and Grand Trunk Railway System      |  |   |
| Canadian Pacific Railway Co.                                   |  |   |
| Detroit & Toledo Shore Line Railroad Co.                       |  |   |
| Erie Railroad  |  |   |
| Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.) |  |   |
| Pere Marquette Railway Co.                                     |  |   |

From all mine index Nos. except those shown below.  
From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.

From all mine index Nos. except those shown below.  
From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.

§ 324.2 Seasonal discounts<sup>1</sup>—Supplement R-III

(On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 12, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel)

| Freight origin districts | Freight origin group Nos.         | Additional freight origin group Nos. | Mine index Nos.   | Additional mine index Nos.               | Amount of discount for shipments during the month of— |     |      |      |
|--------------------------|-----------------------------------|--------------------------------------|---|--|---|-----|------|------|
|                          |                                   |                                      |   |  | Apr   | May | June | July |
| Ohio No. 8               | 9, 10, 11, 12, 14, 15, 17, 18, 19 |                                      | 10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167 | Add mine index No. 368                   | 30  | 20  | 10   |      |
|                          | 12, 14, 17, 18                    | Add 15                               | 12, 16, 37, 45, 68, 92, 119, 161  | Add mine index Nos. 385, 360             | 30  | 20  | 10   |      |
| Hocking                  | 21, 22, 26, 27, 28                |                                      | 1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 80, 90, 109, 126, 130, 168, 170, 171   | Add mine index No. 388                   | 50  | 40  | 30   | 20   |
|                          | 26, 27                            |                                      | 83, 141   | Add mine index No. 832                   | 30  | 20  | 10   |      |
| Pomeroy                  | 23, 25                            |                                      | 14, 22, 38, 70, 82, 100, 101, 105, 112, 113   | Add mine index Nos. 380, 2301, 2795, 361 | 50  | 40  | 30   | 20   |
| Jackson                  | 41                                | Add 42                               | 153   | Add mine index Nos. 372, 377             | 50  | 40  | 30   | 20   |
|                          | 41                                | Add 42                               | 25  | Add mine index Nos. 1200, 350, 364, 375  | 50  | 40  | 30   | 20   |
|                          | 41                                | Add 42                               | 39, 136   | Add mine index No. 2725                  | 50  | 40  | 30   | 20   |
|                          | 41                                | Add 42                               | 133   | Add mine index No. 373                   | 30  | 20  | 10   |      |
| Middle                   | 41, 42, 43                        | Add 51                               | 2, 131, 134   | Add mine index No. 376                   | 50  | 40  | 30   | 20   |
|                          | 52                                |                                      | 13, 108   | Add mine index No. 353                   | 30  | 20  | 10   |      |
|                          | 55, 56                            |                                      | 9, 24, 32, 52, 135  | Add mine index No. 1520                  | 30  | 20  | 10   |      |

<sup>1</sup> Seasonal discounts as shown in § 324.2 in the schedule of effective minimum prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 Recapitulation of price classifications<sup>1</sup>—Supplement R-IV

(Prices for all rail shipment from mines indexed below into market areas as shown—see schedule of effective minimum prices § 324.9 and § 324.10. Also applies to market areas 98 and 99 (Great Lakes), § 324.11 (b), 324.11 (c), and vessel fuel, § 324.11 (d))

| Freight origin districts | Freight origin group Nos.         | Additional freight origin group Nos. | Mine index Nos.   | Additional mine index Nos.   |
|--------------------------|-----------------------------------|--------------------------------------|---|------------------------------|
| Ohio No. 8               | 9, 10, 11, 12, 14, 15, 17, 18, 19 |                                      | 10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167 | Add mine index Nos. 385, 360 |
|                          | 12, 14, 17, 18                    | Add 15                               | 12, 16, 37, 45, 68, 92, 119, 161  | Add mine index No. 388       |
| Hocking                  | 21, 22, 26, 27, 23                |                                      | 1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 80, 109, 126, 130, 168, 170, 171   | Add mine index No. 832       |
|                          | 26, 27                            |                                      | 83, 141   |                              |

<sup>1</sup> Prices as shown in §§ 324.9, 324.10, 324.11 (b) and 324.11 (c) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

Prices as shown for mine index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional mine index Nos. 318 and 326 hereinabove noted.  
<sup>1</sup> Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

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

| Code member index             | Mine   | Mine Index No. | Beam | Base sizes |                 |         |             |             |                              |                       |              |                |
|-------------------------------|--|----------------|------|------------|-----------------|---------|-------------|-------------|------------------------------|-----------------------|--------------|----------------|
|                               |  |                |      | 6" lump    | 3', 4", 5" lump | 2' lump | 2' x 4" egg | 2' x 3" egg | 1 1/2" lump, 1 1/4" x 4" egg | Mine run, nut and pea | 2' x 0 slack | 3/4" x 0 slack |
| SUBDISTRICT NO. 4—MIDDLE—CON. |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| WAYNE COUNTY                  |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Stahl & Head (S & H Coal Co.)                | 374            | 1    | 340        | 330             | 315     | 290         | 285         | 275                          | 235                   | 235          | 235            |
| SUBDISTRICT NO. 5—HOCKING     |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| HOCKING COUNTY                |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Pancake Bros. (Raymond Pancake)              | 354            | 6    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
| PERRY COUNTY                  |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | White Ash Coal Co. (Thomas Charles)          | 388            | 6    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
| SUBDISTRICT NO. 7—JACKSON     |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| JACKSON COUNTY                |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Crabtree Bros. (Noel Crabtree)               | 365            | 5    | 295        | 285             | 275     | 250         | 245         | 195                          | 175                   | 165          | 165            |
|                               | McKitterick, Jas. J. (McKitterick Coal Co.)  | 373            | 1    | 295        | 285             | 275     | 250         | 245         | 195                          | 175                   | 165          | 165            |
|                               | McKitterick, Jas. J. (McKitterick Coal Co.)  | 372            | 2    | 295        | 285             | 275     | 250         | 245         | 195                          | 185                   | 175          | 175            |
|                               | McKitterick, Wesley (Wesley McKitterick Co.) | 377            | 2    | 295        | 285             | 275     | 250         | 245         | 195                          | 185                   | 175          | 175            |
| LAWRENCE COUNTY               |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Harmon, Troy                                 | 362            | 3    | 295        | 285             | 275     | 250         | 245         | 195                          | 175                   | 165          | 165            |
| VINTON COUNTY                 |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Elliott, Walter J.                           | 350            | 4    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
|                               | Holtz, John                                  | 393            | 7    | 295        | 285             | 275     | 250         | 245         | 195                          | 175                   | 165          | 165            |
|                               | Ohio Coal Co. (Valja Nowrey)                 | 374            | 2    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
|                               | Vinton Stone & Coal Co.                      | 375            | 3    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
|                               | Vinton Stone & Coal Co. No. 3 Strip          | 376            | 3    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
|                               | Vinton Stone & Coal Co. No. 4 Strip          | 376            | 4    | 295        | 285             | 275     | 250         | 245         | 195                          | 165                   | 155          | 155            |
| SUBDISTRICT NO. 8—POMEROY     |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| MERIGS COUNTY                 |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                               | Folmer, W. L.                                | 380            | 8    | 295        | 285             | 275     | 250         | 245         | 195                          | 140                   | 140          | 140            |
|                               | Williams, Elbert                             | 361            | 8A   | 295        | 285             | 275     | 250         | 245         | 195                          | 140                   | 140          | 140            |

[F. R. Doc. 42-3855; Filed, April 29, 1942; 10:59 a. m.]

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

| Code member index              | Mine   | Mine Index No. | Beam | Base sizes |                 |         |             |             |                              |                       |              |                |
|--------------------------------|--|----------------|------|------------|-----------------|---------|-------------|-------------|------------------------------|-----------------------|--------------|----------------|
|                                |  |                |      | 6" lump    | 3', 4", 5" lump | 2' lump | 2' x 4" egg | 2' x 3" egg | 1 1/2" lump, 1 1/4" x 4" egg | Mine run, nut and pea | 2' x 0 slack | 3/4" x 0 slack |
| SUBDISTRICT NO. 1—EASTERN OHIO |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| BELMONT COUNTY                 |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Santavaca, Domenic & Hugo Clardelli (Domenic Santavacca) | 368            | 8    | 285        | 275             | 260     | 235         | 230         | 220                          | 200                   | 190          | 190            |
|                                | Secret, Luther   | 346            | 8    | 285        | 275             | 260     | 235         | 230         | 220                          | 200                   | 190          | 190            |
| HARRISON COUNTY                |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Cadiz Realty Co., The e/o Herbert S. Krelghbaum          | 360            | 8    | 275        | 265             | 250     | 225         | 220         | 210                          | 190                   | 180          | 180            |
|                                | Tusa Coal Co. e/o H. R. Salkeld                          | 385            | 8    | 275        | 265             | 250     | 225         | 220         | 210                          | 190                   | 180          | 180            |
| JEFFERSON COUNTY               |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Garratson, Scott (Garratson's Mine)                      | 3019           | 8    | 285        | 275             | 260     | 235         | 230         | 220                          | 200                   | 190          | 190            |
|                                | Frye, Lee E.   | 348            | 8    | 285        | 275             | 260     | 235         | 230         | 220                          | 200                   | 190          | 190            |
| SUBDISTRICT NO. 2—CAMBRIDGE    |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| NOBLE COUNTY                   |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | McGarry, Orville   | 371            | 8    | 270        | 260             | 245     | 220         | 220         | 220                          | 200                   | 190          | 190            |
|                                | Vornhes, J. P.   | 363            | 8    | 270        | 260             | 245     | 220         | 220         | 220                          | 200                   | 190          | 190            |
| SUBDISTRICT NO. 3—BERGHOLZ     |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| JEFFERSON COUNTY               |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Plate Coal Co. (L. H. Plate)                             | 3020           | 8    | 285        | 275             | 260     | 235         | 230         | 220                          | 200                   | 190          | 190            |
| SUBDISTRICT NO. 4—MIDDLE       |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| COLUMBIANA COUNTY              |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Wymer, George J.   | 349            | 6    | 300        | 290             | 275     | 250         | 245         | 235                          | 205                   | 195          | 195            |
| COSHOCTON COUNTY               |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Johnson, Russell   | 367            | 6    | 280        | 270             | 260     | 235         | 230         | 195                          | 165                   | 155          | 155            |
| SUBDISTRICT NO. 4—MIDDLE       |  |                |      |            |                 |         |             |             |                              |                       |              |                |
| TUSCARAWAS COUNTY              |  |                |      |            |                 |         |             |             |                              |                       |              |                |
|                                | Breyer, Theo. V. (Breyer Coal Co.)                       | 353            | 5    | 275        | 265             | 250     | 225         | 220         | 210                          | 190                   | 180          | 180            |
|                                | Leatherman, John   | 347            | 6    | 275        | 265             | 250     | 225         | 220         | 210                          | 190                   | 180          | 180            |
|                                | Moore, Arthur (Moore Coal Co.)                           | 352            | 6    | 275        | 265             | 250     | 225         | 220         | 210                          | 190                   | 180          | 180            |

## TITLE 32—NATIONAL DEFENSE

## Chapter 1—War Relocation Authority

[Regulation No. I]

## PART 4—ENLISTMENT IN WORK CORPS

Pursuant to the provisions of section 7 of Executive Order No. 9102 of March 18, 1942, which reads as follows:

There is established within the War Relocation Authority the War Relocation Work Corps. The Director shall provide, by general regulations, for the enlistment in such Corps, for the duration of the present war, of persons removed under this order or under Executive Order No. 9066 of February 19, 1942, and shall prescribe the terms and conditions of the work to be performed by such Corps, and the compensation to be paid.

the Director of the War Relocation Authority hereby prescribes the following regulations to govern enlistments in the War Relocation Work Corps:

## Sec.

- 4.1 Applicability of regulations.
- 4.2 Voluntary enlistments.
- 4.3 Assignment of enlistees to projects.
- 4.4 Time and place of enlistment.
- 4.5 Eligibility for enlistment.
- 4.6 Procedure for enlistment.
- 4.7 Duration of enlistment.
- 4.8 Wages, allowances, and benefits.

**AUTHORITY:** §§ 4.1 through 4.8 inclusive, issued under Executive Order 9102, 7 F.R. 2165.

§ 4.1 *Applicability of regulations.* The regulations in this part will apply to all enlistments in the War Relocation Work Corps.

§ 4.2 *Voluntary enlistments.* All enlistments in the Work Corps will be on a wholly voluntary basis.

§ 4.3 *Assignment of enlistees to projects.* All enlistments will be made without special applicability to any project or relocation center of the War Relocation Authority. Assignments of enlistees to projects or centers may be changed from time to time.

§ 4.4 *Place of enlistment.* Enlistments will be made either at assembly centers or at relocation centers.

§ 4.5 *Eligibility for enlistment.* All able-bodied persons, both male and female, above the age of sixteen years, who are residents or who are eligible for residence on a War Relocation Authority project or relocation center are eligible for enlistment. Citizenship of the United States will not be a prerequisite for enlistment.

§ 4.6 *Procedure for enlistment.* (a) Enlistment in the Work Corps will be made and accepted only on Form WRA 1. The Regional Director of the War Relocation Authority or other enlisting official is not authorized to make any changes, either by addition or subtraction, in Form WRA 1, except upon specific authorization of the Director of the War Relocation Authority. The enlistee will execute duplicate copies of the form, the original of which will be retained in the files of the War Relocation Authority, and the duplicate will be given to the enlistee.

(b) The enlistee will sign Form WRA 1 and take the oath set forth on the form in the presence of a notary public or other person authorized to administer the oath.

(c) The enlistee will place the print of his right index finger in the place provided on the form for that purpose.

(d) Where the enlistee cannot read and write English, a translator will be provided by the War Relocation Authority. The translator will read the entire contents of Form WRA 1, including the oath contained in it, to the enlistee. The enlistee will take the oath in the language he habitually uses in the presence and hearing of the translator and of the person authorized to administer the oath. The translator will satisfy himself that the contents of the form and the oath are understood by the enlistee. The translator will sign his name and take the oath contained in the form for his use in the presence of the enlistee and a person authorized to administer the oath.

(e) No charge will be made for administering the oath or for performing the services of a translator.

(f) The Regional Director, whether or not he is a notary public, is hereby authorized to administer the oaths provided for in these regulations. He is further authorized to delegate in writing to any War Relocation Authority employee or any Federal employee cooperating with the War Relocation Authority the authority to administer such oaths.

(g) Enlistment Forms WRA 1 will be numbered consecutively. The duplicate and original form for each enlistee will bear the same number.

(h) The Director of the War Relocation Authority may, in his discretion, in the public interest, waive any imperfections or irregularities in the execution of enlistment agreements.

§ 4.7 *Duration of enlistment.* Enlistment will be for the duration of the present war and fourteen days after its termination, unless an earlier discharge is issued by the Director of the War Relocation Authority. Enlistments for a shorter time will not be accepted.

§ 4.8 *Wages, allowances, and benefits.* The enlistees will be entitled to receive as compensation such wages, allowances, and other benefits as may be due, under the regulations of the War Relocation Authority, under the classifications which may from time to time be assigned to them respectively. They will not be entitled to any payments or allowances upon discharge from the War Relocation Work Corps other than those which stand to their respective personal accounts on such date.

M. S. EISENHOWER,  
Director,  
War Relocation Authority.

[F. R. Doc. 42-3858; Filed, April 29, 1942; 11:26 a. m.]

Chapter IX—War Production Board  
Subchapter B—Division of Industry Operations  
PART 935—POLYVINYL CHLORIDE  
AMENDMENT NO. 2 TO GENERAL PREFERENCE  
ORDER M-10<sup>1</sup>

Section 935.1, *General Preference Order M-10*, as amended is hereby amended as follows:

<sup>1</sup> 6 F.R. 2838, 7 F.R. 70.

Subparagraph (1) of present paragraph (a) is hereby amended to read as follows:

(1) "Polyvinyl Chloride" means vinyl chloride and all co-polymers thereof, whether plasticized or unplasticized, and includes the materials known by the trade names of Koroseal and Vinylite. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 29th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3870; Filed, April 29, 1942; 3:33 p. m.]

PART 997—PRODUCTION AND DELIVERY OF  
MACHINE TOOLS

GENERAL PREFERENCE ORDER E-1-b

§ 997.2 *General Preference Order E-1-b—(a) Definitions.* (1) "Machine tools" include the products listed in schedule hereto attached and marked "Exhibit A"<sup>1</sup> and divided into two groups designated Group I and Group II for the purpose of this Order as hereinafter specified. The term "tool" means a machine tool. Each machine tool includes not only the basic machine but also all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the tool to make it usable in production for the purposes intended, but does not include any replacements, or spare parts or equipment, or extra tooling, ordered by the purchaser.

(2) "Producer" means any individual, partnership, association, corporation, or other form of enterprise engaged in producing any products listed in Exhibit A.

(3) "Service purchasers" means those whose Preference Rating Certificates, or whose endorsed purchase orders, show that the preference rating applied to such delivery was assigned thereto by an original Preference Rating Certificate PD-3, PD-3A, or PD-4, or by Preference Rating Order P-19-h, calling for delivery to a Supply Arm or Bureau of the Army or Navy, or to the United States Maritime Commission, or to one of their prime contractors, or to a subcontractor of such a prime contractor.

(4) "Foreign purchasers" means those whose purchase orders show that the tool is to be delivered to or for the account of a foreign country (other than Canada), or a subdivision, agency, or instrumentality thereof: *Provided*, That such purchase orders have been placed by the Ordnance Department (Army) or by the Procurement Division of the Treasury Department, with or without a Preference Rating Certificate; or, in the case of purchase orders placed prior to the effective date of this Order, by a purchasing or procurement agent of a foreign country, where such purchase orders have been scheduled pursuant to a Preference

<sup>1</sup> Not filed as part of the original document.

Rating Certificate, a Special Allocation Order No. 1, or General Preference Order No. E-3.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, to whose purchase orders a preference rating has been assigned, including Canadian.

(6) "Class" when used herein means one of the foregoing three classes of purchasers: namely, service purchasers, foreign purchasers, or other purchasers.

(7) "Size" as used herein may include all of those dimensions or variations of a particular type of tool which can be used interchangeably for production purposes.

(b) *Revocation of previous Order.* General Preference Order No. E-1-a, Revised, including the Numerical Master Preference List, Revision No. 1, is revoked as of the effective date of this Order, as to machine tools, and shall thereafter be of no further force or effect with respect to machine tools except as present schedules and Urgency Standings are continued by paragraph (c) of this section. Makers of gages and chucks will continue to schedule their production according to General Preference Order No. E-1-a, Revised, until further order of the Director of Industry Operations.

(c) *Periods for continuance of present schedules.* Present schedules of production and delivery and present urgency standings of those machine tools designated as Group I on Exhibit A shall be maintained as they now stand until June 1, 1942. Present schedules and urgency standings of those machine tools designated as Group II on Exhibit A shall be maintained as they now stand until July 1, 1942. After those respective dates, every producer shall schedule his production and delivery of machine tools according to the provisions of this Order.

