

Washington, Tuesday, February 3, 1942

The President

EXECUTIVE ORDER

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT FROM AUTOMATIC SEPARATION FROM THE SERVICE

WHEREAS the act approved January 24, 1942, entitled, "An Act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended" (Public Law 411, 77th-Congress), extends the provisions of the Civil Service Retirement Act, as amended, to certain officers and employees of the Executive branch of the Government not theretofore subject to the provisions thereof; and

WHEREAS, in my judgment, the public interest requires that certain officers and employees of the Executive branch of the Government hereinafter described, be exempted from automatic separation from the service as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404 (U.S.C., title 5, sec. 715a), it is hereby ordered as follows:

1. All officers and employees in the Executive branch of the Government appointed by the President are hereby exempted from automatic separation from the service for an indefinite period of time not extending beyond the duration of their appointment or term of service.

2. All officers and employees in the Executive branch of the Government not within the scope of section 1 hereof who have reached or shall reach prior to April 1, 1942, the retirement age prescribed for automatic separation from the service and are not now exempted therefrom by Executive order, are hereby exempted from automatic separation from the service until April 30, 1942:

Provided, That the head of the department or agency concerned may, in his discretion, require the retirement of any such officer or employee at the end of any month prior to April 1942, except that the date of retirement shall be fixed so as to permit the allowance of any annual leave (accumulated or current) to which such officer or employee may be entitled.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
January 30, 1942.

[No. 9047]

[F. R. Doc. 42-868; Filed, January 30, 1942; 3:23 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 71—LOAN POLICIES

Appraisal and/or Loan Fees

Section 71.6 is amended to read as follows:

§ 71.6 *Appraisal and/or loan fees charged by the banks for cooperatives.* As a general policy appraisal and/or loan fees not to exceed one-half of 1 percent of the amount of a loan applied for may be charged by the banks for cooperatives to applicant associations. (Secs. 13, 14, 49 Stat. 317; 12 U.S.C., Sup., 1134j, 1134c)

[SEAL] S. D. SANDERS,
Cooperative Bank Commissioner.

[F. R. Doc. 42-836; Filed, February 2, 1942; 11:35 a. 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; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-42-3]

PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA¹

AMENDMENT NO. 3 TO THE ORDER² REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA³

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective October 1, 1939, Order No. 42 regulating the handling of milk in the New Orleans, Louisiana, marketing area, and Grover B. Hill, Acting Secretary of Agriculture, issued, effective May 1, 1940, amendment No. 1 to said order, and Claude R. Wickard, Secretary of Agriculture issued, effective April 1, 1941, amendment No. 2 to said order.

¹ See also Department of Agriculture, Surplus Marketing Administration, *intra*.

² 4 F.R. 4079, 5 F.R. 1592, 6 F.R. 1648.

³ Amendment to §§ 942.1, 942.4, 942.5, and 942.8 issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. and Supp. 601 et seq.

Grover B. Hill, Acting Secretary of Agriculture, tentatively approved on February 12, 1941, the marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in New Orleans, Louisiana, beginning on October 29, 1941, on a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same manner as the said order as hereby amended.

The requirements of section 8c (9) of the act have been complied with.

It is found (§ 942.0) upon the evidence introduced at the above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments Nos. 1 and 2 to the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order and of amendments Nos. 1 and 2 to the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 942.0 Findings. * * *

(m) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(n) That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(o) That the issuance of this amendment No. 3 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, be and it hereby is amended as follows:

1. Delete § 942.1 (a) (7) and substitute therefor the following:

The term "handler" means any person, irrespective of whether such person is a producer, wherever located or operating, who engages in such handling of milk which is disposed of as milk, cream, or ice cream mix in the marketing area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include an association of producers whose only disposition of milk within the marketing area is to handlers.

2. Delete § 942.1 (a) (8).

3. Renumber § 942.1 (a) (9) and § 942.1 (a) (10) as § 942.1 (a) (8) and § 942.1 (a) (9), respectively.

4. Delete § 942.4 (c) and substitute therefor the following:

§ 942.4 Classification of milk.

(c) *Interhandler and nonhandler transfers of milk.* Milk, including skim milk, disposed of by a handler to another handler or by a handler to a person who is not a handler, but who distributes milk or manufactures milk products, shall be classified by the market administrator as Class I milk: *Provided*, That if a different classification is agreed upon in written reports furnished to the market administrator by the selling handler and the purchaser, the milk, or skim milk, shall be classified according to such reports, subject to verification by the market administrator: *And provided further*, That in no event shall the amount so reported in any class be greater than the total amount of milk disposed of in such class by the purchaser.

Milk, including skim milk, received by a handler from a plant operated by an association of producers shall be ratably apportioned among the receiving handler's Class I, Class II, and Class III milk, after excluding the receipts of milk from handlers.

5. Delete § 942.5 (a) (1) and substitute therefor the following:

§ 942.5 Minimum prices. * * *

(1) Class I milk—\$3.00 per hundredweight for the delivery periods of January, February, March, and April, 1942, and \$2.40 per hundredweight for each delivery period thereafter: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be \$2.53 per hundredweight for the delivery periods of January, February,

March, and April, 1942, and \$1.93 per hundredweight for each delivery period thereafter.

6. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk—\$2.33 per hundredweight for the delivery periods of January, February, March, and April, 1942, and \$1.85 per hundredweight for each delivery period thereafter.

7. Delete § 942.5 (b) (2) and substitute therefor the following:

(2) The minimum price of milk received from producers and new producers at a plant in the marketing area and disposed of as Class I milk shall be the minimum price for Class I milk provided in paragraph (a) of this section, plus 28 cents.

8. Delete § 942.5 (b) (3) and substitute therefor the following:

(3) The minimum price of milk received from producers and new producers at a plant in the marketing area and disposed of as Class II milk shall be the minimum price for Class II milk provided in paragraph (a) of this section, plus 20 cents.

9. Delete § 942.5 (c).

10. Delete from § 942.8 (a) the figure "\$1.85" and substitute therefor the figure "\$2.00."

11. Delete from § 942.8 (a) the figure "\$0.75" and substitute therefor the figure "\$1.00."

12. Delete § 942.8 (b) (3) and substitute therefor the following:

(3) To an association of producers, with respect to milk which it causes to be delivered to a handler from producers and new producers who have signed membership agreements or other contracts with the association, which agreements or contracts expressly authorize the association to collect the amount due such producers and new producers for their milk, and pursuant to which authorization the association is collecting payment for milk on behalf of its producers and new producers, or expressly assumes such responsibility by some authorized act of the board of directors, or of the membership in accordance with its bylaws, the total amount of money which such handler is obligated to pay for milk received from such producers and new producers, calculated as follows: (a) multiply the volume of milk received from such producers by not less than the uniform price computed pursuant to § 942.7 (a), (b) multiply the volume of milk received from such new producers by the Class III price, and (c) add together the resulting amounts.

To an association of producers, with respect to milk received at a plant operated by such association and subsequently transferred to the plant of such handler, a total amount of money calculated as follows: (a) multiply the amount of milk in each class so received, as computed pursuant to § 942.4 (c) and (d) by the respective class prices for milk, and add together the resulting amounts.

13. Delete § 942.6 (f).

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Issued at Washington, D. C., this 30th day of January 1942 to become effective on and after this 1st day of February 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-882; Filed, January 31, 1942;
11:25 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 10 to B.A.I. Order 365]

SUBCHAPTER F—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Order Amending Regulations Relating to Recognition of Breeds and Purebred Animals

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., Sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [Section 2, paragraph 1, Regulation 2, B.A.I. Order 365], is amended, effective January 28, 1942, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

§ 151.6 *List of recognized breeds and books of records of domestic animals across seas.* * * *

(a) *Recognized breeds and books of records across the seas.*

Horses

Name of breed	Book or record	By whom published
Arabian..	Arab Horse Stud Book.	The Arab Horse Society, Brigadier W. H. Anderson, Secretary, Further Ford End Farm, Clavering, Essex, England.

Done at Washington, D. C., this 31st day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-876; Filed, January 31, 1942;
11:25 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 15—REGULATIONS FOR CORRESPONDENTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD¹

Sec.

- 15.1 General.
- 15.2 Definition.
- 15.3 Status of correspondents.
- 15.4 Privileges.
- 15.5 Application.
- 15.6 Limit on number.
- 15.7 Agreement.
- 15.8 Credentials.
- 15.9 Uniform.
- 15.10 Transportation.
- 15.11 Reporting upon arrival.
- 15.12 Filing of material.
- 15.13 Censorship of articles for publication.
- 15.14 Photographic censorship.
- 15.15 Signal and mail service.
- 15.16 Relief from appointment.
- 15.17 Discipline.
- 15.18 Visiting correspondent.

§ 15.1 *General.* The Army recognizes that correspondents perform an undoubted public function in the dissemination of news concerning the operations of the Army in time of war. Correspondents accompanying troops in the field occupy a dual and delicate position, being under the necessity of truthfully disclosing to the people the facts concerning the operations of the Army, and at the same time of refraining from disclosing those things which, though true, would be disastrous to us if known to the enemy. It is apparent that this important function can only be properly performed under reasonable rules and regulations.* [Par. 1]

* §§ 15.1 to 15.18, inclusive, issued under the authority contained in R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22, 10 U.S.C. 1473.

§ 15.2 *Definition.* The term "correspondent" as used in this manual includes journalists, feature writers, radio commentators, motion picture photographers, and still picture photographers accredited by the War Department to a theater of operations or a base command within or without the territorial limits of the United States in time of war. Correspondents are classed as "accredited" and "visiting." The regulations in this part pertain principally to the former. See § 15.18 for instructions concerning visiting correspondents.* [Par. 2]

§ 15.3 *Status of correspondents.* (a) Correspondents in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law (par. (d), 2nd Article of War) and are under the control of the commander of the Army force which they accompany.

¹ §§ 15.1 to 15.18 are added. The regulations contained in these sections are also contained in Basic Field Manual 30-28, W. D., January 21, 1942, the particular paragraphs appearing in brackets at the end of sections.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service and they are subject to the provisions of the Selective Training and Service Act of 1940, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces they are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. (Geneva Conference, July 27, 1929, Title VII, Art. 81)

(d) Correspondents will not exercise command, be placed in a position of authority over military personnel, nor will they be armed. They are under the same restrictions as other military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A correspondent becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited, but may commence earlier if he travels to the field force via Government transportation.* [Par. 3]

§ 15.4 *Privileges.* (a) Correspondents will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matters must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given correspondents to permit them to perform efficiently and intelligently their work of keeping the public informed of the activities of our forces within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, correspondents will receive, without charge, the same medical treatment as that accorded officers.

(d) Correspondents are free to converse with troops whenever they wish to do so, subject to the approval of the officer present with the troops in question. They are requested and expected, however, to refrain from conversing with troops at work or on guard, or from discussing subjects or soliciting answers to matters which are clearly secret.* [Par. 4]

§ 15.5 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the individual or by the agency concerned to the Director, War Department Bureau of Public Relations, Washington, D. C.

(b) The application will state the name and address of the individual; qualifications and past experience in his field of work, including names of former agencies for which he worked; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other

pertinent information which will assist in the consideration of his application.* [Par. 5]

§ 15.6 *Limit on number.* (a) The number of correspondents which will be accredited to a particular field force will be within the quota set by the War Department and based upon the recommendation of the force commander as determined by the size of the force, the distance from the usual media of news dissemination, and the availability of accommodations within the command or adjacent communities.

(b) Representation with any one field force will be limited to one correspondent each from press associations, publications, radio, news, and picture syndicates; sole exception to this ruling will be the accrediting of a two man crew in the case of news reels. The War Department objective being the widest possible distribution of information to the American people, preferences in the consideration of applications will be given to agencies representing the largest possible news or picture dissemination.

(c) In view of the importance of the work of correspondents in the field, and the necessary limitations as to the numbers or correspondents accredited to the field forces in any one theater of operations, the War Department will accredit only experienced newspaper men; all other conditions being equal, preference will be given to newspaper men with past military experience or past experience in the coverage of large maneuvers.

(d) No officer, enlisted man, or civilian employee of the military forces serving in the theater of operations will be permitted to be a correspondent for any publication without the written permission of the theater or base commander. Correspondents will not use military titles in signing dispatches.* [Par. 6]

§ 15.7 *Agreement.* Before final acceptance a correspondent will be required to sign an agreement, in triplicate, as follows:

WAR DEPARTMENT
BUREAU OF PUBLIC RELATIONS
WASHINGTON

(Date)
AGREEMENT

In connection with authority granted by the War Department to me, the undersigned, to accompany ----- for

(Name of field force)
the purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the Government of the Army issued pursuant to law.

2. That, I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the Army unit to which I am accredited, which includes the submitting for the purposes of censorship all statements, written material, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, or photography are based on my observations made during the period or

pertain to the places visited under this authority.

3. That, I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That, this authority is for the period ----- to ----- and subject to revocation at any time.

Signed -----
Representing -----
(Company, syndicate, or agency)
Witnessing officer -----
(Name)

(Grade and organization)

This form will be executed in triplicate.* [Par. 7]

§ 15.8 *Credentials.* (a) When an application for appointment as a correspondent is approved, the applicant will be furnished credentials and a Correspondent's Identification Card by the director of the War Department Bureau of Public Relations. The card identifies him as an accredited correspondent.

(b) Correspondents will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject the correspondent to arrest or detention.

(c) In addition to the War Department credentials, the particular field force commander may issue a pass or credentials with regulations governing their use.* [Par. 8]

§ 15.9 *Uniform.* (a) The proper uniform for accredited correspondents is that of an officer, but less all insignia of grade or arm or service, and without black and gold piping on field caps, officers' hat cords, or officers' insignia on the garrison cap if worn.

(b) The uniform includes the wearing of the official brassard on the left arm. The brassard is a green cloth band, 4 inches wide, with the appropriate word, "Correspondent," "Photographer," "Radio Commentator," "Correspondent Chauffeur," "Photographer Chauffeur," "Radio News Chauffeur," "Correspondent Messenger," "Photographer Messenger," or "Radio News Messenger," in white block letters 1 1/4 inches in height. This will be furnished by the War Department Bureau of Public Relations at the time of appointment.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to correspondents. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited correspondents will not wear civilian clothing while serving with the field force.* [Par. 9]

§ 15.10 *Transportation.* (a) Government transportation may be given accredited correspondents with the accommodations of an officer whenever such transportation—water, troop train, air, or automobile—is available and essential military personnel is not displaced or inconvenienced.

(b) The baggage of correspondents will be moved with that of the headquarters to which attached. Its weight will be within the limits prescribed by the commander concerned.* [Par. 10]

§ 15.11 *Reporting upon arrival.* (a) Upon arrival in the theater of operations or base command to which accredited, correspondents will report to the intelligence officer of the command, presenting their credentials. It is the intelligence officer, or his assistant in charge of public relations, who will exercise control of correspondents in the name of the field force commander, and it is to him correspondents should turn for assistance and guidance, or to register complaints if believed justified.

(b) All correspondents are officially attached to the headquarters of the field force commander. They may, however, at their own request be placed on duty with a subordinate headquarters nearer to the scene of action. All changes of their base of operations will be done only upon the approval of the field force commander and contingent upon the availability of accommodations at the unit they wish to accompany.* [Par. 11]

§ 15.12 *Filing of material.* (a) All dispatches will be delivered, in duplicate, to the intelligence officer, or his assistant, for censorship prior to filing or mailing. In the process of censorship no changes will be made by the censor in dispatches except through deletion. Correspondents, unless the occasion is unusual, will be permitted to see their dispatches after being censored in the event they desire to make a revision, or to note the objectionable portions for future avoidance, or to recheck on wordage for cable charges.

(b) Copy must be submitted for censorship on all broadcast interviews or news broadcasts.* [Par. 12]

§ 15.13 *Censorship of articles for publication—(a) General.* In general, articles may be released for publication to the public provided—

- (1) They are accurate in statement and implication.
- (2) They do not supply military information to the enemy.
- (3) They will not injure the morale of our forces, the people at home, or our allies.
- (4) They will not embarrass the United States, its allies, or neutral countries.

(b) *Time element.* Intelligence officers charged with the censorship of articles for publication will take into consideration the time interval between the occurrence of events reported and the publication of the article concerning these events. If events are reported by cable, telegraph, or radio very shortly after their occurrence, the closest supervision will be necessary. If, on the other hand, the articles are forwarded by mail for printing in magazines or books, the time interval may be such as to render the information contained in the articles of little value to the enemy. Censorship regulations will be applied after consideration of this time element.

(c) *Specific rules governing censorship of articles for publication.* (1) The identity of organizations in the combat zone and in the communications zone will be announced only in official communiqués. When announced, they will

never be associated with the name of a place.

(2) The name of an individual may be used whenever an article is materially helped by its use.

(3) Officers will not be quoted directly or indirectly nor anonymously on military matters except as specifically authorized by the theater commander.

(4) Within the combat zone no sector will be said to have any American troops in it until the enemy has established this as a fact.

(5) No town or village in the combat zone will be identified as holding American or allied forces except as an essential part of a story of an engagement and after the fact.

(6) No base port or communication center or other point of a line of communication will be mentioned by name or description as having anything to do with the activities of our forces.

(7) Ship or rail movements, real or possible, will not be discussed, except as authorized by official communiqués.

(8) Plans of the Army, real or possible, will not be discussed.

(9) Numbers of troops as a total or as classes will not be discussed except as authorized by official communiqués.

(10) The effect of enemy fire or bombardment will not be discussed except as authorized in official communiqués.

(11) Articles for publication in the theater of operations or in allied countries or in neutral countries contiguous to the theater will be scrutinized carefully to make sure they do not hold possibilities of danger which the same stories printed in the United States would not hold. This applies not only to military information, which would thus be in the hands of the enemy within the day of writing, but also to an emphasis on small exploits which it may be extremely desirable to print in the United States but quite undesirable in the theater.

(12) Exaggerations of our activities accomplished or contemplated are prohibited.

(13) References to numbers of our own casualties will be based on the statements in official communiqués. Individual dead or wounded may be mentioned by name only when it is reasonably certain that the facts are correct and that some definite good end, such as offering examples of heroism, will be served by printing them. Mention by name will be allowed not earlier than 24 hours after the official cablegram announcement of such individual casualties has been sent to the War Department.* [Par. 13]

§ 15.14 *Photographic censorship*—(a) *Still pictures.* (1) All photographic negatives taken by official or accredited civilian photographers may be processed in the Signal Corps field laboratory or in such other laboratory installations as the theater commander may designate. Photographs will then be censored by a representative of G-2.

(2) No negatives or prints will be released except by authority of the theater commander. Such released prints or negatives will bear the censorship stamp and will be accompanied by suitable

captions. A record of all such releases will be kept.

(3) Negatives and prints of accredited commercial correspondents not released by the censor will become the property of the United States Government, and will be forwarded through channels to the Military Intelligence Division, War Department General Staff, Washington, D. C., accompanied by full information sheet as to captions and the agency which took the photographs.

(4) Films or prints which cannot be processed locally, such as color film, will be delivered to a representative of G-2 marked, "Undeveloped film. Do not open." This will be forwarded by the fastest practicable means to the Military Intelligence Division, War Department General Staff, Washington, D. C.

(5) Regardless of the number of accredited correspondents any one agency has in the field, photographs from theaters of operation by newspaper photographers will be "rotoed." Photographs from theaters of operation of weekly magazine photographers will be rotoed.

(b) *Motion pictures.* (1) All exposed and undeveloped negative together with the dope sheets of accredited cameramen will be turned over to a representative of G-2 marked, "Unexposed film. Do not open."

(2) G-2 will forward this negative by the fastest practicable means to the Military Intelligence Division, War Department General Staff, Washington, D. C.

(3) In certain tropical climates where motion picture film deteriorates rapidly, it may be processed under the supervision of G-2 and the developed negative forwarded as directed in (2) above.

(4) By agreement between the War Department and the newsreel companies, all newsreel film from the theaters of operation will be rotoed by the Bureau of Public Relations, War Department, Washington, D. C.

(c) Writers accredited as correspondents will not be permitted to take photographs. Photographers accredited as correspondents will not be permitted to file stories.

(d) For the privileges of "exclusive" photographs, see § 15.18.

§ 15.15 *Signal and mail service.* (a) The signal system will be open to correspondents' dispatches, after censoring, when such use does not interfere with military needs. Dispatches will be sent in the order of filing. The intelligence officer under whom the correspondent serves is authorized to limit the number of words or otherwise to make an equitable adjustment of the use of the signal system among the correspondents when the system is inadequate to carry the complete text of all dispatches submitted. If commercial cable or telegraph facilities are available, credit cards may be useful.

(b) All mail, including personal letters, will be through the established censorship system. The use of blue envelopes for the censoring of personal mail by the base censor is authorized, but these may not be used to mail photographs or dispatches for publication to avoid censoring by the immediate head-

quarters under which the correspondent serves.* [Par. 15]

§ 15.16 *Relief from appointment.* (a) An accredited correspondent will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a correspondent, either on the application of the individual or his employer, by the request of the commander concerned, or by the expiration of the period of the appointment, the individual will surrender his credentials to the War Department Bureau of Public Relations and will cease wearing the official uniform of a correspondent.* [Par. 16]

§ 15.17 *Discipline.* (a) A correspondent will be suspended from all privileges for the distortion of his dispatches in the office of the publication which he represents, and also for the use of words or expressions conveying a hidden meaning which would tend to mislead or deceive the censor and cause the approval by him of otherwise objectionable dispatches.

(b) In the presence of the enemy he will conform to the actions of the troops, and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress.

(c) He may be subject to disciplinary action because of an intentional violation of these and other regulations, either in letter or in spirit, and in extreme cases of offense, where investigation proves the circumstances warrant, the correspondent may be placed in arrest to await deportation or trial by a court martial.* [Par. 17]

§ 15.18. *Visiting correspondent.* (a) A visiting correspondent, as differentiated from an accredited correspondent, is one who has permission from the Commander in Chief or the Secretary of War to visit the field force for the purpose of securing information or photographic material for publication after return from the visit.

(b) Visiting correspondents will be limited to a specific itinerary as outlined in their letter of authorization, and will be accompanied ordinarily by a conducting officer. When not so accompanied, they will carry a letter from the intelligence officer of the field force. They are treated more in the nature of visitors than correspondents. They will comply with the regulations governing accredited correspondents, with the following modifications:

(1) They will not be required to wear the prescribed uniform but will wear the proper brassard.

(2) As a measure of protection to the accredited correspondents serving with the field forces, visiting correspondents will not be permitted to mail or file dispatches or photographs intended for publication or release during the period of their visit. So-called "spot" news will be reserved for the accredited correspondents.

(3) Visiting photographers will have exclusive right to their photographs and may not be required to "roto." [Par. 18]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-673; Filed, January 31, 1942;
10:37 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.10 Invitations for bids.

(f) Special conditions authorized or required to be included.

(10) Special purchasing procedure to conform to the Agricultural Adjustment Act. (1) In conformity with subparagraph (a) (8) of this section, the special provision contained in subdivision (ii) of this subparagraph will be included in every invitation for bids on fluid milk and/or products or ingredients thereof, issued on or after February 15, 1938, and every contract therefor entered into pursuant to such invitations for bids. This group of products includes (but not by way of limitation) the following:

- (a) Fluid milk, raw or processed, whole, concentrated, skim, flavored, cultured, or otherwise.
- (b) Cream.
- (c) Cheese of any variety, processed or otherwise.
- (d) Butter.
- (e) Dry milk, whole, concentrated, skimmed, creamed, and buttermilk.
- (f) Evaporated milk.
- (g) Condensed milk, including sweetened.
- (h) Buttermilk, concentrated or otherwise.
- (i) Frozen desserts, including ice cream, frozen custard, ice sherbet, milk sherbet, and ice cream mix.
- (j) Casein.

(ii) Contract provision for compliance with A.A.A. The bidder certifies, irrespective of whether he is a party thereto, that he is complying with all marketing agreements, licenses, orders, or amendments thereto now in effect, if any, executed or issued by the Secretary of Agriculture under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, pertaining to milk or its products and applicable to any of the commodities to be furnished under the contract for which this bid is offered and/or to the bidder. If this bid is accepted the bidder will continue to comply with all the provisions of said marketing agreements, licenses, orders, or amendments thereto according to the terms thereof, in effect on the date of the opening of this bid, without regard to whether he is

¹§ 81.10 (f) (10) and (16) is amended.

himself a party to any of the said regulations.

The contractor shall not accept from a subcontractor or supplier in the performance of this contract any of the commodities to be furnished under this contract unless the subcontractor or supplier has filed with the contractor a certificate of compliance in form as required by the contracting officer, or if the Secretary of Agriculture has determined that such subcontractor or supplier is failing in the compliance to which he has certified and the contractor has been notified in writing by the contracting officer. If the contractor violates or fails to comply with any of the foregoing requirements, the Government may, by written notice to the contractor, terminate the contractor's right to proceed with the deliveries under this contract and purchase in the open market or otherwise procure the undelivered portion of the commodity or commodities to be furnished, and the contractor and his surety shall be liable to the Government for any excess cost occasioned the Government thereby: *Provided*, That the determination of the Secretary of Agriculture as to the failure of compliance by the contractor or subcontractor to which they have certified or agreed, shall be final and conclusive upon the parties hereto.

CERTIFICATE OF COMPLIANCE WITH A. A. A.

(To be executed by subcontractor or supplier and filed with contractor)

It is hereby certified that, irrespective of whether the undersigned is a party thereto, the undersigned is complying with and will continue to comply with all marketing agreements, licenses, orders, or amendments thereto now in effect, if any, executed or issued by the Secretary of Agriculture pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, pertaining to milk or its products and applicable to any of the commodities furnished to the United States under the contract between the parties hereinafter named, and/or to the undersigned, under the terms thereof.