(d) *Allocation of production to service purchasers and to foreign and other purchasers.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each calendar month so as to deliver 75 per cent of his production of each size of each type of tool which he produces in that month to service purchasers.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each month so as to deliver 25 per cent of his production of each size of each type of tool in the aggregate to foreign purchasers and other purchasers.

(3) A producer may schedule for delivery to service purchasers more than 75 per cent of his production of any size of a type of tool in a given month, to the extent that he has failed to receive purchase orders for foreign purchasers and rated purchase orders from other purchasers for tools of such size and type prior to the first day of the fourth month preceding the month of delivery.

(4) A producer may likewise schedule for delivery to foreign purchasers and other purchasers more than 25 per cent of such production of any size of a type of tool in a given month, to the extent

that he has failed to receive rated purchase orders from service purchasers for tools of such size and type, prior to the first day of the fourth month preceding the month of delivery.

(5) In preparing his schedules as aforesaid, a producer shall fix the dates of his deliveries of tools to service purchasers, to foreign purchasers and to other purchasers within a given month so that each class will receive its percentage of tools equitably in point of time within the month.

(e) *Distribution of 75 per cent of production among service purchasers.* (1) Service purchasers are hereby subdivided into six groups consisting of the following, and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Services, Miscellaneous Bureaus and Branches, and the Maritime Commission. The fourth group, designated "Air Services", includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Bureaus and Branches", includes the Quartermaster Corps, the Corps of Engineers, the Medical Corps, the Chemical Warfare Service, the Signal Corps, the Bureau of Yards and Docks, and the Marine Corps, and their respective prime contractors and subcontractors.

(2) Exhibit A specifies a percentage of each type of tool which is to be delivered each month to each different group of service purchasers. The aggregate of such percentages is 75 per cent.

(3) The stated percentage for each group, where applied to a producer's production of each size of a given type of tool in a specified month, establishes the "quota" for that group of that size and type during that month.

(4) During each calendar month, each producer shall deliver to each group of service purchasers the number of tools of each size of a given type which equals the quota of the group for that size and type.

(5) If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from any particular group of service purchasers equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from members of other groups of service purchasers for that size and type for delivery during that month. Where members of two or more other groups have placed purchase orders aggregating more than such unordered balance of the first group's quota, the producer must schedule such purchase orders in accordance with the urgency standings of the respective purchasers as hereinafter set forth.

(6) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its percentage of tools equitably in point of time within the month.

(f) *Distribution of 25 per cent of machine tools among foreign and other purchasers.* Foreign purchasers and other purchasers shall be treated as one group, and each producer shall schedule his orders for each size of each type for delivery each month, within their aggregate 25 per cent of production for that month, in accordance with the sequence of deliveries determined as hereinafter specified in paragraph 1: *Provided, however,* That if the purchase orders from foreign purchasers and other purchasers with any producer with required delivery dates in any one month, aggregate more than 25 per cent of his production for any size of a given type during such month, such producer shall immediately file with the War Production Board a report stating the size and type of tool, showing all such purchase orders and designating for each order the required delivery date, the name of the purchaser, or the foreign country in the case of foreign purchasers, the purpose for which the tool is to be used in the case of other purchasers and the required delivery dates. The Director of Industry Operations, or such other official as may be specifically authorized by him, will thereupon examine such report and issue directions as to which purchase orders shall be eliminated in order to bring the aggregate within the 25 per cent allocation, or such other directions as he may deem necessary.

(g) *Treatment of fractions.* Where the number of tools which results from the use of a percentage to be applied under this Order contains a fraction of more than one-half, the fraction shall be counted as a whole tool. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole tool) for any one month, and such fraction is less than one-half it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining tool to which such fractions can apply, such tool shall be allotted to the group having the highest percentage quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(h) *Necessity for preference ratings.* (1) Except in the case of purchase orders of foreign purchasers, no purchase order received after the effective date of this Order for any machine tool shall be given priority standing in production schedules, or shall be sold or delivered, unless a preference rating of A-10 or higher has been assigned thereto by a Preference Rating Certificate PD-1A, by a Preference Rating Certificate PD-3A, or by Preference Rating Order No. P-19-h. Delivery of the Preference Rating Certificate itself to the producer is not required, but each purchase order must contain the proper endorsement thereon prescribed by said Certificate PD-1A, PD-3A, or Preference Rating Order No. P-19-h. In addition, there must be included in this endorsement or set forth



on the purchase order in a separate endorsement, (i) the urgency standing of the purchaser, if any; (ii) the required delivery date of the tool; (iii) in the case of service purchasers, the Supply Arm or Bureau of the Army or Navy, or the Maritime Commission, which placed the prime contract, the number of the prime contract, and the name of the prime contractor; (iv) in the case of foreign purchasers, the foreign country for which the tool is purchased; (v) in the case of other purchasers, a statement as to the product or production program for which the tool is to be used.

If the endorsement on any purchase order of a service purchaser received after the effective date of this Order does not specify the urgency standing of such purchaser, and the name of such purchaser does not appear with an urgency standing on the list, hereinafter described, then such purchase order shall be treated as one without any urgency standing.

(2) In the case of preference ratings which have been received prior to the effective date of this Order, and where the Preference Rating Certificate filed with the producer or the endorsement upon the purchase order does not disclose the foregoing information, and the producer does not already know it, the producer shall require a written certification from the purchaser with respect thereto, in order to determine in which class and group of purchasers the purchaser belongs, his urgency standing (if any), and his required delivery date.

(i) *Operation of Numerical Master Preference List, Revision No. 3, and Preference Ratings.* (1) All purchase orders of foreign purchasers are hereby assigned a rating of A-1-a for the purposes of this General Preference Order E-1-b. The Numerical Master Preference List, Revision No. 3, ("Exhibit B"<sup>1</sup> attached to this Order, herein called "the List" shall determine the sequence of deliveries as between Service Purchasers as hereinafter set forth, but shall have no effect upon foreign purchasers or other purchasers.

(2) Subject to subparagraph (1) of this paragraph, the sequence of deliveries of machine tools among each group of service purchasers within its respective percentage quota, and the sequence of deliveries among foreign purchasers and other purchasers within their 25 per cent allocation, shall be determined by required delivery dates, by preference ratings, and by the urgency standings contained in the List, as follows:

(i) Deliveries to service purchasers who are either on the List or are subcontractors of persons on the List, shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the List, irrespective of the preference ratings of the service purchasers who are not on the List.

(ii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers both on the List, deliveries shall be made according to their respective urgency

standings specified on such List, whether the preference ratings of such service purchasers are the same or are different. The highest urgency standing is No. 1.

(iii) As between deliveries which have conflicting required delivery dates and which bear different preference ratings, to be made to two or more purchasers neither of whom is on the List, deliveries shall be made according to the preference ratings of the respective purchasers.

(iv) As between deliveries which have conflicting required delivery dates and which bear the same preference rating, to be made to two or more purchasers neither of whom is on the List, the sequence of deliveries shall be determined by the dates on which the Producer received the applications of the preference ratings to the purchase orders for such deliveries and/or, in the case of foreign purchasers, the dates on which the purchase orders were accepted by the Producer.

(v) A delivery to a subcontractor who is not specifically named on the List shall take the urgency standing of his prime contractor; and the urgency standing of the prime contractor must be endorsed in writing on the subcontractor's Preference Rating Certificate, by an officer designated for such purpose by the Supply Arm or Bureau concerned.

(3) Where a producer cannot schedule delivery of a tool in the month required by a purchaser, because the percentage allocation or quota of such purchaser's class or group is entirely exhausted by scheduled deliveries of such tools to members of such class or group who have higher urgency standings or preference ratings, the producer shall schedule the tool for delivery in the earliest succeeding month during which it can be included in the percentage allocation or quota of such class or group in accordance with the purchaser's urgency standing or preference rating.

(j) *Additions to List.* Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director of Industry Operations or such other official as may be specifically authorized by him. Where it is desired to assign an urgency standing between existing urgency standings, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standing 792.1 will be scheduled after 792 and before 793.

(k) *Revision of scheduled deliveries.*

(1) On or before June 1, 1942, with respect to Machine Tools designated as Group I on Exhibit A, and on or before July 1, 1942, with respect to Machine Tools designated as Group II on Exhibit A, each producer shall revise his schedule of deliveries for each type of tool to conform to the percentage allocations and quotas of the various classes and groups of purchasers, and in accordance with the sequences determined by urgency standings and preference ratings, to the extent that he can do so without seriously

delaying his production line, and without postponing the date of completion of any particular tool which was 50 per cent or more completed on the effective date of this Order, beyond the earliest date when such tool can be 100 per cent completed.

(2) After the date specified in subparagraph (1) of this paragraph, the producer shall make deliveries of tools in accordance with his revised schedules.

(l) *Postponement of new purchase orders.* Unless the Director of Industry Operations specifically orders otherwise, and notwithstanding any other provisions of this Order, no higher preference rating or urgency standing shall operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of tools designated as Group I on Exhibit A is to be made within 30 days of receipt of such higher preference rating or urgency standing, or in the case of tools designated as Group II on Exhibit A, is to be made within 60 days of receipt of such higher preference rating or urgency standing.

(m) *Specific modifications of schedules.* Notwithstanding any other provisions of this Order, the Director of Industry Operations, or such other official as may be specifically authorized by him, may allocate to another purchaser, or otherwise divert, any machine tool scheduled for production and delivery pursuant to this Order. Except as expressly provided in this Order, no one other than the Director of Industry Operations or his duly authorized representative, may give directions respecting sequences of deliveries. No interpretations, instructions, or directions respecting any of the provisions of this Order shall be issued without the approval of the Director of Industry Operations or such other official as may be specifically authorized by him; and no producer shall accept or give effect to any interpretation, instruction, or direction, which is not issued in accordance with the foregoing provisions.

(n) *Violations.* Any person who willfully violates any provision of this Order, or who, in connection with this Order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

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

(p) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this Order, should be addressed to: War Production Board, Washington, D. C. Ref.: E-1-b.

<sup>1</sup> Not filed as part of the original document.

(q) *Effective date.* This Order shall take effect on the 1st day of May 1942, and shall continue in effect until revoked by the Director of Industry Operations.

Issued this 30th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3898; Filed, April 30, 1942;  
11:55 a. m.]

PART 1061—PORTABLE ELECTRIC LAMPS AND  
SHADES

AMENDMENT NO. 1 TO GENERAL LIMITATION  
ORDER L-33

Paragraph (b) of § 1061.1 (*General Limitation Order L-33*<sup>1</sup>) is hereby amended by adding a few subparagraph (5) as follows:

(5) Notwithstanding the provisions of paragraph (b) (4), but subject to the limitations of paragraph (i) hereof, during the period from April 2, 1942 to May 31, 1942, inclusive.

(i) A producer of portable lamps may use in the production of such lamps any metal, metal parts or lamp cords which on March 23, 1942 were in a fabricated or semi-fabricated form, in his inventory or in the inventory of his suppliers, and

(ii) Any producer of lamp shades may use in the production of lamp shades, any silk which was in his inventory on March 23, 1942;

*Provided,* That such producer does not produce more portable lamps or lamp shades during the month of May, 1942, than one-half of his quota of portable lamps or lamp shades, respectively, under the provisions of paragraph (b) (2). (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately.

Issued this 30th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3896; Filed, April 30, 1942;  
11:54 a. m.]

PART 1144—GOATSKINS, KIDSKINS AND  
CABRETTAS

AMENDMENT NO. 1 TO CONSERVATION ORDER  
M-114

Section 1144.1 (*General Conservation Order M-114*)<sup>1</sup> is hereby amended in the read as follows:

1. Paragraph (b) (1) is amended to read as follows:

(1) "Goatskin" means the skin of the goat or leather made from it, other than a kidskin or India tanned goatskin.

2. Subparagraph (b) (6) (ii) is hereby repealed.

<sup>1</sup> 7 F.R. 2274.

<sup>2</sup> 7 F.R. 2506.

3. Subparagraph (b) (8) is amended to read as follows:

(8) "Tanner" means any person who puts in process raw goatskins, raw kidskins or raw cabrettas.

4. Subparagraph (b) (9) is amended to read as follows:

(9) "Basic monthly wettings" shall mean one-twelfth of the sum total of raw goatskins, raw kidskins and raw cabretta skins put into process by a tanner during the period from January 1, 1941, to December 31, 1941, both inclusive.

5. Paragraph (b) (10) is amended by striking out the words "and India tanned skins" and inserting the word "and" before the words "extremely heavy (bull) weights".

6. Paragraph (c) (1) is amended to read as follows:

(1) Unless specifically authorized by the Director of Industry Operations, no person shall put in process from April 1, 1942 to April 30, 1942, inclusive for the aggregate of defense and non-defense use, a sum total of raw goatskins, raw kidskins and raw cabrettas equal to more than 80 per cent of his basic monthly wettings or from May 1, 1942, to May 31, 1942, inclusive, for the aggregate of defense and non-defense use, a sum total of raw goatskins, raw kidskins, and raw cabrettas equal to more than 70 per cent of his basic monthly wettings: *Provided, however,* That the foregoing limitation shall not affect the requirements of § 944.2 of Priorities Regulation No. 1 for compulsory filling and acceptance of defense orders and other orders bearing preference ratings. Any person with whom such orders are placed shall accept and fill the same regardless of the foregoing limitation but, unless specifically authorized by the Director of Industry Operations, shall not thereafter in the respective monthly period put in process any raw goatskins, raw kidskins and raw cabrettas for orders other than defense orders or other rated orders, if his total for all orders exceeds the respective percentage limitation aforesaid.

7. Paragraph (d) is amended by striking out the words "or India tanned goatskins" and inserting the word "or" before the words "raw cabretta skins". (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3895; Filed, April 30, 1942;  
11:53 a. m.]

PART 1173—RUBBER YARN AND ELASTIC  
THREAD

AMENDMENT NO. 2 TO CONSERVATION ORDER  
NO. M-124

Section 1173.1 (*Conservation Order M-124*)<sup>1</sup> is hereby amended to read as follows:

<sup>1</sup> 7 F.R. 2472, 2580.

§ 1173.1 *Conservation Order M-124—*  
(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Restrictions on sale and delivery.* Except as provided in paragraph (d) of this section or as specifically authorized by the Director of Industry Operations, no person shall hereafter sell, or make delivery of, or purchase, order, or accept delivery of any rubber yarn, latex yarn or elastic thread.

(c) *Restriction on knitting, weaving and other uses.* Except as provided in paragraph (d) below or as specifically authorized by the Director of Industry Operations, no person shall hereafter knit, weave or otherwise process or use any rubber yarn, latex yarn or elastic thread.

(d) *Exceptions to restrictions.* The restrictions imposed by paragraphs (b) and (c) of this section shall not apply to:

(1) Any rubber yarn, latex yarn or elastic thread which, prior to March 29, 1942, had been placed on a knitting machine, braider or loom.

(2) Any rubber yarn, latex yarn or elastic thread which, prior to March 29, 1942, had been removed from the vendor's container, wrapping, packing or "put-up" and placed on quills, cones, cops, spools, bobbins, tubes, beams or warps.

(3) Any rubber yarn, latex yarn or elastic thread which, on March 29, 1942, was in a retail merchant's stock as such, or in the possession of any individual not ordinarily engaged in the business of selling, knitting, weaving, or otherwise using such yarn or thread.

(4) Any rubber yarn, latex yarn or elastic thread to be incorporated in products required to be delivered under orders placed by or contracts held by any person with:

(i) The War Department of the United States,

(ii) The Navy Department of the United States,

(iii) The United States Maritime Commission,

(iv) The United States Coast Guard, or

(v) Any agency of the United States Government for materials, supplies, or equipment 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);

*Provided, however,* That such rubber yarn, latex yarn or elastic thread shall be only used to the minimum extent necessary to comply with the specifications of the prime contract involved.

(5) Any rubber yarn, latex, yarn or elastic thread to be used in the manufacture of one or more of the items in Group 15, List B of Conservation Order No. M-15-b, as amended, as of the date of such sale, delivery or use of such yarn or thread.

(e) *Reports.* Each person having in his possession twenty-five or more pounds of rubber yarn, latex yarn and elastic thread on April 25, 1942, shall, on or before May 11, 1942, file with the War Production Board, Washington, D. C., Reference M-124, a report on Form PD-433 of all rubber yarn, latex yarn and elastic thread in his possession or under his control as of the date of such report.

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

(g) *Violations.* Any person who willfully violates any provision of this Order, or who, in connection with this Order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications to the War Production Board.* All communications concerning this Order and all reports which may hereafter be required to be filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference M-124. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 29th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3897; Filed, April 30, 1942; 11:54 a. m.]

Chapter XI—Office of Price Administration

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

AMENDMENT NO. 7 TO REVISED TIRE RATIONING REGULATIONS—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.151 (w), 1315.501 (d) (2) and (d) (4), 1315.502 (c) (2) and (c) (4), 1315.503 (c) (4), 1315.601, 1315.603, 1315.608 and 1315.610 are amended; §§ 1315.403 and 1315.404 are revoked and the substance thereof is incorporated into § 1315.402 which is amended; and one new § 1315.403 is added, as set forth below:

Definitions

§ 1315.151 Definitions.

(w) "Rubber" means all forms and types of rubber including synthetic and reclaimed rubber.

Tires and Tubes for Vehicles Eligible Under List A

§ 1315.402 *Eligibility of List A vehicles for new tires and tubes, retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the transfer of a new tube, or a certificate authorizing the transfer of a retreaded or recapped tire, or the purchase of retreading or recapping services, to an applicant who satisfies the requirements of paragraphs (c) and (d) of this section.

(b) The Board may issue a certificate authorizing the transfer of a new tire to an applicant who satisfies the requirements of paragraphs (c) and (d) of this section if, but only if:

(1) The applicant establishes that the tire for which application is made is to replace a tire which is not capable of being retreaded or recapped or which cannot be retreaded or recapped for safe use at the speeds at which the applicant may reasonably be expected to operate.

(c) An applicant must establish that the tires for which application is made are to be mounted on a passenger automobile included in paragraphs (a) to (e), or a vehicle other than a passenger automobile included in paragraphs (c) to (h) of § 1315.405 (List A).

(d) An applicant must establish:

(1) That, if the vehicle to be equipped is a passenger automobile, it cannot be replaced by another passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (a) to (e) inclusive, of § 1315.405. If the vehicle to be equipped is a vehicle other than a passenger automobile, the applicant must establish that it cannot be replaced by another vehicle owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (c) to (h) inclusive, of § 1315.405.

(2) That the tire or tube for which application is made is to replace a tire or tube used by the applicant and that such tire is not serviceable or must be recapped or retreaded without delay or that such tube cannot be repaired. On and after June 1, 1942, a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be retreaded unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unusable from circumstances not resulting from the applicant's abuse or neglect.

(i) Except where the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any new vehicle.

(ii) If the applicant has tires or tubes in his possession at the time of his application, and the tires are still serviceable, and do not require immediate retreading or recapping, or the tubes can be

repaired, he fails to establish that he needs tires or tubes at the time he makes application, and he must be denied a certificate. On and after June 1, 1942 a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be retreaded unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unusable from circumstances not resulting from the applicant's abuse or neglect. Granting or denial of a certificate under these conditions will be at the discretion of the Board with regard to the loss which the community will suffer if the applicant is denied tires. Where the community would suffer no serious loss if the applicant were denied tires, because other persons can provide the same service, or for other reasons, the Board may refuse to grant tires to replace such damaged tires.

(3) That the tire or tube for which application is made, when added to all other tires or tubes of suitable sizes in the applicant's possession, whatever their condition, and whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle eligible under paragraphs (a) to (h) of § 1315.405: *Provided*, That if the applicant is regularly engaged in dealing in tires, the requirements of this paragraph can be satisfied by showing that all his tires or tubes already in use are, if of suitable size, in use on vehicles included in paragraphs (a) to (h) and no such vehicle is equipped with more than one spare of a given size.

(i) If the applicant is not in the tire business, he cannot be granted a certificate if granting such a certificate would result in his having more tires or tubes than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405. Therefore, if the applicant already has enough serviceable tires or tubes of a size suitable to equip each of the vehicles he owns or controls eligible under those paragraphs, he must use such tires or tubes on such vehicles, even if that means taking the tires or tubes off vehicles not included in those paragraphs. If the applicant has unusable tires or tubes, he must dispose of them, so that they will be available as rubber scrap. Unless and until the applicant takes all these steps, no certificate can be issued to him.

(ii) If the applicant is in the tire business, since his inventories of tires cannot be used by him without a certificate, as provided in § 1315.801 (b) (1), he may satisfy the requirements of this paragraph (c) (3) by showing that all of his tires already in use are, if of a size suitable for use on the vehicle to be equipped, in use on vehicles included in paragraphs (a) to (h) of § 1315.405.

(4) If the applicant desires authority to purchase a passenger type new tire of over four-ply construction, that the vehicle upon which the new tire is to be mounted cannot be satisfactorily operated in the use to which it is to be put with a tire of four-ply construction.

(5) That the applicant agrees to trade in any tire or tube in his possession replaced by the tire or tube purchased with any certificate granted him, or, if the ap-

<sup>1</sup> 7 F.R. 1027, 1089 2106, 2107, 2541, 2633.

plicant purchases a tire or tube from a mail order house, that the applicant will, within five days from receipt of such tire or tube, sell the replaced tire or tube to a person dealing in tires.

(i) Tires or tubes replaced must be transferred to the person from whom new tires or tubes, retreaded or recapped tires are purchased, or in the case of purchase from a mail order house, to any person dealing in tires.

(ii) If the applicant has tires or tubes in his possession at the time of his application, and the tires are still serviceable and do not require immediate retreading or recapping, or the tubes can be repaired, he fails to establish that he needs tires or tubes at the time he makes application, and he must be denied a certificate.

§ 1315.403 *Eligibility of retreaders and recappers for tubes.* (a) Any person who owns, operates or controls a retreading or recapping mold may file with the Board having jurisdiction over the area in which such mold is located, an application for authority to purchase new tubes for use solely in retreading or recapping. Such application shall be filed on OPA Form No. R-1, except that the applicant need not fill in items 6 to 14 inclusive, on such form. The applicant shall, in addition, file with his application a supplementary statement under oath, setting forth the following information:

- (1) Location of the establishment in which the retreading or recapping molds are installed.
- (2) Relationship of applicant to such establishment, e. g. Owner, owner's agent, partner, president, etc.
- (3) Number and sizes of molds owned, operated or controlled by applicant.
- (4) That the applicant does not have more than one serviceable air bag or tube of the required size for each mold owned, operated or controlled by him, and that the tube applied for is necessary to the operation of the mold.
- (5) That the applicant will trade in the air bag or tube to be replaced on a new tube purchased with the certificate for which application is made.
- (6) That the applicant intends to and will use the new tube purchased with the certificate solely for retreading or recapping.

(b) The certificates issued under this section shall be charged against the Board's quota for tubes. No Board shall issue certificates authorizing the purchase in any one calendar month of more than two tubes for each mold in its jurisdiction.

(c) OPA Form No. R-2 shall be the certificate used in authorizing the purchase of tubes by retreaders or recappers. When issuing the certificate the Board shall cause to be written across the face of each part of such certificate the words "For tubes to be used solely in retreading or recapping," which shall be initialed by the members of the Board who sign the certificate.

*Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B*

§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires.*

\* \* \* \* \*

(d) \* \* \*

(2) That the tire for which application is made is to replace a tire used by the applicant and that such tire is not serviceable or must be recapped or retreaded without delay. On and after June 1, 1942 a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be recapped, unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unusable from circumstances not resulting from the applicant's abuse or neglect.

(i) Except when the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of application and such tires are still serviceable and do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(iii) On and after June 1, 1942 a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be retreaded, unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unusable from circumstances not resulting from the applicant's abuse or neglect. Granting or denial of a certificate under these conditions will be at the discretion of the Board with regard to the loss which the community will suffer if the applicant is denied tires. Where the community would suffer no serious loss if the applicant were denied tires, because other persons can provide the same services, or for other reasons the Board may refuse to grant tires to replace such damaged tires.

\* \* \* \* \*

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (d) (5).

§ 1315.502 *Eligibility of List B trucks for retreaded or recapped tires.*

\* \* \* \* \*

(c) \* \* \*

(2) That the tire for which application is made is to replace a tire used by the applicant and that such tire is not serviceable or must be recapped or retreaded without delay. On and after June 1, 1942 a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be recapped, unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks

to replace became unusable from circumstances not resulting from the applicant's abuse or neglect.

(i) Except when the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of application and such tires are still serviceable and do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(iii) On and after June 1, 1942 a Board may not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be retreaded, unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unusable from circumstances not resulting from the applicant's abuse or neglect. Granting or denial of a certificate under these conditions will be at the discretion of the Board with regard to the loss which the community will suffer if the applicant is denied tires. Where the community would suffer no serious loss if the applicant were denied tires, because other persons can provide the same services, or for other reasons the Board may refuse to grant tires to replace such damaged tires.

\* \* \* \* \*

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (d) (5).

§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.*

\* \* \* \* \*

(c) \* \* \*

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (d) (5).

\* \* \* \* \*

*Applications for Certificates*

§ 1315.601 *List A applications for authority to purchase new tires and tubes and retreaded or recapped tires.* Any person who believes that his vehicle comes within one of the classifications set forth in subsection (a) to (h) inclusive, of List A (§ 1315.405) and who seeks tires (not of an obsolete type) for any vehicle may file with the Board an application for authority to purchase the type of tires or tubes or retreading or recapping services to which he believes he is entitled under §§ 1315.401 to 1315.405 inclusive. Application for any of the types of tires included in this section shall be filed on OPA Form No. R-1 and OPA Form No. R-1a. Separate applications must be filed for each vehicle requiring tires or tubes.

§ 1315.603 *List B applications for authority to purchase retreaded or recapped tires or retreading or recapping services.* (a) Any person who believes that his passenger automobile comes

within § 1315.504 (a) may file with the Board an application for authority to purchase retreaded or recapped tires, or retreading or recapping services. Such application shall be filed on OPA Form No. R-1 and OPA Form No. R-1a. A separate application for each passenger automobile for which tires are sought must be filed. Before the Board acts favorably upon any application under this paragraph, the applicant must make a full and complete showing of necessity.

(b) Any person who believes that his truck comes within § 1315.504 (b) may file with the Board between the first and the twentieth day of any month an application for authority to purchase retreaded or recapped tires, or retreading or recapping services. Such application shall be filed on OPA Form No. R-1 and OPA Form No. R-1a. A separate application for each vehicle for which tires are sought must be made.

§ 1315.608 *Allotment by the Board upon applications for List A vehicles.*  
 (a) An applicant for tires (not of an obsolete type) and tubes to be mounted on a vehicle eligible under paragraphs (a) to (h) inclusive, of § 1315.405 (List A) who satisfies the applicable requirements of § 1315.402, shall be granted a certificate for retreaded or recapped tires, and a certificate for new tubes, but in no event, shall the Board authorize the purchase of retreaded or recapped tires in excess of the Board's applicable quota for retreaded or recapped tires, or in the case of tubes, in excess of its quota for tubes. If the applicant meets the conditions specified in § 1315.402 (b) (1), he shall be granted a certificate for new tires if it may be issued within the Board's applicable quota.

(b) An applicant who applies for permission to purchase tires to be mounted on vehicles other than passenger automobiles listed in paragraphs (c) to (h) inclusive, of § 1315.405 (List A), and who is granted a certificate for new tires may purchase new truck type tires only if there are no passenger-type tires of the same size on sale. If passenger-type tires of the same size as those for which he is applying are on sale, he shall be granted a certificate for permission to purchase such tires. For the purpose of determining whether there are passenger-type tires of the same size on sale, the Board shall refer to any standard manufacturer's price list for passenger-type tires.

§ 1315.610 *Allotment by the Board upon applications for List B vehicles.*  
 (a) The Board shall grant certificates, not in excess of its applicable quota for the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted on passenger automobiles eligible under § 1315.504 (a) when the applicant has satisfied the requirements of § 1315.501: *Provided*, That no such certificate shall be issued if there is pending any application for a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.

(b) The Board shall consider applications and issue certificates authorizing the purchase of retreaded or recapped

tires, or retreading or recapping services for tires to be mounted on trucks eligible under § 1315.504 (b) when the applicant has satisfied the requirements of § 1315.502, only between the twenty-fifth day and the last day of a month. During that period the Board shall grant certificates authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires for such trucks only if the issuance of the certificate would not exceed the quota applicable to such tires: *Provided*, That no such certificate shall be issued if there is pending any application for a vehicle other than a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.

§ 1315.1199a *Effective dates of amendments.*

(g) Amendment No. 7 (§§ 1315.151, 1315.402, 1315.403, 1315.501, 1315.502, 1315.503, 1315.601, 1315.603, 1315.608, and 1315.610) to Revised Tire Rationing Regulations shall become effective May 1, 1942.

(Pub. Law 421, 77th Cong., OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 29th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3838; Filed, April 29, 1942; 10:11 a. m.]

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

**AMENDMENT NO. 8 TO REVISED TIRE RATIONING REGULATIONS<sup>1</sup>—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK**

A new subparagraph (6) is added to § 1315.405 (d), as set forth below:

§ 1315.405 *Eligibility classification:*  
 List A.

(d) A vehicle used exclusively for one or more of the following purposes:

(6) To tow house trailers from the place of manufacture to sites where such trailers are necessary to house workers directly engaged in indispensable war production, but only if no other housing is available, and only if the haul is 200 miles or less.

(i) Certificates may be issued under this paragraph only where trailer housing is essential to workers producing war materials and only where no other housing is available or practicable.

(ii) The Boards shall not issue a certificate upon an application where any haul exceeds 200 miles, except upon the written consent of the State Rationing Administrator. The State Rationing Administrator may in his discretion permit the Board to grant an application in such case if the haulage is indispensable to

<sup>1</sup> 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.

direct war production and if there will result no consumption of rubber unduly great in view of the critical shortage of rubber and the large number of important uses for which no rubber is available.

(iii) No certificate shall be issued under this paragraph where the house trailers can practicably be transported by rail.

§ 1315.1199a *Effective dates of amendments.*

(h) Amendment No. 8 (§ 1315.405 (d) (6)) to Revised Tire Rationing Regulations shall become effective May 1, 1942.

(Pub. Law 421, 77th Cong., OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792) 7 F.R. 562, 925)

Issued this 27th day April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3839; Filed, April 29, 1942; 10:11 a. m.]

**PART 1340—FUEL**

**MAXIMUM PRICE REGULATION NO. 121—MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES**

In the judgment of the Price Administrator the prices of miscellaneous solid fuels are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has given due consideration to the prices of miscellaneous solid fuels prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 121 is hereby issued.

§ 1340.241 *Maximum prices for miscellaneous solid fuels delivered from producing facilities.* On and after May 18, 1942, regardless of any contract, agreement, lease, or other obligation, no person who is a producer or a distributor of miscellaneous solid fuels shall sell or dispose of miscellaneous solid fuels, at or for delivery from a mine or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant, and no person shall, in the course of trade or business, buy or receive miscellaneous solid fuels so delivered, at prices higher than the maximum prices

<sup>1</sup> 7 F.R. 971.

set forth in Appendix A hereof, incorporated herein as § 1340.249; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of miscellaneous solid fuels to a purchaser, if prior to May 18, 1942 such solid fuel had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

AUTHORITY: §§ 1340.241 to 1340.250, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1340.242 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.249) may be charged, demanded, paid or offered.

§ 1340.243 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 121 shall enter into any agreement permitting the adjustment of the maximum prices established in this Maximum Price Regulation No. 121 to prices which may be higher than such maximum prices, except that nothing contained in this Maximum Price Regulation No. 121 shall prohibit the making of a contract to sell at a price not exceeding the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1340.244 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 121 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to miscellaneous solid fuels, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) The price limitations set forth in this Maximum Price Regulation No. 121 shall not be evaded by deterioration in the quality of miscellaneous solid fuels, in the form of substitution of a lower quality solid fuel for a higher quality product, or otherwise.

§ 1340.245 *Records and reports.* (a) On and after May 18, 1942, every producer and distributor making a sale of any miscellaneous solid fuel and every person making a purchase of miscellaneous solid fuels from a producer or distributor shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale or purchase, showing the date thereof; the name and address of the buyer and seller; the size, kind, quality, brand or trade name and quantity of the solid fuel sold, together with the name of the mine or plant at which it originated; the method of transportation employed in the delivery thereof; and the price paid or received therefor.

(b) Not later than June 1, 1942, except where additional time may be granted by

the Office of Price Administration in individual cases, every producer and distributor of miscellaneous solid fuels shall file with the Office of Price Administration in Washington, D. C., a statement setting forth:

(1) The last price circular, list or schedule issued by the same producer or distributor on or before December 31, 1941 and in effect during any portion of the period December 15-31, inclusive, 1941;

(2) Any "average price" used to determine any maximum price of such person, as provided in § 1340.249 (b) of this Maximum Price Regulation No. 121;

(3) The rate of interest, if any, charged by such person on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period December 15-31, inclusive, 1941;

(4) The charges, if any, made by such person for any special services during the period December 15-31, 1941, inclusive, together with a description of the special service rendered; and

(5) The cash and quantity discounts and other allowances (except freight rate absorptions) which such person actually made, or made available, to purchasers during the period December 15-31, inclusive, 1941.

(c) Persons affected by this Maximum Price Regulation No. 121 shall submit such other reports to the Office of Price Administration and keep such other records as it may from time to time require.

§ 1340.246 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 121 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 121 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.

§ 1340.247 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 121 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1340.248 *Definitions.* (a) When used in this Maximum Price Regulation No. 121, the term:

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

(2) "Miscellaneous solid fuels" or "miscellaneous solid fuel" means anthracite other than that produced in the State

of Pennsylvania; semi-anthracite; lignite; all coke, including low temperature coke and petroleum coke (except by-product, foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke and coal; and sea coal used for foundry facings.

(3) "Producer" means (i) a person engaged in the business of mining miscellaneous solid fuel or preparing miscellaneous solid fuel at a preparation plant operated as an adjunct of a mine or mines, and (ii) a person engaged in the business of manufacturing coke or briquettes, (iii) any person acting as an agent of such a producer in the sale of miscellaneous solid fuel.

(4) "Distributor" means a person who purchases miscellaneous solid fuel at or for delivery from a mine or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant, for resale, and resells the same in not less than cargo or railroad carload lots, without physically handling such miscellaneous solid fuel, and any person acting as an agent of such distributor in the sale of miscellaneous solid fuel.

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

§ 1340.249 *Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities.* The maximum prices established in this Maximum Price Regulation No. 121 are applicable to solid fuel delivered at destinations in the continental United States, the District of Columbia, the territories of Alaska and Hawaii, the Dominion of Canada and Newfoundland.

(a) The maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the price specified in the last price circular, list or schedule issued by such person on or before December 31, 1941, and in effect during any portion of the period December 15-31, inclusive, 1941. This shall be the price so specified for the sale of:

(1) The same size, kind and quality of solid fuel;

(2) In quantities taking the same price per ton;

(3) To purchasers of the same general class (e. g. domestic, commercial, industrial);

(4) By the same method of delivery (e. g. truck, rail, etc.); and

(5) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the mine, preparation plant, coke oven or briquette plant, etc.).

(b) If the maximum price cannot be determined under paragraph (a) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the "average price" charged by the same person during the period December 15-31, inclusive, 1941. This "average price" shall be determined by dividing into the aggregate of the prices charged by such person during December 15-31, inclusive,

1941 (before the deduction of any allowances or discounts or the addition of any special service charges), the aggregate of the tonnage sold by such person during December 15-31, inclusive, 1941, on sales of:

- (1) The same size, kind and quality of solid fuel;
- (2) In similar quantities;
- (3) To purchasers of the same general class (e. g. domestic, commercial, industrial);
- (4) By the same method of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the mine, preparation plant, coke oven or briquette plant, etc.).

(c) If the maximum price cannot be determined under paragraphs (a) or (b) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the price of any other producer or distributor of miscellaneous solid fuel, as specified in any price circular, list or schedule issued prior to December 31, 1941 and in effect for any portion of the period December 15-31, 1941, inclusive. This shall be the price so specified for the sale of:

- (1) The same size, kind and quality of miscellaneous solid fuel;
- (2) In quantities taking the same price per ton;
- (3) To purchasers of the same general class (e. g., domestic, commercial, industrial);
- (4) By the same method of delivery (e. g. truck, rail, etc.); and
- (5) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the mines, preparation plant, coke oven or briquette plant, etc.).

(d) Where a miscellaneous solid fuel is delivered from a mine, or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant, in any transportation facilities owned or subject to the control of the producer or a distributor thereof, or in any transportation facilities hired by the producer or a distributor thereof, there may be added to the maximum prices established in this Maximum Price Regulation No. 121 a sum not exceeding the actual transportation costs incurred, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

(e) *Cash discounts, credit terms and special services.* (1) There shall be deducted from the maximum prices established in paragraphs (a), (b) and (c) of this section the cash and quantity discounts and other allowances (other than freight rate absorptions) which the same producer or distributor actually made, or made available to, purchasers during the period December 15-31, inclusive, 1941.

(2) The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the same producer or distributor on similar trans-

actions during the period December 15-31, inclusive, 1941.

§ 1340.250 *Effective date.* (a) This Maximum Price Regulation No. 121 (§§ 1340.241 to 1340.250, inclusive) shall become effective May 18, 1942.

Issued this 29th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3871; Filed, April 29, 1942;  
5:24 p. m.]

#### PART 1340—FUEL

##### MAXIMUM PRICE REGULATION NO. 122—SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

In the judgment of the Price Administrator, the prices of solid fuels delivered from facilities other than producing facilities are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices prevailing on sales of such solid fuels between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

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

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 122 is hereby issued.