----- (Contractor)
----- (Dept. or agency),
executed ----- 10-----

(Date)

(Signature)

(16) *Statistical data reports.* In conformity with subparagraph (a) (8) of this section, all specifications which are to be made a part of formal contracts for Government construction work will contain the following special condition:

It is requested that the bidder agree to comply with the provisions of the following clause: The contractor will report monthly, and will cause all subcontractors to report in like manner, within five days after the close of each calendar month, on forms to be furnished by the Department of Labor, the number of persons on their respective pay rolls, the aggregate amount of such pay rolls, the man hours worked, and the total expenditures for materials. He shall furnish to the Department of Labor the names and addresses of all subcontractors on the work at the earliest date

practicable, provided that the foregoing shall be applicable only to work at the site of the construction project.

With reference to the effect of the above provision, see 17 Comp. Gen. 700, 708. (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. No. 10, W. D., January 26, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-922; Filed, February 2, 1942;
9:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 249—FORMS, SECURITIES AND EXCHANGE ACT OF 1934

AMENDMENTS TO AND RESCISSION OF CERTAIN FORMS FOR FILING ANNUAL REPORTS UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof, (Sec. 13, 48 Stat. 894; 15 U.S.C. 78m; sec. 15 (d), 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78c; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w) 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 Act, hereby takes the following action:

I. *Amendment No. 1 to Form 15-K*

The rule as to the use of Form 15-K for Incorporated Investment Companies, contained in the Instruction Book for Form 15-K, is amended to read as follows:

This form is to be used for annual reports of corporations engaged either directly or through subsidiaries primarily in the business of investing and reinvesting or trading in securities for the purpose of revenue and for profit, and not in general for the purpose or with the effect of exercising control, except that this form shall not be used by any corporation for which Form N-30A-1 is prescribed.

II. *Rescission of Form 17-K*

Form 17-K and the instruction book therefor are hereby rescinded.

III. *Amendment No. 1 to Form 2-MD*

The rule as to the use of Form 2-MD for investment trusts having securities registered on Form C-1, contained in the Instruction Book for Form 2-MD, is amended to read as follows:

This form is to be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78o) relating to securities of unincorporated investment trusts of the fixed or restricted management type having a depositor or sponsor but not

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown.

Group No. 1: 2286, 2296, 2303; Group No. 2: 1617, 2294, 2299, 2302; Group No. 6: 2290; Group No. 9: 555, 578, 2275; Group No. 15: 1929, 2293, 2295, 2304.

§ 322.8 *General prices*—Supplement R-III. In § 322.8 in Minimum Price Schedule, add Mine Index No. 2299 in Note "8".

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T
[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Scam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Frog 2" x 4"	Stove 1" x 4"	Tea 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/2" slack	3/4" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Jacks & Mellon (F. W. Jacks, Jr.)	2287	Schiller	Pittsburgh	270	260	250	245	210	210	200	210	175	165	155
Luffy, Walter	2284	Paolucci #1	Pittsburgh	275	265	255	250	215	215	210	220	180	170	160
Malinsky, Frank	2288	Sunnyhill #3	Pittsburgh	275	265	255	250	215	215	210	220	180	170	160
BUTLE COUNTY														
McCartney Coal Co. (E. E. McCartney)	2295	Lempe 2 (Strip)	Kittanning	325	305	285	285	200	245	245	230	190	180	170
Mutual Coal Co. (C. L. Croft)	2204	McDowell #2 (Strip)	Kittanning	325	305	285	285	200	245	245	230	190	180	170
Surrena, O. P.	2289	Beech	Kittanning	325	310	300	290	200	270	250	240	210	200	190
FAYETTE COUNTY														
Bohunicky & Lawson (John Bohunicky)	2285	B. & D. (Strip)	Pittsburgh	290	280	270	270	220	220	215	220	200	200	175
Cinci Coal Company (Serafino Cinci)	2305	Cinci #2	Pittsburgh	310	300	290	270	220	240	235	240	210	200	185
Dean, H. C.	2257	Dean	U. Freeport	265	255	245	235	215	205	205	190	185	170	
Parshall & Crow Coke Co. (Frank R. Crow, Jr.)	2290	Ferrell (Strip)	Pittsburgh	290	280	270	270	220	220	215	220	200	200	175
Pennsylvania Coal Company (Myers Nobel)	2291	Sturgis Tract	Pittsburgh	290	280	270	270	220	220	215	220	200	200	175
LAWRENCE COUNTY														
Phillippi, F. C.	2292	Wehmann #2	Kittanning	305	305	295	285	200	270	235	235	185	170	150
MERCER COUNTY														
Zimmerman Bros. (W. M. Zimmerman)	2293	Kee	Brookville	325	310	290	275	200	255	255	240	185	175	160
WASHINGTON COUNTY														
Fekula, Mike (Fekula Coal Company)	2299	Fekula	Pittsburgh	275	265	255	250	205	195	205	180	170	160	
K. & H. Coal Co. (Robert G. Hague)	2286	Ward #4	Pittsburgh	295	285	275	270	240	225	210	225	190	175	170
Penowa Coal Co. (Leonard Sasso)	2294	Armide #2 (Strip)	Pittsburgh	275	265	255	250	200	195	205	180	170	160	
WESTMORELAND COUNTY														
Cassey & True (Frank H. True)	2303	Cassey & True	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Darr & Hall (James R. Darr)	2301	Darr & Hall	L. Freeport	265	255	245	235	225	215	205	205	185	175	165
Dillon, C. W.	2297	Dillon (Strip)	Pittsburgh	290	280	270	260	210	230	230	225	205	195	175
Dillon, C. W.	2298	Benauer (Strip)	Pittsburgh	290	280	270	260	210	230	230	225	205	195	175
Poole, E. Z. & Frances Jones Poole (E. Z. Poole)	2296	Poole #2	Pittsburgh	290	280	270	260	210	230	230	225	205	195	175
Stanislav, Steve & Joseph Turchek (Steve Stanislav)	2306	St. Clair Hill #2	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165
Zurick, Joseph	2300	Zurick	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165

[F. R. Doc. 42-854; Filed, January 30, 1942; 12:16 p. m.]

[Docket No. A-1232]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM

PRICES AND FOR CHANGES IN RAIL SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

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 classi-

fications and minimum prices and for changes in rail shipping points and freight origin group numbers for the coals of certain mines in District No. 8; 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, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof; and, commencing forthwith, the shipping points and freight origin group numbers appearing in the said Supplement R-I for Mine Index Nos. 2329 and 3382 are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

The original petitioner proposed a minimum price of \$1.60 per net ton for the coals of the Wood & Coleman Mine, Mine Index No. 5135, of Wood & Coleman Coal Co., in District No. 8, in Size Group No. 8 for truck shipments. It appears, however, that a minimum price of \$1.65 per net ton has heretofore been established for comparable and analogous coals in Size Group No. 8 for truck shipments. Since the petition does not allege any facts in support of the requested price differential, a minimum price of \$1.65 per net ton is established herein for the coals of the said mine in Size Group No. 8 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: January 20, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8
 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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
 § 328.11 Alphabetical list of code members—Supplement R-I
 (Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown)

Mine No.	Code member	Mine name	High volatile seam	Subsidiaries	Shipping point	Railroad	Freight group	Price classifications by size group Nos.																										
								For destinations other than Great Lakes									For Great Lakes cargo only																	
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
3016	Acton, E. O.	Acton	Pittsburgh	6	London, Ky.	L&N	111	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
3287	Adams, Leonard J.	Adams	No. 1	1	Olympia, Ky.	O&O	61																											
3972	Adams, Leonard J.	Adams	No. 4	6	Olympia, Ky.	O&O	100																											
5197	Baker, Christley	Baker	No. 4	6	Combs, Ky.	L&N	100																											
5222	Baker, Grady G.	G. B. Coal Co.	Clinton	7	Allen, Va.	O&O	111																											
3527	Baker, S. C. (Baker Coal Company)	Baker	Straight Creek	6	Carr, Ky.	L&N	111																											
2448	Bandy, Rex	Bandy	Tiller	7	Doran, Va.	N&W	20																											
2222	Belcher, R. L. (Wanda Leo Coal Co.)	Belcher	Upper Banner	7	Honaker, Va.	N&W	20																											
5203	Boldman Coal Company (B. N. Porter)	Porter	Eikhorn No. 1	1	Boldman, Ky.	O&O	61																											
2834	Brashear & McDaniel (Tug McDaniel)	Brashear & McDaniel	Hazard #4	3	Viper, Ky.	L&N	100																											
5181	Brooks, E. F.	Brooks	Jellico	6	Wofford, Ky.	L&N	111																											
5146	Buck Lick Coal Co. (M. D. Hughes)	Trinity	No. 3	6	Somerset, Ky.	Sou.	171																											
5162	Casabolt Coal Co. (Dallas Casabolt)	Casabolt Coal Co.	Eikhorn No. 3	3	Lackey, Ky.	O&O	61																											
5108	Combs, Jim	Jim Combs	Hazard No. 4	7	Hazard, Ky.	L&N	100																											
5225	Consumers Mining Corporation	No. 8	Upper Banner	3	Red Ash, Va.	N&W	20																											
5187	Corbin Coal Company, The	Hodge	Horse Creek	6	Corbin, Ky.	L&N	111																											
5121	Croley, Inc. (Chris Day)	Croley	River Gem	6	Williamshurst, Ky.	L&N	111																											
5260	Day Coal Co. (Robert & Elbert)	Day	No. 4	6	Combs, Ky.	L&N	100																											
192	Dobson, Herbert & Elbert (Elbert, Douglas)	Douglas	Duo Gem	6	Saxton, Ky.	L&N	111																											
800	Gay Mining Company	Ben Creek	Cedar Grove	8	Timbar, W. Va.	N&W	130																											
3983	Gay, Green	Green Gentry	Cannel	2	Haddix, Ky.	L&N	80																											
5160	Gillis, Henry	Gillis	Harlan	3	Evars, Ky.	L&N	80																											
5202	Harman Branch Coal Company (Ernest Wofford)	Smith	Elkhorn	1	Pikeville, Ky.	O&O	61																											
5163	Heg, Chester	Chester Heg	Elkhorn	3	Whitesburg, Ky.	L&N	100																											
5116	Hopkins, K. R.	Hopkins Coal Co.	Blair	7	Coeburn, Va.	N&W	30																											
686	Horn Brothers (D. E. Horn)	Horn	Hershaw	4	Barrett, W. Va.	O&O	123																											
2800	Hughes, Frank	Vaughan	Sand Gap	6	Richmond, Ky.	L&N	111																											
5211	Johnson, Paul	Johnson	Hazard No. 6	3	Chavies, Ky.	L&N	100																											
5215	Kemmerer Gem Coal Company	No. 5	No. 6	7	St. Charles, Va.	Sou.	204																											
5214	Kemmerer Gem Coal Company	No. 6	No. 5	7	St. Charles, Va.	L&N and Sou.	204																											
272	Kentucky Jellico Coal Company	Key Jay	Dean	6	Kaybay, Ky.	A&J	110																											
3763	Keys & Saylor (Warren H. Keys)	Wilder	Mason	6	Telley, Ky.	L&N	111																											
5109	Leger, Alred	Leger Blue Gem	Blue Gem	6	Gadell, Ky.	L&N	111																											
5193	Lewis & Scott (Hayward Scott)	Lewis	Harlan	2	Nolansburg, Ky.	L&N	80																											
2829	Low Ash Coal Company (G. R. Lipps)	Low Ash Coal Co.	Blair	7	Norton, Va.	L&N and N&W	205																											
5152	McDonald, J. C. (McDonald Fuel Company)	McDonald	Sewanee	6	Crossville, Tenn.	T.C.	72																											
5132	Meade, Polly & Ford (H. F. Meade)	Meade, Polly & Ford	Imboden	7	Norton, Va.	L&N and N&W	205																											
5121	Mondrage, Steve	Mondrage No. 2	Upper Banner	7	Eays, Va.	O&O	30																											

* Indicates change in shipping point from Escerville, Va. F. O. G. No. 200 as shown in Docket A-1117.
 † Indicates previously classified these size groups.
 ‡ Indicates no effective classifications for these size groups.

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight class group	Price classifications by size group Nos.																	
								For destinations other than Great Lakes										For Great Lakes cargo only							
								1, 2, 3, 4, 5, 6, 7, 8, 9, 10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21, 22	23	24	25	26	27	1, 2, 3, 4, 5, 6, 7, 8	9, 10, 11, 12, 13, 14, 15, 16, 17, 18	19, 20, 21, 22, 23, 24, 25, 26, 27						
5184	Morgan, Fred G.	Fred G. Morgan	No. 4	6	Combs, Ky.	L&N	100	K	D	K	K	K	K	K	K	K	K	D	D	D					
811	Patrick, J. W.	Triplet	Elkhorn	3	Lacey, Ky.	O&O	61	G	D	D	D	D	D	D	D	D	D	D	D	D					
810	Patrick, J. W.	Patrick No. 3	Elkhorn No. 3	3	Lacey, Ky.	O&O	61	G	D	D	D	D	D	D	D	D	D	D	D	D					
809	Patrick, J. W.	Patrick No. 4	Elkhorn No. 4	3	Lacey, Ky.	O&O	61	G	D	D	D	D	D	D	D	D	D	D	D	D					
8207	Potter & Bailey Coal Company (Troy Potter, Rader, Amy (Mrs.) (Rader Coal Co.))	Potter & Bailey	Elkhorn	1	Shelby, Ky.	O&O	61	G	D	D	D	D	D	D	D	D	D	D	D	D					
5130	Rader, Amy (Mrs.) (Rader Coal Co.)	Rader Coal Co.	No. 4	6	Combs, Ky.	L&N	100	K	D	K	K	K	K	K	K	K	K	D	D	D					
3039	Russell, John	Clark No. 3	No. 5 Block	8	East Lynn, W. Va.	N&W	130	G	D	D	D	D	D	D	D	D	D	D	D	D					
2204	Seater & Bartley	Seater & Bartley	Elkhorn	1	Elkhorn City, Ky.	O&O and C&O	63	G	D	D	D	D	D	D	D	D	D	D	D	D					
5128	Taylor, Coy	Coy Taylor	Elkhorn	3	Whitesburg, Ky.	L&N	100	G	D	D	D	D	D	D	D	D	D	D	D	D					
2203	Thompson, A. A.	No. 3	Widow Kenedy	7	Hopkner, Va.	L&N	100	G	D	D	D	D	D	D	D	D	D	D	D	D					
2016	Thompson, Bob, Capt.	Capt. Bob Thompson	Bon Air No. 2	0	Dayssville, Tenn.	TO	72	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)					
3098	Tutt, R. T.	R. T. Tuttle	Knob	3	Jackson, Ky.	L&N	100	G	D	D	D	D	D	D	D	D	D	D	D	D					
3382	Webb, Alvin & Jas. L. Hammons	Blue Gem	Dixie Gem	6	Newcomb, Tenn.	Sou.	112	G	D	D	D	D	D	D	D	D	D	D	D	D					
5135	Wood & Coleman Coal Co. (Bill Wood)	Wood & Coleman	Elkhorn No. 2	1	Marrowbone, Ky.	C&O	61	G	D	D	D	D	D	D	D	D	D	D	D	D					

* Listed to change Subdistrict Number, shown in error in Docket A-688 as S. D. No. 1.
 † Indicates change in shipping point from Woodruffs, Tenn., as shown in Docket A-688.

§ 328.21 *Alphabetical list of code members—Supplement R-II*
 Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine Index	Code membe.	Mine name	Sub dist. No.	Low volatile seam	Shipping point	Railroad	Price classifications by size group numbers													
							1	2	3	4	5	6	7	8	9	10				
5105	Shrove, Alf	Shrove	0	Ret. Ash.	Haven, Va.	N&W	21	C	D	D	A	A	A	A	A	A	A	A	A	A
3106	Shrove & Barrett (Success Shrove)	Shrove & Barrett ret.	0	Ret. Ash.	Doran, Va.	N&W	21	C	D	D	A	A	A	A	A	A	A	A	A	A

* Indicates previously classified these size groups.
 † Indicates no effective classifications for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-1

Code member index	Mine	Seam	Base sizes							
			Lump over 2 1/2' eggs	Lump 2' and under, egg 3' x 6'	Lump 3/4' and under, egg 2' x 6'	Stove 3' and under, egg 2' x 6'	Straight mine run	2' and under slack	3/4' and under slack	
SUBDISTRICT NO. 1.—BIG SANDY, ELKHORN										
ELLOY COUNTY, KY.										
Eldridge, Marion	Eldridge	No. 7	265	245	210	220	205	200	150	145
OREENTON COUNTY, KY.										
Adams, Ermit	Adams	Clod	265	245	210	220	205	200	150	145
Baker & Cox (Clifford Baker)	Hamilton	Clod	265	245	210	220	205	200	150	145
Gilliam, Coy	Clod	Clod	265	245	210	220	205	200	150	145
Gilliam, Joe	Clod	Clod	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.										
Stambaugh, Alva	Mary Stone	Millers Creek	305	285	235	240	215	225	170	165
LAWRENCE COUNTY, KY.										
Hammons, Frank L.	Hammons	McHenry	265	245	210	220	205	200	150	145
Short, Jay	Shaggs	McHenry	265	245	210	220	205	200	150	145
MAGOFFIN COUNTY, KY.										
Cole, George	Sherman Rice	No. 7	265	245	210	220	205	200	150	145
MENFEE COUNTY, KY.										
Adams, Leonard J.	Indian Creek	No. 1	265	245	210	220	205	200	150	145
MORGAN COUNTY, KY.										
Stevens, Sanford & J. H. Adkins (Sanford Stevens)	Redwine Cannel	Redwine Cannel	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.										
Bevins, Oscar	Oscar Bevins	Elkhorn	275	255	220	230	215	210	170	165
Boldman Coal Company (B. N. Porter)	Porter	Elkhorn No. 1	275	255	220	230	215	210	170	165
Harman Branch Coal Company (Ernest Wolford)	Smith	Elkhorn	275	255	220	230	215	210	170	165
Potter & Bailey Coal Company (Toy Potter)	Potter & Bailey	Elkhorn	275	255	220	230	215	210	170	165
Senter & Bartley Coal Company (L. L. Senter)	Senter & Bartley	Elkhorn	275	255	220	230	215	210	170	165
Wood & Coleman Coal Co. (Bill Wood)	Wood & Coleman	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 2.—HARLAN										
HARLAN COUNTY, KY.										
Grills, Henry	Grills	Harlan	270	250	225	230	210	215	175	170
Lewis & Scott (Hayward Scott)	Lewis	Harlan	270	250	225	230	210	215	175	170
Mitchel, Berry	Mitchel's Coal Mine	Stray	270	250	225	230	210	215	175	170

Code member index	Mine	Seam	Base sizes							
			Lump over 2 1/2' eggs	Lump 2' and under, egg 3' x 6'	Lump 3/4' and under, egg 2' x 6'	Stove 3' and under, egg 2' x 6'	Straight mine run	2' and under slack	3/4' and under slack	
SUBDISTRICT NO. 3.—HAZARD										
BREATHTOWN COUNTY, KY.										
Combs & Clemons (Hager Combs)	Combs & Clemons	Jackson	265	245	210	205	190	200	145	140
Strong, Fred & Halder Gross (Fred Strong)	Strong & Gross	Knob	265	245	210	205	190	200	145	140
Tutt, R. T.	R. T. Tutt	Knob	265	245	210	205	190	200	145	140
KNOTT COUNTY, KY.										
Casebolt Coal Co. (Dallas Casebolt)	Casebolt Coal Co.	Elkhorn No. 3	285	265	225	230	215	215	165	160
LEITCHER COUNTY, KY.										
Cook, Archie	Archie Cook	Whitesburg	265	245	220	220	205	210	155	150
Hogg, Chester	Oles Hogg	Elkhorn	275	255	220	220	205	210	155	150
Stamper, J. D.	J. D. Stamper	Elkhorn	275	255	220	220	205	210	155	150
Taylor, Coy	Coy Taylor	Elkhorn	275	255	220	220	205	210	155	150
PERRY COUNTY, KY.										
Combs, Jim	Jim Combs	Hazard No. 4	275	255	220	225	205	210	155	150
Gentry, Green	Green Gentry	Hazard No. 4	275	255	220	225	205	210	155	150
Johnson, Paul	Johnson, Paul	Hazard No. 6	265	245	220	205	195	210	145	140
WOLFE COUNTY, KY.										
Johnson, J. B.	Earl Miller	No. 4	265	245	210	220	205	200	150	145
Spencer, Darlay	Cable No. 1	Creek	265	245	210	220	205	200	150	145
Spencer, Darlay	Cable No. 2	Creek	265	245	210	220	205	200	150	145
SUB-DISTRICT NO. 4.—KANAWHA										
KANAWHA COUNTY, W. VA.										
Rock, Romie	Rock	Coalburg	245	225	210	195	180	200	145	140
NICHOLAS COUNTY, W. VA.										
Brown, Russell E.	Koontz	Big Eagle	265	245	220	230	205	220	165	160
SUB-DISTRICT NO. 6.—SOUTHERN APPALACHIAN										
WELL COUNTY, KY.										
Keys & Saylor (Warren H. Keys)	Wilder	Mason	255	235	215	220	205	205	145	140
CLAY COUNTY, KY.										
Powell, Roscoe	Murrell	Horse Creek	265	245	220	220	205	210	155	150
ENOX COUNTY, KY.										
Newman, Pete & Rescoe Newman (Pete Newman)	Trace Branch Coal Co.	Blue Gem	335	315	235	250	225	225	145	140
Smith, Chester & Andy Roberts (Andy Roberts)	Evans	Blue Gem	335	315	235	250	225	225	145	140

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12
 NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR TRUCK SHIPMENTS

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

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Big 2 1/2' x 2' x 2'	Small 2 1/4' x 2' x 2'	Mine run	Net 2 1/4' x 2' x 2'	Dom. stock 1 1/2' x 2' x 2'	Screenings 2 1/4' x 2' x 2'	Ind. stock 1 1/2' x 2' x 2'	% x 0
Geery & Descamp (O. B. Geery)	Geery's & Descamp	802 19-A	Marion	1	305	295	285	275	270	270	270	160	220	100
Hart, Rex B.	Quality	800	2	Appanoose	285	275	265	255	275	265	276	200	275	100

[F. R. Doc. 42-860; Filed, January 30, 1942; 12:19 p. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14
 NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members—Supplement R

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

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.
Accord, T. E.	579	.....	2	Ozark, Ark.	MP	14
Arrington, C. J.	583	.....	2	Hartman, Ark.	MP	33
O & E Coal Company (A. L. Eustice), M. H.	587	.....	2	Clarksville, Ark.	MP	33
Callahan, M. H.	572	.....	1	Lamar, Ark.	MP	33
Carey, John	578	.....	3	Lamar, Ark.	MP	33
Clay, John W. (Kleaner Coal Co.)	581	.....	7	Hokoshe, Okla.	FS&VB	12
Economy Coal Co. (Garland Tinsley)	584	.....	3	Paris, Ark.	MP	14
Felkins Coal Company (Will & John Felkins)	585	.....	2	Clarksville, Ark.	MP	33
Howard & Stout Coal Co. (H. D. Stout)	588	.....	10	Stigler, Okla.	MV	15
Lucky Strike Coal Co. (Ocie Partain)	589	.....	7	Hokoshe, Okla.	FS&VB	12
McGintha & Son G. A. McGintha	582	.....	5	Huntington, Ark.	SL&SF	16
O. K. Coal Company (Fay Smith)	576	.....	2	Ozark, Ark.	MP	14
Porter Coal Co. (Joe Porter)	580	.....	5	Mansfield, Ark.	ORL&P-SL&SF	19
Rees, H. T.	586	.....	2	Hartman, Ark.	MP	33
Russell, J. A.	575	.....	1	Lamar, Ark.	MP	33
Trux Coal Co. (Chas. Hartgrave)	577	.....	1	Spadra, Ark.	MP	33

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 334.24 (General prices 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.

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

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

Dated: January 16, 1942.
 [SEAL] DAN H. WHEELER,
 Acting Director.

[Docket No. A-1233]
PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

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

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

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;

Price classification by size group No.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
.....	.....	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	.....	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	.....	.....	H	H	H	.....	.....	.....	.....	.....	B	.....	.....	.....	.....	.....	.....
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
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.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
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.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H	B
.....	A	A	H	H	H								

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Production group No.	County	3' lump	1/2" up	10' x 1 1/2"	10' x 1 1/4"	3' x 2"	3' x 1 1/2"	2' x 1 1/2"	1 1/2" x 1"	Mine run	3' x 0	1 1/2" x 3/4" (R)	1 1/2" x 0 (W)	1 1/2" x 0 (R)	1 1/4" x 0
A & P Coal Company, Inc.	1633	#42	8	Pittsburg, Okla.	435	435	335	335	335	335	335	335	210	185	170	170	140	15
Donison, Paul H.	1633	Denison	3	Henry, Mo.	250	250	250	250	250	250	250	250	190	185	170	170	140	35
Dotsley, William	1633	Last Chance	3	Randolph, Mo.	230	230	230	230	230	230	230	230	185	185	170	170	140	35
Rooley, Julian C.	1633	Footo	2	Barton, Mo.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Carr, J. E.	1633	Charr Coal Co.	2	Barton, Mo.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Kearse & Southard (A. E. Kearse)	1633	X & S	1	Barton, Mo.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Morgan, Ed. P.	1633	L 189	1	Bartholomew, Kans.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Mason, O. S.	1633	Blind Pig	1	Bartholomew, Kans.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Murray, W. S.	1633	Reiter	11	McCurtain, Okla.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Ricker Bros. (Joseph Ricker)	1633	Reiter	11	McCurtain, Okla.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Russell & Coates (M. E. Coates)	1633	Rover #2	3	Randolph, Mo.	230	230	230	230	230	230	230	230	190	185	170	170	140	35
Shunsulko & Karna (John Karna)	1633	Russell & Coates	2	Henry, Mo.	250	250	250	250	250	250	250	250	190	185	170	170	140	35
Whitford, Chas. V.	1633	#1	2	Pittsburg, Okla.	485	485	435	435	435	435	435	435	210	185	170	170	140	35
Whitford, Chas. V.	1633	Whitford	2	Vernon, Mo.	250	250	250	250	250	250	250	250	190	185	170	170	140	35

[F. E. Doc. 42-859; Filed, January 30, 1942; 12:19 p. m.]