§ 1340.251 *Maximum prices for sales of solid fuels delivered from facilities other than producing facilities.* On and after May 18, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or dispose of solid fuel, in any quantity, at or for delivery from a yard, dock, elevator or other terminal facilities (other than a mine or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant), and no person shall sell or dispose of solid fuel, in any quantity, from a truck or wagon, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1340.261; and no person shall, in the course of trade or business, buy or receive solid fuel so sold or disposed of, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.261; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Pro-*

*vided,* That the provisions of this Maximum Price Regulation No. 122 shall not apply to solid fuel delivered to the purchaser from a mine, preparation plant, coke oven or briquette plant in a truck or wagon by the producer of the solid fuel or by a distributor thereof.

The provisions of this Maximum Price Regulation No. 122 shall not be applicable to sales or deliveries of solid fuel to a purchaser if prior to May 18, 1942 such solid fuel had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

AUTHORITY: §§ 1340.251 to 1340.262, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1340.252 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.261) may be charged, demanded, paid or offered: *Provided,* That nothing contained in this Maximum Price Regulation No. 122 shall be deemed to authorize members of the Bituminous Coal Code (as established pursuant to the Bituminous Coal Act of 1937) or distributors of bituminous coal who are subject to the jurisdiction of the Bituminous Coal Division of the United States Department of the Interior to make sales or deliveries at prices lower than the effective minimum prices established from time to time by the Bituminous Coal Division of the United States Department of the Interior.

§ 1340.253 *Adjustable pricing.* No person subject to the provisions of this Maximum Price Regulation No. 122 shall enter into any agreement permitting the adjustment of the maximum prices provided in this Maximum Price Regulation No. 122 to prices which may be higher than such maximum prices, except that nothing contained in this Maximum Price Regulation No. 122 shall prohibit the making of a contract to sell at a price not exceeding the maximum price in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1340.254 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 122 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to solid fuels, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) The price limitations set forth in this Maximum Price Regulation No. 122 shall not be evaded by any deterioration in the quality of solid fuels, by substitution of a lower quality solid fuel for a higher quality solid fuel or otherwise.

§ 1340.255 *Records and reports.* (a) Every person subject to this Maximum Price Regulation No. 122 shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of every sale and every purchase of solid fuel made by him on and after May 18, 1942, showing the date thereof, the name and address of the buyer and the seller, the kind, size, quality, brand or trade name and quantity of the solid fuel sold or purchased, together with, in the case of bituminous coal, the name and mine index number of the mine at which it originated, if known; the method of transportation employed in the delivery thereof; and the price received or paid therefor.

(b) Not later than June 15, 1942, except where additional time may be granted by the Office of Price Administration in individual cases, every person subject to this Maximum Price Regulation No. 122 shall file with the Office of Price Administration in Washington, D. C., a statement setting forth:

(1) All prices advertised by such person between October 1 and December 31, inclusive, 1941, in a newspaper or other advertising medium of general circulation in the same locality and in effect during any portion of the period December 15-31, inclusive, 1941;

(2) All price circulars, lists or schedules issued by such person on or before December 31, 1941 and in effect during the period December 15-31, inclusive, 1941;

(3) Any "average price," used to determine any maximum price of such person, as provided in § 1340.261 (c) of this Maximum Price Regulation No. 122;

(4) The rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period December 15-31, inclusive, 1941;

(5) The charges, if any, made for any special services during the period December 15-31, inclusive, 1941, together with a description of the special service rendered; and

(6) The cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers during the period December 15-31, inclusive, 1941.

(c) Persons affected by this Maximum Price Regulation No. 122 shall submit such other reports to the Office of Price Administration and keep such other records as it may from time to time require.

§ 1340.256 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 122 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 122 or any price schedules, 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.

§ 1340.257 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 122 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1340.258 *Definitions.* (a) When used in this Maximum Price Regulation No. 122, the term:

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

(2) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous, subbituminous and cannel coal; lignite; all coke, including low temperature coke and petroleum coke (except by-product foundry and blast furnace coke, and beehive oven furnace coke produced in the State of Pennsylvania); briquettes made from coke or coal; and sea coal used for foundry facings.

(3) "Person subject to this Maximum Price Regulation No. 122" means (i) any person selling or otherwise disposing of solid fuel, in any quantity, at or for delivery from a yard, dock, elevator or other terminal facilities (other than a mine or a preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant); and (ii) any person selling or otherwise disposing of solid fuel, in any quantity, from a truck or wagon, except the producer and except a distributor delivering solid fuel to the purchaser from a mine, preparation plant, coke oven or briquette plant in a truck or wagon; and (iii) any person acting as an agent of a person subject to this Maximum Price Regulation No. 122 in the sale of solid fuel.

(4) "Producer" means (i) a person engaged in the business of mining solid fuel or preparing solid fuel at a preparation plant operated as an adjunct of a mine or mines, and (ii) a person engaged in the business of manufacturing coke or briquettes, (iii) any person acting as an agent of a producer in the sale of solid fuel.

(5) "Distributor" means (i) in the case of bituminous coal, a person who purchases bituminous coal for resale, and resells the same in not less than cargo or railroad carload lots, all as more fully defined in the Bituminous Coal Act of 1937, as amended and rules and regulations issued thereunder, and any person acting as an agent of such distributor in the sale of bituminous coal; and (ii) in the case of any other solid fuel, a person who purchases the solid fuel at or for delivery from a mine or a preparation plant operated as an adjunct of a mine

or mines, or a coke oven or briquette plant, for resale and resells the same in not less than cargo or railroad carload lots, without physically handling such solid fuel, and any person acting as an agent of such distributor in the sale of solid fuel.

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

§ 1340.259 *Other regulations.* Nothing contained in this Maximum Price Regulation No. 122 shall be construed to excuse any violation of any provision of the Bituminous Coal Act of 1937 or of any schedules, regulations, rules or orders now or hereafter made effective by the Bituminous Coal Division of the United States Department of the Interior, on the part of any person subject to the jurisdiction of that agency.

§ 1340.260 *Effective date.* (a) This Maximum Price Regulation No. 122 (§§ 1340.251 to 1340.262, inclusive) shall become effective May 18, 1942.

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* This Maximum Price Regulation No. 122 establishes maximum prices for all solid fuel sold or otherwise disposed of, in any quantity, at or for delivery from a yard, dock, elevator or other terminal facilities (other than a mine or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant), and all solid fuel sold or otherwise disposed of, in any quantity, from a truck or wagon, except solid fuel delivered to the purchaser from a mine, preparation plant, coke oven or briquette plant in a truck or wagon by the producer of the solid fuel or by a distributor thereof.

The maximum prices established in this Maximum Price Regulation No. 122 are applicable to solid fuel delivered at destinations in the continental United States, the territories of Alaska and Hawaii, the District of Columbia, the Dominion of Canada and Newfoundland.

(a) The maximum price for the sale of solid fuel by a person subject to this Maximum Price Regulation No. 122 shall be the highest price advertised by the same person between October 1 and December 31, inclusive, 1941, in a newspaper or other advertising medium of general circulation in the same locality, and in effect during any portion of the period December 15-31, inclusive, 1941. This shall be a price advertised for the sale of:

(1) The same size, kind and quality of solid fuel;

(2) In quantities taking the same price per ton;

(3) To purchasers of the same class (e. g. domestic, commercial industrial);

(4) By the same method of delivery (e. g. truck, rail, etc.); and

(5) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock or terminal facilities, etc.).



(b) If the maximum price cannot be determined under paragraph (a) of this section, the maximum price for the sale of solid fuel by a person subject to this Maximum Price Regulation No. 122 shall be the price specified in the last price circular, list or schedule issued by the same person on or before December 31, 1941 and in effect during any portion of the period December 15-31, inclusive, 1941. This shall be the price so specified for the sale of:

(1) The same size, kind and quality of solid fuel;

(2) In quantities taking the same price per ton;

(3) To purchasers of the same class (e. g., domestic, commercial, industrial);

(4) By the same method of delivery (e. g., truck, rail, etc.); and

(5) Under the same terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

(c) If the maximum price cannot be determined under paragraphs (a) or (b) of this section, the maximum price for the sale of solid fuel by a person subject to this Maximum Price Regulation No. 122 shall be the "average price" charged by the same person during the period December 15-31, inclusive, 1941. This "average price" shall be determined by dividing into the aggregate of the prices charged by such person during December 15-31, inclusive, 1941 (before the deduction of any allowances or discounts or the addition of any special service charges) the aggregate of the tonnage sold by such person during December 15-31, inclusive, 1941, on sales of:

(1) The same size, kind and quality of solid fuel;

(2) In similar quantities;

(3) To purchasers of the same class (e. g. domestic, commercial, industrial);

(4) By the same method of delivery (e. g. truck, rail, etc.); and

(5) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

(d) If the maximum price cannot be determined under paragraphs (a), (b) or (c) of this section, the maximum price for the sale of solid fuel by a person subject to this Maximum Price Regulation No. 122 shall be the price of any person carrying on a business of the same character (wholesale or retail) in the same locality, either as specified in any advertisement inserted between October 1 and December 31, inclusive, 1941 in a newspaper or other advertising medium of general circulation in the same locality and in effect during any portion of the period December 15-31, inclusive, 1941, or as specified in any price circular, list or schedule issued on or before December 31, 1941 and in effect during any portion of the period December 15-31, inclusive, 1941. This shall be the price so specified for the sale of:

(1) The same size, kind and quality of solid fuel;

(2) In quantities taking the same price per ton;

(3) To purchasers of the same general class (e. g. domestic, commercial, industrial);

(4) By the same method of delivery (e. g. truck, rail, etc.); and

(5) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock or terminal facilities, etc.).

(e) There may be added to the maximum prices established in paragraphs (a), (b), (c) and (d) of this section not more than the exact amount per net ton of any railroad freight rate increase actually incurred as a result of the order of the Interstate Commerce Commission of March 18, 1942 in Interstate Commerce Commission Docket *Ex Parte* 148.

(f) *Cash discounts, credit terms and special services.* (1) There shall be deducted from the maximum prices established in paragraphs (a), (b), (c) and (d) of this section the cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers during the period December 15-31, inclusive, 1941.

(2) The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during any portion of the period December 15-31, inclusive, 1941: *Provided*, That any person subject to the jurisdiction of the Bituminous Coal Division of the United States Department of the Interior may apply the rate of interest required to be charged on delinquent accounts pursuant to the orders of that agency.

(3) The charges made for any special service shall not exceed the charges made for the same service during the period December 15-31, inclusive, 1941.

(g) *Federal and state taxes.* Any tax upon the sale of a solid fuel, and any compensating use tax upon a solid fuel, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the maximum price for such a solid fuel and in preparing the records to be kept with respect thereto:

(1) As to a tax in effect during December 15-31, inclusive, 1941:

(i) If such tax was customarily stated and collected separately from the purchase price during December 15-31, inclusive, 1941, it shall not be included in determining the maximum price under this Maximum Price Regulation No. 122, and in such case may be collected in addition to the maximum price.

(ii) If such tax was not customarily stated and collected separately from the purchase price during December 15-31, inclusive, 1941, it shall be included in determining the maximum price under

this Maximum Price Regulation No. 122, and in such case may not be collected in addition to the maximum price.

(2) As to a tax which was made effective after December 31, 1942:

(i) If the statute or ordinance levying such tax requires or permits the tax to be stated and collected separately from the price paid by the purchaser, and it is separately stated, it may be collected in addition to the maximum price.

(h) *Tidewater shipping emergency.* Any person subject to this Maximum Price Regulation No. 122 who considers that his maximum prices are such as to subject him to substantial hardships on and after May 18, 1942, because they do not take into account changes in transportation costs occasioned by wartime exigencies affecting tidewater shipments after December 31, 1941, should immediately communicate full and detailed particulars concerning such changes in transportation costs, in writing, to the Office of Price Administration, Washington, D. C., so that the Price Administrator may take or sponsor appropriate action.

(j) *Posting of maximum prices; sales slips and receipts.* (1) On and after May 18, 1942 every person subject to this Maximum Price Regulation No. 122 shall post the maximum price per ton of all solid fuels offered for sale by such person, at the place in the business establishment where such solid fuels are offered for sale. The maximum price shall be stated as follows: "Ceiling price \$ ----;" or "Our Ceiling \$ ----."

(2) On and after May 18, 1942 any person subject to this Maximum Price Regulation No. 122 who has customarily given a purchaser a sales slip or receipt, or similar evidence of purchase, shall continue to do so. Upon request from a purchaser, any person subject to this Maximum Price Regulation No. 122 shall give the purchaser a receipt showing the name and address of the seller, the kind, size, quality of the solid fuel sold, and the price charged therefor.

§ 1340.262 *Licensing.* Every person subject to this Maximum Price Regulation No. 122 is hereby granted a license as a condition of selling or disposing of solid fuel. Such license shall be effective on the effective date of this Maximum Price Regulation No. 122 or when any such person becomes subject to the price provisions of this Maximum Price Regulation No. 122, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as this Maximum Price Regulation No. 122, or any applicable part, amendment or supplement remains in effect.

Issued this 29th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3872; Filed, April 29, 1942; 5:22 p. m.]

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

**AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 129<sup>1</sup>**

Waxed Paper.  
Envelopes.  
Paper Cups, Paper Containers and Liquid Tight Containers.  
Sanitary Closures and Milk Bottle Caps.  
Drinking Straws.  
Certain Sulphate and Certain Sulphite Papers.  
Certain Tissue Papers.  
Rope and Jute Papers.  
Technical Papers.  
Gummed Papers.  
Tags, Pin Tickets and Marking Machine Tickets.  
Glazed and Fancy Papers.  
Standard Grocer's and Variety Bags.  
Resale Book Matches.  
Unprinted Single Weight Crepe Paper in Folds.  
Certain Bag Papers.  
Certain Wrapping Papers.

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. The first paragraph of § 1347.12 is amended to read as set forth below, and a new § 1347.25 is added:

§ 1347.12 *Maximum prices for certain paper commodities.* On and after May 11, 1942, regardless of any contract or other obligation, no manufacturer shall sell or deliver any of the commodities listed in paragraphs (a) (1), (b) (1), (c) (1), and (d) (1) of this section, and no person shall buy or receive from a manufacturer any of the commodities listed in the aforementioned paragraphs in the course of trade or business, at prices higher than the maximum prices set forth below; and no person shall offer, solicit, attempt or agree to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of any of the commodities listed in the aforementioned paragraphs to a purchaser, if prior to May 11, 1942, such commodities had been received by a carrier, other than a carrier owned or controlled by the manufacturer, for shipment to such purchaser.

§ 1347.25 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1347.12, 1347.25) shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3893; Filed, April 30, 1942; 11:40 a. m.]

**PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS, ADMIXTURES**  
**AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 127<sup>2</sup>—FINISHED PIECE PRICE**

A statement of the considerations involved in the issuance of this Amendment

<sup>1</sup> 7 F.R. 3178.

<sup>2</sup> 7 F.R. 3119.

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1400.82 (i) (1) is hereby amended and a new § 1400.85 is added, to read as follows:

§ 1400.82 *Appendix A: Maximum prices for finished piece goods.*

(1) *Wholesalers and jobbers*—(1) *General provisions.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function<sup>1</sup> by a wholesaler or jobber, other than one controlling, controlled by or under common control with the converter or finisher, shall be computed by dividing the actual cost<sup>2</sup> by .83.

§ 1400.85 *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 127 (§§ 1400.82 (i) (1) and 1400.85) shall become effective May 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3892; Filed, April 30, 1942; 11:40 a. m.]

**PART 1309—COPPER**

**AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP**

*Correction*

In the table appearing in the second column on page 2898 of the issue for Saturday, April 18, 1942, two references to footnotes were omitted. Under the third box head "Dry copper" should read "Dry copper" and "7.50" should read "7.50".

**PART 1337—RAYON**

**REVISED PRICE SCHEDULE NO. 23 AS AMENDED—RAYON GREY GOODS**

*Correction*

The first item in the table for satins on page 2902 of the issue for Saturday, April 18, 1942, should have "3-205" for the fabric number and type. The seventh

<sup>1</sup> No sale is made "in the performance of a recognized distributive function" within the meaning of this Maximum Price Regulation No. 127 unless it advances the goods sold to the next stage of distribution.

<sup>2</sup> The actual cost may include only (a) the invoice price of the finished piece goods less all discounts taken (which must not exceed the maximum price established by this Maximum Price Regulation No. 127) and (b) the actual transportation charges incurred by the wholesaler or jobber with respect to such finished piece goods. If the goods are transported in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

item under "Filling" should read "75V. Voile twist".

On page 2903, the sixth item under "Width" should read "48½".

**PART 1403—PAINT PRODUCTS, PAINTERS' SUPPLIES, AND WALL COVERINGS**

**TEMPORARY MAXIMUM PRICE REGULATION NO. 19—OIL PAINTS AND VARNISH**

*Correction*

The word "argument" in § 1403.9 (a) (1) on page 2950 of the issue for Tuesday, April 21, 1942, should read "government".

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

**RATIONING ORDER NO. 3—SUGAR RATIONING REGULATIONS**

*Corrections*

On page 2967 of the issue for Wednesday, April 22, 1942, the authority citation should have "1407.243" instead of "1407.221". Section 1407.21 (c) (22) should have "50 percent" instead of "80 percent".

On page 2970, § 1407.82 should have "April 28, 1942" instead of "April 28, 1941".

On page 2971, the word "omission" should be plural in § 1407.91. The word "cases" is misspelled in the thirteenth line of § 1407.94.

On page 2975, in the first column, seventh line, the correct form number is "R-315".

**Chapter XVII—Office of Civilian Defense**

[Regulations No. 2]

**PART 1902—INSIGNIA**

**Sec.**

- 1902.1 Prescribed insignia.
- 1902.2 Official articles.
- 1902.3 Licenses to manufacture and sell.
- 1902.4 Sale and distribution.
- 1902.5 Wear and use of official articles.
- 1902.6 Wear and use of arm bands and brassards.
- 1902.7 Prohibitions on use of insignia.
- 1902.8 Violations.
- 1902.9 Effective date.

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act of June 29, 1932, as amended by the Act of May 22, 1939, and section 2 of the Act of January 27, 1942, and in accordance with Articles 12 and 13 of Executive Order No. 9088 dated March 6, 1942,<sup>1</sup> authorizing the Director of Civilian Defense to make and issue such rules, regulations and orders as he may deem necessary or desirable relating to the wearing of official insignia and to carry out the purposes of the aforementioned Act of January 27, 1942, the following regulations are hereby made and issued:

**Authority:** §§ 1902.1 to 1902.9, inclusive, issued under 42 Stat. 1286, as amended by 45 Stat. 437, and Pub. Law 415, 77th Cong. and under E.O. 8757, 6 F.R. 2517 and E.O. 9088, 7 F.R. 1775.

<sup>1</sup> 7 F.R. 1775.

§ 1902.1 *Prescribed insignia*—(a) Basic insigne. The prescribed basic insigne of the Office of Civilian Defense shall be a design, in the form of an applique emblem granted by Letters Patent No. D-129797 of October 7, 1941, and shall consist of the letters "CD" in red centered in a white equilateral triangle, embossed on a circular field of blue.

(b) *Insignia of Staff Corps of Office of Civilian Defense*. The prescribed insignia for the Staff Corps of the Office of Civilian Defense shall consist of the basic insigne of the Office of Civilian Defense, which, when used by the Staff Corps of the Office of Civilian Defense in its Washington Office and Regional Offices, shall be superimposed on the letters "US" (in the form of an applique emblem granted by Letters Patent No. D-129812 of October 7, 1941), and when used by members of State Defense Councils or Local Defense Councils, or persons on the staff of such Councils or of local Volunteer Offices of the Office of Civilian Defense, shall be placed immediately above a rec-

tangle embodying the name, or abbreviation of the name, of the particular State.

(c) *Insignia of Defense Corps, Service Corps, Civil Air Patrol and Auxiliary Group*. The prescribed insignia for units of the United States Citizens Defense Corps (hereinafter referred to as "Defense Corps"), the United States Citizens Service Corps (hereinafter referred to as "Service Corps"), the Civil Air Patrol, and the Civilian Defense Auxiliary Group (hereinafter referred to as "Auxiliary Group"), shall consist of a white equilateral triangle embossed on a circular field of blue similar to the basic insigne of the Office of Civilian Defense, but with an identifying device (in red or blue, as hereinafter indicated), described below for the respective units, substituted in lieu of the letters "CD" appearing in the basic insigne. The identifying devices for the prescribed insignia of the present units of the Defense Corps, the Service Corps, the Civil Air Patrol, and the Auxiliary Group, and the Letters Patent covering such insignia, are as follows:

imposed on the letters "US", and when used by the local Staff Corps of the Defense Corps or the Service Corps, as the case may be, in the communities, shall be placed immediately above a rectangle embodying the name, or abbreviation of the name, of the particular State.

(e) *Additional insignia*. The Director of the Office of Civilian Defense (hereinafter referred to as the "Director") may from time to time prescribe, by order, other designs as insignia for additional units of the Defense Corps, the Service Corps, the Civil Air Patrol, the Auxiliary Group, or for any other group established or designated by order of the Director.

(f) *"CD"*. The use of the letters "CD" alone, and not in connection with prescribed insignia of the Office of Civilian Defense or any branch or unit thereof, is prohibited.

§ 1902.2 *Official articles*. Any prescribed insignia may be embodied in arm pieces, arm bands, brassards, buttons, pins, automobile plates, decalcomania, Certificates of Membership in the Defense Corps or the Service Corps, and other articles of identification (hereinafter referred to as "official articles") which shall be worn or used only by persons specified in § 1902.5 and which shall constitute the official identification of such persons. Official articles shall conform to the specifications established by order or instruction of the Director, and may be worn or used only in the manner specified by order or instruction of the Director.

§ 1902.3 *Licenses to manufacture and sell*. The Director may enter into License Agreements authorizing the manufacture, sale and distribution of official articles. Official articles shall not be manufactured, sold or distributed except pursuant to and in accordance with the terms of such License Agreements. Each License shall comply with all the terms and conditions prescribed in the License Agreement. Official articles shall not be sold or distributed until production samples have been approved by the Director. The Licensee or any other person or corporation shall not sell any official articles at a price in excess of the price set forth in the License Agreement pursuant to which such articles were manufactured, and shall not sell or distribute official articles except as prescribed in such License Agreement and in accordance with rules, regulations, orders and instructions of the Director.

§ 1902.4 *Sale and distribution*. Official articles, for wear or use by members or trainees, subject to the provisions of § 1902.5 (a) (4), of the Defense Corps, the Service Corps, the Auxiliary Group, or any other group designated by order of the Director, shall not be sold or distributed by a manufacturer unless such sale or distribution is approved by the appropriate Regional Director of the Office of Civilian Defense, or by the State Defense Council of the State of sale or distribution in the event that the appropriate Regional Director of the Office of Civilian Defense has delegated such power of approval to the State Defense

UNITED STATES CITIZENS DEFENSE CORPS

| Unit                                  | Letters patent      | Identifying device (red, except Staff Corps)  |
|---------------------------------------|---------------------|---|
| Staff Corps.....                      | Patent Pending..... | Blue five-pointed star centered above letters "CDO" in red.   |
| Air Raid Wardens.....                 | D-129801.....       | Seven diagonal stripes alternately red and white.   |
| Auxiliary Police.....                 | D-129803.....       | Shield in the form of an inverted triangle with sides slightly curved outward.  |
| Auxiliary Firemen.....                | D-129802.....       | Cross pattée.   |
| Fire Watchers.....                    | D-129807.....       | Flame.  |
| Demolition and Clearance Crews.....   | D-129804.....       | Pick, handle upward.  |
| Road Repair Crews.....                | D-129805.....       | Shovel, spade downward.   |
| Rescue Squads.....                    | D-129800.....       | Ladder.   |
| Decontamination Squads.....           | D-129810.....       | Chemical retort.  |
| Medical Corps.....                    | D-129811.....       | Caduceus.   |
| Nurses' Aides Corps.....              | D-129798.....       | Red Cross.  |
| Drivers Corps.....                    | D-129808.....       | Steering wheel.   |
| Messengers Corps.....                 | D-129806.....       | Lightning flash.  |
| Emergency Food and Housing Corps..... | D-129809.....       | Cup, handle to right.   |
| Utility Repair Squads.....            | Patent Pending..... | Pliers, jaws closed, handles downward.  |
| Instructors.....                      | Patent Pending..... | Inverted equilateral triangle, centered above which is a falling bomb, to the left of which is a chemical retort, and to the right of which is a flame. |
| Chaplains.....                        | Patent Pending..... | Christian: Latin cross. Jewish: Six-pointed star centered above Tablets of the Law in silhouette.   |

UNITED STATES CITIZENS SERVICE CORPS

| Unit               | Letters patent      | Identifying device (red)  |
|--------------------|---------------------|---|
| Basic insigne..... | Patent Pending..... | Large block V with a C half the size and to the left of the V, and a D half the size and to the right of the V. |

CIVIL AIR PATROL

|                     |                     |   |
|---------------------|---------------------|---|
| Basic insigne.....  | Patent Pending..... | Propeller.  |
| Pilot Wings.....    | Patent Pending..... | Propeller, with a silver eagle, wings outstretched, gripping the upper periphery of the basic circle. |
| Observer Wings..... | Patent Pending..... | Propeller, with a silver spread eagle wing extending to right of basic circle.                        |

CIVILIAN DEFENSE AUXILIARY GROUP

| Unit               | Letters patent | Identifying device (blue) |
|--------------------|----------------|---------------------------|
| Basic insigne..... | D-129797.....  | Letters "CD."             |

(d) *Staff Corps of Defense Corps and Service Corps*. The prescribed insignia for the Staff Corps of the Defense Corps shall be as described in paragraph (c) of this section, and the prescribed insigne for the Staff Corps of the Service Corps shall be the basic insigne of the

Service Corps described in paragraph (c) of this section, which Staff Corps insignia, when used by the Staff Corps of the Defense Corps or the Service Corps, as the case may be, in the Washington Office and the Regional Offices of the Office of Civilian Defense, shall be super-

Council, or otherwise in accordance with orders of the Director. Official articles for wear or use by enrolled members of the Civil Air Patrol shall not be sold or distributed by a manufacturer unless such sale or distribution is approved by the National Commander of the Civil Air Patrol, or otherwise in accordance with orders of the Director. Records shall be kept by the approving authority of all approved sales or distributions and shall be held available for examination by the Office of Civilian Defense.

§ 1902.5 *Wear and use of official articles.* (a) It shall be unlawful for any person to wear or use any official article except:

(1) Persons who are employed or appointed in any capacity in the Washington Office or any Regional Office of the Office of Civilian Defense, which persons are authorized to wear and use the United States insignie of the Staff Corps of the Office of Civilian Defense.

(2) Members of any State Defense Council or Local Defense Council, or persons who are employed or appointed by any State Defense Council or any Local Defense Council as officers or workers on the Staff of any such Council or in any local Civilian Defense Volunteer Office (exclusive of persons in any group or unit for which a special insignie is prescribed), after having successfully completed prescribed training courses or meeting any other requirements prescribed at any time by order or instruction of the Director, which persons are authorized to wear or use the State insignie of the Staff Corps of the Office of Civilian Defense.

(3) Persons who are members, after having successfully completed prescribed courses of training or instruction, or meeting any other requirements prescribed at any time by rules, regulations, orders, or instructions of the Director, of the Defense Corps, the Service Corps, the Civil Air Patrol, the Auxiliary Group, or any other group designated by rules, regulations, or orders of the Director.

(4) Persons who have been duly enrolled for a course of training or instruction, approved by the Office of Civilian Defense, in the Defense Corps, the Service Corps, the Civil Air Patrol, or any other group designated by rules, regulations, or orders of the Director: *Provided, however,* That the right of any such persons to wear or use any official article, with or without any prescribed additional designation to indicate the training status of such persons, and the conditions upon which such official articles may be so worn or used, shall have been specifically authorized by rules, regulations, orders, or instructions of the Director.

(b) The right of any such authorized person to wear or use any official article shall exist only so long as he shall comply with all rules, regulations, orders, and instructions made at any time by the Director, including those with respect to the use or wearing of prescribed insignia, and the eligibility, training, qualifications, or duties of such persons, and such right shall be subject at all times to the terms and conditions of any

such rules, regulations, orders or instructions.

(c) Any person so authorized to wear or use official articles may wear or use only articles bearing the insignia prescribed by the Director for the particular office or council of which such person is an official, member, or worker, or for the group or unit of which such person is a member or trainee.

§ 1902.6 *Wear and use of arm bands and brassards.* The wear and use of arm bands or brassards, embodying prescribed insignia, shall constitute a substitute for a uniform, and the wear or use of such arm bands or brassards shall be restricted to members of, or trainees (subject to the limitations of § 1902.5 (a) (4)) for, the Defense Corps (except the Instructors unit), the Civil Air Patrol, the Auxiliary Group or any other group designated by order of the Director, while actively engaged in the performance of duties or while in transit to or from their places of duty.

§ 1902.7 *Prohibitions on use of insignia.* (a) The Director may prohibit or restrict, in his discretion, the manufacture, sale, distribution, wearing or use of articles embodying the prescribed insignia, or the reproduction or imitation of any prescribed insignia, or the photographing, printing, or in any other manner making or executing any engraving, printing, or impression in the likeness of any prescribed insignia.

(b) Accurate reproduction of prescribed insignia for advertising, display, or any other commercial purposes, other than in connection with official articles, is authorized, subject to paragraph (a) of this section, except where such reproduction, in the opinion of the Director, would tend to bring discredit on the Office of Civilian Defense, any State Defense Council or any Local Defense Council, or to mislead, confuse, misrepresent or defraud.

§ 1902.8 *Violations.* Any person found guilty of violating the above-prescribed regulations respecting the manufacture, sale, distribution, wear, and use of prescribed insignia, shall, upon conviction, be subject to the penalties provided in section 2 of the Act of January 27, 1942, and section 2 of the Act of June 29, 1932, as amended on May 22, 1939.

§ 1902.9 *Effective date.* These Regulations shall become effective immediately.

[SEAL] JAMES M. LANDIS,  
Director of Civilian Defense.  
APRIL 29, 1942.

[F. R. Doc. 42-3835; Filed, April 29, 1942;  
9:42 a. m.]

[Regulations No. 3]

PART 1903—UNITED STATES CITIZENS  
DEFENSE CORPS

|        |                                    |
|--------|------------------------------------|
| Sec.   |                                    |
| 1903.1 | Statutory and executive authority. |
| 1903.2 | Definitions.                       |
| 1903.3 | Units.                             |
| 1903.4 | Insignia.                          |
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|         |  |
|---------|--|
| Sec.    |  |
| 1903.8  | Method of appointment.   |
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| 1903.10 | Certificate of membership.   |
| 1903.11 | Enrollment.  |
| 1903.12 | Duties.  |
| 1903.13 | Termination or suspension of membership in United States Citizens Defense Corps. |
| 1903.14 | Status and compensation of members.  |
| 1903.15 | Loaned equipment.  |
| 1903.16 | Staff corps in Washington Office and Regional Offices.                           |
| 1903.17 | Effective date.  |

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088 dated March 6, 1942, authorizing the Director of Civilian Defense to make and issue such rules, regulations and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, the following regulations are hereby made and issued:

AUTHORITY: §§ 1903.1 to 1903.17, inclusive, issued under Pub. Law 415, 77th Cong., and under E.O. 8757, 6 F.R. 2517, and E.O. 9088, 7 F.R. 1775.

§ 1903.1 *Statutory and executive authority.* (a) The Act approved January 27, 1942 (Public Law 415, 77th Congress) provides in section 2 thereof:

It shall be unlawful for any person to wear any insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof.

The regulations referred to have been promulgated in Executive Order No. 9088 dated March 6, 1942, which provide, in Article 12 thereof:

The Director of Civilian Defense may prescribe insignia, arm bands and other distinctive articles which may be worn by persons engaged in civilian defense activities and may establish rules and regulations for the wearing thereof.

Pursuant to Executive Order No. 9088, the Director of Civilian Defense has issued Regulations No. 2 of the Office of Civilian Defense governing insignia, which regulations provide that it shall be unlawful for any person to use or wear certain official articles embodying prescribed insignia except certain designated groups, including the United States Citizens Defense Corps.

(b) The Act approved January 27, 1942 (Public Law 415, 77th Congress) authorizes, in Section 1 thereof, the Director of Civilian Defense, under such regulations as the President may prescribe, to provide to certain localities, by loans, supplies and equipment for the adequate protection of persons and property from bombing attacks, sabotage, or other war hazards. Executive Order No. 9088 dated March 6, 1942, sets forth the regulations prescribed by the President pursuant to said Section 1, and Article 13 thereof authorizes the Director of Civilian Defense to make and issue such rules, regulations and orders as he may deem necessary or desirable to carry out the purposes of the Act approved January 27, 1942.

Pursuant to Executive Order No. 9088, the Director has issued Regulations No. 1 of the Office of Civilian Defense, governing loans of equipment and supplies to civil authorities, which regulations provide, in § 1901.7 thereof, that the property shall be distributed by the borrowing communities in such manner as the Local Defense Council shall deem advisable in order to comply with the requirements of law.

Provided, however, That such distribution shall at all times be subject to and in accordance with such rules, regulations, orders and instructions as the Director of Civilian Defense may make with respect thereto.

Regulations No. 1 also provide that each borrowing community shall execute an agreement with the Director of Civilian Defense, on OCD Form No. 501, which agreement includes a covenant on behalf of the borrowing community as follows:

That all rules, regulations and orders heretofore or hereafter issued by the Director of Civilian Defense with respect to said supplies and equipment are a part of this agreement between the community and the Director of Civilian Defense, and that the community will comply with all rules, regulations and orders issued by the Director of Civilian Defense with respect to the aforesaid supplies and equipment, as well as with respect to procedure and practices affecting the use of such supplies or equipment for civilian defense in the community.

The Director of Civilian Defense, for the purpose of attaining maximum efficiency in the use and preservation of supplies and equipment of, or under the control of, the Office of Civilian Defense, which are loaned to communities pursuant to Executive Order No. 9088 and Regulations No. 1, has ordered, subject to rules, regulations and orders to be issued by him, that, except with respect to members of the local fire departments and police departments, the distribution of such supplies and equipment by borrowing communities shall be confined to members of and trainees for the United States Citizens Defense Corps, in accordance with instructions of the Commander of the Local Defense Corps, and that loaned supplies and equipment shall be used only by such members and trainees.

(c) Regulations No. 3 of the Office of Civilian Defense, herein set forth, are issued, pursuant to Executive Order No. 9088, to prescribe the eligibility, training, method of appointment, character of oath, and duties of persons who, as members of or trainees for the United States Citizens Defense Corps, are exclusively entitled to wear or use official articles embodying prescribed insignia of the United States Citizens Defense Corps, in accordance with the provisions of Regulations No. 2, and are entitled to receive, wear or use supplies and equipment loaned to communities, in accordance with Regulations No. 1.

§ 1903.2 *Definitions.* (a) "Director" means the Director of the Office of Civilian Defense appointed by the President of the United States pursuant to Execu-

tive Order No. 8757 dated May 20, 1941, or any amendment thereto.

(b) "Defense Corps" means the United States Citizens Defense Corps established, within the Office of Civilian Defense, by Administrative Order of the Director, and consists of units composed of enrolled members in the protective services engaged in civilian defense, or in services related thereto.

(c) "Protective services engaged in Civilian Defense" means the services engaged in taking precautionary measures against air raids or other forms of attack and minimizing losses to persons and property resulting therefrom, which protective services shall include those specified in § 1903.3 (a) now established and such additional protective services as shall hereafter be established as units of the Defense Corps by order of the Director.

(d) "Member" means a person eligible for membership in the Defense Corps, who has registered for training, has satisfactorily completed prescribed and approved courses of training or instruction, has been appointed to membership, has signed the prescribed oath, has received a Certificate of Membership, and has been enrolled as a member of the Defense Corps by the Local Defense Council, all in accordance with the regulations in this part, and whose membership has not been suspended or terminated as provided in the regulations in this part.

(e) "Trainee" means a person eligible for membership in the Defense Corps who has registered for training in accordance with the regulations in this part, and who is engaged in taking prescribed and approved courses of training or instruction prior to becoming appointed and enrolled as a member.

(f) "Prescribed insignia" means insignia prescribed by the Director, by regulation or order, for any unit of the Defense Corps or for any rank of members, whether or not Letters Patent with respect to such insignia have been applied for, granted or denied.

(g) "Official articles" means arm pieces, arm bands, brassards, buttons, pins, automobile plates, decalcomania, Certificates of Membership, and other articles of identification embodying prescribed insignia, which official articles may be worn or used only by members or, subject to § 1903.7 (c), by trainees, and shall constitute the official identification of members and trainees wearing or using such official articles.

(h) "Loaned equipment" means equipment and supplies belonging to, or under the control of, the Office of Civilian Defense and loaned by the Director to communities pursuant to Executive Order No. 9088 dated March 6, 1942, and Regulations No. 1 of the Office of Civilian Defense governing loans of equipment and supplies to civil authorities.

(i) "State" means any State, territory or possession of the United States, and the District of Columbia.

(j) "Community" means any municipality, town or village or any other political subdivision of any State or any area designated as a community pur-

suant to Regulations No. 1 of the Office of Civilian Defense.

(k) "Local Defense Council" means the body duly appointed by the duly authorized appointive authority to be responsible for civilian defense in a community.

§ 1903.3 *Units.* (a) The Defense Corps consists of units composed of enrolled members in (1) the protective services engaged in civilian defense now established and hereinafter specified, (2) additional protective services engaged in civilian defense, from time to time established as units of the Defense Corps by order of the Director, and (3) related services now established or hereafter established by order of the Director, including Chaplains. The protective services engaged in civilian defense now established are as follows:

- Staff Corps.
- Air Raid Wardens.
- Auxiliary Police.
- Auxiliary Firemen.
- Fire Watchers.
- Demolition and Clearance Crews.
- Road Repair Crews.
- Rescue Squads.
- Decontamination Squads.
- Medical Corps.
- Nurses' Aides Corps.
- Drivers Corps.
- Emergency Food and Housing Corps.
- Messengers Corps.
- Utility Repair Squads.
- Instructors.