[Docket No. A-1219]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CEDAR MOUNTAIN #2 MINE (MINE INDEX NO. 160) IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Cedar Mountain #2 Mine (Mine Index No. 160), in District No. 23; 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

"Supplement" under the name of the Cedar Mountain No. 2 Mine (Mine Index No. 160).

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

TEMPORARY AND CONDITIONALLY FINAL RELIEF, DISTRICT NO. 23

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 343, Minimum Price Schedule for District No. 23 and supplement thereto.

FOR ALL SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 23:
 § 343.4 Code member price index—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict group	Rail-road	FOG No.	Prices
Consolidated Coal Mines, Inc.	Cedar Mountain #2	160	King	Cedar Mountain	F	NP	40	\$343.5 \$343.21

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 § 343.4 (Code member price index) is amended by adding thereto Supplement R-I, § 343.5 (General prices; minimum prices for shipment via rail transportation) is amended by adding thereto Supplement R-II, and § 343.21 (General prices) is amended by adding thereto Supplement I, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition identifies the mine of the Consolidated Coal Mines, Inc., for the coals of which mine price classifications and minimum prices are requested, as the Cedar Mountain Mine, Seam "A." Since this code number also operates the Cedar Mountain Mine (Mine Index No. 8) in District No. 23, it is deemed advisable, for the purpose of identification, to designate the new mine as the Cedar Mountain No. 2 Mine rather than "A." Accordingly, the price classifications and minimum prices established by this Order are set forth in the attached

Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: January 16, 1942.

DAN H. WHEELER,
Acting Director.

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R-II. The Cedar Mountain #2 mine of Consolidated Coal Mines, Inc., shall take the minimum f. o. b. mine prices in cents per net ton for shipments by rail transportation into market areas shown under Subdistrict "F" for Cedar Mountain Mines Company in Price Schedule No. 1 for District No. 23, as amended.

§ 343.21 *General prices*—Supplement T. Insert the following code member name, mine name and county under Subdistrict "F", and the following prices:

Code member mine name	County	Size groups															
		2	3	4	5	7	8	9	10	11	12	13	14	15	16	22	24
SUBDISTRICT F																	
Consolidated Coal Mines, Inc., Cedar Mt. #2	King	515	515	450	450	475	450	450	425	390	400	375	350	350	340	325	175

[F. R. Doc. 42-856; Filed, January 30, 1942; 12:17 p. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 83 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.¹

JANUARY 30, 1942.

The last paragraph of § 131.83 (*General License No. 83*)² is amended to read as follows:

This license shall expire at the close of business on February 15, 1942.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-869; Filed, January 30, 1942; 4:55 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.1 *General License No. 1 for manufacturers.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to manufacturers of explosives and the ingredients thereof authorizing the manufacture, possession and sale of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or

¹Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

²7 F.R. 305.

operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-942; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.2 *General License No. 2 for vendors.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to vendors of explosives and the ingredients thereof authorizing the purchase, possession and sale of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-943; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.3 *General License No. 3 for purchasers.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to purchasers of explosives and the ingredients thereof authorizing the purchase, possession and use of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-944; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.4 *General License No. 4 for foremen.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to foremen authorizing the purchase and possession of explosives and ingredients and the sale and issuance of explosives and ingredients to employees as provided in section 4 of the act in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941.)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-945; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.5 *General License No. 5 For analysts, educators, inventors and investigators.* A general license is hereby granted under the Federal Explosives

Act of December 26, 1941 (Public No. 381, 77th Cong.), to analysts, educators, inventors and investigators authorizing the purchase, manufacture, possession, testing and disposal of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong. Dec. 26, 1941)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-946; Filed, February 2, 1942; 12:03 p. m.]

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 125]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PROVISIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume One, Section II, in the following manner:

By deleting Paragraphs 110, 112, and 114.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-885; Filed, January 31, 1942; 12:07 p. m.]

[Amendment No. 126]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PROVISIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume One, Section I, in the following manner:

By deleting Paragraphs 101, 102, and 103, including the chart setting forth the "Elements of the Selective Service System."

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-886; Filed, January 31, 1942; 12:07 p. m.]

[Amendment No. 127]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations in the following manner:

By deleting Paragraphs 147, 301f, 315, 337.1, 408, 413, 419, 436, 535, 543, 553, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, and 582.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-887; Filed, January 31, 1942; 12:13 p. m.]

PART 603—SELECTIVE SERVICE OFFICERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 603,¹ by changing the parenthetical consecutive letters denoting the subdivisions of § 603.1, i. e. (a) to (f), inclusive, to parenthetical consecutive numerals, i. e. (1) to (6), inclusive. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-904; Filed, January 31, 1942; 12:07 p. m.]

PART 604—CIVILIAN EMPLOYEES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 604² in the following respects:

1. By changing the title of § 604.2 in the table of contents and at the heading of said section to read: "Certain employees exempt from civil service rules."

2. By deleting § 604.31 and substituting therefor the following:

§ 604.31 *Appointment and tenure.* (a) Each board of appeal may have one clerical assistant employed on either a full-time or part-time basis and may have one or more additional clerical or other assistants.

(b) No clerical assistant shall be employed in a classification grade higher than CAF-4, the entrance salary for which is \$1,800 per annum, and no additional clerical assistants shall be employed in a classification grade higher than CAF-2, the entrance salary rate for which is \$1,440 per annum, except upon specific authority of the Director of Selective Service pursuant to the rec-

¹ 6 F.R. 6826.

² 6 F.R. 6829.

ommendation of the State Director of Selective Service. These classification grades are maximum only, and shall be used only when the volume of work and the degree of responsibility assigned justifies such grades. Clerical or other assistants required for temporary, intermittent, or part-time service shall be employed under the provisions of § 604.2.

(c) Each board of appeal shall determine, by a majority vote, the individual or individuals to be employed, and the chairman of the board of appeal shall act as the appointing officer. Each board of appeal may designate, by a majority vote, one of the persons employed as the clerk of the board of appeal.

3. By deleting paragraphs (a), (d), and (e) of § 604.75 and substituting therefor the following:

§ 604.75 *Forms to be completed for each person selected for appointment.*

(a) Before entering upon his duties, each person selected for appointment to a position as a civilian employee in the Selective Service System shall execute the following forms:

(1) The Oath of Office portion of Form 21. (The Waiver of Pay or Compensation portion of Form 21 shall not be executed.)

(2) Personal Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124b Field), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

(d) The appointing officer shall forward to the State Director of Selective Service the following papers in connection with each appointment:

(1) Oath of Office portion of Form 21.

(2) Personnel Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124b Field), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

(7) Certificate of Medical Examination (Civil Service Form 2413) for each person selected for probational appointment.

(8) Job Classification Sheet (Form 83), except for local board appointee.

(9) Copy of civil service certificate of eligibles, or, if a copy is not available, a reference to the date and the number of the certificate and the civil service district issuing such certificate, or a copy of the district manager's letter authorizing an appointment where the person was not selected from a civil service certificate of eligibles.

(10) Copy of notice of appointment. (See § 604.74.)

(e) The State Director of Selective Service shall file the Oath of Office portion of Form 21 and the Personnel Affidavit (Standard Form No. 47). He shall forward the Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and the Retirement Card (Civil Service Form 3008) direct to the United States Civil Service Commission, Washington, D. C., no transmittal letter being necessary. He shall forward, for review and confirmation or disapproval, the remaining papers to the Director of Selective Service, Washington, D. C.; all such papers to be forwarded through the manager of the appropriate civil service district, except those for appointments made under the provisions of Schedule A, section I, paragraph 6, of the civil service rules which shall be forwarded direct to the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779) Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-905; Filed, January 31, 1942; 12:08 p. m.]

[Amendment 1, 2d Edition]

PART 606—FINANCE ADMINISTRATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 606,² by deleting § 606.7 and substituting therefor the following:

§ 606.7 *Preparation and distribution of vouchers.* All vouchers shall be prepared on the typewriter in the manner provided in these regulations or in instructions on such voucher. The original voucher and the carbon copies of the voucher shall be distributed in the manner directed by the instructions upon the original voucher. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779) Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-888; Filed, January 31, 1942; 12:13 p. m.]

[Amendment 2, 2d Edition]

PART 607—PAYMENT FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Reg-

²6 F.R. 6834.

ulations, Second Edition, Part 607,² § 607.5 by deleting the following words from paragraph (c) thereof:

"and a copy thereof on Statistical Information (Form WD, FD 28)"

(54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-889; Filed, January 31, 1942; 12:13 p. m.]

[Amendment 3, 2d Edition]

PART 607—PAYMENT FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 607,² § 607.5, by deleting paragraph (f) thereof and substituting therefor the following:

§ 607.5 *Voucher for personal services.*

(f) When a local board employee is appointed, separated, or his status is changed, there shall be attached to the first pay roll affected a signed copy of the Report of Employment, Separation, or Status Change for Local Board Employee (Form 250). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-890; Filed, January 31, 1942; 12:14 p. m.]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 608,² in the following respects:

1. By changing the subheading above § 608.31 to read: "Vouchering Expenditures Other Than Personal Services or Travel."

2. By changing the parenthetical consecutive letters denoting the subdivisions of § 608.31, i. e., (a) to (h), inclusive, to parenthetical consecutive numerals, i. e., (1) to (8), inclusive.

3. By inserting the word "see" before the two references in § 608.31 (6) (former § 608.31 (f)), so that § 608.31 (6) will read as follows:

(6) The voucher shall further be supported by two copies of the Purchase Order (Form 258) (see § 608.4) and two copies of the Receiving Report (Form 264) (see § 608.6).

4. By deleting § 608.44 (d) and substituting therefor the following:

§ 608.44 *Government requests for transportation (Standard Form No. 1030) use and preparation.*

²6 F.R. 6835.

(d) The memorandum copies (Standard Form No. 1031) of all Government Requests for Transportation (Standard Form No. 1030) shall be detached and mailed under the same cover, at the close of business of the day on which issued, directly to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

54 Stat. 885; 50 U.S.C., Sup. 301-318; inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-906; Filed, January 31, 1942; 12:03 p. m.]

[Amendment 4, 2d Edition]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 608,² by deleting § 608.31 (8). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-891; Filed, January 31, 1942; 12:14 p. m.]

[Amendment 5, 2d Edition]

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,⁴ by deleting § 612.14 (7) and substituting therefor the following:

§ 612.14 *Duties of State Director of Selective Service.*

(7) Report to the Director of Selective Service after receiving reports from all his local board chairmen the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of the third registration. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-892; Filed, January 31, 1942; 12:15 p. m.]

[Amendment 6, 2d Edition]

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,⁴ by deleting paragraph (e) of § 612.21 and substituting therefor the following:

⁴6 F.R. 6836.

⁴7 F.R. 200.

§ 612.21 *Duties of chairman of local board.*

(e) The chairman of the local board, before the adjournment of the meeting held by the local board on the day after registration day, shall report to the State Director of Selective Service by telegram the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of the third registration. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F.R. Doc. 42-893; Filed January 31, 1942;
12:15 p. m.]

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 614,¹ in the following respects:

1. By deleting the word "of" appearing between the words "all" and "the" in the first sentence of § 614.6 (a).

2. By changing the third sentence of § 614.6 (b) to read as follows:

The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President and shall place in Group 3 the Registration Card (Form 1) of each registrant in the age group added by the third proclamation of the President.

3. By deleting § 614.12 (b) and substituting therefor the following:

§ 614.12 *Registration Card of man registering after close of registration and before meeting of March 9, 1942.*

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is outside of the local board area, the local board clerk shall immediately mail the card to the proper local board or State Director of Selective Service as provided in § 614.5.

4. By deleting § 614.22 and substituting therefor the following:

§ 614.22 *Arranging groups of Registration Cards.* At the meeting of the local board provided for in § 614.21, the Registration Cards (Form 1) that were put away for safe-keeping, under the provisions of § 614.8, shall be placed before the local board. All Registration Cards (Form 1) received after the close of registration, either from places of registration outside of the local board area or as a result of late registrations, shall be carefully checked to determine whether the places of residence, as shown on line 2 of such Registration Cards (Form 1), are within the local board

¹ 7 F.R. 388.

area. All such cards showing on line 2 a place of residence within the local board area shall be sorted in the manner provided in § 614.6 and added to the proper groups of Registration Cards (Form 1). All such cards showing on line 2 a place of residence not within the local board area shall be mailed to the proper local board or State Director of Selective Service as provided in § 614.5. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779) —
Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-907; Filed, January 31, 1942;
12:08 p. m.]

PART 615—ASSIGNMENT OF ORDER NUMBERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 615,² in the following respects:

1. By inserting "(Form 1)" after the words "white Registration Card" in the first sentence of § 615.21 (5).

2. By deleting § 615.31 (e) and substituting therefor the following:

§ 615.31 *Procedure.*

(e) Order numbers must be assigned in sequence. No order number shall be skipped. Serial numbers on the Third National Master List (Form 174) which are not held by any registrant are simply crossed off and ignored. It is suggested that in assigning order numbers, the local board enter the order numbers opposite the applicable serial numbers on the applicable national master list. 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-908; Filed, January 31, 1942;
12:08 p. m.]

PART 616—LATE REGISTRATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 616,³ in the following respects:

1. By changing the reference in § 616.23 from "§ 614.5" to "§ 614.42."

2. By changing the reference appearing in subsections (a) and (b) of § 616.24 from "§ 614.5" to "§ 614.42."

3. By changing the word "sections" appearing before "616.23 or 616.24" in §§ 616.31, 616.32, and 616.33 to the word "section."

4. By changing the first sentence of § 616.42 to read:

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant whose Registration

² 7 F.R. 391.

³ 7 F.R. 393.

Card (Form 1) is received late in the Classification Record (Form 100) following the names, serial numbers, and order numbers of the registrants in the age group to which such registrant belongs. * * * (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-909; Filed, January 31, 1942;
12:10 p. m.]

PART 617—REGISTRATION CERTIFICATES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 617,⁴ by changing the subheading above § 617.1 to read "Possession of Registration Certificate Required." (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-910; Filed, January 31, 1942;
12:10 p. m.]

[Amendment 7, 2d Edition]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 621,⁵ by correcting the name of Form 42 appearing in paragraphs (b) and (c) of § 621.4 to read as follows:

"Claim for Deferred Classification by Person Other Than Registrant (Form 42)".

(54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-894; Filed, January 31, 1942;
12:15 p. m.]

[Amendment 8, 2d Edition]

PART 622—CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,⁶ by correcting section number 623.23 of this part to read "622.23." (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-895; Filed, January 31, 1942;
12:16 p. m.]

⁴ 7 F.R. 395.

⁵ 6 F.R. 6606.

⁶ 6 F.R. 6607, 6768.

[Amendment 9, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623, § 623.21, by deleting paragraph (b) thereof and substituting therefor the following:

§ 623.21 *Consideration of classes not requiring physical examination.*

(b) If the registrant is not classified in Class I-C, the local board shall next determine whether, under the provisions of § 622.61, the registrant is morally unfit for any military service, and if it finds that he is, he shall be classified in Class IV-F. No consideration will be given at this time to whether the registrant should be classified in Class IV-F by reason of being physically or mentally unfit. This determination will be made only after receiving the Report of Physical Examination and Induction (Form 221) from the local board examining physician. (See § 623.51.) (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-896; Filed, January 31, 1942;
12:16 p. m.]

[Amendment 10, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623, in the following respects:

1. By changing the number and title of § 623.52 from "§ 623.52 *Notice and record of classification or change of classification.*" to "§ 623.61 *Classification and change of classification.*";

2. By changing the number of § 623.53 from "623.53" to "623.62";

3. By preceding the two renumbered sections by a subheading reading as follows: "Notice and Record of Classification"; and

4. By making the above changes in the table of contents of this part. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-897; Filed, January 31, 1942;
12:16 p. m.]

¹ 6 F.R. 6611, 6643; 7 F.R. 68.

PART 625¹—APPEARANCE BEFORE LOCAL BOARD

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, by changing the reference "§ 623.53" in § 625.2 (d) to "§ 623.52" (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-911; Filed, January 31, 1942;
12:10 p. m.]

[Amendment 11, 2d Edition]

PART 625—APPEARANCE BEFORE LOCAL BOARD

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 625, § 625.2, by deleting paragraph (d) thereof and substituting therefor the following:

§ 625.2 *Appearance before local board.*

(d) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board, as soon as practicable after it again classifies the registrant, shall mail notice thereof on the Notice of Classification (Form 57) to the persons entitled to receive such notice on an original classification under the provisions of § 623.61. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-898; Filed, January 31, 1942;
12:16 p. m.]

[Amendment 12, 2d Edition]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626, § 626.2, by deleting paragraph (a) thereof and substituting therefor the following:

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any inter-

² 6 F.R. 6843.

³ 6 F.R. 6843, 7 F.R. 110.

ested party in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; or (2) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) unless the local board first specifically finds that there has been a change in the registrant's status resulting from circumstances over which the registrant had no control. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-899; Filed, January 31, 1942;
12:17 p. m.]

[Amendment 13, 2d Edition]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626, by deleting § 626.12 and substituting therefor the following:

§ 626.12 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it, as soon as practicable after it again classifies the registrant, shall mail notice thereof on a Notice of Classification (Form 57) to the persons entitled to receive notice of an original classification under the provisions of § 623.61. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-900; Filed, January 31, 1942;
12:17 p. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633, in the following respects:

⁴ 6 F.R. 6849, 7 F.R. 202.

1. By changing the last word in § 633.12 (a), i. e., "man", to read "men."
2. By deleting subsection (c) of § 633.13.
3. By changing subsection (b) of § 633.14 to read as follows:

§ 633.14 *Classification after separation from land or naval forces.*

(b) Upon receiving a report that a registrant has been separated from the land or naval forces (1) by discharge on or after December 8, 1941 based on physical disability or (2) by death at any time, the local board shall not change his classification, but shall note the facts in the Classification Record (Form 100), on the registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-912; Filed, January 31, 1942;
12:10 p. m.]

PART 642—DELINQUENCY

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 642,¹ in the following respects:

1. By inserting the word "see" before the parenthetical reference "§ 642.2" appearing in § 642.4, so that said reference will read "(see § 642.2)."
2. By inserting the word "the" before "Report of Physical Examination and Induction (Form 221)" and "List of Defects (Form 220)" in the first sentence of § 642.7 (d).
3. By changing the name of Form 47 in § 642.7 (e) to read "Special Form for Conscientious Objector." (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-913; Filed, January 31, 1942;
12:11 p. m.]

[Amendment 14, 2d Edition]

PART 642—DELINQUENCY

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 642,¹ § 642.7, by deleting paragraph (a) thereof and substituting therefor the following:

§ 642.7 *Procedure upon release of delinquents.* (a) Provided they have not already been accomplished, the following steps shall be taken in connection with every delinquent at the time of his release from confinement:

- (1) He shall be registered in accordance with § 616.11.

¹7 F.R. 111, 202.

(2) His Selective Service Questionnaire (Form 40) shall be executed.

(3) His Special Form for Conscientious Objector (Form 47), where applicable, shall be executed.

(4) He shall be physically examined. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-901 Filed, January 31, 1942;
12:17 p. m.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the enabling clause of the amendment prescribing Part 651² by changing the numbers of the new sections to conform with the sections of said part, as follows:

Section 651.4 should read § 651.11
Section 651.5 should read § 651.21
Section 651.6 should read § 651.31

(54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-914; Filed, January 31, 1942;
12:12 p. m.]

[Amendment 15, 2d Edition]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,³ § 653.11 (c), by changing the Item number of Section VI of the Report of Physical Examination and Induction (Form 221) from "84" to "81." (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-902; Filed, January 31, 1942;
12:17 p. m.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,³ in the following respects:

1. By inserting the word "the" between the words "direction of" and the words "United States Department of Agriculture" in the first sentence of § 653.1 (b).

²7 F.R. 276.

³7 F.R. 247.

2. By deleting § 653.14 (a) and substituting therefor the following:

§ 653.14. *Final release.* (a) Each assignee who completes his period of active participation in work of national importance under civilian direction shall receive a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45). The Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) will be prepared, in quadruplicate, by the Director of Selective Service and distributed as follows: The original will be transmitted to the camp director for delivery to the released assignee; two copies will be sent to the appropriate State Director of Selective Service, who will retain one copy for his file and transmit the other copy to the assignee's local board; and the remaining copy will be filed in the assignee's file in National Headquarters for Selective Service. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F.R. Doc. 42-915; Filed, January 31, 1942;
12:12 p. m.]

PART 661—PHYSICAL REHABILITATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 661,⁴ by inserting the word "to" between the words "has forwarded" and "the local board" in the fourth sentence of § 661.11 (a). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-916; Filed, January 31, 1942;
12:12 p. m.]

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

USE OF ABBREVIATION "NO."

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, by inserting the abbreviation "No." between the words "Standard Form" and the form number wherever in these regulations said abbreviation does not appear between said words and the form number. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-903; Filed, January 31, 1942;
12:07 p. m.]

⁴7 F.R. 432.

[No. 48]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A¹ to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

The addition of a new form designated as DSS Form 51, entitled "Personnel Information Form—Assignees C. P. S. Camps and Employees of National Service Board for Religious Objectors and Affiliated Organizations Engaged in Operations of Camps for Conscientious Objectors," effective immediately upon the filing² hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1941.

[F. R. Doc. 42-883; Filed, January 31, 1942; 12:12 p. m.]

[No. 49]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A¹ to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 40, entitled "Selective Service Questionnaire," effective immediately upon the filing² hereof with the Division of the Federal Register.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 7, 1942.

[F. R. Doc. 42-884; Filed, January 31, 1942; 12:13 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 921—ALUMINUM

Extension General Preference Order M-1³ and Supplementary Order M-1-a⁴

It is hereby ordered, That §§ 921.1 and 921.2 [General Preference Order M-1

¹ 5 F.R. 3785.

² Filed as part of the original document.

³ 6 F.R. 1599, 7 F.R. 27.

⁴ 6 F.R. 1599, 7 F.R. 27.

and Supplementary Order M-1-a as extended], expiring by their respective terms on January 31, 1942, shall continue in effect until February 28, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-878; Filed, January 31, 1942; 11:20 a. m.]

PART 1006—MATERIAL ENTERING INTO THE COMPLETION OF CERTAIN PRIVATE HOUSING PROJECTS NOT QUALIFYING UNDER PREFERENCE RATING ORDER P-55

Extension of Time for Filing Applications Under Preference Rating Order No. P-71⁵

It is hereby ordered, that the time within which applications for preference rating may be filed under § 1006.1 (Preference Rating Order P-71) is extended to and including February 14, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-877; Filed, January 31, 1942; 11:20 a. m.]

PART 1050—DISTILLED SPIRITS

Supplementary Order No. 1 to General Preference Order No. M-69⁶ To Conserve the Supply and Direct the Distribution of Distilled Spirits

§ 1050.2 Supplementary Order 1 to General Preference Order M-69. (a) When available storage capacity for Distilled Spirits has been filled, operation of paragraph (c) of General Preference Order No. M-69 is suspended until February 1, 1942. The foregoing shall be operative only to the extent that allocation orders heretofore and hereafter issued by the Director of Priorities are not affected.

(b) This Order shall take effect as of January 16, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E. O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session,

⁶ 6 F.R. 6683.

⁷ 7 F.R. 224.

as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-878; Filed, January 31, 1942; 11:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 49⁷—RESALE OF IRON AND STEEL PRODUCTS

Section 1306.157 is amended by adding two new paragraphs (p) and (q) and § 1306.159 paragraph (e) is amended to read as set forth below:

§ 1306.157 Definitions.

(p) "Export agent" means any exporter who acts directly for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (1) take title to the goods being exported, or (2) assume a risk of loss because of demurrage, failure to secure shipping space, or otherwise.

(q) "Export merchant" means any exporter who acts as a principal, directly to a foreign customer, and (1) buys for his own account, and (2) takes title to the goods directly or through an agent and (3) assumes all risk of loss because of demurrage, failure to secure shipping space, damage to the merchandise, or otherwise.

§ 1306.159 Appendix A; domestic and export maximum prices for iron and steel products.

(e) Maximum prices for exports of iron or steel products. (1) The maximum prices which may be charged by any person for iron or steel products sold for export to any place outside the territorial limits of the United States, shall be the maximum prices, as established by this Schedule (§§ 1306.151 to 1306.161 inclusive) and Price Schedule No. 6, f. o. b. inland carrier or warehouse at port of exportation: Provided, (i) That if such a sale is made by an export agent, as defined hereinabove, an amount may be added not in excess of 5% of the maximum domestic price as established in this Schedule.

(ii) That if such a sale is made by an export merchant, as defined hereinabove, an amount may be added not in excess of 10% of the maximum domestic price as established in this Schedule.

(iii) Other export merchants who customarily incur additional foreign costs or expenses in excess of those borne by the export merchant, as defined hereinabove, may apply to the Office of Price Administration for exception, stating reasons why an additional amount should be allowed. The application shall be in the form of an application for relief.

(2) The maximum export price as set forth above in subdivision (ii) shall include and shall not be increased by reason

⁷ 6 F.R. 6428.

of any fees, commissions, or expenses, including commissions paid to other intermediaries, whether domestic or foreign, demurrage, storage charges, inspection fees, interest or financing charges, or other expenses connected with the transaction. The maximum price as so computed shall not be increased in any c. i. f. price except to the extent of insurance, ocean freight, and consular charges.

(3) The above margins over domestic maximum prices may be taken only by an export agent or export merchant, and not by both, and shall not be shared by any such person with any domestic seller, broker, agent, or other intermediary. (E.O. 8734, 8875, 6 F.R., 1917, 4483)

This amendment No. 1 shall become effective January 30, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-870; Filed January 30, 1942;
5:11 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 43²—USED STEEL BARRELS OR DRUMS

Two new §§ 1306.211 and 1306.212 are hereby added as set forth below:

§ 1306.211 *Appendix B—exceptions.* The following persons have been granted an exception under § 1306.207 of this Schedule permitting them to make a charge in addition to the maximum prices in Appendix A for drums which are furnished by such persons with a new Heresite lining:

Acme Barrel Co., 2300 W. Thirteenth St., Chicago, Illinois, by letter dated Dec. 16, 1941.

Newark Steel Drum Co., 1200 W. Blanche St., Linden, N. J., by letter dated December 16, 1941.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.

§ 1306.212 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or deliveries of drums moving within, into or out of one of the 48 states of the United States or the District of Columbia. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective February 7, 1942.

Issued this 2nd day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-956; Filed, February 2, 1942;
12:00 m.]

¹ 6 F.R. 5961, 7 F.R. 206, 618.

PART 1306—IRON AND STEEL

AMENDMENT NO. 1² TO PRICE SCHEDULE NO. 46³—RELAYING RAILS

Section 1306.254 is hereby revoked, §§ 1306.251, 1306.255, 1306.258 and 1306.260 are hereby amended and one new § 1306.261 is added as set forth below:

§ 1306.251 *Maximum prices for relaying rail.* On and after December 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.260.

§ 1306.255 *Records and reports.* (a) Every person making purchases or sales of relaying rails after January 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, transportation charges, if any, and the quantity and weight purchased or sold, and (2) the quantity of relaying rail (i) on hand, and (ii) on order, as of the close of each calendar month.

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

(b) *Purchases of relaying rail in excess of 100 gross tons.* Every person other than the consumer, making a purchase of used rail, in quantities in excess of 100 gross tons, not later than 15 days following the purchase shall file with the Office of Price Administration either (1) a certificate from an established, independent inspection bureau, or (2) an affidavit by such purchaser, stating the estimated division of such rail among relaying, rerolling, and scrap rails, as well as such further documents as may be required by the Office of Price Administration: *Provided*, That the rails so purchased shall be subject to any inspection and classification as to quality which may be made by the Office of Price Administration.

(c) *Sales of relaying rail of 25 gross tons or more.* Every seller making a sale to a consumer of relaying rails in quantities of 25 tons or more, shall file with the Office of Price Administration, not later than 15 days after such sale an affidavit from the consumer stating that such rails are to be used for relaying purposes, the quantity, weight per yard, source, shipping point price and delivered price of the shipment.

§ 1306.258 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or

² (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.) This amendment No. 1 shall become effective February 7, 1942.

³ 6 F.R. 6185.

other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Relaying rail" means rail, (1) which weighed 35 lbs. or more per yard when new, (2) which is suitable for relaying and (3) which has been submitted to all reconditioning processes, if any, necessary to render it fit for reuse as rail;

(c) "Shipping point" means on board the means of transportation to the buyer, whether truck, freight car, barge, or ship.*

§ 1306.260 *Appendix A; maximum prices for relaying rail—(a) maximum prices for relaying rail originating from Class I railroads.* The maximum price of relaying rail originating from Class I railroads and Class I switching or terminal companies shall be \$28.00 per gross ton f. o. b. any station on the selling railroad at the option of the buyer: *Provided*, That when such rail is purchased by dealers or jobbers, such dealers or jobbers may sell, except as provided in paragraph (c) below, such rail at a maximum price of \$30.00 per gross ton f. o. b. shipping point.

(b) *Maximum price for relaying rail originating from sources other than Class I railroads and Class I switching or terminal companies.* The maximum price, f. o. b. shipping point, for relaying rail other than rail originating from Class I railroads and Class I switching or terminal companies, shall be \$30.00 per gross ton minus the lowest railroad freight charge for transporting such rail from the shipping point to the basing point nearest freightwise to the shipping point: *Provided*, That the shipping point price need in no case be less than \$24.00 per gross ton.

The following cities shall be deemed basing points:

Birmingham, Ala.
Boston, Mass.
Buffalo, N. Y.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Denver, Colo.
Detroit, Mich.
Houston, Tex.
Kansas City, Mo.
Los Angeles, Calif.
Minneapolis, Minn.
Norfolk, Va.
Philadelphia, Pa.
Pittsburgh, Pa.
Portland, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash.

(c) *Maximum prices for relaying rail sold from warehouses.* (1) The maximum price of relaying rail which has been shipped to recognized relaying rail warehouses equipped with machinery for reconditioning and there unloaded, when sold from such warehouse, shall be \$32.00 per gross ton f. o. b. warehouse for quantities of one carload or more; \$2.00 cwt. f. o. b. warehouse for less than carload

quantities of 5 tons or more; and \$2.25 cwt. f. o. b. warehouse for quantities of less than 5 tons. There may be added to such maximum price, charges for extras, where furnished pursuant to the purchaser's specifications, as follows: (i) 15¢ per cwt. for cutting to lengths of 10 to 15 feet, inclusive, together with such drilling as may be necessary; (ii) 20¢ per cwt. for cutting to lengths of less than 10 feet together with such drilling as may be necessary; (iii) 5¢ per cwt. for bonding; (iv) 10¢ per cwt. for special drilling.

(2) Any person desiring to sell relaying rail pursuant to paragraph (c) herein must file, on or before December 10, 1941, with the Office of Price Administration, a statement indicating that he operates a recognized warehouse equipped with machinery for reconditioning. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

(d) *Commissions.* Where a purchaser employs the services of an agent in the purchase of relaying rails, and such agent has no beneficial interest in the seller as an employee or otherwise, the purchaser may pay such agent a commission not exceeding \$1.00 per gross ton. Where such a commission is paid the amount thereof may be added to the maximum prices set forth in subdivisions (a), (b) and (c) above.

§ 1306.261 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or deliveries of relaying rails moving within, into or out of one of the 48 States of the United States or the District of Columbia.

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-953; Filed, February 2, 1942; 11:59 a. m.]

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

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 56^{1,2}—RECLAIMED RUBBER

Sections 1315.51 and 1315.59 are hereby amended by adding a new paragraph (c) to each and § 1315.53 is amended by adding at the end thereof a new sentence:

§ 1315.51 *Maximum prices for reclaimed rubber.*

(c) Notwithstanding the provisions of paragraph (b) above, the maximum price for red tube reclaimed rubber shall be as follows:

(1) Delivered to purchaser's plant in carload lots—12 cents per pound;

¹ 6 F.R. 6455.

² (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

(2) Delivered to purchaser's plant in less than carload lots—12¼ cents per pound.

§ 1315.53 *Evasion.* * * * *Provided,* That nothing contained herein shall be construed to require the offering of any cash discount or to prevent the making of sales on a net basis.

§ 1315.59 *Definitions.*

(c) "Red tube reclaimed rubber" means reclaimed rubber made from red inner tube scrap rubber and having a specific gravity of from 1.15 to 1.32.

This amendment No. 1 shall become effective February 5, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-917; Filed, January 31, 1942; 12:49 p. m.]

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

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 63³—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

Section 1315.110 is amended by striking a word in paragraph (b), adding a new subparagraph (3) to paragraph (l) and adding a new paragraph (m);

Section 1315.111 is amended by substituting three brand names in paragraph (b), adding a new subparagraph (3) to paragraph (l) and adding a new paragraph (m); as set forth below:

§ 1315.110 *Appendix A; maximum retail prices for manufacturers' brands of new rubber tires and tubes.* * * *

Paragraph (b) is amended by striking the word "Streamline" from the line reading "The Armstrong Rubber Company, Streamline, Heatmaster."

(l) * * *

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this manufacturer for which a maximum price is "specifically fixed" herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes on the November 25, 1941 consumer list price for such brand.

(m) Notwithstanding any other provision of this Schedule (§§ 1315.101-1315.111), the maximum retail prices for all brands of passenger car tires owned by the following manufacturers, shall be as follows:

³ 7 F.R. 35, 206.

(1) The Armstrong Rubber Company: Maximum prices for the "Streamline" brand of passenger car tires for all sizes listed in paragraph (a) shall be the prices listed in paragraph (a), with other sizes determined according to the method set forth in paragraph (f). Maximum prices for the 6:00 x 16, (4 ply) "Air Coaster" and "Standard" brands of passenger-car tires shall be \$12.90 and \$10.05 respectively. Other sizes and plies of these brands shall remain in the same percentage relationship to these prices as they bore on the Armstrong Rubber Company's Consumer Price List in effect on November 25, 1941.

§ 1315.111 *Appendix B; maximum retail prices for private brands of new rubber tires and tubes.* * * *

Paragraph (b) is amended by substituting "Co-op Heavy Duty Regular Deluxe First Line" for "Heavy Duty Regular Deluxe First Line" as the brand of passenger-car tire and "Co-op Heavy Service Truck and Bus Balloon Deluxe Ribbed Cotton" for "Heavy Service Truck and Bus Balloon Deluxe Ribbed Cotton" as the brand of truck tire for the Indiana Farm Bureau Cooperative Association, Incorporated, and by substituting "Mile Master Deluxe" for "Statesman" as the brand of passenger-car tire for the Richmond Rubber Company.

(l) * * *

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this distributor for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes in the November 25, 1941 consumer list price for such brand.

(m) Notwithstanding any other provisions of this Schedule (§§ 1315.101-1315.111), the maximum retail prices for all brands of passenger-car and truck tires owned by the following private brand distributors shall be as follows:

(1) Triplex Tire Company: Maximum prices shall be the consumer price list of the company on file with the Office of Price Administration which was in effect on September 30, 1941.

This Amendment No. 1 shall become effective February 5, 1942.

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-951; Filed, February 2, 1942; 11:52 a. m.]

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

PRICE SCHEDULE NO. 87—SCRAP RUBBER

The War being waged with the Japanese Empire makes uncertain the future shipments of rubber from the Far East. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of such materials as reclaimed rubber which serve as substitutes for crude rubber. The demand for scrap rubber, the material from which reclaimed rubber is made, may be expected to expand sharply, thereby producing grave danger of further price increases.

Scrap rubber prices have been rising steadily in recent months. The maximum prices fixed by this Schedule are based on prices prevailing shortly before the outbreak of the war in the Pacific. The Office of Price Administration has determined, after investigation and conference with both the producing and consuming elements of the industry, that price advances beyond the maximum determined, after investigation and comparison set forth herein are not necessary to produce the maximum supply of scrap rubber.

Because of the vital importance to the nation's war effort of keeping the cost of substitution of reclaimed rubber for crude rubber to a minimum, the Office of Price Administration fixed the price of reclaimed rubber by Price Schedule No. 56.¹ As an essential and integral part of the Government's rubber program, and in order to make the other steps effective, it is necessary during the present emergency to establish maximum prices for scrap rubber.

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

§ 1315.1251 *Maximum prices for scrap rubber.* On and after February 5, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer scrap rubber to any consumer, and no consumer shall buy, offer to buy, or accept delivery of scrap rubber at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1260.*

*§§ 1315.1251 to 1315.1260, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875; 6 F. R. 1917, 4483.

§ 1315.1252 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

* 6 F. R. 6455.

§ 1315.1253 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of scrap rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1315.1254 *Records and reports.* Every person making any sale of scrap rubber to a consumer and every consumer making any purchase of scrap rubber after February 5, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the quantity of each kind or grade purchased or sold, and the price paid or received, showing as a separate item any transportation charges added to the maximum price pursuant to paragraph (e) of Appendix A, and (b) the quantity of each grade of scrap rubber (1) on hand, and (2) on order, as of the close of each calendar month.

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

§ 1315.1255 *Affirmations of compliance.* On or before March 10, 1942, and on the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold scrap rubber to a consumer, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 187:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule, or with any exception therefrom or modification thereof. Copies of Form 187:1 can be procured at the Office of Price Administration or, provided that no change is made in the style and content of the form and that it is reproduced on 8 by 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.1256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advan-

tage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of scrap rubber, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1257 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.1258 *Definitions.* When used in this Schedule the term:

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

(b) "Scrap rubber" means the kinds and grades of scrap rubber listed in Appendix A;

(c) "Consumer" means any person consuming scrap rubber in the manufacture of any product except tire repair materials or accessories. It does not include a person who repairs or reconditions scrap rubber articles to make them re-usable for the purpose for which they were originally manufactured.

(d) "Consuming mill" means a mill or other establishment where a consumer uses scrap rubber.

(e) "Consuming center" means one of the towns, listed in Tables I and II of Appendix A, in which consuming mills are located;

(f) "Ton" means a short ton of 2,000 pounds net weight determined at the consuming mill. Bags, coverings or containers shall not be included in the net weight.*

§ 1315.1259 *Effective date of the Schedule.* This Schedule shall become effective on February 5, 1942.*

§ 1315.1260 *Appendix A; Maximum prices for scrap rubber—(a) Chief consuming centers.* The maximum prices listed in Tables I and II for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton]

Grade	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	East St. Louis, Ill.	Gadsden, Ala.	Los Angeles, Calif.	Memphis, Tenn.	Naugatuck, Conn.
Passenger Tires: ¹							
Mixed Passenger Tires ²	\$18.00	\$17.50	\$16.40	\$14.00	\$12.00	\$15.70	\$16.50
Beadless Passenger Tires ³	24.00	23.50	22.00	19.00	16.50	20.83	22.12
Passenger S. A. G. ⁴	18.50	18.00	16.90	14.50	12.50	16.00	17.00
Truck Tires: ⁵							
Mixed Truck Tires ⁶	18.00	17.50	16.40	14.00	12.00	15.70	16.50
Beadless Truck Tires ⁷	24.00	23.50	22.00	19.00	16.50	20.83	22.12
No. 1 Truck S. A. G. ⁸	16.50	16.00	14.90	12.50	10.50	14.00	15.00
No. 2 Truck S. A. G. ⁹	16.50	16.00	14.90	12.50	10.50	14.00	15.00

¹ Passenger Tires. Shall consist of whole pneumatic tire casings having six plies or less, and shall be free from hard, oxidized, burnt, filled, non-pneumatic, single tube and motorcycle tires, and from leather and metal.

² Mixed Passenger Tires. This grade shall consist of black whole tires free from strip tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of roadworn tires.

³ Beadless Passenger Tires. This grade shall consist of Mixed Passenger Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Passenger Tires.

⁴ Passenger S. A. G. This grade shall consist of pieces of pneumatic passenger tires from which the treads and beads have been removed and may or may not contain sidewall rubber.

⁵ Truck Tires. Shall consist of whole pneumatic tire casings for busses and trucks having seven plies or more, and shall be free from hard, oxidized, burnt, filled, non-pneumatic single tube tires, and from leather and metal.

⁶ Mixed Truck Tires. This grade shall consist of black whole tires free from stripped tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of Roadworn Tires.

⁷ Beadless Truck Tires. This grade shall consist of Mixed Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Truck Tires.

⁸ No. 1 Truck S. A. G. This grade shall consist of pieces of pneumatic bus and truck tires from which the tread and beads, but not the sidewall, have been removed.

⁹ No. 2 Truck S. A. G. This grade shall consist of a mixture of No. 1 Passenger S. A. G. with No. 1 Truck S. A. G. and may or may not contain sidewall rubber.

TABLE II

Grade	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	Dollars per short ton
No. 1 Passenger Peelings ¹	47.50	40.00
No. 2 Passenger Peelings ²	30.00	22.50
No. 3 Passenger Peelings ³	27.50	20.00
No. 1 Truck Peelings ⁴	47.50	37.50
No. 1 A Truck Peelings ⁵	50.00	38.75
No. 2 Truck Peelings ⁶	30.00	22.50
No. 3 Truck Peelings ⁷	27.50	20.00
No. 1 Light Colored (Zinc) Carcass ⁸	52.50	40.00
No. 2 Light Colored Carcass ⁹	50.00	38.75
Gray Carcass ¹⁰	47.50	37.50
	Cents per pound	Cents per pound
Passenger Tubes: ¹¹		
No. 2 Passenger Tubes ¹²	7½¢	7½¢
Light Colored No. 2 Passenger Tubes ¹³	8¼¢	7¢
Red Passenger Tubes ¹⁴	7½¢	7¢
Black Passenger Tubes ¹⁵	6½¢	6¼¢
Mixed Passenger Tubes ¹⁶	6½¢	6¼¢
Truck Tubes: ¹⁷		
No. 2 Truck Tubes ¹⁸	7½¢	7¢
Red Truck Tubes ¹⁹	7½¢	6¼¢
Black Truck Tubes ²⁰	5¼¢	4¼¢
Two-Toned Black-Gold Tubes ²¹	6¼¢	6¼¢
Two-Toned Red-Black Tubes ²²	6¼¢	6¢

¹ No. 1 Passenger Peelings. This grade shall consist of treads stripped from black pneumatic passenger tires. The material shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads.

² No. 2 Passenger Peelings. This grade shall consist of treads stripped from black pneumatic passenger tires. The material may contain cushion rubber, breaker fabric and sidewalls plus no more than one full ply of carcass fabric.

³ No. 3 Passenger Peelings (Bald Head Peelings). This grade is the same as No. 2 Passenger Peelings except that a part of the tread has been removed.

⁴ No. 1 Truck Peelings. This grade shall consist of treads stripped from black pneumatic bus and truck

tires. The material may contain cushion rubber, but shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads. This grade may contain not more than 10% of No. 1 Passenger Peelings.

⁵ No. 1½ Truck Peelings. This grade shall have the same specification as No. 1 Truck Peelings except these peelings shall be free from cushion rubber.

⁶ No. 2 Truck Peelings. This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, breaker fabric and sidewalls, but no more than one full ply of carcass fabric.

⁷ No. 3 Truck Peelings (Bald Head Peelings). This grade is the same as No. 2 Truck Peelings except that a part of the tread has been removed.

⁸ No. 1 Light Colored Carcass. This grade shall consist of all white zinc carcass free of black edges and any other colored rubber.

⁹ No. 2 Light Colored Carcass. This grade shall consist of light colors as white, pink, light gray, pure gum and light brown carcass, free of all black edges and dark colored rubber.

¹⁰ Gray Carcass. This grade shall consist of gray, and colors too dark for delivery under No. 2 Light Colored Carcass, and shall be free of all black edges and black rubber.

¹¹ Passenger Tubes. Shall consist of inner tubes for pneumatic passenger tires, free from sections of tubes less than 12 inches long, free from truck, bus and puncture-proof tubes, crusty and oxidized tubes, and free from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All passenger tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve cots and the bases of such valves.

¹² No. 2 Passenger Tubes. This grade shall consist of compounded passenger tubes free from black, red and two-toned passenger tubes.

¹³ Light Colored No. 2 Passenger Tubes. This grade shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and the seller.

¹⁴ Red Passenger Tubes. This grade shall be strictly RED tubes.

¹⁵ Black Passenger Tubes. This grade shall be strictly black compounded passenger tubes. Black rubber valve cots and their bases may be present, but no metal valves or parts.

¹⁶ Mixed Passenger Tubes. This grade shall consist of whole tubes of various colors and qualities and may contain valves unless otherwise specified in the purchase contract.

¹⁷ Truck Tubes. Shall consist of inner tubes for pneumatic truck and bus tires, free from sections of tubes less than 12 inches long, and free from crusty, oxidized or puncture-proof tubes, metal and punchings. All truck tubes, except Mixed Truck Tubes, shall be free from metal valves and from black rubber valve cots and the bases of such valves unless otherwise specified in the purchase contract.

¹⁸ No. 2 Truck Tubes. This grade shall consist of compounded truck tubes free from black, red and two-toned tubes.

¹⁹ Red Truck Tubes. This grade shall be strictly RED tubes.

²⁰ Black Truck Tubes. This grade shall be strictly black compounded truck tubes. Black rubber valve

cots and their bases may be present, but no metal valves and parts.

²¹ Two-Toned Black-Gold Tubes. This grade shall be two-toned black and gold passenger or truck tubes.

²² Two-Toned Red-Black Tubes. This grade shall be two-toned red and black passenger or truck tubes.

(b) Other consuming mills. For any sale of scrap rubber to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If from any such consuming mill the freight charge on scrap rubber to two or more of the consuming centers listed in Tables I and II is equal and it is not lower to any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(c) Delivered prices. The prices specified in this Appendix are the maximum prices that may be paid by any consumer or charged by any person for scrap rubber delivered to a consuming mill. The maximum prices set forth herein shall include all transportation costs except as provided in paragraph (e) below.

(d) Packing. The maximum prices specified in this Appendix apply to scrap rubber that is packed as follows: Mixed and beadless passenger and truck tires as listed in Table I may be shipped bundled or loose in cars. All other grades of scrap rubber shall be packed in bags or bales, with each grade packed separately. Each bale shall weigh not less than 500 pounds, nor more than 1,500 pounds and shall be well and securely bound. Any scrap rubber not packed in accordance with the provisions of this paragraph must be sold at appropriate differentials below the maximum prices.

(e) Freight allowance for long hauls. For any scrap rubber consisting of mixed or beadless passenger or truck tires as listed in Table I on which the actual transportation charges paid for the direct shipment to a consuming mill exceeded eight dollars (\$8.00) per ton, the maximum prices specified in this Appendix may be increased by a sum per ton not in excess of the difference between \$8.00 and such actual transportation cost involved per ton.

(f) Premiums for large deliveries—(1) Allowance of premiums. On any single sale of scrap rubber consisting of grades specified in subparagraph (2) below as belonging to one of the groups therein set forth and amounting to or exceeding the tonnage figure set forth in subparagraph (2) for that particular group, the amounts specified in subparagraph (3) below for each grade may be added to the maximum prices of each such grade, provided delivery to the consuming mill of the full amount of such sale is completed within 60 days after the receipt at such mill of the first delivery on such sale.

The amount of tonnage specified in subparagraph (2) for each group may

consist of any combination of grades included in that group. In no case may the minimum tonnage required by subparagraph (2) for any group be figured by including grades listed in that subparagraph as falling within another group.

(2) *Groups entitled to premiums.* Group A consists of mixed or headless passenger truck tires as listed in Table I. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 750 tons or more. Group B consists of grades listed in Tables I and II as S. A. G., peelings, or carcass. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 400 tons or more. Group C consists of tubes as listed in Table II. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 150 tons or more.

(3) *Amount of premium.* The amounts that may be added to the maximum prices for specific grades of scrap rubber under the provisions of this paragraph (f) are:

(i) One dollar and fifty cents (\$1.50) per ton for headless passenger or truck tires as listed in Table I;

(ii) One dollar (\$1) per ton for any scrap rubber except headless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is \$20.00 per ton or less;

(iii) Five percent (5%) of the maximum price set forth in Tables I and II or \$5.00 per ton, whichever is less, for any scrap rubber except headless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is over \$20 per ton.*

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-952; Filed, February 2, 1942; 11:53 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS
AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 30¹—WASTEPAPER

The preamble to Price Schedule No. 30 is amended by striking out the next to the last paragraph thereof; § 1347.1 and § 1347.8, paragraph (e)² are amended to read as follows: § 1347.10³, Appendix A, is amended by striking out footnote 1 thereof, by amending the grade title of the second item and the price of the fourth and fifth items in the list of grades and prices, and amending footnotes 4, 5, 6, 8, and 33 to read as follows, by striking out paragraph (b) and by adding two new paragraphs (b) and (c) to read as follows:

§1347.1 *Maximum prices for wastepaper.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the continental United States, no person shall sell, offer to sell, deliver or transfer wastepaper, and no person shall buy, offer to buy, or accept delivery

of wastepaper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.10.

§ 1347.8 *Definitions.*

(e) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

§ 1347.10 *Appendix A; maximum prices for wastepaper.* (a) * * *

Grades	Maximum prices ² per short ton ³ f. o. b. point of shipment ⁴
No. 1 News ⁵	\$15.00
Old Corrugated Containers ⁶	20.00
New Corrugated Cuttings ¹⁰	21.50

⁴All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. Except in the case of exports, no charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to the buyer, may be added to the point of shipment price. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, or, in the case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Schedule, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in the case of exports, plus the allowance set forth in (a) below, if any, and/or any costs incident to movement beyond the point of shipment.

To the prices established by this Schedule, in the case of wastepaper exported for papermaking, the following allowance may be added:

(a) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the seller, an amount not in excess of \$3.00 per short ton may be added to the maximum prices established by this Schedule to cover the cost of such baling and transportation, which additional amount must be listed as a separate item on the invoice. No such charge may be added in the event the broker or producer has not kept the records required by § 1347.4.

⁵"No. 1 Mixed Paper" shall consist of clean, dry, sorted and repacked wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$12.00 per short ton.

⁶"No. 1 News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers, and packed in bales or bundles: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper

may not be sold at a price in excess of \$13.00 per short ton.

⁸"Old Corrugated Containers" shall consist of clean, dry, sorted and repacked corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of \$18.00 per short ton.

¹⁰"Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles. If the bale contains more than 25% outthrows, the packing shall be designated "No. 1 Mixed Paper".

(b) The maximum delivered price for wastepaper shall not exceed the established point of shipment price set forth in (a) hereof, plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the lowest established transportation rate available for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer, an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

Haul	Per short ton
5 miles or less.....	\$.50
6 miles to 10 miles.....	.60
11 miles to 15 miles.....	.70
16 miles to 20 miles.....	.80
21 miles to 25 miles.....	.90
26 miles to 30 miles.....	1.00
31 miles to 35 miles.....	1.10
36 miles to 40 miles.....	1.20
41 miles to 45 miles.....	1.30
46 miles to 50 miles.....	1.40
51 miles to 55 miles.....	1.60
56 miles to 60 miles.....	1.60
61 miles to 65 miles.....	1.70
66 miles to 70 miles.....	1.80
71 miles to 75 miles.....	1.90
76 miles to 80 miles.....	2.00
81 miles to 85 miles.....	2.10
86 miles to 90 miles.....	2.20
91 miles to 95 miles.....	2.30
96 miles to 100 miles.....	2.40
101 miles to 105 miles.....	2.50
106 miles to 110 miles.....	2.60
111 miles to 115 miles.....	2.70
116 miles to 120 miles.....	2.80
121 miles to 125 miles.....	2.90
126 miles to 130 miles.....	3.00
131 miles to 135 miles.....	3.10
136 miles to 140 miles.....	3.20
141 miles to 145 miles.....	3.30
146 miles to 150 miles.....	3.40
151 miles to 155 miles.....	3.50
156 miles to 160 miles.....	3.60
161 miles to 165 miles.....	3.70
166 miles to 170 miles.....	3.80
171 miles to 175 miles.....	3.90
176 miles to 180 miles.....	4.00
181 miles to 185 miles.....	4.10
186 miles to 190 miles.....	4.20
191 miles to 195 miles.....	4.30
196 miles to 200 miles.....	4.40

Where the distance is greater than 200 miles from the point of shipment to the

¹ 6 F.R. 4822.