(b) The number of members in each unit of the protective services engaged in civilian defense in any community shall not exceed the number prescribed from time to time by order of the Director.

§ 1903.4 *Insignia.* (a) The insignia of the units of the Defense Corps shall be designs related to the basic insigne of the Office of Civilian Defense, which basic insigne is a design, in the form of an Applique Emblem granted by Letters Patent No. D-129797 of October 7, 1941, consisting of the letters "CD", in red, centered in a white equilateral triangle embossed on a circular field of blue. Insignia have been prescribed by order of the Director for the Staff Corps of the Defense Corps, consisting of a blue five-pointed star centered above the letters "CDC", in red, in a white equilateral triangle embossed on a circular field of blue, which Staff Corps insigne, when used by the Staff Corps of the Defense Corps in the Washington Office and the Regional Offices of the Office of Civilian Defense, shall be superimposed on the letters "US", and when used by the local Staff Corps of the Defense Corps in the communities shall be placed immediately above a rectangle embodying the name, or abbreviation of the name, of the particular State. Insignia have been prescribed by order of the Director for the other units of the Defense Corps designated in § 1903.3 (a), consisting of a white equilateral triangle embossed on a circular field of blue similar to the basic insigne of the Office of Civilian Defense, but with an identifying device in

red, described below for the respective units, substituted in lieu of the letters "CD" appearing in the basic insignie. The identifying devices for the prescribed

insignia of the present units (other than Staff Corps) of the Defense Corps, and the Letters Patent covering such insignia, are as follows:

| Unit                                  | Letters patent      | Identifying device  |
|---------------------------------------|---------------------|---|
| Air Raid Wardens.....                 | D-129801.....       | Seven diagonal stripes, alternately red and white.  |
| Auxiliary Police.....                 | D-129803.....       | Shield in the form of an inverted triangle with sides slightly curved outward.  |
| Auxiliary Firemen.....                | D-129802.....       | Cross pattée.   |
| Fire Watchers.....                    | D-129807.....       | Flame.  |
| Demolition and Clearance Crews.....   | D-129804.....       | Pick, handle upward.  |
| Road Repair Crews.....                | D-129805.....       | Shovel, spade downward.   |
| Rescue Squads.....                    | D-129800.....       | Ladder.   |
| Decontamination Squads.....           | D-129810.....       | Chemical retort.  |
| Medical Corps.....                    | D-129811.....       | Caduceus.   |
| Nurses' Aides Corps.....              | D-129798.....       | Red Cross.  |
| Drivers Corps.....                    | D-129808.....       | Steering wheel.   |
| Messengers Corps.....                 | D-129806.....       | Lightning Flash.  |
| Emergency Food and Housing Corps..... | D-129809.....       | Cup, handle to right.   |
| Utility Repair Squads.....            | Patent Pending..... | Pliers, jaws closed, handles downward.  |
| Instructors.....                      | Patent Pending..... | Inverted equilateral triangle centered above which is falling bomb, to the left of which is a chemical retort and to the right of which is a flame. |
| Chaplains.....                        | Patent Pending..... | Christian: Latin cross Jewish: six-pointed star centered above Tablets of the Law in silhouette.  |

(b) The Director may from time to time prescribe, by regulations or orders, other designs as insignia for additional units of the Defense Corps.

(c) Prescribed insignia of the Defense Corps may be embodied in official articles which any member or, subject to § 1903.7 (c), any trainee is authorized to use or wear so long as he complies with all rules, regulations, orders and instructions made at any time by the Director, including those with respect to the use or wearing of prescribed insignia and with respect to the eligibility, training or duties of members. Such right to wear or use official articles shall be subject at all times to the terms and conditions of any such rules, regulations, orders or instructions.

(d) Any member or trainee authorized to wear or use official articles may wear or use only official articles bearing the insignia prescribed by the Director for the particular Office of which such person is a member of the Staff Corps or for the unit of the Defense Corps of which such person is a member or trainee.

(e) Arm bands or brassards embodying prescribed insignia shall constitute a substitute for a uniform. The wear or use of arm bands or brassards embodying prescribed insignia of the Defense Corps is restricted to members of or trainees, subject to § 1903.7 (c), for the Defense Corps (except the Instructors unit) while actively engaged in the performance of duties or while in transit to or from their places of duty.

(f) It shall be unlawful for any person to use or wear any prescribed insignia except in accordance with rules, regulations, orders and instructions issued by the Director. The Director may prohibit or restrict, in his discretion, the wearing or use of any articles embodying prescribed insignia.\*

§ 1903.5 Eligibility. (a) All citizens of the United States, without distinction as to race, color, sex or religion, shall be eligible for membership in the Defense Corps.

(b) All aliens residing in the United States, its territories or possessions, who

are not of enemy nationality, and without distinction as to race, color, sex or religion, shall be eligible for membership in the Defense Corps: *Provided, however, That, subject to further order of the Director, any alien not of enemy nationality may be declared ineligible for membership by the Local Defense Council of the community where such alien resides, and any alien of enemy nationality may be declared eligible for membership by the State Defense Council, acting upon the favorable recommendation of the Local Defense Council of the community where such alien resides. The decision of such Local Defense Council as to an alien not of enemy nationality, and of such State Defense Council as to an alien of enemy nationality, shall be final and shall be based upon its determination as to whether a declaration of eligibility or ineligibility would best serve the interests of the United States after considering all the facts bearing on the loyalty of any such alien to the United States; such decision shall be reached after such hearings as the Defense Council shall deem proper before a Board of Inquiry designated by the Defense Council or established by it to make findings of fact and recommendations to the Defense Council. The term "alien of enemy nationality", as used in this paragraph, means a citizen of Germany, Italy or Japan, or such other country as shall be designated by order of the Director.*

(c) Membership in any other organization of any character shall not be a condition to eligibility for membership in the Defense Corps, and no person shall become a member, or eligible for membership, solely by virtue of membership in any other organization.

(d) No person may become a member of the Defense Corps who advocates, or since the declaration by the President on May 27, 1941 of the national emergency has advocated, the overthrow of the constitutional form of government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any

subversive act against the United States committed since May 27, 1941.

(e) No fees of any kind shall be required to be paid as a condition to enrollment or continued membership in the Defense Corps.

(f) Any State or community may impose restrictions upon eligibility not inconsistent with these Regulations or subsequent rules, regulations or orders issued by the Director.

§ 1903.6 Registration for training. Each person eligible for membership in the Defense Corps shall register for training, furnishing such information and data as shall be specified in the registration card, which shall be in such form as shall be prescribed by order of the Director. Such registration card shall be filed with the Local Defense Council, and held by it available for inspection by the Office of Civilian Defense.

§ 1903.7 Training. (a) Before becoming a member of the Defense Corps, a registrant for training shall complete, in a manner satisfactory to his Local Defense Council and not below such standards as may be prescribed by order of the Director, courses of training or instruction prescribed and approved by order of the Director for the particular unit of the Defense Corps. Enrolled members shall take such additional courses of training and instruction as shall be prescribed by order of the Director.

(b) The minimum number of hours of training or instruction required to be satisfactorily completed before a person may become a member of the Defense Corps, and the subjects in which such training or instruction shall be completed for the respective units, are as follows:

| Unit                                     | First aid  | Fire defense | Gas defense | General |
|--|--|--------------|-------------|---------|
| Staff Corps.....                         | 10   | 3            | 2           | 5       |
| Air Raid Wardens.....                    | 10   | 3            | 5           | 5       |
| Auxiliary Police.....                    | 10   | 3            | 5           | 5       |
| Auxiliary Firemen.....                   | 10   | 10           | 2           | 5       |
| Fire Watchers.....                       | 0  | 3            | 2           | 5       |
| Demolition and Clearance Crews.....      | 0  | 3            | 2           | 5       |
| Road Repair Squads.....                  | 0  | 3            | 2           | 5       |
| Rescue Squads.....                       | 20   | 10           | 5           | 5       |
| Decontamination Squads.....              | 10   | 0            | 5           | 5       |
| Medical Corps <sup>1</sup> .....         | 20   | 0            | 2           | 5       |
| Nurses' Aides Corps <sup>2</sup> .....   | 10   | 0            | 2           | 5       |
| Drivers Corps <sup>3</sup> .....         | 10   | 0            | 5           | 5       |
| Messengers Corps.....                    | 10   | 3            | 2           | 5       |
| Emergency Food and Housing Corps.....    | 0  | 0            | 2           | 5       |
| Utility Repair Squads <sup>4</sup> ..... | 0  | 0            | 3           | 5       |
| Chaplains.....                           | 0  | 0            | 0           | 0       |
| Instructors.....                         | Must attend Teachers Training Schools as prescribed by the Office of Civilian Defense. |              |             |         |

<sup>1</sup> Also special training as directed by Emergency Medical Division, Office of Civilian Defense.

<sup>2</sup> Also 60 hours special American Red Cross Training, plus Nurses' Aides course given in connection with approved Hospitals.

<sup>3</sup> Also the following courses: Night driving and convoy driving, 5 hours; blackout driving, 3 hours; map reading, 2 hours; minor roadside repairs, 5 hours.

<sup>4</sup> Applicants for Utility Repair Squads who are employed to do repair work for publicly or privately owned water, gas, electric, or other utilities, may omit all training and instruction courses, but fire defense and gas defense training is recommended.

(c) Trainees for membership in the Defense Corps may be authorized by order of the Director, in the event of an air raid or other disaster or emergency, to perform the duties of members of the Defense Corps during such period as shall be specified in such order of the Director. The effect of any such order shall be, whether or not stated therein, to dispense with the requirements, during the period specified therein, of completion of courses of training or instruction, oath, Certificate of Membership, and enrollment. Trainees appointed as members, pursuant to such order, in the manner prescribed in Section 8 of this chapter, and engaged in performing duties of members, or in transit to or from their places of duty, shall be members of the Defense Corps during the period specified in such order, and as such shall be entitled to wear or use official articles (but not to receive a Certificate of Membership), to receive, use and wear loaned equipment, and to all other rights and privileges of members.

(d) Trainees for membership in the Defense Corps may use or wear loaned equipment, other than official articles, while engaged in training or instruction, to the extent deemed necessary and proper by the person conducting the course of training or instruction, or as otherwise ordered by the Director.

§ 1903.8 *Method of appointment.* Eligible persons who have registered for training in the Defense Corps and have satisfactorily completed prescribed and approved courses of training or instruction may be appointed to the various units of the Defense Corps (except the Staff Corps in the Washington Office or the Regional Offices of the Office of Civilian Defense), solely on the basis of ability to perform prescribed duties, by the legally authorized appointive authority of any State or community, subject to any further rules, regulations or orders issued by the Director as to the manner of appointment of such persons.

§ 1903.9 *Oath.* (a) Each appointee to membership in the Defense Corps shall, prior to being enrolled as a member of the Defense Corps, take and sign, before a notary public or other official authorized to administer oaths, a written oath, in form prescribed by order of the Director, to defend and uphold the Constitution of the United States, to perform properly all duties as a member of the Defense Corps in the unit in which enrolled, and to comply with all rules, regulations and orders issued by the Director, as well as all rules, regulations and orders (not inconsistent with rules, regulations and orders issued by the Director) issued by his State or community, or any authorized agency thereof. Such oath shall further state that such person does not advocate, and since May 27, 1941, has not advocated, the overthrow of the constitutional form of government in the United States by force or violence.

(b) Such oath shall be filed with the Local Defense Council, and held by it available for inspection by the Office of Civilian Defense.

§ 1903.10 *Certificate of membership.* Each eligible registrant for training in

the Defense Corps, upon satisfactorily completing prescribed and approved courses of training or instruction, being duly appointed to membership and signing the prescribed oath, may be furnished by the Local Defense Council, with a Certificate of Membership, in form prescribed by order of the Director and signed by a representative of the Local Defense Council, certifying that such person has satisfactorily completed the required courses of training or instruction and demonstrated the necessary knowledge and ability to carry out his duties, and is a member of the Defense Corps entitled to use or wear the prescribed insignia of the particular unit of the Defense Corps for which he is appointed and trained.

§ 1903.11 *Enrollment.* Each person furnished with a Certificate of Membership shall be enrolled by the Local Defense Council as a member of the Defense Corps, in the unit specified in such Certificate. Local Defense Councils shall furnish the Office of Civilian Defense, from time to time upon request, information regarding enrolled members, including the number in the various units of the Defense Corps.

§ 1903.12 *Duties.* (a) The duties of each member of the Defense Corps shall be as prescribed by rules, regulations and orders of the Director, and as additionally prescribed, to the extent permitted by law and not inconsistent with the duties prescribed by the Director, by the Governor or the State Defense Council of his State, and by the chief executive officer or other designated authority or the Local Defense Council of his community.

(b) The general duties of the members of the Defense Corps shall include the following:

(1) *Staff corps.* Serving in an administrative capacity in civilian protective work in the Washington Office or any Regional Office of the Office of Civilian Defense; commanding or directing the local units of the Defense Corps in the protective services engaged in civilian defense; acting as local Bomb Reconnaissance Agents.

(2) *Air raid wardens.* Observing lights showing during a blackout and warning occupants of buildings; calling attention of law enforcement authorities to failures to comply with blackout rules and regulations, and requesting their cooperation in obtaining such compliance; directing persons in the streets to shelter; reporting to the Control Center any fallen bombs or fires; assisting in fighting incendiary bombs; detecting and reporting to the Control Center the presence of gas; administering elementary first aid; assisting victims in damaged buildings.

(3) *Auxiliary police.* Enforcing emergency restrictions on lighting and prohibitions on trespassing; guarding of docks, buildings, bridges and factories; performing traffic duty to facilitate movements of essential vehicles; preventing looting of partially demolished buildings, shops and homes; assisting air raid protection services before, during

and after a raid; and generally assisting the regular police force under the immediate direction of the local police chief.

(4) *Auxiliary firemen.* Assisting regular fire-fighting forces, including laying hose relays and operating small pumpers, under the immediate direction of the local fire chief.

(5) *Fire watchers.* Standing guard on posts in doorways, on roofs and at other vantage points in order to spot, reach and extinguish fallen bombs.

(6) *Demolition and clearance crews.* Removing rubble and debris from streets after air raids; destroying partially demolished or unsafe walls and buildings; filling bomb craters in streets; assisting the local public works department.

(7) *Road repair crews.* Repairing roads after air raids to restore normal flow of traffic as rapidly as possible, including smoothing road surfaces, repaving with available material, restoring road markings, filling holes and applying top dressing; assisting street departments and public works departments following rough clearance by Demolition and Clearance Crews.

(8) *Rescue squads.* Rescuing persons trapped in debris; shutting off broken gas, electric and water lines; shoring up, tunneling and minor demolition work; rendering emergency first aid; assisting local public works, fire and other municipal departments.

(9) *Decontamination squads.* Effecting chemical neutralization of streets, walls and buildings contaminated by gases; assisting health department in connection with decontamination work.

(10) *Medical corps.* Proceeding to scene of air raids or other disasters and setting up casualty stations; establishing advance first aid posts; rendering emergency care of the injured; assisting local hospitals and health departments.

(11) *Nurses' aides corps.* Assisting nurses in wards and out-patient clinics of hospitals; assisting emergency medical field units in casualty stations and first aid posts.

(12) *Drivers corps.* Driving vehicles to assist other units of the Defense Corps.

(13) *Messengers corps.* Performing messenger service for air raid warden posts, control and message centers, hospitals, casualty stations and first aid posts, fire stations and police stations, and other units of the Defense Corps.

(14) *Emergency food and housing corps.* Providing food and shelter for persons whose homes have been destroyed or damaged by air raid or other disaster; assisting local welfare departments.

(15) *Utility repair squads.* Repairing water, gas, electric, telephone, steam and other utility services damaged by air raid or other disaster.

(16) *Instructors.* Giving courses of training and instruction to units of the Defense Corps as prescribed from time to time by orders or instructions of the Director.

(17) *Chaplains.* Administering to the religious and spiritual needs of persons suffering from the effects of air raids or other disaster.

§ 1903.13 *Termination or suspension of membership in United States Citizens Defense Corps.* (a) Any member of or trainee for the Defense Corps who:

(1) Fails or refuses to comply with all applicable rules, regulations and orders made by the Director, or made, not inconsistent therewith, by his State or community or any agency thereof;

(2) Fails or refuses faithfully to perform his duties;

(3) Fails or refuses to comply with his agreement as to the protection, maintenance, use or return of loaned equipment (OCD Form No. 519);

(4) Was not eligible for membership in the Defense Corps or was not trained, appointed, sworn or enrolled as a member or trainee in accordance with these Regulations, or any subsequent rules, regulations or orders of the Director; or

(5) Has not adequate knowledge, ability or other qualification properly to perform his duties;

may have his membership or training status suspended or terminated by order of his Local Defense Council or of the Director, after notice to such person and to the official or body which appointed such person, which notice shall specify all charges against such person, and after an opportunity for such person to be heard in his defense.

(b) Unless and until such order is vacated by order of the removing authority for good cause shown, it shall be unlawful for any person whose membership or training status in the Defense Corps has been so suspended or terminated to use or wear any official article or to receive, use or wear any loaned equipment, and such person shall be deprived of all other rights and privileges as a member or trainee: *Provided, however,* That such suspension or termination shall not affect the status under State or local law of any person appointed by a State or community appointive authority to perform such duties as may be required by such State or local law. Nothing in these Regulations shall be construed to interfere with or usurp any of the rights or duties of any local district, municipal, county or State official.

(c) Hearings in any proceeding ordered by a Local Defense Council or the Director for suspension or termination of membership or training status shall be held at such time and place, and before such examiner, and in accordance with such procedure as shall be prescribed by the order of the Local Defense Council or the Director, as the case may be.

§ 1903.14 *Status and compensation of members.* Members, except the Staff Corps in the Washington Office or in the Regional Office, of the Office of Civilian Defense, shall not be deemed appointees or employees of the Office of Civilian Defense, or of the United States or any agency thereof, nor entitled to any payment from the Office of Civilian Defense, or the United States or any agency thereof, for services rendered as mem-

bers. Payment for such services by the States or communities shall be dependent upon the laws thereof.

§ 1903.15 *Loaned equipment.* (a) Loaned equipment received by communities from the Office of Civilian Defense pursuant to Regulations No. 1 of the Office of Civilian Defense, shall, unless otherwise ordered by the Director, be distributed by such communities, directly or indirectly, only to members of, or (subject to § 1903.7 (c)) trainees for, the Defense Corps or to members of local police departments or fire departments, all in accordance with instructions of the Commander of the local Citizens Defense Corps.

(b) All loaned equipment received by any community, including fire-fighting pumping units, shall, unless otherwise ordered by the Director, be used only by members of, or (subject to § 1903.7 (d)) trainees for, the Defense Corps or by members of local police departments or fire departments.