² 6 F.R. 5535.

³ 6 F.R. 5342, 5535, 6457; 7 F.R. 313.

consumer, such seller may add to the f. o. b. point of shipment price the actual charges for an identical shipment.

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the wastepaper, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.8 (e), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	Broker's allowance in percentage
Up to \$20.00.....	4
\$20.01 to \$30.00.....	5
\$30.01 to \$40.00.....	5½
\$40.01 to \$50.00.....	7
\$50.01 to \$60.00.....	8
\$60.01 to \$67.50.....	9

(2) The maximum prices established in Appendix A can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wastepaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in this Schedule.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Schedule are strictly complied with. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-948; Filed, February 2, 1942; 11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS
AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Paragraphs (c) and (j) of § 1347.59, paragraph (g) of § 1347.61,¹ paragraph (g) of § 1347.62,² and §§ 1347.63,³ 1347.64,⁴ and 1347.65 are hereby deleted;

Section 1347.51, § 1347.52, and paragraph (f) of § 1347.61 are hereby amended as set forth below:

§ 1347.51 *Maximum prices for paperboard.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no producer, and no agent or representative of a producer, shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains, shall be subject to this Schedule.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may, however, be charged, demanded, paid, or offered.

§ 1347.61 *Appendix A; maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.* * * *

(f) *Trimming.* For trimming sheets add \$1.00 per side per ton.

(E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 6 shall become effective February 3d, 1942. Issued this 2d day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-949; Filed, February 2, 1942; 11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS
AMENDMENTS NO. 2 TO PRICE SCHEDULE NO. 47—OLD RAGS

Section 1347.101, the headnote to § 1347.104, paragraphs (a) and (d) of §§ 1347.108, 1347.110, 1347.111, 1347.112

¹ 6 F.R. 5073.
² 6 F.R. 6799.
³ 6 F.R. 6802.
⁴ 6 F.R. 6799.
⁵ 6 F.R. 6307, 6740.

are hereby amended, and § 1347.104a is added as set forth below:

§ 1347.101 *Maximum prices for old rags.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, in the continental United States, no person shall sell, offer to sell, deliver, or transfer old rags, and no person shall buy, offer to buy, or accept delivery of old rags at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1347.110, 1347.111, and 1347.112.

§ 1347.104 *Records.*

§ 1347.104a *Reports—(a) By persons engaged in the selling or brokerage of old rags.* All persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall, on or before February 10, 1942, and on or before the 10th day of each month thereafter, file under oath a report on Form 147:2 setting forth (1) the tonnage of old rags covered by Appendices A and B and all other old rags delivered during the month preceding the month in which the report is filed, and (2) the net inventory of old rags covered by Appendices A and B and all other rags on hand at the end of such month.

On or before February 10, 1942, all persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall also file the monthly statement required above for each month during the period beginning December 1, 1939, and ending January 31, 1942.

(b) *By consumers of old rags.* On or before February 10, 1942, and for each succeeding month thereafter, all consumers of old rags required by § 1347.104 to keep records shall file under oath a report on Form 147:3 for the month preceding the filing of such report setting forth: (1) the total amount of old rags consumed during such month and (2) the inventory on hand at the end of such month.

On or before February 10, 1942, all consumers of old rags required by Section 1347.104 to keep records shall submit to the Office of Price Administration a tabulation of their total consumption and end-of-month inventories of old rags and new cuttings for each month for the period beginning December 1, 1939, and ending January 31, 1942. These reports, insofar as practicable, should be filed for separate manufacturing units and the figures should be allocated to the particular manufacturing unit to which they apply.

§ 1347.108 *Definitions.* When used in this Schedule the term:

(a) "Person" included an individual, partnership, association, corporation, or other business entity.

(d) "Broker" means any person who engages in the business of brokering or jobbing of old rags.

§ 1347.110 *Appendix A; maximum prices¹ for cotton rags.* (a) All prices

given below are per short ton F. O. B. point of shipment² for carload lots.³

Grades ⁴	Maximum Prices ⁵ for Old Cotton Rags
No. 1 Whites Repacked ⁶	\$76.00
No. 1 Whites Miscellaneous ⁷	64.00
Mixed Whites ⁸	63.00
No. 2 Whites Repacked ⁹	58.00
No. 2 Whites Miscellaneous ¹⁰	53.00
Twos & Blues Repacked ¹¹	44.00
Thirds & Blues Repacked ¹²	44.00
Thirds & Blues Miscellaneous ¹³	36.00
Satinet Garments ¹⁴	29.00
Old Blue Overalls Miscellaneous ¹⁵	50.00
No. 1 Laundry Bags ¹⁶	135.00
No. 2 Laundry Bags ¹⁷	100.00
No. 1 Old Manila Rope ¹⁸	115.00

¹Except as provided in Appendix C.
²Cotton rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of cotton rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f. o. b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

³For sales of less than carload lots of any or all of the grades of old cotton rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

⁴The highest quality of each grade of old cotton rags covered by this Schedule must be dry and free of rubber, leather wool, silk, wood, paper or muss, paint, grease, oil, and other foreign materials.

⁵All prices listed represent the maximum prices for each grade of old cotton rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of old cotton rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

⁶No. 1 Whites Repacked must contain clean white cotton rags, free of lace curtains, soiled rags, silk, rayon, wool or colored rags.

⁷No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored, silk, rayon, or wool rags.

⁸Mixed Whites shall be the same as No. 1 and No. 2 Whites Repacked except they shall contain a minimum of 30% No. 1 Whites Repacked.

⁹No. 2 Whites Repacked shall consist of soiled white cotton rags, free of dump rags, paint, greasy or oily rags, silk, rayon, wool, scorched rags, or other colored rags.

¹⁰No. 2 Whites Miscellaneous shall be the same as No. 2 Whites Repacked but may contain up to but not more than 25% of silk, rayon, or wool rags, or colored rags of any kind.

¹¹Twos and Blues Repacked shall be rags of strictly house collection, Mixed Whites, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, or wool.

¹²Thirds and Blues Repacked shall be the same as Twos and Blues Repacked except that Mixed Whites may be eliminated.

¹³Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of reds, blacks, browns, silks, rayons, or wool.

¹⁴Satinet Garments shall be classified as No. 2 Roofing Rags as defined in Appendix B.

¹⁵Old Blue Overalls Miscellaneous shall consist of only clean blue overalls and shall be free of miners' garments and stripped or skeleton garments.

¹⁶No. 1 Laundry Bags shall consist of clean, white, laundry bags free of all color.

¹⁷No. 2 Laundry Bags shall consist of soiled white, and off-color laundry bags and may contain laundry bags with colored stripes.

¹⁸No. 1 Old Manila Rope shall consist of Manila Rope and shall be free of grease, oil, tar, graphite, coal dust, paint, or unsound fiber.

(b) The maximum delivered price for cotton rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from Point of Shipment over Shortest Highway Route Available

	Per short ton
5 miles or less.....	.50¢
6 miles to 10 miles.....	.60
11 miles to 15 miles.....	.70
16 miles to 20 miles.....	.80
21 miles to 25 miles.....	.90
26 miles to 30 miles.....	\$1.00
31 miles to 35 miles.....	1.10
36 miles to 40 miles.....	1.20
41 miles to 45 miles.....	1.30
46 miles to 50 miles.....	1.40
51 miles to 55 miles.....	1.50
56 miles to 60 miles.....	1.60
61 miles to 65 miles.....	1.70
66 miles to 70 miles.....	1.80
71 miles to 75 miles.....	1.90
76 miles to 80 miles.....	2.00
81 miles to 85 miles.....	2.10
86 miles to 90 miles.....	2.20
91 miles to 95 miles.....	2.30
96 miles to 100 miles.....	2.40
101 miles to 105 miles.....	2.50
106 miles to 110 miles.....	2.60
111 miles to 115 miles.....	2.70
116 miles to 120 miles.....	2.80
121 miles to 125 miles.....	2.90
126 miles to 130 miles.....	3.00
131 miles to 135 miles.....	3.10
136 miles to 140 miles.....	3.20
141 miles to 145 miles.....	3.30
146 miles to 150 miles.....	3.40
151 miles to 155 miles.....	3.50
156 miles to 160 miles.....	3.60
161 miles to 165 miles.....	3.70
166 miles to 170 miles.....	3.80
171 miles to 175 miles.....	3.90
176 miles to 180 miles.....	4.00
181 miles to 185 miles.....	4.10
186 miles to 190 miles.....	4.20
191 miles to 195 miles.....	4.30
196 miles to 200 miles.....	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual

transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags and if delivered in the seller's vehicle, or by private carrier not owned or controlled by the buyer, the mileage and charge for such delivery.

§ 1347.111 *Appendix B; maximum prices¹ for roofing rags.* All prices given below are per short ton f. o. b. point of shipment² for carload lots.³

Grades ⁴	Maximum prices ⁵ for roofing rags
No. 1 Roofing Rags ⁶	\$31.00
No. 1—Seams and Cloth Strippings from Garments ⁷	31.00
No. 2 Roofing Rags ⁸	29.00
No. 3 Jute Bagging ⁹	27.00
No. 4 Brussels and Hard Back Carpets ¹⁰	27.00
No. 5 Roofing Rags: ¹¹	
Quality A.....	27.00
Quality B.....	24.00
Quality C.....	19.00

¹Except as provided in Appendix C.

²Roofing rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of roofing rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f.o.b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

³For sales of less than carload lots of any or all of the grades of roofing rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

⁴The highest quality of each grade of roofing rags covered by this Schedule shall be free of rubbish, shoe cuttings, felt boots, hats, corsets, suspenders, oil cloth, matting, leather, rubber, rope, mackintosh clippings, pasted stock, wool dust, wood, stones, metal of all kinds, tin cans, glass, ashes, bones, excelsior, oily rags, canvas, sisal, packers, fertilizer and charcoal bags, coal and cement sacks; chemical, salt, lime and plaster bags; silk rags and silk stockings, rayon, buffing wheels, rubberized cloth, auto curtains, auto cushions, dirt, felt punchings, and trimmings, window shades, cement sacks, jute waste, jute droppings, carpet waste, soft strings, cotton and/or wool filled mattresses or quilts, buckram, and all other foreign materials.

⁵All prices listed represent the maximum prices for each grade of roofing rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of the roofing rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

⁶No. 1 Roofing Rags shall consist of soft rags all containing a percentage of wool; and also Satinet garments, including men's coats, pants, vests, mixed linings, women's coats,

sacks and cloth skirts, all of which contain a portion of wool fibre, and shall be free of overalls, khaki, canvas, duck, quilts, seams, and strippings or similar materials.

⁷No. 1 S.—Seams and Cloth Strippings from garments shall consist of seams and cloth strippings from garments and Satinet garments.

⁸No. 2 Roofing Rags shall consist of cotton rags, large and small cotton rags, linings, rag carpets, print rags and stockings, and shall be free of silk rags, rayon, wood and fibre rags.

⁹No. 3 Jute Bagging shall consist of jute bagging and shall be free of fertilizer, charcoal, coal, cement, chemicals of all kinds, lime plaster, salt, jute waste, jute droppings, and bagging with asphalted kraft attached.

¹⁰No. 4 Brussels and Hard Back Carpets shall consist of brussels, hard back carpets, upholstery cuttings and plush cuttings.

¹¹No. 5 Roofing Rags—Quality A.—Shall consist of tailor rags and shall be free of rubbish and paper.

Quality B. Shall consist of tailor rags and shall contain not more than 10% paper.

Quality C. Shall consist of tailor rags and shall contain at least 10% but not more than 50% paper.

(b) The maximum delivered price for roofing rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by any private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less.....	.50¢
6 miles to 10 miles.....	.60
11 miles to 15 miles.....	.70
16 miles to 20 miles.....	.80
21 miles to 25 miles.....	.90
26 miles to 30 miles.....	\$1.00
31 miles to 35 miles.....	1.10
36 miles to 40 miles.....	1.20
41 miles to 45 miles.....	1.30
46 miles to 50 miles.....	1.40
51 miles to 55 miles.....	1.50
56 miles to 60 miles.....	1.60
61 miles to 65 miles.....	1.70
66 miles to 70 miles.....	1.80
71 miles to 75 miles.....	1.90
76 miles to 80 miles.....	2.00
81 miles to 85 miles.....	2.10
86 miles to 90 miles.....	2.20
91 miles to 95 miles.....	2.30
96 miles to 100 miles.....	2.40
101 miles to 105 miles.....	2.50
106 miles to 110 miles.....	2.60
111 miles to 115 miles.....	2.70
116 miles to 120 miles.....	2.80
121 miles to 125 miles.....	2.90
126 miles to 130 miles.....	3.00
131 miles to 135 miles.....	3.10
136 miles to 140 miles.....	3.20
141 miles to 145 miles.....	3.30
146 miles to 150 miles.....	3.40
151 miles to 155 miles.....	3.50
156 miles to 160 miles.....	3.60
161 miles to 165 miles.....	3.70
166 miles to 170 miles.....	3.80
171 miles to 175 miles.....	3.90
176 miles to 180 miles.....	4.00
181 miles to 185 miles.....	4.10
186 miles to 190 miles.....	4.20
191 miles to 195 miles.....	4.30
196 miles to 200 miles.....	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) *Maximum prices for rags used in the manufacture of roofing materials and not listed in paragraph (a) above.* (1) For any grade of such rags sold during the period from October 1 to October 15, 1941, the maximum price shall be the highest price per ton charged by the seller during the period beginning October 1 and ending October 15, 1941: *Provided, however,* That such maximum price shall not be in excess of \$31.00 per short ton.

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from October 1 to October 15, 1941, was on a delivered basis, the maximum price under this Schedule shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

(2) For any grade of such rags not sold during the period from October 1 to October 15, 1941, prices in excess of \$19.00 per short ton shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the seller shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades sold since October 1, 1940.

§ 1347.112 *Appendix C; maximum broker's allowance.* (a) (1) In the event that a consumer shall purchase rags through a broker, as defined in § 1347.108 (d) hereof, such consumer may pay not more than the maximum price herein and an allowance to the broker not to exceed the brokerage allowances established in paragraph (b) below.

(2) The maximum prices established in Appendices A and B can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, provided the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of rags purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made to the consumer by or through the broker.

(iii) The rags sold by the broker to the consumer have been commercially sorted and baled by a person other than the broker: *Provided,* That in the event a transaction complying with all other requirements of this schedule involves rags sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of rags sorted and baled by such other person.

(iv) The broker guarantees the merchantable quality of the rags.

(v) The broker's allowance in such transaction is shown as a separate item in the billing or invoice. This billing or invoice shall contain a statement that the rags covered have not been packed by the jobber and that the charges are not in excess of those established by this Schedule.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Schedule are strictly complied with.

(b) * * *

Price for grade of rags sold:	Broker's allowance per ton
Up to \$31.00.....	\$1.00
\$31.01 to \$53.00.....	1.50
\$53.01 to \$76.00.....	2.00
\$76.01 to \$115.00.....	3.00
\$115.01 to \$135.00.....	3.50

(Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 2 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-950; Filed, February 2, 1942; 11:52 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS
AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 50²—GREEN COFFEE

Paragraphs (b), (d), (e), and (g) of § 1351.1 are hereby amended to read as follows:

1351.1 *Maximum prices for green coffee.*

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to opening of business on December 8, 1941, must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required either at the port of entry or in a secondary market, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the

² 6 F.R. 6374, 6432, 6803; 7 F.R. 41.

maximum prices, provided such commissions have been actually paid.

(d) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(e) For any green coffee sold ex warehouse, rather than ex dock New York City or other port of entry, the cost of actually "putting the coffee into the warehouse" as defined in § 1351.7, may be added by the seller who incurred the cost.

(g) Any person making sales of green coffee in lots of twenty-five bags or less may add to the maximum prices specified above an amount not in excess of 7½ per cent of the comparable selling price of lots of more than twenty-five bags. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 4 shall become effective January 31, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-918; Filed, January 31, 1942;
12:50 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

CORRECTION TO AMENDMENTS NOS. 2¹ AND 3² TO PRICE SCHEDULE NO. 58³—WOOL AND WOOL TOPS AND YARNS

In Amendment No. 2 to Price Schedule No. 58 it was erroneously stated that a new paragraph (d) was added to § 1354.1. That amendment added a new paragraph (e); paragraph (d) remained unaffected. Similarly in Amendment No. 3 paragraph (e) of § 1354.1 rather than paragraph (d) should have been amended.

This correction shall be effective as of the effective dates of Amendments Nos. 2 and 3 to Price Schedule No. 58.

Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-871; Filed, January 30, 1942;
5:11 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

PRICE SCHEDULE NO. 85—NEW PASSENGER AUTOMOBILES

The complete diversion of automobile manufacturing facilities to war work has brought the production of passenger automobiles to an end. Rationing Order No. 2 of the Office of Price Administration restricts the sale of new automobiles to those persons who can show a need

related to the public interest. This Schedule establishes maximum wholesale and retail prices for new passenger automobiles as a measure of coordination with the rationing program.

Prices announced by automobile manufacturers at the beginning of the 1942 model year represented an average advance of 14% over 1941 prices. At the request of the Office of Price Administration, each manufacturer agreed not to change the announced prices without prior consultation with the Office. This Schedule serves to formalize that agreement.

An investigation undertaken by the Office of Price Administration with respect to retail prices showed a general upward trend although there was a wide variation in prices among dealers. The rise in price had been effected not by an increase in the list price but by means of an advance in charges for handling and delivery for services to be rendered after delivery, and for transportation. This Schedule fixes the maximum amount which may be charged at retail, based on the list price established by the manufacturer, and the maximum charges which may be added for transportation and handling and delivery.

Because dealers and manufacturers may be obliged to carry their inventories over an abnormally long period due to the rationing program, the prices established are subject to monthly adjustment upward to compensate for the added burden.

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

§ 1360.51 *Maximum wholesale prices for new passenger automobiles.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer, distributor, or exporter of new passenger automobiles shall sell, offer to sell, deliver or transfer a new passenger automobile to any person at a price higher than the maximum price. The maximum price shall be the highest price prevailing for the same make and model between October 1, 1941 and October 15, 1941, for the same class of purchaser, except that, in the case of the Packard Motor Car Company and the Crosley Corporation the maximum price shall be the highest price prevailing on the effective date of this Schedule.

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

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile by the manufacturer, distributor, or exporter.*

* §§ 1360.51 to 1360.61, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

1360.52 *Maximum retail price for new passenger automobiles.* On and

after February 2, 1942, regardless of the terms of any contract of sale, or other commitment, no person shall sell, offer to sell, deliver or transfer a new passenger automobile with standard equipment as of October 15, 1941, at retail, at a price higher than the maximum retail price for the automobile, which shall be the sum of the following items:

(a) The manufacturer's list price at the factory for the automobile with standard equipment as of October 15, 1941, as shown for each make and model of automobile in Appendix A hereof, incorporated herein as § 1360.61.

(1) If the automobile is without equipment which was standard on October 15, 1941, the list price shall be reduced by the retail value of the equipment removed.

(b) The Federal Excise Tax.

(c) An allowance for transportation which shall not exceed the actual rail freight charge for the transportation of the automobile from the factory to dealer at carload rate.

(d) An allowance of 5% of (a) and (c) above, or \$75.00, whichever is lower, which includes the charge for handling and delivery, for which the dealer shall render all of the services customarily performed in order to prepare the automobile for delivery to the purchaser and all of the factory recommended get-ready and delivery operations.

(e) An amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile to the purchaser.*

§ 1360.53 *Less than maximum prices.* Lower prices than those set forth above may be charged, demanded, paid or offered.*

§ 1360.54 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with the sale, delivery or transfer of a new passenger automobile, alone or in conjunction with any other consideration or by way of any commission, charge for transportation, for equipment, for handling or delivery services, or by the removal of parts or equipment from an automobile.

(b) No buyer of a new passenger automobile shall be required, as a condition of the sale, to agree to purchase any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services. The price demanded for any such equipment or services shall be separately listed on the invoice or bill of sale given to the buyer, and on any price tag, display sign, or other advertising used by the dealer in connection with the sale or display of a new passenger automobile.

The State and local taxes imposed on the transaction and payable by the buyer, and the charge imposed under § 1360.52 (e) hereof, shall also be separately listed on the invoice or bill of sale.

Nor shall any buyer of a new passenger automobile be required, as a condition of the sale of a new passenger automobile, to agree to make payment over a period of time, nor to finance the purchase of

¹ 7 F.R. 399.

² 7 F.R. 400.

³ 6 F.R. 6551, 7 F.R. 226, 399, 400, 446, 624.

the automobile through any lending agency, nor to agree to a transfer to the seller of a used car, in part payment of the purchase price.*

§ 1360.55 *Records and reports.* (a) Within twenty days of the effective date of this Schedule, each manufacturer shall file with the Office of Price Administration a list of standard equipment as of October 15, 1941, for each make and model of passenger automobile manufactured by him.

(b) Every manufacturer, distributor, or exporter of, or retail dealer in, new passenger automobiles after the effective date of this Schedule shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each sale of a new passenger automobile, showing the date thereof, the make and model, the name and address of the buyer, the price paid, and the make, model, model year, and valuation of any automobile which may be accepted in part payment of the purchase price, and any other consideration which may be accepted in payment of the price of the new passenger automobile.

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

§ 1360.56 *Notices to be posted.* Every retail dealer in new passenger automobiles shall post in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 inches by 24 inches in size which shall set forth in legible fashion the following:

(a) Section 1360.52 in its entirety;

(b) The make and model of each new passenger automobile offered for sale, accompanied by a break-down of the maximum retail price for the automobile, as specified in paragraphs (a) through (e) inclusive of § 1360.52 and the actual price charged for the automobile;

(c) A statement that lower prices may legally be charged or demanded;

(d) A statement that no buyer is required, as a condition of sale of a new passenger automobile, to agree to buy any equipment other than standard equipment as defined by the manufacturer, or any after delivery services, or to agree to make payment over a period of time or to finance the purchase of the automobile through any lending agency or to agree to the sale of a used car in payment of the purchase price.*

§ 1360.57 *Enforcement.* In the event of refusal or failure to abide by the provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from purchasing from those persons who fail to comply

with this Schedule. Persons who have evidence of the offer, receipt, or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, are urged to communicate with the Office of Price Administration.*

§ 1360.58 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1360.59 *Definitions.* When used in this Schedule, the term:

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

(b) "Retail dealer" means any person engaged in the business of offering automobiles for sale to the public;

(c) "Manufacturer" means any person who manufactures passenger automobiles for sale to distributors or retail dealers.

(d) "Distributor" means any person, other than a manufacturer, who sells new passenger automobiles to retail dealers.

(e) "Exporter" means any person who is directly or indirectly engaged in the business of dealing in automobiles which are ultimately sold to a person in a foreign country.

(f) "List price" means the suggested retail price established by each manufacturer without any charge added thereto on account of transportation, the Federal Excise tax, or handling and delivery. These prices appear in Appendix A hereof and are incorporated herein as § 1360.62.

(g) "New passenger automobile" means a 1942 model automobile.

(h) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.*

§ 1360.60 *Effective date of this Schedule.* This Schedule shall become effective February 2, 1942.

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

§ 1360.61 *Appendix A; List prices of new passenger automobiles.*

Make and model	List price 1942 models
BUICK	
40 Special—118:	
Utility Coupe.....	\$990.00
2-Door Business Sedan.....	1,010.00
2-Door Family Sedan.....	1,045.00
Convertible Coupe.....	1,260.00
4-Door Touring Sedan.....	1,080.00
40 Special—121:	
2-Door Business Sedan.....	1,020.00
2-Door Family Sedan.....	1,075.00
4-Door Touring Sedan.....	1,120.00
Estate Wagon.....	1,450.00
40 Special SE:	
2-Door Family Sedan.....	1,130.00
4-Door Touring Sedan.....	1,200.00
50 Super:	
2-Door Sedan.....	1,230.00
Convertible Coupe.....	1,450.00
4-Door Touring Sedan.....	1,280.00

Make and model	List price 1942 models
BUICK—continued	
60 Century:	
2-Door Sedan.....	1,300.00
4-Door Touring Sedan.....	1,350.00
70 Roadmaster:	
2-Door Sedan.....	1,395.00
Convertible Coupe.....	1,675.00
4-Door Touring Sedan.....	1,465.00
90 Limited:	
4-Door 6 P Touring Sedan.....	2,245.00
4-Door 8 P Touring Sedan.....	2,445.00
4-Door Formal Sedan.....	2,395.00
4-Door Limousine.....	2,545.00
CADILLAC	
Series—61:	
Sport Coupe.....	1,450.00
4-Door Sedan.....	1,530.00
Series—62:	
Sport Coupe.....	1,545.00
4-Door Sedan (4 Window).....	1,630.00
Series—62 Deluxe:	
Sport Coupe.....	1,630.00
Convertible Coupe.....	1,880.00
4-Door Sedan (4 Window).....	1,705.00
Series—63:	
4-Door Sedan.....	1,745.00
Series—60 Special:	
4-Door Sedan (4 Window).....	2,265.00
Sedan with Division.....	2,415.00
Series—67:	
4-Door Sedan.....	2,700.00
8-Pass. Sedan.....	2,845.00
Sedan with Division.....	2,845.00
Imperial Sedan.....	2,995.00
Series—75:	
4-Door Sedan.....	3,080.00
8-Pass. Sedan.....	3,230.00
5-Pass. Formal Sedan.....	4,060.00
7-Pass. Formal Sedan.....	4,205.00
Sedan with Division.....	3,230.00
Imperial Sedan.....	3,375.00
9-Pass. Bus. Sedan.....	2,935.00
9-Pass. Bus. Imperial Sedan.....	3,080.00
CHEVROLET	
Stylmaster:	
Business Coupe.....	760.00
5 Passenger Coupe.....	790.00
Town Sedan.....	800.00
Sport Sedan.....	840.00
Coupe Pickup.....	800.00
Fleetmaster:	
Business Coupe.....	815.00
5 Passenger Coupe.....	845.00
Cabriolet.....	1,080.00
Town Sedan.....	855.00
Fleetline Aero Sedan (New).....	830.00
Sport Sedan.....	895.00
Fleetline Sportmaster Sedan.....	920.00
Station Wagon.....	1,095.00
CHRYSLER	
Model No. C-34 S:	
4-Door Sedan.....	1,177.00
2-Door Sedan.....	1,154.00
Town Sedan.....	1,222.00
Sedan 7-Passenger.....	1,535.00
Limousine.....	1,605.00
Club Coupe.....	1,168.00
Coupe 3-Passenger.....	1,075.00
Model No. C-34 C:	
4-Door Sedan.....	1,255.00
2-Door Sedan.....	1,220.00
Town Sedan.....	1,295.00
Sedan 7-Passenger.....	1,605.00
Limousine.....	1,685.00
Club Coupe.....	1,228.00
Convertible Coupe.....	1,420.00
Coupe 3-Passenger.....	1,140.00
Station Wagon 6-Passenger.....	1,595.00
Station Wagon 9-Passenger.....	1,685.00
Model No. C-36 K:	
4-Door Sedan.....	1,405.00
2-Door Sedan.....	1,365.00
Town Sedan.....	1,450.00
Club Coupe.....	1,380.00
Coupe 3-Passenger.....	1,325.00

Make and model	List price 1942	Make and model	List price 1942	Make and model	List price 1942
CHRYSLER—continued		HUDSON		NASH	
Model No. C-36 N:		Six:		4-Door Sedan.....	1,045.00
4-Door Sedan.....	1,475.00	3-Passenger Coupe.....	828.00	4-Door Town Sedan.....	1,045.00
2-Door Sedan.....	1,440.00	Club Coupe.....	897.00	Station Wagon.....	1,320.00
Town Sedan.....	1,520.00	2-Door Sedan.....	877.50	"76"—6:	
Club Coupe.....	1,450.00	4-Door Sedan.....	904.50	2-Door Club Sedan.....	1,010.00
Convertible Coupe.....	1,640.00	Six—Deluxe:		4-Door Sedan.....	1,065.00
Coupe 3-Passenger.....	1,385.00	3-Passenger Coupe.....	918.00	"76D"—6:	
CROSLLEY		Club Coupe.....	987.00	2-Door Club Sedan.....	1,095.00
Convertible Coupe.....	412.50	2-Door Sedan.....	945.50	4-Door Sedan.....	1,150.00
Convertible Sedan.....	467.50	4-Door Sedan.....	977.50	"78"—8:	
Deluxe Sedan.....	515.90	Convertible Sedan.....	1,212.00	2-Door Club Sedan.....	1,050.00
Station Wagon.....	581.90	Six—super:		4-Door Sedan.....	1,105.00
DE SOTO		3-Passenger Coupe.....	1,036.00	"78D"—8:	
Model No. S-10 S:		Club Coupe.....	1,090.00	2-Door Club Sedan.....	1,135.00
4-Door Sedan.....	1,103.00	2-Door Sedan.....	1,064.50	4-Door Sedan.....	1,190.00
2-Door Sedan.....	1,075.00	4-Door Sedan.....	1,092.50	"98"—8:	
Town Sedan.....	1,147.00	Convertible Sedan.....	1,332.00	Club Coupe.....	1,220.00
Sedan 7-Passenger.....	1,455.00	Station Wagon.....	1,412.00	Convertible Coupe.....	1,450.00
Club Coupe.....	1,092.00	Six—Commodore:		4-Door Sedan.....	1,275.00
Coupe 3-Passenger.....	1,010.00	3-Passenger Coupe.....	1,115.00	PACKARD	
Model No. S-10 C:		Club Coupe.....	1,175.00	Six—Series 2000:	
4-Door Sedan.....	1,152.00	2-Door Sedan.....	1,152.50	Special:	
2-Door Sedan.....	1,142.00	4-Door Sedan.....	1,181.50	1588 Business Coupe.....	1,166.00
Town Sedan.....	1,196.00	Convertible Sedan.....	1,402.00	1585 Club Sedan.....	1,199.00
Sedan 7-Passenger.....	1,504.00	Eight—Commodore:		1582 Touring Sedan.....	1,232.00
Limousine.....	1,580.00	3-Passenger Coupe.....	1,156.00	Custom:	
Club Coupe.....	1,142.00	Club Coupe.....	1,215.00	1505 Club Sedan.....	1,266.00
Convertible Coupe.....	1,317.00	2-Door Sedan.....	1,186.50	1502 Touring Sedan.....	1,299.00
Coupe 3-Passenger.....	1,046.00	4-Door Sedan.....	1,223.50	1589 Convertible.....	1,375.00
DODGE		Convertible Sedan.....	1,451.00	Eight—Series 2001:	
Model No. D-22 S:		Eight—Commodore—Custom:		Special:	
4-Door Sedan.....	998.00	Club Coupe.....	1,311.00	1598 Business Coupe.....	1,208.00
2-Door Sedan.....	958.00	4-Door Sedan.....	1,429.50	1595 Club Sedan.....	1,241.00
Club Coupe.....	995.00	LINCOLN		1592 Touring Sedan.....	1,275.00
Coupe 3-Passenger.....	895.00	Lincoln-Zephyr:		Custom:	
Model No. D-22 G:		3-Passenger Coupe.....	1,650.00	1515 Club Sedan.....	1,308.00
4-Door Sedan.....	1,048.00	Convertible Coupe.....	2,150.00	1512 Touring Sedan.....	1,341.00
2-Door Sedan.....	1,008.00	Club Coupe.....	1,700.00	1599 Convertible Coupe.....	1,469.00
Town Sedan.....	1,105.00	4-Door Sedan.....	1,700.00	Eight—Series 2003:	
Sedan 7-Passenger.....	1,395.00	Lincoln-Zephyr (Custom):		1575 Club Sedan.....	1,630.00
Limousine.....	1,475.00	3-Passenger Coupe.....	1,735.00	1572 Touring Sedan.....	1,688.00
Club Coupe.....	1,045.00	4-Door Sedan.....	1,795.00	1579 Convertible Coupe.....	1,786.00
Convertible Coupe.....	1,245.00	Club Coupe.....	1,795.00	Eight—Series 2004:	
FORD		Lincoln-Continental:		1562 Touring Sedan.....	1,893.00
Special Six:		Coupe.....	3,000.00	Eight—Series 2005:	
Coupe.....	780.00	4-Door Cabriolet Sedan.....	3,000.00	1571 Touring Sedan.....	2,034.00
Tudor Sedan.....	815.00	Lincoln-Custom:		1570 Touring Limo.....	2,150.00
Fordor Sedan.....	850.00	4-Door 3-Passenger Sedan.....	2,950.00	1591 Business Sedan.....	1,888.00
Deluxe Six:		4-Door Limousine.....	3,075.00	1690 Business Limo.....	2,010.00
2-Passenger Coupe.....	805.00	NASH		Eight—Series 2006:	
Tudor Sedan.....	840.00	Ambassador—600:		1525 Club Sedan.....	2,099.00
Fordor Sedan.....	875.00	Torpedo 4-Door Sedan.....	918.00	1522 Touring Sedan.....	2,196.00
Sedan Coupe.....	865.00	Brougham.....	883.00	1529 Darrin Conv. Vlc.....	4,519.00
Station Wagon.....	1,035.00	Business Coupe.....	843.00	Eight—Series 2007:	
Super Deluxe Six:		2-Door Sedan.....	873.00	1532 Formal Sedan.....	3,011.00
Coupe.....	850.00	Fast Back 4-Door Sedan.....	893.00	1542 Touring Sedan.....	2,440.00
Tudor Sedan.....	885.00	Ambassador—six:		894 Rollson Cabr. A. W.....	4,792.00
Fordor Sedan.....	920.00	Torpedo 4-Door Sedan.....	1,069.00	Eight—Series 2008:	
Sedan Coupe.....	910.00	Brougham.....	1,034.00	1551 Touring Sedan.....	2,523.00
Convertible Coupe.....	1,070.00	Business Coupe.....	994.00	1550 Touring Limo.....	2,645.00
Station Wagon.....	1,115.00	Fast Back 4-Door Sedan.....	1,044.00	895 Rollson Town Car A. W.....	4,880.00
Deluxe Eight:		2-Door Sedan.....	1,024.00	1521 LeBaron Sedan.....	5,440.00
2-Passenger Coupe.....	815.00	Ambassador—eight:		1520 LeBaron Limo.....	5,690.00
Tudor Sedan.....	850.00	Torpedo 4-Door Sedan.....	1,119.00	PLYMOUTH	
Fordor Sedan.....	885.00	Brougham.....	1,084.00	Model No. P-14 S:	
Station Wagon.....	1,090.00	Fast Back 4-Door Sedan.....	1,094.00	4-Door Sedan.....	889.00
Sedan Coupe.....	875.00	Oldsmobile		2-Door Sedan.....	850.00
Super Deluxe Eight:		"66"—6:		Utility Sedan.....	842.00
2-Passenger Coupe.....	860.00	Business Coupe.....	915.00	Club Coupe.....	855.00
Sedan Coupe.....	920.00	Club Coupe.....	955.00	Coupe—3 Passenger.....	812.00
Convertible Coupe.....	1,080.00	Convertible Coupe.....	1,185.00	Model No. P-14 C:	
Tudor Sedan.....	895.00	2-Door Club Sedan.....	970.00	4-Door Sedan.....	935.00
Fordor Sedan.....	930.00	2-Door Sedan.....	960.00	2-Door Sedan.....	895.00
Station Wagon.....	1,125.00	4-Door Sedan.....	1,005.00	Town Sedan.....	980.00
Mercury:		4-Door Town Sedan.....	1,005.00	Club Coupe.....	928.00
2 door sedan.....	1,030.00	Station Wagon.....	1,280.00	Convertible Coupe.....	1,078.00
4 door sedan—Town.....	1,065.00	"68"—8:		Coupe—3 Passenger.....	855.00
Sedan Coupe.....	1,055.00	Business Coupe.....	955.00	Station Wagon.....	1,145.00
Coupe (5 Window).....	995.00	Club Coupe.....	995.00	PONTIAC	
Club Convertible.....	1,215.00	Convertible Coupe.....	1,225.00	Torpedo Six:	
Station Wagon.....	1,260.00	2-Door Club Sedan.....	1,010.00	Business Coupe.....	895.00
		2-Door Sedan.....	1,000.00	Sport Coupe.....	935.00

Make and model	List price 1942 models
PONTIAC—continued	
Convertible Coupe.....	1,165.00
Sedan Coupe.....	950.00
2-Door Sedan.....	940.00
4-Door Sedan.....	985.00
4-Door Sedan—Metropolitan.....	985.00
Streamliner Six:	
4-Door Sedan.....	1,035.00
Sedan Coupe.....	980.00
Station Wagon.....	1,265.00
Streamliner Chieftain Six:	
Sedan Coupe.....	1,030.00
4-Door Sedan.....	1,085.00
Station Wagon.....	1,315.00
Torpedo Eight:	
Business Coupe.....	920.00
Sport Coupe.....	960.00
Convertible Coupe.....	1,190.00
Sedan Coupe.....	975.00
2-Door Sedan.....	965.00
4-Door Sedan.....	1,010.00
4-Door Sedan—Metropolitan.....	1,010.00
Streamliner Eight:	
Sedan Coupe.....	1,005.00
4-Door Sedan.....	1,060.00
Station Wagon.....	1,290.00
Streamliner Chieftain:	
Sedan Coupe.....	1,055.00
4-Door Sedan.....	1,110.00
Station Wagon.....	1,340.00
STUDEBAKER	
Custom Champion:	
Cruising Sedan.....	804.00
Club Sedan.....	774.00
Coupe.....	744.00
Double Dater Coupe.....	769.00
Deluxstyle Champion:	
Cruising Sedan.....	839.00
Club Sedan.....	809.00
Coupe.....	779.00
Double Dater Coupe.....	804.00
Custom Commander:	
Cruising Sedan.....	1,044.75
Land Cruiser.....	1,079.75
Sedan Coupe.....	1,024.75
Deluxstyle Commander:	
Cruising Sedan.....	1,089.75
Land Cruiser.....	1,124.75
Sedan Coupe.....	1,069.75
Skyway Commander:	
Cruising Sedan.....	1,124.75
Land Cruiser.....	1,159.75
Sedan Coupe.....	1,104.75
Custom President:	
Cruising Sedan.....	1,161.00
Land Cruiser.....	1,196.00
Sedan Coupe.....	1,141.00
Deluxstyle President:	
Cruising Sedan.....	1,208.00
Land Cruiser.....	1,241.00
Sedan Coupe.....	1,186.00
Skyway President:	
Cruising Sedan.....	1,241.00
Land Cruiser.....	1,276.00
Sedan Coupe.....	1,221.00
WILLYS-OVERLAND	
Coupe—Speedway.....	695.00
Sedan—Speedway.....	745.00
Coupe—Deluxe.....	769.00
Sedan—Deluxe.....	795.00
Coupe—Plainsman.....	819.00
Sedan—Plainsman.....	845.00
Station-Wagon.....	978.00

[F. R. Doc. 42-919; Filed, January 31, 1942; 12:49 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

RATIONING ORDER NO. 2

New Passenger Automobiles

Under the authority vested in me by Directive No. 1 issued by the Chairman of

the War Production Board, it is hereby directed that:

§ 1360.101 *Restriction of transfers of new passenger automobiles.* On and after February 2, 1942 regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer, of a new passenger automobile, except as provided in §§ 1360.102 and 1360.103 of this Order, (§§ 1360.101 to 1360.110, inclusive).*

*§§ 1360.101 to 1360.110, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 917, 4483; W.P.B. Directive No. 1, 7 F.R. 562.

§ 1360.102 *Persons eligible to acquire new passenger automobiles by transfers with certificates issued by Local Rationing Boards.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he makes application before February 26, 1941, and produces before the Board:

(a) A certificate of title or registration for the automobile, in the purchaser's name, issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles; or

(b) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that the purchaser's application for such certificate of title or registration for the automobile had been received by such agency on or before January 1, 1942, which written statement must be accompanied by a certified copy of such application; or

(c) Satisfactory evidence showing compliance with the requirements of subparagraphs (1), (2), and (3):

(1) A written contract, bill of sale, or other writing referring to the automobile claimed by the applicant, executed during the period July 1, 1941—January 1, 1942, inclusive; and

(2) One or more of the following:

(i) A check for the full purchase price of the automobile, or for a part of the purchase price in the sum of \$25 or more, payable to the seller, dated on or before January 1, 1942, and bearing marks showing its deposit by the seller in a bank on or before January 2, 1942; or

(ii) The original bound or serially-numbered receipt book, journal or order book, regularly used by the seller, showing a credit entered by the seller on or before January 1, 1941, for the full purchase price of the automobile, or for a part of the purchase price, or for a used car traded in as the full or part purchase price of the new passenger automobile; or

(iii) A certificate of title or registration issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles, showing a transfer of title from the applicant to the seller of the new passenger automobile, of a used automobile; or

(iv) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that, on or before January 1, 1942, application had been received to transfer the certificate of title or registration for a used automobile from the applicant to the seller of the new automobile, which written statement must be accompanied by a certified copy of such application;

Provided, That the Board shall be satisfied, by statements of seller and applicant, or other evidence, that the check for all or part of the purchase price, the used car traded in, or the business entry for all or part of the purchase price or for the traded-in car, was part of the transaction of purchasing the new passenger automobile for which a certificate is sought.

(3) Either of the following:

(i) Proof that, on or before January 1, 1942, an automobile which answers the description in the contract, bill of sale, or other writing required by subparagraph (1) of paragraph (c), and which is the automobile claimed by the applicant, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor; or

(ii) In the case of a specially ordered automobile which answers the description in the contract or bill of sale and which is the automobile claimed by the applicant, which automobile varies from standard construction and specifications (in respects other than variations in color, lettering, accessories, and optional equipment), proof that such automobile, on or before January 15, 1942, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.*

§ 1360.103 *Persons eligible to acquire new passenger automobiles by transfer without certificates.* The following persons are eligible, without a certificate, to acquire a new passenger automobile, but cannot transfer such automobile except in accordance with the provisions of this Order (§§ 1360.101 to 1360.110, inclusive), and the regulations applicable to it:

(a) Any person authorized to receive a transfer on behalf of:

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

(2) Government agencies or other persons acquiring new passenger automobiles for export to and consumption or use in any foreign country:

Provided, That, after the War Production Board establishes a system of permits for such persons, only persons identifying themselves by such permits are eligible under this paragraph (a).

(b) A dealer, manufacturer, distributor, or the Reconstruction Finance Corporation.

(c) A person who in good faith lends money on the security of, or finances the sale of, a new passenger automobile.

(d) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing on default.

(e) A person acquiring the automobile through a transfer by will or intestacy, or a transfer by operation of law to a trustee or receiver in bankruptcy, insolvency, or receivership.*

§ 1360.104 *Records.* All persons affected by this Order (§§ 1360.101 to 1360.110, inclusive), shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new passenger automobiles. In addition dealers in automobiles shall keep for the same period such copies of Forms as are required to be retained by them by the terms of this Order.*

§ 1360.105 *Reports.* Persons affected by this Order (§§ 1360.101 to 1360.110, inclusive) shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.106 *Administration*—(a) *Personnel.* This Order (§§ 1360.101 to 1360.110, inclusive) shall be administered by the Local Tire Rationing Boards, the Local Tire Rationing Administrator and the State Tire Rationing Administrator, established by Rationing Regulation No. 1, pursuant to Supplementary Order No. M-15-c¹ of the Office of Production Management, and Tire Rationing Regulations,² issued December 30, 1941, by the Office of Price Administration, pursuant to the same Order.

(b) *Designation.* After the effective date of this Order (§§ 1360.101 to 1360.110, inclusive) these boards and administrators shall be called respectively the Local Rationing Boards, the Local Rationing Administrator, and the State Rationing Administrators, and shall continue to be organized as provided in the above Rationing Regulations set forth in paragraph (a), except as provided in paragraph (c) of this section.

(c) *Jurisdiction of Boards.* For purposes of this Order each Local Rationing Board shall have jurisdiction over every person applying for a vehicle which is to be garaged or normally stationed in the area which the Board is designated to serve.*

§ 1360.107 *Violations.* Any person who violates any provision of this Order (§§ 1360.101 to 1360.110, inclusive), who, by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of this Order, or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 A of the Criminal Code (Title 18, U.S.C. Sec. 80).

In addition, the Office of Price Administration may deny him the right to receive any new automobiles or any other commodity subject to rationing by the Office of Price Administration and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.*

§ 1360.108. *Definitions.* When used in this Order (§§ 1360.101 to 1360.110, inclusive), the term:

(a) "Person" means an individual, partnership, corporation, association, or other business entity, or Government agency or subdivision.

(b) "Passenger automobile" means a passenger vehicle propelled by an internal combustion engine and having a seating capacity of, not more than 8 (including station wagons and taxicabs, but excluding ambulances).

(c) "New" as applied to a passenger automobile, means any 1942 model passenger automobile, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles.

(d) "Used" as applied to a passenger automobile, means a passenger automobile other than a new passenger automobile.

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

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

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

(h) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor, or convert to use an automobile held by a manufacturer, distributor, or dealer, if such automobile was not segregated, prior to January 2, 1942, from those held for sale by such person, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional-sales buyer.

(i) "Transferor" means any person, whether or not a dealer, making a transfer.

(j) "Board" means Local Rationing Board.⁶

§ 1360.109 *Effective date of this Order.* This Order (§§ 1360.101 to 1360.110, inclusive) shall take effect on February 2, 1942.

§ 1360.110 *New passenger automobile rationing regulations.* Regulations applicable to this Order (§§ 1360.101 to 1360.110, inclusive) shall be established

by this Office by the issuance of *New Passenger Automobile Rationing Regulations*.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-872; Filed, January 30, 1942; 5:16 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Pursuant to Rationing Order No. 2 issued by this Office regulations for the rationing of new passenger automobiles are hereby established:

§ 1360.111 *Definitions.* When used in these regulations (§§ 1360.111 to 1360.121, inclusive), the term:

(a) "Person" means an individual, partnership, corporation, association, or other business entity, or Government agency or subdivision.

(b) "Passenger automobile" means a passenger vehicle propelled by an internal combustion engine and having a seating capacity of not more than 8 (including station wagons and taxicabs, but excluding ambulances).

(c) "New" as applied to a passenger automobile, means any 1942 model passenger automobile, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles.

(d) "Used" as applied to a passenger automobile, means a passenger automobile other than a new passenger automobile.

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

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

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

(h) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor or convert to use an automobile held by a manufacturer, distributor, or dealer, if such automobile was not segregated, prior to January 2, 1942, from those held for sale by such person, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional-sales buyer.

¹ 6 F.R. 6792.

² 7 F.R. 72.

(i) "Transferor" means any person, whether or not a dealer, making a transfer.

(j) "Board" means "Local Rationing Board."

*§§ 1360.111 to 1360.121, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483; W.P.B. Directive No. 1, 7 F.R. 562.

§ 1360.112 *Restriction of transfers—*
(a) *Restriction of transfers of new passenger automobiles.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer, of a new passenger automobile, except as provided in §§ 1360.114 and 1360.115 of these Regulations (§§ 1360.111 to 1360.121, inclusive).

(b) *Transfers.* (1) The word "transfer" is very broadly defined. Thus, it includes not only transfers by a sale, lease, or trade of the automobile, but also by gift from one person to another. Again, if a manufacturer, distributor, or a dealer takes a car out of his stock for his personal or business use, the appropriation of the car to his own use is a transfer, unless the car was specifically put aside for such use prior to January 2, 1942.

Unless specifically exempted, all physical transfers involving a change in the actual use of the car are included. Thus, if a partnership gives what had been exclusively a partnership car to one of the partners for his own use, a transfer has occurred. On the other hand, putting a car in a garage or warehouse, or letting the repairman drive it to his shop, does not involve and actual use by a person other than the transferor, and are thus not transfers within these regulations.

(2) There are certain specific exemptions from the broad definition of "transfer". Delivery to a railroad or other carrier for shipment, and delivery by such carrier to the consignee, are not included. In this situation the real transfer takes place between the consignor and the consignee. A lease or loan made in good faith for a week or less is also not included. This exception allows temporary loans to friends and permits the continued operation of concerns who lease automobiles to the public for short periods of time. The requirement of good faith means that the lease or loan must really be temporary.

If a person continually lends a car to the same person for six days of the week and takes it back on Sundays, he has made a loan for less than a week, but since he is clearly attempting to evade the Regulations, he has not made the loan in good faith and the transaction is a "transfer".

Finally, in the sale of automobiles, where the purchase price is to be paid in installments, a finance company frequently acquires some interest in the car as security for the loan. Here the "transfer" is between the seller and the buyer and any transfer of interest or title in

the car to the finance company for security purposes is not a "transfer" as here defined.*

§ 1360.113 *Administration—*(a) *Personnel.* These regulations (§§ 1360.111 to 1360.121, inclusive) shall be administered by the Local Tire Rationing Boards, the Local Tire Rationing Administrators and the State Tire Rationing Administrators, established by Rationing Regulation No. 1, pursuant to Supplementary Order No. M-15-c¹ of the Office of Production Management, and Tire Rationing Regulations,² issued December 30, 1941, by the Office of Price Administration, pursuant to the same Order.

(b) *Designation.* After the effective date of Office of Price Administration Rationing Order No. 2 (§§ 1360.101-1360.110, inclusive), these boards and administrators shall be called respectively the Local Rationing Boards, the Local Rationing Administrators, and the State Rationing Administrators, and shall continue to be organized as provided in the above Rationing Regulations, set forth in paragraph (a), except as provided in paragraph (c).

(c) *Jurisdiction of Boards.* For purposes of these Regulations each Local Rationing Board shall have jurisdiction over every person applying for a vehicle which is to be garaged or normally stationed in the area which the Board is designated to serve.*

§ 1360.114 *Eligibility for transfers with certificates—*(a) *Persons who purchased new passenger automobiles on or before January 1, 1942.* This paragraph is designed to permit applicants who have completed the purchase of a new passenger automobile on or before January 1, 1942, but have failed to get delivery, to obtain a certificate entitling them to acquire that particular new passenger automobile. They may now get such a car if they can meet the requirements of this § 1360.114. If, and only if, these requirements are met, may a certificate be issued.

(b) *Persons producing certificates of title or applications therefor.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he produces before the Board:

(1) A certificate of title or registration for the automobile, in the purchaser's name, issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles; or

(2) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that the purchaser's application for such certificate of title or registration for the automobile had been received by such agency on or before January 1, 1942, which written statement must be accompanied by a certified copy of such application.

* 6 F.R. 6792.

* 7 F.R. 72.

A certificate of title or registration issued on or before January 1, 1942, in the purchaser's name, by his state or local agency, is sufficient to entitle the applicant to delivery of a new passenger automobile. The certificate may be presented to the Board either in its original form, or by photostatic or other certified copy. If a certificate of title or registration issued on or before January 1, 1942, is not available but an application for registration was made by the purchaser to such agency on or before January 1, 1942, the statement of any responsible official of the state or local agency to that effect is an acceptable substitute. The original statement of the responsible official must be presented to the Board, and must be accompanied by a photostatic or other certified copy of the purchaser's application for registration.