(c) Unless otherwise ordered by the Director, any community which distributes any such loaned equipment to any person not a member of or trainee for the Defense Corps or a member of a local police department or fire department, or not in accordance with the instructions of the Commander of the local Citizens Defense Corps, or which permits any person not a member of or, to the extent provided in § 1903.7 (c), a trainee for the Defense Corps or a member of a local police department or fire department to use or wear any loaned equipment, or which fails promptly to recall any loaned equipment from any person whose membership or training status has been suspended or terminated, shall be deemed to have violated its agreement (OCD Form No. 501) with the Director pursuant to which such equipment was loaned; and in such event the Director may proceed to recall all or any part of such equipment and supplies of any character loaned to such community.

§ 1903.16 *Staff corps in Washington office and regional offices.* Persons employed or appointed in any administrative capacity on the Staff Corps of the Defense Corps in the Washington Office or in any Regional Office of the Office of Civilian Defense shall, by virtue of such employment or appointment, be members of the Defense Corps, and shall not be required to comply with any of the conditions to membership prescribed by these Regulations; but they shall be entitled to receive a Certificate of Membership. Such members of the Staff Corps shall be entitled to wear and use official articles embodying the insignia of the Staff Corps described in § 1903.4a.

§ 1903.17 *Effective date.* These Regulations shall become effective June 1, 1942.

[SEAL] JAMES M. LANDIS,  
Director of Civilian Defense.

APRIL 29, 1942.

[F. R. Doc. 42-3836; Filed, April 29, 1942; 9:43 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Bureau of Customs

[T.D. 50621]

COASTWISE LAWS WAIVED TO EXTENT NECESSARY TO PERMIT TRANSPORTATION OF CIVILIANS ENGAGED IN CONSTRUCTION OF ACCESS ROADS IN ALASKA AND EQUIPMENT, MATERIALS AND SUPPLIES OF CONTRACTORS ENGAGED IN CONSTRUCTION OF THOSE ROADS, FROM POINTS IN CONTINENTAL UNITED STATES TO POINTS IN ALASKA

The words "the continental United States to points in" were omitted from the first paragraph of the original document and did not appear on page 3127 of the issue for Wednesday, April 29, 1942. The paragraph should read as follows:

Upon the recommendation of the Acting Administrator of the Federal Works Agency and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of section 8 of the Act of June 19, 1886, as amended (46 U.S.C. 289), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit the transportation on Canadian vessels from points in the continental United States to points in Alaska of the following:

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

##### MEMORANDUM OPINION IN THE MATTER OF POLICY AND PROCEDURE FOR THE HANDLING OF BROADCAST APPLICATIONS EXCLUSIVE OF INTERNATIONAL, ST, DEVELOPMENTAL, HIGH FREQUENCY EXPERIMENTAL AND NON-COMMERCIAL EDUCATIONAL

Since the adoption of the Commission's Memorandum Opinion of February 23, 1942, concerning policy and procedure for the handling of standard broadcast applications, it has become increasingly apparent that further restrictions upon the use of materials and skilled personnel for the construction and operation of radio broadcast stations are necessary. Public interest demands that the requirements of the armed services be met before materials and skilled personnel can be used for the expansion of existing or the construction of new broadcast services.

On April 16, 1942, the Defense Communications Board recommended to the War Production Board and this Commission that there be immediately placed in effect the following policy:

No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated



by the War Production Board, to construct or to change the transmitting facilities of any Standard, Television, Facsimile, Relay or High Frequency (FM, Non-Commercial Educational, Experimental) broadcast station.

Upon consideration of this recommendation, the Commission has adopted a policy to grant no application for an authorization involving the use of any materials to construct or change the transmitting facilities of any standard, television, facsimile, relay, or high frequency (FM) broadcast station. The Commission, however, has deferred action on the recommendation of the Defense Communications Board with respect to experimental high frequency and non-commercial educational broadcast stations.

Applications filed to meet the requirements of authorizations heretofore made in the form of conditional grants, and applications requesting an extension of time within which to complete construction under authorizations heretofore made, will not be granted, unless it appears that the applicant (1) has made substantial expenditures in connection therewith or actually commenced construction prior to the date hereof, and (2) has on hand or available substantially all materials and equipment necessary to complete construction.

This policy shall not preclude the issuance of authorizations involving essential repairs or replacements for the purpose of maintaining existing services; nor shall it preclude the issuance of authorizations by the Commission for construction of, or changes in, facilities required by the Commission or recommended by the head of a war agency of the Federal Government.

For the purpose of carrying this policy into effect, the following procedure will govern applications now pending: Every applicant who desires to prosecute a pending application involving the use of materials to construct or change the transmitting facilities of any standard, television, facsimile, relay or high frequency (FM) broadcast station,<sup>1</sup> shall, on or before June 1, 1942, file with the Commission a formal petition embodying a statement of such facts and circumstances as he believes would warrant the granting of his application in the public interest. The filing of such petition will be construed as an indication of the desire of the applicant to prosecute his application, and, in the event the petition is denied, the application will be designated for hearing. Failure of any such applicant to file such formal petition on or before June 1, 1942, or such further time as the Commission may, upon satisfactory showing allow, will be deemed an abandonment of the applica-

<sup>1</sup>Includes all such applications filed prior to the date hereof irrespective of present status.

tion, and such application will be retired to the closed files of the Commission and dismissed without prejudice.

Dated: April 27, 1942.  
By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3848; Filed, April 29, 1942;  
10:48 a. m.]

[Order No. 94]

**PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS**

**MINIMUM UPDATING SCHEDULE REDUCED**

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of April, 1942;

It appearing that the demand by the military services has decreased the supply of trained personnel available for operation of broadcast stations, and

It appearing further that there is a scarcity of materials required for the maintenance of broadcast stations and that the relaxation of § 3.71 of the Rules and Regulations with respect to minimum operating schedule for broadcast stations will serve the public interest,

Now, therefore, it is ordered, That until further order of the Commission, the provision of § 3.71 of the Rules and Regulations requiring the licensee of each standard broadcast station, except Sundays, to maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, be, and it is hereby, waived, and in lieu thereof, except Sundays, the minimum operating schedule for standard broadcast stations shall be two-thirds of the total hours it is authorized to operate between 6 a. m. and midnight, local standard time: *Provided, however,* That § 3.71 of the Commission's Rules and Regulations governing Standard Broadcast Stations shall remain in full force and effect except as waived in this order.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3874; Filed, April 30, 1942;  
10:16 a. m.]

**PART 8—RULES GOVERNING SHIP SERVICE**

The Commission on April 28, 1942, effective immediately, adopted a new paragraph (d) to § 8.114 *Requirements of main installation* as follows:

(d) For the purpose of insuring adequate protection against failure of the main antenna installation when severe

mechanical stress is suddenly applied, an approved "safety link"<sup>1</sup> shall be provided as a component of this installation.

The following new paragraph (k) to § 8.115 was also adopted:

§ 8.115 *Requirements of emergency or reserve installation.*

(k) At all times while the ship is navigated in the open sea a reliable emergency antenna shall be available for immediate connection to the required main and/or emergency transmitter(s). This emergency antenna shall be supported at the greatest practicable height by means independent of the masts which support the main antenna, and shall be capable of providing effective operation of the station on the frequency 500 kilocycles. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 356, 50 Stat. 194; 47 U.S.C. 356)

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3873; Filed, April 30, 1942;  
10:16 a. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

**PART 123—FREIGHT COMMODITY STATISTICS**

**IN THE MATTER OF FREIGHT COMMODITY STATISTICS**

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of April, A. D. 1942.

The Bureau of the Budget, Executive Office of the President, has advised this Commission that information relating to the transportation of certain specified strategic and critical materials as contained in the reports of freight commodity statistics filed with the Commission's Bureau of Statistics by steam railway companies should be suppressed beginning with the reports for the year 1942 in order to avoid revealing "the current or prospective situation" with regard to these items; therefore,

It is ordered, That the order of this Commission dated November 22, 1927, as amended by order of December 14, 1938, and the order of November 16, 1939, as amended by order of December 14, 1939, in the Matter of Freight Commodity Statistics of carriers by steam railway, and corresponding sections of the Code of Federal Regulations, are hereby modified as follows:

<sup>1</sup> A safety link may be described as a device which, under heavy stress will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna supporting elements.

§§ 123.3, 123.12 *List of commodity classes.* (a) Beginning with the year 1942, and until further order, data relating to the following individual classes of commodities shall be omitted from the quarterly reports of freight commodity statistics filed with this Commission on Form QCS and Form SCS by Class I steam railways and also, from the reports on Form SCS submitted annually by Class II steam railways:

| No.  | Commodity class                                  |
|------|--|
| 330. | Copper ore and concentrates.                     |
| 331. | Lead ore and concentrates.                       |
| 332. | Zinc ore and concentrates.                       |
| 442. | Crude rubber (not reclaimed).                    |
| 520. | Copper: Ingot, matte, and pig.                   |
| 521. | Copper, brass, and bronze: Bar, sheet, and pipe. |
| 522. | Lead and zinc: Ingot, pig, or bar.               |
| 523. | Aluminum: Ingot, pig, or slab.                   |
| 660. | Alcohol, denatured or wood.                      |
| 661. | Sulphuric acid.                                  |
| 662. | Explosives, N. O. S.                             |

(b) The data omitted from the individual classes of commodities shall be included in the grand totals in the above mentioned reports but not in the totals for their respective groups, Products of Mines, Product of Forests, and Manufactures and Miscellaneous. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434-438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)-(10))

By the Commission, division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-3888; Filed, April 30, 1942;  
10:41 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. B-131]

IN THE MATTER OF WESLEY CONLEY, AN INDIVIDUAL, DOING BUSINESS UNDER THE NAME AND STYLE OF KILGORE COAL COMPANY, CODE MEMBER

##### ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board No. 8 having filed a complaint with the Bituminous Coal Division on October 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, against Wesley Conley, an individual, doing business under the name and style of Kilgore Coal Company, a code member in District No. 8, operating the Kilgore Mine No. 2 (Mine Index No. 676), located in Rush, Carter County, Kentucky; the complaint having charged code member with wilful violation of the Bituminous Coal Code, and rules and regulations thereunder, by selling for delivery by truck during the period from June 1, 1941, to August 31, 1941, approximately 849,495 net tons of high volatile run of mine coals, Size Group 6, produced at said mine, at a price of \$2.00 per net ton f. o. b. the mine, the same being the applicable minimum price for such coal, but that

he gave a rebate to the purchaser of said coal amounting to 30 cents per ton so sold;

Pursuant to an Order of the Acting Director and after due notice to interested persons, a hearing having been held on February 20, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The complainant and the code member having appeared and all interested parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof the code membership of Wesley Conley, an individual, doing business under the name and style of Kilgore Coal Company, be, and it hereby is, revoked and cancelled.

It is further ordered, That, prior to any reinstatement of Wesley Conley to code membership, he shall pay to the United States a tax in the amount of \$662.21 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: April 28, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3851; Filed, April 29, 1942;  
10:58 a. m.]

[Docket No. B-161]

IN THE MATTER OF WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES, AND RISOM FANKELL, INDIVIDUALLY, AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF KILGORE COAL COMPANY (WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES, AND RISOM FANKELL, (KILGORE COAL COMPANY)), CODE MEMBER

##### ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board No. 8, having filed a complaint with the Bituminous Coal Division on December 22, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation of the Bituminous Coal Code, and rules and regulations thereunder, by Wesley Conley, Leonard Conley, Arthur Bates, and Risom Fankell, individually, and as copartners, doing business under the name and style of Kilgore Coal Company, a code member in District No. 8, operating the Kilgore Mine No. 1 (Mine Index No. 3139), located at Rush, Carter County, Kentucky, in that code member sold during the period from December 20, 1940, to July 15, 1941, approximately

<sup>1</sup> Not filed with the original document.

1388.51 tons of high volatile or run of mine coal (Size Group 6) produced at said mine at a price of \$2.00 per net ton f. o. b. the mine, the applicable minimum price for such coal, but that he made a rebate to the purchaser of said coal of 30 cents per each ton so sold.

Pursuant to an Order of the Acting Director and after due notice to interested persons, a hearing having been held in this matter on February 20, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Catlettsburg, Kentucky, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The complainant and the code member having appeared and all interested parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof the code membership of Kilgore Coal Company and each of the individual partners thereof, Wesley Conley, Leonard Conley, Arthur Bates, and Risom Fankell, be and it hereby is revoked and cancelled.

It is further ordered, That, prior to any reinstatement of Kilgore Coal Company, and the individual partners thereof, Wesley Conley, Leonard Conley, Arthur Bates, and Risom Fankell, to membership in the Code, code member or the individual partners shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of \$1,083.04.

Dated: April 28, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3852; Filed, April 29, 1942;  
10:58 a. m.]

[Docket No. A-1252]

PETITION OF ONTARIO GAS COAL COMPANY FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS TIDEWATER No. 1 MINE, MINE INDEX No. 289, IN DISTRICT No. 7, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

##### ORDER DISMISSING PETITION

A hearing having heretofore been scheduled for February 26, 1942, in the above-entitled matter, and such hearing having thereafter been postponed upon the request of the original petitioner from such date to April 20, 1942; and

At the hearing on April 20, 1942, the original petitioner having moved that the hearing be postponed for ninety (90) days on the ground that adverse operating conditions at Mine Index No. 289 would prevent the original petitioner from introducing evidence for at least ninety (90) days; and

The Examiner having referred this motion to the Acting Director, and it appearing that the original petitioner is unable to prosecute this matter with reasonable diligence;

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

Dated: April 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3882; Filed, April 30, 1942;  
10:29 a. m.]

[Docket No. B-218]

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

ORDER RESCHEDULING HEARING

The above-entitled matter having been heretofore scheduled for hearing on April 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, pursuant to an Order of the Acting Director, dated April 11, 1942, and having come on for hearing at the time and place aforesaid before the officer designated to preside therein, said hearing was continued by said officer to a time and place to be thereafter designated; and

The Acting Director deeming it advisable that the time and place of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on May 2, 1942, at 9 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at such hearing.

Dated: April 28, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3883; Filed, April 30, 1942;  
10:29 a. m.]

[Docket No. B-246]

IN THE MATTER OF G. C. HICKEY AND  
CLYDE HICKEY, INDIVIDUALLY AND AS  
COPARTNERS, DOING BUSINESS UNDER  
THE NAME AND STYLE OF G. C. HICKEY  
COAL COMPANY, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 13, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on April 14, 1942, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by G. C. Hickey and Clyde Hickey, individually and as copartners, doing business under the name and style of G. C. Hickey Coal Company, code member, (the "Code

Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 3, 1942, at 1:30 p. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons 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 Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the 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 Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

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

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, 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 violations by the above named Code Member as follows:

That the Code Member G. C. Hickey and Clyde Hickey, individually and as copartners, doing business under the name and style of G. C. Hickey Coal Company, a Code Member, whose address is Baxter, Harlan County, Kentucky, sold on or about April 16, 1941, to the Walker Hosiery Mills, Fayette, North Carolina, approximately 58.4 net tons of 2" nut and slack coal; and sold on or about April 22, 1941, to Bibbs Manufacturing Company, Macon, Georgia, approximately 55.2 net tons of 2" nut and slack coal; which coal was produced at the Code Member's Blanton and Smith Mine, Mine Index No. 1288, located in Harlan County, Kentucky, in District No. 8. The sales of coal as set forth above were for shipment by rail, whereas no rail prices temporary or final had been established for the coals of said mine, resulting in violation of General Docket No. 19, dated October 9, 1940.

Dated: April 28, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3884; Filed, April 30, 1942;  
10:30 a. m.]

[Docket No. D-18]

APPLICATION OF KEVIL COAL AND SUPPLY  
COMPANY FOR PERMISSION TO RECEIVE  
DISTRIBUTORS' DISCOUNTS ON COAL  
WHICH IT PURCHASES FOR RESALE AND  
RESELLS TO KOSMOS PORTLAND CEMENT  
COMPANY

NOTICE OF AND ORDER FOR HEARING

Kevil Coal and Supply Company, a corporation organized under the laws of Delaware, with its principal offices in Louisville, Kentucky, and registered with the Division as a distributor, No. 5056, filed its petition praying:

1. For a determination that its "ownership" or "control" over Kosmos Portland Cement Company, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain distributors' discounts on all coal purchased for resale and resold to Kosmos Portland Cement Company.

It is, therefore, ordered, That a hearing on such matter be held on May 27, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time,

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

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before May 22, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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 necessarily corollaries to the relief, if any, granted on the basis of this petition.

Dated: April 28, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3885; Filed, April 30, 1942;  
10:30 a. m.]

[Docket No. B-235]

IN THE MATTER OF C. L. PENCE, AND E. H. PENCE, INDIVIDUALLY AND AS CO-PARTNERS, TRADING AND DOING BUSINESS AS PENCE COAL COMPANY, (E. H. PENCE) CODE MEMBER

ORDER POSTPONING HEARING AND REQUIRING WITNESSES TO APPEAR AND TESTIFY AT SAID POSTPONED HEARING

The above-entitled matter having been heretofore scheduled for hearing on April 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing dated March 28, 1942; and

D. H. Pence, New Bethlehem, Pennsylvania and E. H. Pence, Fairmount City, Pennsylvania, having been heretofore duly served with subpoenas requiring each of them to appear before the presiding officer at said hearing at the time and place aforesaid to testify and give evidence in the above-entitled matter and to bring with each of them and produce at the time and place aforesaid certain books and records; and

The above-named code member and Bituminous Coal Producers Board for District No. 1, the complainant herein, having requested that said hearing be postponed to May 4, 1942, and

The Acting Director deeming it advisable that said requests should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from April 30, 1942 at 10 a. m. to May 4, 1942 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Com-

munity Room of the City Hall, Altoona, Pennsylvania, and before the officer previously designated to preside at said hearing; and

It is further ordered, That the said D. H. Pence, New Bethlehem, Pennsylvania and E. H. Pence, Fairmount City, Pennsylvania, appear before the presiding officer at said postponed hearing on May 4, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania, to testify and give evidence in the above-entitled matter and to bring with each of them and produce at the time and place aforesaid certain books and records, as described in said subpoenas.

Dated: April 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3886; Filed, April 30, 1942;  
10:30 a. m.]

#### General Land Office.

#### STOCK DRIVEWAY WITHDRAWAL No. 267, WASHINGTON No. 4

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public land in Washington is hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such land, excepting any mineral deposits therein, is withdrawn from all disposal under the public-land laws and reserved for the use of the general public as a stock driveway, subject to valid existing rights:

#### WILLAMETTE MERIDIAN

T. 5 N., R. 18 E., Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , and SE $\frac{1}{4}$ , 360 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
APRIL 11, 1942.

[F. R. Doc. 42-3889; Filed, April 30, 1942;  
10:26 a. m.]