(c) *Persons producing evidence of other facts entitling them to a transfer.* If the purchaser is unable to produce a certificate of title or registration, or a written statement of application therefor, as set forth in paragraph (b), he may, nonetheless, make himself eligible to acquire the new passenger automobile if he produces before the Board satisfactory evidence, showing compliance with the requirements of paragraphs (d), (e), or (f). Although the purchaser will apply for the certificate, he may utilize the assistance of the dealer in producing the evidence and presenting it to the Board.

(d) *Writings referring to the automobile.* The applicant must produce, as the first of the three main facts (proof of which entitles an applicant to a certificate for a new passenger automobile under paragraph (c)) a written contract, bill of sale, or other writing referring to the automobile claimed by the applicant, executed during the period July 1, 1941-January 1, 1942, inclusive.

This requires that the applicant have some written evidence to prove the existence of the agreement to sell or the sale. As long as the writing refers to the automobile in such a way as to indicate clearly that the automobile was the subject of such an agreement or sale, it may have been executed by the seller or the buyer or both and may take any of a variety of forms. Examples are a signed order, receipt of payment on account of the automobile, bill of sale, or a memorandum of work to be done to prepare the automobile for final delivery.

The writing must show on its face that it was executed during the period July 1, 1941, to January 2, 1942, inclusive. It must be proved by showing the original to the Board, or, if the original is lost or otherwise unavailable, by showing a carbon copy. In either event the Board must be satisfied that the writing is genuine in all respects.

(e) *Documents evidencing the purchase of the automobile.* An applicant for a new passenger automobile who seeks to establish his eligibility under paragraph (c), in addition to producing evidence of the writing under paragraph (d), must offer to the Board one or more of the following:

(1) A check for the full purchase price of the automobile, or for a part of the purchase price in the sum of \$25 or more, payable to the seller, dated on or before January 1, 1942, and bearing marks showing its deposit by the seller in a bank on or before January 2, 1942; or

(2) The original bound or serially-numbered receipt book, journal or order book, regularly used by the seller, showing a credit entered by the seller on or before January 1, 1941, for the full purchase price of the automobile, or for a part of the purchase price, or for a used car traded in as the full or part purchase price of the new passenger automobile; or

(3) A certificate of title or registration issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles, showing a transfer of title from the applicant to the seller of the new passenger automobile, of a used automobile; or

(4) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that, on or before January 1, 1942, application had been received to transfer the certificate of title or registration of a used automobile from the applicant to the seller of the new automobile, which statement must be accompanied by a certified copy of such application:

Provided, That the Board shall be satisfied, by written statements of seller and applicant, or other evidence, that the check for all or part of the purchase price, the used car traded in, or the business entry for all or part of the purchase price or for the traded-in car, was part of the transaction of purchasing the new passenger automobile for which a certificate is sought.

The applicant need produce only one of the four listed types of documentary evidence in order to satisfy the requirements of this paragraph (d). As to that type, however, the Board must be fully satisfied that the document sought to be proved is genuine in all respects. If the applicant elects to show entries in a bound or serially-numbered receipt book, journal, or order book, he must produce the original book of account, and must show that it is regularly used by the seller in the course of his business. The requirement that books of account be bound or serially-numbered is to prevent falsification by insertion of entries at a later date than the date on which they purport to have been made. Checks, or certificates of title of registration, may be proved by presenting the original, or a photostatic or other certified copy. Sworn statements by the official of the state or local agency must be proved by the original affidavit.

Whichever of these four listed types of documentary evidence the applicant offers, he must link up such evidence with the contract to sell or sale of the new passenger automobile claimed by him. Such proof may be made by written statement of the seller and applicant, or by other evidence. Thus, the evidence must show that a check in a particular

sum was given to the seller in payment for the new automobile now claimed by the applicant, and not for some other purpose. Again, the entry in the book of account for all or part of the purchase price, or for the value of the used car traded in, must be shown to be the price paid for the new automobile claimed by the applicant, and not in settlement of some other transaction with the seller. Finally, where a certificate, or an application for a certificate for a used car is relied upon, the evidence must show that such used car was traded in total or partial payment for the particular new automobile.

(f) *Consignment of automobiles to the seller.* In addition to producing the writing under paragraph (d) and a document evidencing the purchase of the new automobile under paragraph (e), an applicant for a new passenger automobile who seeks to establish his eligibility under paragraph (c), must offer to the Board one of two kinds of evidence of timely delivery to the dealer.

(1) As one alternative he may offer proof that, on or before January 1, 1942, an automobile which answers the description in the contract, bill of sale, or other writing required by paragraph (d), and which is the automobile claimed by the applicant, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.

The applicant must show by satisfactory evidence that, on or before January 1, 1942, an automobile answering the description in the written contract, bill of sale, or other writing was delivered by the manufacturer or distributor to the seller, or to a carrier (whether by rail, truck, caravan, or otherwise) for shipment to the seller. This can ordinarily be done by the applicant's producing a bill of lading or accompanying invoice from the manufacturer to the dealer, a warehouse receipt to show storage by the dealer, or a factory record of shipment on or before January 1, 1942, for transmission to the dealer. These documents will ordinarily show the serial or engine number of the automobile for which they were issued, and thus link it to the car which the applicant now seeks to acquire. The applicant should be required to identify an automobile delivered on or before January 1, 1942, with the automobile he now claims. Wherever possible he should show that the serial or engine numbers of the automobiles are identical. If the automobile which the applicant now seeks to acquire cannot be specifically identified with an automobile delivered on or before January 1, 1942, by engine or serial number, the Board must be fully satisfied by other evidence that, in spite of the absence of this evidence, the identity exists.

(2) As an alternative, the applicant may offer, in the case of a specially ordered automobile which answers the description in the contract, bill of sale, or other writing required by paragraph (d), and which is the automobile claimed by the applicant, which automobile varies from standard construction and specifications (in respects other than variations

in color, lettering, accessories, and optional equipment), proof that such automobile, on or before January 15, 1942, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.

As in the case of a standard automobile, the delivery of an automobile on or before January 15, 1942, must be connected with the automobile now claimed by the applicant by means of engine or serial number, if possible.

In addition, the Board must be satisfied that the automobile shown by the applicant is in reality specially ordered. In order to constitute a specially ordered automobile, an automobile must vary from standard specifications in respects other than variations in color, lettering, accessories, and optional equipment. In other words, the change must be a substantial and not a trivial one.*

§ 1360.115 *Eligibility for transfers without certificates*—(a) *Persons eligible to acquire new passenger automobiles by transfer without certificates.* The following persons are eligible, without a certificate, to acquire a new passenger automobile, but cannot transfer such automobile except in accordance with the provisions of these regulations (§§ 1360.111 to 1360.121, inclusive), or any amendments thereof or supplements thereto:

(1) Any person authorized to receive a transfer on behalf of:

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

(ii) Government agencies or other persons acquiring new passenger automobiles for export to and consumption or use in any foreign country:

Provided, That, after the War Production Board establishes a system of permits for such persons, only persons identifying themselves by such permits are eligible under this subparagraph (1).

(2) A dealer, manufacturer, distributor, or the Reconstruction Finance Corporation.

(3) A person who in good faith lends money on the security of, or finances the sale of, a new passenger automobile.

(4) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing on default.

(5) A person acquiring the automobile through a transfer by will or intestacy, or a transfer by operation of law to a trustee or receiver in bankruptcy, insolvency, or receivership.

The persons specified in subparagraphs (2), (3), and (4) are not eligible to acquire the automobile for the purpose of using it personally, but only if they are acquiring it in order to resell it. Persons acquiring the automobile by inheritance are not subject to this restriction and may acquire the automobile for their own use. Trustee and receivers, who acquire the automobile as part of the

assets of a business, may use the automobile in connection with the operation of the business if they are allowed to do so by the court of their appointment.

All of the persons in this § 1360.115 may resell the automobile to any person designated in this § 1360.115, without certificates, if the procedure for such transfers as set out in § 1360.117 of these regulations is observed.

All persons making or receiving transfers under this § 1360.115 must observe the requirements of § 1360.117 for filling out and filing Form R-203.*

§ 1360.116 *Procedure for transfers without certificates*—(a) *Application*. Any person who believes that he is eligible for the transfer of a particular new passenger automobile in accordance with the provisions of § 1360.114, paragraph (a), may apply to the Board having jurisdiction, under § 1360.113, paragraph (c), for a certificate authorizing such transfer. The application shall be made on Form R-201, to be issued by the Office of Price Administration, and the applicant and the transferor shall give such information as is therein required. All applications on Form R-201 must be filed with the Board before February 26, 1942.

(b) *Certification*. Upon being satisfied that the applicant is subject to its jurisdiction and is eligible for the transfer of a particular new automobile, the Board shall issue a certificate on Form R-202, stating that the applicant is eligible for such transfer, and naming the transferor.

The determination whether the facts set forth in the application exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. The applicant may, at the Board's discretion, appear in person or by authorized representative before the Board to answer pertinent questions or to present evidence. In acting upon applications, the Board shall observe the requirements of these regulations (§§ 1360.111 to 1360.121, inclusive) and all amendments or supplementary regulations issued by the Office of Price Administration.

The certificate shall be signed by at least two members of the certifying Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant to sign the certificate in the presence of a member or clerk of the Board.

(c) *Delivery of the automobile*. A certificate of a Board on Form R-202 may be honored only by the transferor named therein. Certificates shall be valid for 30 days from their date of issuance, and shall be void thereafter. Prior to delivering the automobile, the transferor shall require that the applicant sign his name on the certificate. The signature must correspond to the earlier signature of the applicant on the certificate. If the signatures appear to be executed by the same person, the transferor shall complete the transferor's statement on the part of the certificate indicated in Form R-202. The transferor may thereupon deliver the automobile to the applicant, retaining for himself the part of Form R-202 so designated.

(d) *Filing of certificates*. Within 5 days of the receipt of the automobile from the transferor, the transferee shall file the appropriate part of the certificate with the state or local agency having jurisdiction over the registration of motor vehicles. Within the same period the transferor shall file the appropriate parts with the Board designated to serve the area in which the transfer was made. This Board shall note the transfer for its records and then forward the appropriate parts of the certificate to the Board which issued the certificate and the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.

(e) *Posting of issuance of certificates*. At intervals of not less than one week, the Board shall post at its office for a period of at least a week, and shall release to the press, the names of those persons who have been granted certificates pursuant to these regulations, together with the number of automobiles allowed each person.*

§ 1360.117 *Procedure for transfers without certificates*—(a) *Documents required*. Any person receiving a transfer made pursuant to § 1360.115 shall fill out and execute in triplicate, Form R-203, to be issued by the Office of Price Administration, giving the information required by the Form and obtaining the necessary supporting statement required on the Form. The transferor, upon delivery of the automobile, shall retain for himself one copy of Form R-203.

(b) *Filing of documents*. If a dealer makes a transfer pursuant to § 1360.115 he shall, within 5 days of the transfer, file one copy of Form R-203 with the state or local agency having jurisdiction over the registration of motor vehicles, if a change of registration is involved, and two copies with the Board designated to serve the area in which the transfer was made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y. If the transferor is a person other than a dealer, or if the transferor refuses or is unable to fill out the statement on the Form, the transferee shall file the documents with the agencies listed.*

§ 1360.118 *Records and reports*—(a) *Records*. All persons affected by these regulations (§§ 1360.111 to 1360.121, inclusive) shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new passenger automobiles. In addition, dealers in automobiles shall keep for the same period such copies of Forms as are required to be retained by them by the terms of these regulations.

(b) *Reports*. Persons affected by these regulations shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.119 *Appeals*—(a) *Grounds for appeal to the State Rationing Administrator*. Any applicant for a new passenger automobile whose application has been denied by the Board and who believes that such action is in conflict with these Regulations (§§ 1360.111 to 1360.121, inclusive) may file an appeal

from such action with the State Rationing Administrator.

(b) *Filing of appeals*. (1) An appeal from an action taken by a Board may be filed only within thirty days after such action has been taken.

(2) The appellant shall file a statement in writing and under oath setting forth the specific section of these Regulations which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.

(c) *Action on appeals*. The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, which may be in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within thirty days of its filing.

(d) *Review by the Office of Price Administration*. Such appellant, if he feels aggrieved by such ruling of the State Rationing Administrator, may, within thirty days thereafter, file a written petition for review with the Office of Price Administration. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the Board, the appellant, and the State Rationing Administrator to furnish pertinent information in writing or otherwise. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The Office of Price Administration's ruling shall be in writing and shall be communicated to the appellant, to the Board, and the State Rationing Administrator.*

§ 1360.120 *Violations*. Any person who violates any provision of these regulations (§§ 1360.111 to 1360.121, inclusive), who, by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of these regulations or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 A of the Criminal Code (Title 18, U.S.C. Sec. 80).

In addition, the Office of Price Administration may deny him the right to receive any new automobiles or any other commodity subject to rationing by the Office of Price Administration and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.

§ 1360.121 *Effective date of new passenger automobile regulations.* These regulations (§§ 1360.111 to 1360.121, inclusive) shall take effect on February 2, 1942.*

Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-940; Filed, January 30, 1942;
5:16 p. m.]

PART 1380—HOUSEHOLD AND SERVICE
INDUSTRY MACHINES

PRICE SCHEDULE NO. 86.—DOMESTIC WASH-
ING MACHINES AND IRONING MACHINES

Manufacturer's prices for domestic laundry equipment, which includes washing machines and ironers, advanced approximately 12% on a weighted average basis between January 1 and September 15, 1941. By letter of September 16, 1941, to all industry members, the Office of Price Administration requested that it be consulted prior to the institution of any price increases. This served to check the upward trend of prices. Subsequently, this Office made the same request to the manufacturers of wringers, tubs and motors, the three major component parts of the washing machine. This has had a stabilizing effect upon manufacturing costs.

On October 29, 1941, the Office of Production Management issued an order cutting production of domestic laundry equipment to almost 80% of that in the base year ending June 30, 1941. Subsequent orders have cut production down to approximately 60%. With further restriction of production likely, it becomes necessary to take effective steps to prevent inflationary price increases. The Schedule has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on January 21.

In order to prevent nullification of the Schedule, changes in specifications are temporarily restricted.

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

§ 1380.1 *Maximum prices for washing machines and ironing machines.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any washing machine or ironing machine, at a price higher than the maximum price:

(a) *Models in price list between October 1-October 15, 1941.* The maximum price for any model washing machine or ironing machine, in a price list of the manufacturer in effect at any time during the period October 1-October 15, 1941, inclusive, shall be the highest price quoted in any such price list for such model to the same person or to a person in the same general class, except that, in the case of the Apex Electrical Manufacturing Company the maximum price

for any such model shall be the price in effect on February 2, 1942.

(b) *Other models sold between January 1-October 15, 1941.* The maximum price for any model washing machine or ironing machine, not in a price list of the manufacturer in effect at any time during the period October 1-October 15, 1941, inclusive, but sold, or contracted to be sold, by him during the period January 1-October 15, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period October 1-October 15, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person; or if such model was not sold, or contracted to be sold, by him during such period, the highest net price f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period January 1-September 30, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person.

(c) *Models first offered for sale between October 16, 1941-February 8, 1942.* The maximum price for any model washing machine or ironing machine offered for sale for the first time between October 16, 1941, and February 8, 1942, inclusive, shall be (1) the price already approved in writing by the Office of Price Administration; or (2) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with Section 1380.5 (a) (2), the highest net price, f. o. b. manufacturer's point of shipment, at which such model was sold, or contracted to be sold, by the manufacturer prior to February 9, 1942, (or, if there was no such sale, or contract of sale, the highest net price f. o. b. manufacturer's point of shipment quoted in writing by the manufacturer for such model at any time prior to February 9, 1942) to the same person or to a person in the same general class, or, if there was no such person, to any person; and unless such report has been submitted by February 25, 1942, no sale, offer to sell, delivery or transfer of such model shall be made thereafter until such report is submitted; and (3) after such approval, shall be such approved price.

(d) *Cost-plus contracts and sales after the termination of cost-plus contracts—*

(1) *Completion of outstanding cost-plus contracts.* The maximum price for any model washing machine or ironing machine delivered by the manufacturer after February 8, 1942, in order to complete a cost-plus contract outstanding on January 21, 1942, shall be determined by the terms of such contract: *Provided,* That no change in the terms of any such contract, which would increase the maximum price, shall be made by amendment, substitution of a new contract or otherwise.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no washing machine or ironing machine shall be

sold, delivered or transferred under a cost-plus contract not outstanding on January 21, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(3) *Sales after termination of cost-plus contracts.* The maximum price for any model washing machine or ironing machine referred to in sub-paragraphs (1) or (2) of this section, which on or after February 9, 1942, is sold, offered for sale, delivered or transferred upon terms other than cost-plus and whose maximum price is not otherwise determinable, shall be the price approved by the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the proposed price and specifications of such model, and (ii) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(e) *Other models in process of manufacture.* The maximum price for any model washing machine or ironing machine in process of manufacture during the period October 1, 1941-February 8, 1942, inclusive, and offered for sale for the first time on or after February 9, 1942, other than a model referred to in paragraph (g) of this Section, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such model and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(f) *Models involving elimination of features or changes in specifications which reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine referred to in § 1380.3 (b) (2) shall be such price as is approved by the Office of Price Administration pursuant thereto.

(g) *Models incorporating changes in specifications which do not reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine offered for sale for the first time on or after February 9, 1942, which incorporates any of the changes in specifications referred to in § 1380.3 (a) or (b) (1), shall be the maximum price chargeable for such model prior to the incorporation of any such change as determined by paragraphs (a), (b), (c), (d), (e) or (f) of this section.*

* Sections 1380.1 to 1380.10, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R., 1917, 4483.

§ 1380.2 *Less than maximum prices.* Lower prices than those set forth in § 1380.1 may be charged, demanded, paid or offered.*

§ 1380.3 *Limitation of changes in specifications of washing machines and ironing machines.* Between February 9,

1942, and December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, any washing machine or ironing machine differing in specifications from a washing machine or ironing machine referred to in § 1380.1 (a), (b), (c), (d) and (e), except as provided in paragraphs (a) and (b) of this section.

(a) *Non-substantial changes.* A manufacturer may make any of the following changes in specifications of any model washing machine or ironing machine, provided that quality, convenience of operation and efficiency of performance are not reduced and that he submits to the Office of Price Administration a report of each such change as required by § 1380.5 (b):

- (1) Change in name plate.
- (2) Change in decal.
- (3) Change in color, trim or hardware.
- (4) Change in any part (including a feature) other than a major component part.

Provided, further, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance, the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(b) *Changes in specifications of major component parts and elimination of features.* (1) A manufacturer may change the specifications of any major component part (as that term is defined in § 1380.9 (g)) of any model washing machine or ironing machine: *Provided,* That he submits to the Office of Price Administration, a report as required by § 1380.5 (b) showing each such change made and continuing satisfactory evidence that such change will not reduce the quality, convenience of operation, or efficiency of performance of such model and that such change (i) is necessary because (a) the part or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the change, or (ii) is desirable because it will result in substantial conservation of strategic materials: *Provided further,* That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(2) In the event that the manufacturer proposes to make a change in the specifications of any major component part of any model which would reduce quality, convenience of operation, or efficiency of performance or to eliminate any feature (as that term is defined in § 1380.9 (h)) from any model, he should submit to the Office of Price Administra-

tion an application containing the proposed price for such model and satisfactory evidence (i) that such change or elimination is necessary because (a) the part, feature or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the proposed change, or (ii) that such change or elimination is desirable because it will result in substantial conservation of strategic materials. If the Office of Price Administration approves the application he may sell, offer to sell, deliver or transfer such model at a price no higher than the price so approved.*

§ 1380.4 *Records.* Every manufacturer, making sales of washing machines or ironing machines after February 8, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.*

§ 1380.5 *Reports—(a) Models offered for sale between January 1, 1941—February 8, 1942.* (1) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose maximum price is determined by § 1380.1 (a) or (b) showing the maximum price thus established and the specifications for each such model.

(2) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose temporary maximum price is determined by § 1380.1 (c) (2) showing the temporary maximum price thus established and the specifications for each such model.

(3) Manufacturers who have already submitted to the Office of Price Administration any of the information in subparagraphs (1) and (2) of this section need not duplicate it, but shall make reference to the information already submitted.

(b) *Changes in specifications.* On or before March 10, 1942, every manufacturer shall submit to the Office of Price Administration, a report of each change in specifications made in any model washing machine or ironing machine between February 9, 1942, and February 28, 1942, inclusive, containing the information required by § 1380.3 (a) or (b) (1), and on or before the tenth day of each May, July, September, November, January and March thereafter, a similar report covering the two months immediately preceding the month in which each such report is made.

(c) *Cost-plus contracts.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of wash-

ing machines or ironing machines, outstanding on January 21, 1942.

(d) *Discontinued models.* (1) On or before March 1, 1942, every manufacturer who has discontinued production of any model washing machine or ironing machine offered for sale during the period January 1, 1941—February 28, 1942, inclusive, shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him during such period.

(2) At least 10 days after a manufacturer discontinues production of any model washing machine or ironing machine after February 28, 1942, he shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him from January 1, 1941, to the date of discontinuance.

(e) *Monthly output of washing machines and ironing machines.* On or before February 15, 1942, and on or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model washing machine and ironing machine produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such washing machine or ironing machine. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

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

§ 1380.6 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture or assembling of washing machines or ironing machines by deterioration of quality or performance, or in connection with a purchase, sale, delivery or transfer of washing machines or ironing machines, alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge, or premium, or other privilege or by tying-agreement or other trade understanding, or by making discounts, or allowances of any sort, or other terms and conditions of sale, less favorable to the purchaser than those available or in effect on October 1, 1941; or by any other means.*

§ 1380.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that

the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political sub-divisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of washing machines or ironing machines, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1380.8 *Modification of the Schedule.* Persons complaining of hardships or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1380.9 *Definitions.* When used in this Schedule, the term:

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

(b) "Manufacturer" means any person operating a plant, factory, or other establishment engaged in the manufacture, or assembling of washing machines or ironing machines; or any person who resells washing machines or ironing machines to any person other than a retailer or ultimate consumer.

(c) "Washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles;

(d) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles;

(e) "Model" means any washing machine or ironing machine offered for sale as a distinct item.

(f) "Any model washing machine of ironing machine in process of manufacture" means any model for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.

(g) "Major component part" means (1) in the case of a washing machine, the transmission, tub, cover, wringer and roll, agitator, motor, base or legs; and (2) in the case of an ironing machine, the transmission, base, legs, roll, shoe or cover.

(h) "Feature" means (1) in the case of a washing machine, the timer, off and on switch, overload switch, cord reel, or thermometer; and (2) in the case of an

ironing machine, thermostatic controls, lap shelf, end shelves, switches, roll speeds, clothes racks, porcelain table top, shoe edge protector, light or emergency shoe release.

§ 1380.10 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942.

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-954; Filed, February 2, 1942;
11:59 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 30]

PART 1508—MARKETING

MARKETING MATERIALS

To all persons supplying materials for the marketing of petroleum products.

Conservation Order M-68-c¹ of the Office of Production Management prohibits the use of materials for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in marketing petroleum products except in specified cases.

The removal by the person supplying materials used in marketing petroleum products, on the termination of the account relationship with the operator of such materials, may prevent such operator from operating even through new sources of supply unless he can procure materials pursuant to an exception in Conservation Order M-68-c.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1508.12 *Definitions.* The terms "person", "marketing", "petroleum", "operator", and "material" are used herein as defined in Conservation Order M-68-c of the Office of Production Management issued January 14, 1942.*

*§§ 1508.12 to 1508.14, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.13 *Notice of intention to remove.* No person having the right to remove from the premises of any operator any material operated by such operator, whether by reason of the termination of a supply arrangement at the election of either, or for other reason, shall do so until he shall have given reasonable notice in writing, not less than thirty days, of his intention so to remove such material, or until he shall have received the prior consent in writing of such operator.*

§ 1508.14 *Option in operator.* Any operator having received notice from any person pursuant to § 1508.13 of intention to remove any material shall have the option for the period fixed in the notice,

17 F.R. 282.

but not more than sixty days from the giving of notice, to purchase or complete the purchase, or procure another person to purchase or complete the purchase, of the material covered by such notice, and on the exercise of such option, such person shall sell or complete the sale of the material covered thereby in accordance therewith at a reasonable price based on original cost less reasonable depreciation. During any such option period, the operator shall have the right to use the installed material and to authorize its use by any person for the purpose of supplying the operator with petroleum.*

RALPH K. DAVIES,
Deputy Petroleum Coordinator
for National Defense.

JANUARY 29, 1942.

[F. R. Doc. 42-921; Filed, February 2, 1942;
9:48 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 3—NATIONAL CAPITAL PARK REGULATIONS

Amendments

Pursuant to the authority contained in the act of February 26, 1925 (43 Stat. 983, 40 U.S.C. 4), and Executive Order No. 6166, June 10, 1933 (5 U.S.C. 132 note) Part 3 of Title 36, Code of Federal Regulations, is amended as follows:

1. Section 3.7 is amended to read as follows:

§ 3.7 *Nuisances.* (a) The committing of a nuisance of any kind is prohibited.

(b) All persons are prohibited from engaging in any disorderly conduct. (27 Stat. 323)

(c) Throwing stones or other missiles is prohibited. (27 Stat. 322)

(d) Throwing or leaving paper, fruit skins, or other rubbish anywhere except in the receptacles provided for the purpose, or the placing of any refuse therein brought from private property in the vicinity, is prohibited.

(e) Spitting upon the walks or paths is prohibited.

(f) Lying upon any bench or settee is prohibited.

(g) Bathing is prohibited, except where specifically authorized.

(h) No person shall enter the waters of the Tidal Basin or the Potomac River from the wall bounding it, except for the purpose of saving a drowning person.

(i) The committing of any obscene or indecent act is prohibited. (27 Stat. 324) Any person violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not more than \$250.