#### AIR NAVIGATION SITE WITHDRAWAL No. 174, ENLARGED, CALIFORNIA

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in California are hereby classified as necessary and suitable for the purpose, and it is ordered, under the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that such lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws,

subject to valid existing rights, for the use of the Defense Plant Corporation as an addition to Air Navigation Site Withdrawal No. 174 made by a departmental order of January 7, 1942:

#### SAN BERNARDINO MERIDIAN

T. 1 N., R. 7 E.,  
Sec. 10, NE $\frac{1}{4}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ,  
Sec. 14, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
T. 2 N., R. 8 E.,  
Sec. 2, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
T. 3 N., R. 8 E.,  
Secs. 21, 22, 26, 27, 28, 34, and 35;  
T. 2 N., R. 9 E.,  
Sec. 20,  
Sec. 32, NE $\frac{1}{4}$ ,  
Sec. 33, NE $\frac{1}{4}$ ;  
T. 1 N., R. 10 E.,  
Sec. 32, NE $\frac{1}{4}$ ,  
Sec. 33, N $\frac{1}{2}$ ;  
aggregating 7,265.60 acres.

HAROLD L. ICKES,  
Secretary of the Interior.

APRIL 17, 1942.

[F. R. Doc. 42-3879; Filed, April 30, 1942;  
10:25 a. m.]

#### STOCK DRIVEWAY WITHDRAWAL No. 13, MONTANA No. 2, REDUCED

The departmental order of August 23, 1920, withdrawing certain lands in Montana for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described land, such revocation to be effective upon the reservation of the land for the use of the War Department in connection with the Fort Peck Dam and Reservoir Project:

#### PRINCIPAL MERIDIAN

T. 25 N., R. 39 E.,  
all sec. 25, 640 acres.

HAROLD L. ICKES,  
Secretary of the Interior.

APRIL 1, 1942.

[F. R. Doc. 42-3878; Filed, April 30, 1942;  
10:24 a. m.]

#### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

#### OPEN-CUT MINING OF PLACER GOLD

APPLICATION FOR MODIFICATION OF THE EXEMPTION THAT HAS BEEN GRANTED FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas after a hearing was held in Washington, D. C., June 19 and 20, 1939, before Mr. Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division, the said Harold Stein duly issued findings and determination, in which he found that the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming and the Territory of Alaska is a branch of an industry of a seasonal nature, within the meaning of section 7 (b) (3) of the Fair Labor Standards Act

of 1938, and Part 526, as amended, of the regulations issued thereunder; and

Whereas no petition for review of such findings and determination had been filed with the Administrator within the fifteen days allowed under the said regulations, the exemption for the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska, was made effective by the Administrator on January 3, 1940 (5 F.R. 24), pursuant to § 526.7 of the regulations; and

Whereas pursuant to § 526.5 (c) of the regulations, the Administrator determined on April 2, 1940, (5 F.R. 1284) that a prima facie case had been shown for extending the section 7 (b) (3) exemption to the open-cut mining of placer gold in the State of Colorado as part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature; and

Whereas no objection or request for hearing was received within the fifteen days allowed under the said regulations, the Administrator on April 30, 1940, (5 F.R. 1602) found on the prima facie case, pursuant to § 526.5 (b) (ii) of the regulations, that the open-cut mining of placer gold in the State of Colorado is part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature, pursuant to section 7 (b) (3) of the Act, and Part 526 of the regulations issued thereunder; and

Whereas applications were thereafter received from the International Union of Operating Engineers, Local No. 373, Butte, Montana; the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, Local No. 412 and Joint Council No. 23, Butte, Montana; and the Helena, Montana Building and Construction Trades Council, to exclude the open-cut mining of placer gold by means of power machinery from the exemption that had previously been granted; and

Whereas the Administrator then gave notice of a public hearing to be held in Butte, Montana, on May 21, 1941, before Mr. Harold Stein, who was authorized to take testimony, hear argument, and determine;

Whether the mining of placer gold from surface or open-cuts by means of bucket dredges, draglines, and other methods employing power machinery in the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska:

(1) Was properly included within the seasonal exemption granted to the placer gold mining industry in the above-defined area, and

(2) If not, whether it is a separable branch of the placer gold mining industry and of a seasonal nature within the meaning of Part 526 of the regulations; and

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. There exist separable branches of the placer gold mining industry which

are identified by the various methods used to excavate and move the gravel.

2. Placer gold mines employing power machinery to mechanically excavate and move the gravel, within the Territory of Alaska, generally cease operations completely during regularly, recurring times of the year for periods of six months or more, because, due to climatic or other natural conditions, the gravels handled by the industry are not available in the form in which they are normally handled.

3. The open-cut mining of placer gold by means of power machinery in the Territory of Alaska is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and was properly included in the exemption granted on January 3, 1940.

4. About ninety percent of all the placer gold produced by open-cut placer gold mines employing power machinery to excavate and move the gravel within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming, is produced by those placer mines which, through the use of power machinery, are able to overcome climatic and other natural conditions. These mines, employing power methods, generally operate in excess of six months during each calendar year and maintain an operating season which has no reasonable relation to the fourteen week exemption provided in section 7 (b) (3) of the Fair Labor Standards Act.

5. The open-cut mining of placer gold by means of power machinery within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming is a branch of an industry, but is not of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and should not have been included in the seasonal exemption granted to the open-cut mining of placer gold in the above-mentioned States.

Whereas said findings and determination were duly filed with the Administrator on December 8, 1941, and are now on file in Room 1620, Wage and Hour Division, Department of Labor, 165 West 46th Street, New York, New York, and are available for examination by all interested parties; and

Whereas on December 30, 1941, the Administrator caused to be published in the FEDERAL REGISTER a notice which stated that, pursuant to the provisions of § 526.7 of the aforesaid regulations, any person aggrieved by the said determination might within fifteen days after December 30, 1941, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative; and

Whereas no petition for review has been filed within the said fifteen days;

Now, therefore, pursuant to the provisions of § 526.7 of the said regulations, the modification of the seasonal exemption for the open-cut mining of placer

gold will become effective on the date this notice appears in the FEDERAL REGISTER. The said seasonal exemption, provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938, is applicable only as specified by the determinations that became effective on January 3, 1940, and on April 30, 1940, and as modified by the aforesaid determination that will become effective upon the publication of this notice in the FEDERAL REGISTER.

Signed at New York, New York, this 28th day of April 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-3881; Filed, April 30, 1942; 10:23 a. m.]

**NOTICE OF CANCELLATION OF ALL APPRENTICE CERTIFICATES AND "TEMPORARY SPECIAL CERTIFICATES" GRANTED PURSUANT TO THE TERMS OF THE DIAMOND WORKERS JOINT APPRENTICESHIP STANDARDS OF JULY 9, 1940 AND AS AMENDED SEPTEMBER 22, 1941**

Whereas the Federal Committee on Apprenticeship on April 13, 1942, advised us that they have approved the amendments to the Diamond Workers Joint Apprenticeship Standards adopted by the United Diamond Manufacturers Association of New York and the Diamond Workers Protective Union of America on April 10, 1942, and

Whereas the wage scales provided in the original Standards approved by the Federal Committee on Apprenticeship on July 9, 1940, are superseded by the higher wage scales provided in the amended Standards, effective May 1, 1942, and

Whereas apprentice certificates have been issued pursuant to section 14 of the Fair Labor Standards Act, incorporating the wage scales provided in the original Standards as approved July 9, 1940,

Now, therefore, Notice is hereby given:

That all apprentice certificates issued prior to May 1, 1942, are hereby cancelled, and

That after May 1, 1942, apprentice agreements providing wage scales established in the original Standards approved on July 9, 1940, shall no longer be considered temporary special certificates under the Regulations for the Employment of Apprentices pursuant to section 14 of the Fair Labor Standards Act, at less than the minimum wage.

A new or amended apprenticeship agreement when approved by the Federal Committee on Apprenticeship shall be considered a "Temporary Special Certificate", authorizing the employment of the apprentice at wage rates lower than the applicable minimum under section 6 of the Act, as provided in the approved agreement, until such time as a special certificate is issued or notice is given that the request for a special certificate is denied.

Signed at New York, New York, this 29th day of April 1942.

MERLE D. VINCENT,  
Authorized Representative of  
the Administrator.

[F. R. Doc. 42-3890; Filed, April 30, 1942; 10:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6300]

## APPLICATION OF FIRST NATIONAL TELEVISION, INCORPORATED (KITE)

## NOTICE OF HEARING

Application dated May 31, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Kansas City, Missouri; operating assignment: Frequency, 1,590 kc.; power, 1 kw.; 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 the qualifications of the licensee, its officers, directors and stockholders to continue the operation of Station KITE.
2. To determine whether the licensee has complied with § 43.1, Federal Communications Commission Rules.
3. To determine whether the licensee, its officers, directors or stockholders (past or present) have made any false or misleading statements to the Commission.
4. To determine whether control of the licensee corporation has been transferred without the consent of the Commission contrary to the provisions of section 310 (b) of the Communications Act of 1934, as amended.
5. To determine whether the licensee, its officers, directors and stockholders exercise supervision and control over Station KITE.
6. To determine whether public interest, convenience and necessity would be served through the granting of this application and the continued operation of Station KITE.

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:

First National Television, Incorporated, Radio Station KITE, Irving-Pitt Building, 816 Locus Street, Kansas City, Missouri.

Dated at Washington, D. C., April 27, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3849; Filed, April 29, 1942; 10:48 a. m.]

[Docket No. 6301]

## APPLICATION OF RICHLAND, INCORPORATED, WMAN

## NOTICE OF HEARING

Application dated October 27, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Mansfield, Ohio; operating assignment: frequency, 1,400 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 the qualifications of the applicant, its officers, directors and stockholders, to continue the operation of Station WMAN.
2. To determine whether the applicant has complied with § 43.1, Federal Communications Commission Rules.
3. To determine whether the applicant, its present or former officers, directors and stockholders have ever made false or misleading statements to the Commission.
4. To obtain full information with respect to the promotion, financing, construction, ownership, management, operation and control of Station WMAN.
5. To determine whether the rights granted to Richland, Inc., as licensee of Station WMAN, have, without the consent in writing of this Commission, been transferred, assigned, or otherwise disposed of in violation of section 310 (b) of the Communications Act of 1934, as amended.
6. To determine whether the granting of this application and the continued operation of the station 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:

Richland, Incorporated, Radio Station WMAN, 144½ Park Avenue West, Mansfield, Ohio.

Dated at Washington, D. C., April 27, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-3850; Filed, April 29, 1942; 10:48 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4647]

## IN THE MATTER OF SHEFFIELD FARMS COMPANY, INC.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April, A. D. 1942.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 18, 1942, at ten o'clock in the forenoon of that day (Eastern War Time) in Grand Jury Room 299E, Federal Building, Syracuse, New York.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3857; Filed, April 29, 1942; 11:07 a. m.]

## HOME OWNERS' LOAN CORPORATION.

## 2¼ PERCENT BONDS, SERIES G 1942-44

## NOTICE OF CALL FOR REDEMPTION BEFORE MATURITY

To Holders of Home Owners' Loan Corporation 2¼ percent bonds, Series G, and Others Concerned:

Public notice is hereby given that all outstanding Home Owners' Loan Corporation 2¼ percent bonds, Series G 1942-44, dated July 1, 1935, are hereby called for redemption on July 1, 1942, and will cease to bear interest on that date. Full information regarding the presentation and surrender of the bonds for redemption under this call is given in Treasury Department Circular No. 666 governing payment or redemption of securities.

An offering of interest bearing obligations of the United States may be made available to holders of the bonds now called for redemption, concerning which public announcement will be made at a later date by the Secretary of the Treasury.

(Sec. 4 (c) of the HOL Act of 1933, 48 Stat. 129, as amended by secs. 1 (a), 2, 3, 4, 13 of the Act of April 27, 1934, 48 Stat. 643, 644, 645, 647, secs. 506 (a), (b), 508 (b) of the Act of June 27, 1934, 48

Stat. 1263, 1264, sec. 11 of the Act of May 28, 1935, 49 Stat. 296; 12 U.S.C. 1463; E.O. 9070, 7 F.R. 1529.)

[SEAL]

JOHN H. FAHEY,  
Federal Home Loan  
Bank Commissioner.

APRIL 30, 1942.

Approved: H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 42-3891; Filed, April 30, 1942;  
11:28 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-137]

### IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY, MELLON SECURITIES CORPORATION

#### NOTICE OF AND ORDER RECONVENING HEARING WITH RESPECT TO CERTAIN PROPOSED UNDERWRITING AND MANAGEMENT FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of April 1942

The Commission on August 23, 1940, having ordered pursuant to Rule U-12F-2 of the General Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935 that the San Antonio Public Service Company and Mellon Securities Corporation, and each of them, show cause why the Commission should not find that Mellon Securities Corporation stands or stood in such relation to San Antonio Public Service Company that there is liable to be or to have been an absence of arm's-length bargaining in connection with the underwriting by Mellon Securities Corporation of \$16,500,000 principal amount First Mortgage Bonds of San Antonio Public Service Company, 3½% Series, due 1970; and

A stipulation having been entered into on August 24, 1940 between San Antonio Public Service Company, Mellon Securities Corporation and Counsel for the Commission, under the terms of which it was provided, among other things, that pending the determination of questions arising under Rule U-12F-2 and in order not to delay the proposed financing, the proposed underwriting and management fees would be deposited in escrow, and that the Commission might grant the application under section 7 for authorization of the issue and sale of the aforementioned bonds, but could reserve jurisdiction to take appropriate action with respect to the future determination of the issues raised by the proceeding pursuant to Rule U-12F-2 and the reasonableness of the fees; and

The Commission by Order dated October 23, 1940, having granted under section 7 of the Act the application of San Antonio Public Service Company for authorization of the issue and sale of said bonds, and in said Order having reserved jurisdiction as to affiliation and reasonableness of fees,

It is ordered, That the hearing on this matter be reconvened on May 19, 1942, at 10:00 o'clock in the forenoon of that day, in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, for the purpose of determining the questions and issues aforescribed. On such day the Hearing Room Clerk in Room 318 will advise as to the room where such hearing will be held.

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

It is further ordered, That notice of said hearing be and hereby is given to San Antonio Public Service Company, to Mellon Securities Corporation, and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. Notice is hereby given of said hearing to the above-named respondents, and to all interested persons, said notice to be given to said respondents by registered mail and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party in said proceedings shall file a notice to that effect with the Secretary of the Commission on or before May 15, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3875; Filed, April 30, 1942;  
10:32 a. m.]

[File Nos. 59-19 and 54-34]

### IN THE MATTER OF GENERAL GAS & ELECTRIC CORPORATION

#### ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of April, A. D. 1942.

The Commission having heretofore issued its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against General Gas & Electric Corporation, a registered holding company and a Delaware corporation, which order, among other things directed respondent to show cause why its corporate structure should not be simplified and its voting power equitably distributed among its security holders;

In answer to the above described Order, General Gas & Electric Corporation having filed a plan of recapitalization pursuant to section 11 (e) of the Act, which plan among other things proposes

a reclassification of the present prior and cumulative preferred stock and Class A common stock of General Gas & Electric Corporation (a more detailed description of such plan having been set forth in our order setting the date for a public hearing thereon, issued March 7, 1941, Holding Company Act Release No. 2598);

Consolidated public hearings having from time to time been held on these matters, the hearings now being in recess subject to call;

It appearing appropriate to the Commission that the hearings in this matter be reconvened for the purpose of affording an opportunity to the parties and any interested persons to complete the presentation of evidence in this matter and to present their views as to the appropriate disposition of these proceedings;

Wherefore it is ordered, That the hearing in the above-entitled matter be reconvened on the 26th day of May 1942, at 10 o'clock in the forenoon of that day, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that day the hearing room clerk in room 318 will inform the parties as to the exact room in which said reconvened hearing shall be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order by registered mail to General Gas & Electric Corporation not less than 20 days prior to the date of the reconvened hearing; and that notice of this order and of said reconvened hearing is hereby given to all security holders of General Gas & Electric Corporation, the subsidiaries of said company, the parents of said company, and to all other persons including particularly Denis J. Driscoll and Willard L. Thorp, Trustees for the estate of Associated Gas and Electric Corporation, Debtor, and Stanley Clarke, successor Trustee for the estate of Associated Gas and Electric Company, Debtor, all States, municipalities, and political subdivisions of states within which are located any of the utility assets of General Gas & Electric Corporation holding company system or under the laws of which any of the said companies are incorporated, all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over General Gas & Electric Corporation; that such notice shall be given by a general release of the Commission, distributed to the press, and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3876; Filed, April 30 1942,  
10:24 a. m.]

[File Nos. 32-197, 70-135]

IN THE MATTERS OF MICHIGAN CONSOLIDATED GAS COMPANY, COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, AND DILLON, READ & Co.

## ORDER POSTPONING DATE OF HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of April 1942.

The Commission having on April 11, 1942, issued its Notice of and Order Re-convening Hearings pursuant to Rule U-12F-2 promulgated under the Public Utility Holding Company Act of 1935 in the above entitled matters, which orders fixed May 5, 1942, as the date for hearings; and

Dillon, Read & Co. having requested a postponement of said hearings for two weeks, on the grounds that the attorney in immediate charge of the conduct of said proceedings will be actively engaged in the trial of another case on or about that date; and

The Commission having considered the request and being of the opinion that it should be granted;

*It is ordered*, That the date of the hearings in the above entitled matters be and are hereby postponed to May 19, 1942, at 10:00 A. M. and 2:00 P. M., respectively, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., in such room

as may be designated by the Hearing Room Clerk in Room 318, before the officer of the Commission previously designated herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3877; Filed, April 30, 1942;  
10:24 a. m.]

## UNITED STATES COAST GUARD.

## APPROVAL OF SAFETY EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, as amended, (46 U.S.C. 375), and Executive Order 9083 dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

*Low-Pressure Heating Boilers*

Spencer Type "A" Steel Plate Heating Boiler and Spencer Type "C" Steel Plate Heating Boiler (maximum working pressure not to exceed 15 pounds per square inch) manufactured by the Spencer Heater Division, Williamsport, Pennsylvania.

*Hand Distress Signals*

Friction Ship Signal hand distress signal, manufactured by International

Flare-Signal Division, Kilgore Manufacturing Company, Tipp City, Ohio.

*Elliptical Life Floats*

Hollow plywood elliptical life float, for 25 persons, 5'6" x 10'0", 12 $\frac{3}{4}$ " tube diameter, manufactured by the Boston Life-raft Company, Boston, Massachusetts.

*Thread for Use in Life Preservers*

10/3 Sak yarn, natural, glazed finish, cotton thread, manufactured by the John C. Meyer Thread Company, New York, N. Y.

Regan's #25, grey, satin finish, left twist cotton thread, manufactured by The John F. Regan Company, 70 Warren Street, New York, N. Y.

Nos. 20, 18, and FF8, glazed finish, cotton threads, manufactured by the John C. Meyer Thread Company, 55 West 42nd Street, New York, N. Y.

*Life Preserver*

Navy standard kapok life preserver jacket complying with Navy Department Specification 23J1c, Jackets, Life, Kapok (Approval No. B-150), manufactured by The American Pad and Textile Company, Greenfield, Ohio.

R. R. WAESCHE,  
Commandant.

APRIL 28, 1942.

[F. R. Doc. 42-3867; Filed, April 29, 1942;  
1:14 p. m.]