(j) No person shall throw, drop, or cause to be thrown or dropped, any breakable article such as glass, pottery, etc., or any sharp article which may cause injury to the person or property of others, upon a park road, path, or walk. Any person violating the provisions of this paragraph shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100.

(k) Congregating or loitering in or about any comfort station in any public park in such a manner as to obstruct the proper use thereof, or to the annoyance of the people who frequent said comfort station, is prohibited. Any person violating the provisions of this paragraph shall be punished upon conviction by a fine of not more than \$25.

(l) Parades, ceremonies, entertainments, and functions of all kinds are prohibited unless a permit issued by the authority of the Superintendent is obtained.

(m) The holding of meetings, parades, ceremonies, entertainments and functions of all kinds is prohibited on West and South Executive Avenues and on State Place. Any person or persons violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not more than \$250.

(n) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made without any permit in the following places, which shall be open and available for such purposes at all times to any person, group of persons or organizations:

Franklin Park. On the north-south center walk between Eye Street and the center display fountain. (Approximately 100 feet north of the north curb line of Eye Street.)

Judiciary Park. On the north-south axis of the park between E Street and the statue of Jose de San Martin.

Smithsonian Grounds. In the north-east corner of the park and adjacent to Constitution Avenue and 9th Street, Northwest.

United States Reservation No. 46. North side of Pennsylvania Avenue, west of 8th Street, and south of D Street, Southeast.

(o) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in the following places, which shall be open and available for such purposes at all times to any person, group of persons or organization, subject to the condition that a permit therefor be first obtained from the Superintendent of the National Capital Parks:

Anacostia Park west of 11th Street.
Polo Field.
Banneker Recreation Center, north side.
Monument Grounds, Sylvan Theater.
Water Gate.
Fort Bunker Hill—Amphitheater.

The Superintendent may refuse to grant a permit for the above-named places only if a prior application for the use of the same place at the same time has been made and such prior application has been or will be granted. In applying for such permit the applicant shall comply with the provisions of § 3.10 (h), and shall specify the time and place desired.

(p) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in any place other than the areas described in paragraphs (n), (o), and (q)

of this section subject to the condition that a permit therefor be first obtained from the Superintendent of the National Capital Parks. The Superintendent shall forthwith issue a permit for such a place unless a prior application for the same time and place has been made which has been or will be granted, or unless, in his judgment, the permit should be refused because of traffic conditions, or because the particular use to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public. In applying for such permit the applicant shall comply with the provisions of § 3.10 (h), and shall specify the time and place desired.

(q) Public gatherings of any kind and the making of speeches are prohibited in the following places because of traffic conditions, or because the particular purpose to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public:

Lafayette Park.
Sherman Square.
Fifteenth Street and Pennsylvania Avenue Northwest.
Farragut Park.
Rawlins Park.
Mt. Vernon Park.
Stanton Park.
The paved area in the Mall near Second Street.

2. Section 3.10 (c) and (d) is amended to read as follows:

§ 3.10 *Miscellaneous; penalties.*

(c) The display of any form of commercial advertisement is prohibited.

(d) The distribution in any manner of any form of commercial advertising matter is prohibited.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.
 THE WHITE HOUSE,
 December 23, 1941.

Approved:
 FRANKLIN D. ROOSEVELT

[F. R. Doc. 42-920; Filed, February 2, 1942; 9:47 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF
 CHAPTER I—VETERANS' ADMINISTRATION

PART 2—ADJUDICATION: VETERANS' CLAIMS SERVICE REQUIREMENTS

§ 2.1000 *World War.* The beginning and termination dates of the World War are April 6, 1917, and November 11, 1918, but as to service in Russia, the ending date is April 1, 1920. Except as to emergency officers retirement pay, reenlistment in the military or naval service on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, shall be considered as World War service under the laws providing compensation or pension for World War

veterans and their dependents. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

JURISDICTION

§ 2.1010 *Adjudication of applications.* Applications for disability compensation or pension will be adjudicated in the appropriate field station when the applicant's entire military or naval service was subsequent to July 15, 1903, or Coast Guard service subsequent to January 27, 1915, except when jurisdiction is otherwise vested in central office under § 4.2025. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

PART 4—ADJUDICATION: VETERANS' CLAIMS

CENTRAL OFFICE SECTION

Jurisdiction

§ 4.2025 *Jurisdiction of the Claims Division, Central Office.* Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1903.

(b) Where the veteran is an employee of the Veterans' Administration in the classified service or for ninety days continuously in the unclassified service.

(c) Where rights have been forfeited under any act.

(d) Where the veteran is a claimant for retirement under section 5, Public No. 5, Public No. 18, 76th Congress.

(e) Where the veteran resides without the continental limits of the United States.

(f) Where the veteran resides in the District of Columbia.

(g) Claims under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress. (See § 2.1005 (B).)

(h) Emergency officers retirement as provided by § 3.1350.

(i) Determination whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding the award of disability compensation or pension under Public No. 2 and Public No. 141, 73d Congress, as amended. (See currently effective adjudication procedure.)

(j) Where the applicant's entitlement to pension under the General Law, the Act of 1862, including the amendments thereto, is an issue.

(k) Where the protection provided by Public No. 788, 74th Congress, relative to the General Law rate is for application.

(l) Where there is entitlement under the Revised Statutes. (See §§ 4756 and 4757.)

(m) Where there is entitlement pursuant to special acts.

(n) Any claim not otherwise under the jurisdiction of central office referred by competent authority for action. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-881; Filed, January 31, 1942; 11:22 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ANNUAL REPORTS BY LESSORS TO STEAM RAILWAY COMPANIES

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

The subject of the requirements of annual reports from Lessors to Steam Railway Companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated March 1, 1941, in the Matter of Annual Reports from Lessors to Steam Railway Companies and corresponding sections of the Code of Federal Regulations be, and hereby are, annulled, effective January 1, 1942, and the following order shall become effective.

§ 120.14 *Form prescribed for lessors to steam roads.* (a) All lessors to steam railway companies within the scope of section 20, Part I of the Interstate Commerce Act are required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form E (Railway Lessor Companies) which is hereby approved and made a part of this order.¹

(b) The annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (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. 42-924; Filed, February 2, 1942; 10:40 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST²

Section I, as amended,³ is further amended by changing the designation of paragraph 1 to 1a and adding a new subparagraph b, as follows:

SECTION I

1a Executive Orders and Treasury Department Regulations.

* * * * *

¹ Filed as part of the original document.

² 6 F.R. 5701.

³ 7 F.R. 183; 7 F.R. 201.

b Philippine Islands. In view of the situation created by the temporary enemy occupation of important parts of the Philippine Islands, the Treasury Department has issued a circular calling attention to the fact that Philippine assets have been automatically frozen under the provisions of Executive Order No. 8389, as amended, and that January 1, 1942, would be regarded as the effective date of the freezing regulations as applied to the Philippines. In view of General License No. 80, dated January 5, 1942 (7 F.R. 147), issued by the Treasury Department, the freezing restrictions will not affect Philippine citizens within the United States or within the generally licensed trade area (R.S. 161; 5 U. S. C. 22) [Proc. Cir. 9, W.D. Jan. 24, 1942]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-923; Filed, February 2, 1942; 9:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-193]

IN THE MATTER OF W. R. NALL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on August 14, 1941, referred to District Board No. 17 information in its possession bearing on whether or not violations of section 4 II (e) of the Act, and Part II (e) of the Code had been committed by W. R. Nall, the Code member above named (hereinafter referred to as the "Code member"), who operates the Twelve Mile Mine, Mine Index No. 344, located in Rio Blanco County, Colorado, Subdistrict No. 17 of District No. 17, in connection with sales subsequent to September 30, 1940, of coal produced at his Twelve Mile Mine below the effective minimum prices therefor, including sales to various purchasers during the period March 1 to May 30, 1941, both dates inclusive, of (a) approximately 135.32 tons of lump coal, Size Group No. 2, prepared over a 3" bar screen at \$3.50 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was and is \$3.65 per net ton f. o. b. the mine; and (b) approximately 212.9 tons of nut coal, Size Group No. 5, screened through a 3" bar screen and over a 1" bar screen at \$3.00 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was and is \$3.25 per net ton f. o. b. the mine, resulting in violations of

section 4 II (e) of the Act and Part II (e) of the Code.

3. By letter dated October 1, 1941, the Division notified said Board that unless it took action on this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

4. District Board No. 17 has not taken any action on this matter.

5. Section 6 (a) of the Act provides in part that in the event that a district board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the district board.

Now, therefore, District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining

(a) whether or not the code member has wilfully violated section 4 II (e) of the Act and Part II (e) of the Code in connection with the transactions referred to above; and

(b) whether or not in the event that the Code member is found to have so violated the Act and the Code, an order should be entered revoking the Code membership of W. R. Nall, or directing W. R. Nall to cease and desist from violating the Act and the Code and the rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code Membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder, be held on March 13, 1942, at 10 a. m. at a hearing room of the Division at the Federal Court Room, Federal Building, Grand Junction, Colorado.

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

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

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

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-852; Filed, January 30, 1942;
12:15 p. m.]

[Docket No. 1648-FD]

IN THE MATTER OF RIDER COAL COMPANY,
DEFENDANT

MEMORANDUM OPINION AND ORDER
REOPENING THE HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on March 27, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 2, alleging that the defendant, a code member in District 2, had wilfully violated the provisions of the Bituminous Coal Code or Rules and Regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and Rules and Regulations thereunder.

Pursuant to Orders of the Director, a hearing in this matter was held on June 17, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Uniontown, Pennsylvania. District Board 2 and the defendant were afforded full opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise

be heard. The defendant appeared and participated in the hearing.

On November 7, 1941, the Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, in which he found that the defendant had wilfully violated the provisions of the Act and the Code, and recommended that the defendant's code membership be revoked and cancelled. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. No such exceptions or briefs were filed.

The undersigned, on December 31, 1941, entered an Order approving and adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, and revoking and cancelling the defendant's code membership. The Order of December 31, 1941, further provided that, pursuant to section 5 (c) of the Act, the defendant, prior to reinstatement to membership in the Code, must pay to the United States a tax in the amount of \$1,350.12.

On January 14, 1942, District Board 2 filed a petition requesting that this proceeding be reopened for the receipt of additional and new evidence; that the undersigned reconsider the evidence heretofore adduced in the light of such additional and new evidence; that the undersigned modify the Order entered herein on December 31, 1941; and that pending such receipt and reconsideration of evidence, the effect of such order be stayed.

On January 19, 1942, the undersigned, finding that the petition of January 14, 1942, did not state what evidence the complainant would introduce if the hearing were reopened, entered an Order denying said petition.

On January 26, 1942, the defendant filed a verified "Supplemental Petition," requesting substantially the same relief as was sought by District Board 2 in its petition of January 14. Upon a consideration of said supplemental petition, it appears to the undersigned that the request to reopen the hearing should be granted in order to afford the parties an opportunity to introduce additional evidence herein, either concerning the violations of the defendant or relevant to penalties attendant thereon, and to show why the Order of the Acting Director of December 31, 1941, should or should not be modified.

The undersigned will suspend, effective as of December 31, 1941, the Order of December 31, 1941, revoking the defendant's code membership. This suspension is without prejudice to the right to reinstate the effectiveness of the Order as of December 31, 1941, if, upon the record as supplemented by the testimony taken at the reopened hearing, it is concluded that the initial Order was proper.

Now, therefore, it is ordered, That said Order of December 31, 1941, revoking the defendant's code membership be, and it hereby is, suspended as of December 31, 1941, without prejudice to the right of reinstatement.

It is further ordered, That the motion of the defendant to reopen the hearing

be, and it hereby is, granted and that the hearing be, and it hereby is, reopened for the purpose of taking any additional and new evidence concerning the violations of the defendant or relevant to the penalties attendant thereon and to show why the Order of the Acting Director of December 31, 1941, should or should not be modified.

It is further ordered, That such hearing be held on February 9, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division at the White Swan Hotel, at Uniontown, Pennsylvania.

It is further ordered, That the Examiner shall have such power and authority as was conferred upon him by the original Notice of and Order for Hearing in this matter dated April 25, 1941.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-853; Filed, January 30, 1942;
12:15 p. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF TWO CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER

This proceeding having been instituted by the Bituminous Coal Division of the United States Department of the Interior ("Division"), pursuant to the Bituminous Coal Act of 1937, as amended, (the "Act") for the purpose of (1) determining for the various minimum price areas the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of producing bituminous coal as heretofore determined by the Director in General Docket No. 15, and (2) making such revision in the effective minimum prices as may be made necessary as a result of any changes in cost thus determined; the Order of the Director dated May 2, 1941, in this matter, having provided that the hearing should be conducted in two phases: the first, concerning the extent of change, if any, in the weighted average of the total costs; and, the second, concerning such revision in the effective minimum prices as may be necessary;

Pursuant to the Order of the Director dated May 2, 1941, and after due notice to all interested persons, the hearing on the first phase of this matter having opened on May 21, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C.; all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; appearances having been entered on behalf of each of the twenty-two district boards, 115 code

members, 225 consumers, Bituminous Coal Consumers' Counsel, and 8 other interested persons;

Following the hearing on the initial phase of this proceeding, the Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations under date of October 21, 1941; the parties having been given until November 21, 1941, to file exceptions and briefs in support thereof, and requests for oral arguments; twenty-three parties having filed exceptions and briefs in support thereof, twelve having requested oral argument;

Pursuant to an Order of the Director of October 24, 1941, the Acting Director having heard oral argument in this matter on November 25 and 26, 1941, at a hearing room of the Division in Washington, D. C.; oral argument having been presented on behalf of District Boards Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 20, Associated Industries of New York State, Inc., National Association of Hot-House Vegetable Growers, Inc., et al., American Coal Distributors Association, and Bituminous Coal Consumers' Counsel;

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

Now therefore it is ordered, That the following represent the established weighted average of the total costs of the total ascertainable tonnage for each district and each minimum price area together with the differences between these costs and those previously determined by the Director in General Docket No. 15:

Price area and district	Determined weighted average cost per ton (this proceeding)	Changes in weighted average per ton costs from those determined in General Docket No. 15
<i>Cents</i>		
Minimum price area 1:		
District No. 1.....	\$2.4242	3.55
District No. 2.....	2.2503	3.68
District No. 3.....	1.9143	7.77
District No. 4.....	1.9377	0.21
District No. 5.....	4.2215	56.72
District No. 6.....	1.5907	-8.68
District No. 7.....	2.4055	21.15
District No. 8.....	2.2521	22.20
Total, price area 1.....	2.2503	12.10
Minimum price area 2:		
District No. 9.....	1.7032	12.47
District No. 10.....	1.7699	3.39
District No. 11.....	1.6093	-4.32
District No. 12.....	2.7183	-4.53
Total, price area 2.....	1.7725	1.03
Minimum price area 3:		
District No. 13.....	2.7600	31.18
Minimum price area 4:		
District No. 14.....	3.8360	22.80
Minimum price area 5:		
District No. 15.....	2.0730	3.47
Minimum price area 6:		
District No. 16.....	2.6312	7.53
District No. 17.....	2.8420	7.56
District No. 18.....	3.7093	55.74
Total, price area 6.....	2.8367	9.78
Minimum price area 7:		
District No. 19.....	2.0339	4.22
District No. 20.....	2.2811	-18.80
Total, price area 7.....	2.1270	-4.21

Price area and district	Determined weighted average cost per ton (this proceeding)	Changes in weighted average per ton costs from those determined in General Docket No. 15
Minimum price area 9: District No. 22.....	1.5034	<i>Cents</i> 1.83
Minimum price area 10: District No. 23.....	3.5211	29.04
Total, United States..	2.1947	10.63

And it is further ordered, That these costs be used as the basis for the revision of the effective minimum prices made necessary by these changes in cost.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-864; Filed, January 30, 1942;
2:34 p. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER FOR PROCEDURE

By Findings of Fact, Conclusions of Law and Opinion and an accompanying Order in this matter all dated January 27, 1942, the Acting Director determined the established weighted average of the total costs of the ascertainable tonnage for each district and each minimum price area, and set forth the changes in the costs theretofore determined in General Docket No. 15.

In that Opinion it was stated that:

A procedure is being devised whereby parties may request the Secretary of the Interior to review my determinations herein on specified questions of law and policy, and may present briefs to him on such questions as he decides to review. An appropriate order will issue setting forth this procedure.

Now therefore it is ordered, as follows:

1. Parties to this proceeding who desire to do so may file with the Secretary of the Interior requests that he review specific questions of law and policy that pertain to the determinations embodied in the Order of the Acting Director herein, dated January 27, 1942. Such requests for review must be filed by February 10, 1942.

2. Since any review herein is not a matter of right and is purely a matter within the discretion of the Secretary of the Interior, such requests should indicate the specific determination of law and policy of which review is sought, together with a brief statement of the considerations which are believed to warrant its being granted.

3. After the Secretary of the Interior announces which requests for review, if any, have been granted in whole or in part, parties who desire to do so may, not later than two weeks from the date of such announcement, file briefs on such questions of law and policy.

4. Any requests, statements or briefs filed pursuant to this Order shall be filed with the Secretary of the Interior, Washington, D. C. Ten copies of all such documents shall be filed.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Approved: January 28, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-865; Filed, January 30, 1942;
2:34 p. m.]

[Docket No. A-1277]

PETITION OF H. S. SCRANTON, ET AL., CODE MEMBERS, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS IN SIZE GROUP 15 PRODUCED IN SUBDISTRICTS 2 AND 3 IN DISTRICT NO. 17

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 4, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

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

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

of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 27, 1942.

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

The matter concerned herewith is in regard to the petition of H. S. Scranton, Bluff Springs Leasing Co., Brookside Coal Mining Company, Inc., Caldirola Coal Company, Luis Yellico, W. D. Corley, Jr., Canon Liberty Coal Company, Wm. L. Beer, Canon National Coal Company, Dominic Moschetti, Joseph Z. Duca, Tony Santarelli, Highland Coal Mines, Inc., Florence Coal Mines, Inc., Giuliano & Sons Coal Company, Nushaft Canon Coal Co, Inc., James Perino, and Tony Vento, code members operating mines in Subdistricts 2 and 3 in District No. 17, for revision of the effective minimum prices for the coals in Size Group 15 produced in those subdistricts and, more particularly, for an increase from \$1.45 to \$1.65 per ton in the minimum price for those coals, for shipment by truck, and for an increase from \$1.20 per ton to \$1.40 per ton in the minimum price for those coals, for shipment by rail into Market Areas 219 and 220.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-926; Filed February 2, 1942;
10:46 a. m.]

[Docket No. B-121]

IN THE MATTER OF W. H. GREENE, ALSO KNOWN AS W. H. GREEN, DOING BUSINESS AS STRAIGHT CREEK JELICO COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER RESCHEDULING HEARING AND
REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at the Court Room, City Hall, Middlesboro, Kentucky on January 15, 1942 by an Order of the Division dated November 22, 1941, and having been continued by the Examiner on January 15, 1942 to a date and a hearing room to be thereafter designated by an appropriate Order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on February 16, 1942 at 10 o'clock a. m., at the Court Room; City Hall, Middlesboro, Kentucky, before Joseph A. Huston, Trial Examiner vice Charles S. Mitchell.

It is further ordered, That the Notice of and Order for Hearing dated Novem-

ber 22, 1941 shall in all other respects remain in full force and effect.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-927; Filed, February 2, 1942;
10:46 a. m.]

[Docket No. A-449]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF THE STATE OF NORTH CAROLINA, REQUESTING THAT MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR INDUSTRIAL COAL ALSO APPLY TO COALS PURCHASED BY THE STATE OF NORTH CAROLINA, ACTING THROUGH ITS DIVISION OF PURCHASE AND CONTRACT, FOR THE USE OF STATE AGENCIES

ORDER DENYING RELIEF

An original petition, and an amendment thereto, having been filed with the Bituminous Coal Division by the Consumers' Counsel Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the State of North Carolina be permitted to purchase high volatile double-screened coals at "industrial prices;" and

Pursuant to Orders of the Director, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., on March 19, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;¹

Now therefore it is ordered, That the prayer of the original petitioner be, and the same hereby is, denied.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-928; Filed, February 2, 1942;
10:46 a. m.]

[Docket No. 1720-FD]

IN THE MATTER OF MALCOLM N. MCKINNON, DEFENDANT

CEASE AND DESIST ORDER

A complaint, and an amendment thereto, having been filed on June 16, 1941 with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 20, complainant, alleging, *inter alia*, that the defendant, Malcolm N. McKinnon, a code member in District 20, operating the American Fuel Mine (Mine Index No.

¹Not filed with the original document.

147), wilfully violated the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 20 for Truck Shipments, and with intent to violate the same, and in violation thereof,

(a) Sold during the period subsequent to September 30, 1940 to various purchasers approximately 7,525 tons of not less than 3" lump coal (Size Group No. 3) produced by the defendant at his American Fuel Mine (Mine Index No. 147) located in District No. 20, at a price of \$2.65 per net ton f. o. b. the mine, whereas the effective minimum price for such coal is \$2.85 per net ton f. o. b. the mine;

(b) Sold and delivered as aforementioned subsequent to September 30, 1940, approximately 1,042 tons of 2½" x 4½" (Size Group No. 5) stove coal produced by the defendant at the above-mentioned mine, at a price of not more than \$1.86 per net ton f. o. b. the mine, whereas the effective minimum price for such coal is \$2.70 per net ton f. o. b. the mine.

Pursuant to an order of the Director and after due notice to all interested persons, a hearing having been held in this matter on September 4, 1941, at a hearing room of the Division in Price, Utah; and

Appearances having been entered by District Board No. 20, the complainant, and Malcolm N. McKinnon, defendant; and

All interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned; and

An answer having been filed by the defendant on August 11, 1941; the undersigned having made Findings of Fact, Conclusions of Law, and rendering an Opinion in this matter, which are filed herewith;¹

It is ordered, That the defendant, Malcolm N. McKinnon, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from selling coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act or any rules or regulations promulgated thereunder; the Bituminous Coal Code; and the Schedule of Effective Minimum Prices for District 20 for Truck Shipments.

It is further ordered, That the Division may forthwith, upon the failure or neglect of the defendant to comply with this order, apply to the Circuit Court of Appeals of the United States within any

¹Not filed with the original document.

circuit where defendant carries on business, or the United States Circuit Court of Appeals for the District of Columbia, for the enforcement thereof, or take any other appropriate action.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-929; Filed, February 2, 1942;
10:47 a. m.]

[Docket No. 1757-FD]

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

MEMORANDUM OPINION AND ORDER VACATING AN ORDER DATED JANUARY 10, 1942, AND APPROVING AND ADOPTING, WITH MODIFICATIONS, PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND CEASE AND DESIST ORDER

This proceeding was instituted upon a complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, filed with the Bituminous Coal Division on May 28, 1941, by District Board 11, alleging that Kieffner Coal Company, the defendant, a code member in District 11, violated the Bituminous Coal Code and effective minimum prices established thereunder, and praying that the Division direct the defendant to cease and desist from such violations.

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

Thereafter, the Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated November 19, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Code and rules and regulations thereunder. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs were filed.

On January 10, 1942, the undersigned entered an Order approving and adopting, with minor modification, the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as the Findings of Fact and Conclusions of Law of the undersigned and directing that Kieffner Coal Company, the defendant, cease and desist from violations of the Act, the Code, and rules and regulations thereunder.

In his Order of January 10 the undersigned corrected a statement made by the Examiner in his Report to the effect that one Erb, a witness who testified at the hearing, is a compliance officer of the Division. The record indicates and I find that Erb is engineer for District Board 11.

In the Order of January 10, as in the Examiner's Report, the defendant herein, Kieffner Coal Company, is described as a partnership consisting of Harry Kieffner and August Kieffner. From the record it appears that the partners in the Kieffner Coal Company, operating the Kieffner

Mine (Mine Index No. 312) in District 11, were formerly Harry and August Kieffner. It further appears that on May 24, 1940, the defendant, the Kieffner Coal Company, a partnership consisting of Albert Galey and Clarence Shipley, acquired the Kieffner Mine and thereafter operated same. The violations with which this proceeding is concerned occurred at the Kieffner Mine while it was being operated by the defendant, the Kieffner Coal Company, a partnership consisting of Albert Galey and Clarence Shipley. At the hearing herein the defendant was represented by partner Galey, who also testified as a witness. Upon the foregoing and the entire record I find that the defendant, the Kieffner Coal Company, is a partnership consisting of Albert Galey and Clarence Shipley.

Inasmuch as the Order of January 10, 1942, erroneously described the defendant as a partnership consisting of Harry and August Kieffner, that Order should be vacated and set aside.

In this respect and in respect to the erroneous statement by the Examiner concerning the witness Erb, the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be, and they hereby are, modified.

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

Now, therefore, it is ordered, That the Order entered herein on January 10, 1942, be and it hereby is vacated and set aside.

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

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

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

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-931; Filed, February 2, 1942;
10:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 3 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA¹

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), there was issued, effective October 1, 1939, order No. 42, regulating the handling of milk in the New Orleans, Louisiana, marketing area, amendment No. 1 to said order being issued effective May 1, 1940, and amendment No. 2² to said order being issued effective April 1, 1941.

A marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, was tentatively approved on February 12, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing³ which was held in New Orleans, Louisiana, beginning on October 29, 1941, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on January 3, 1942, of a marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed amendment No. 3 to said Order No. 42, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed amendment No. 3 to said Order No. 42, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of September 1941, said month

¹ See also Title 7, Chapter IX, *supra*.

² 6 F.R. 1648.

³ 6 F.R. 5193.

having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 28th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States
Dated: January 29, 1942.

[F. R. Doc. 42-880; Filed, January 31, 1942;
11:25 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 2, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these

Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Carolina Handkerchief Company, Inc., West End, North Carolina; Handkerchiefs; 5 learners (E); June 1, 1942.

Meyer Eisenberg, 2625 Dickinson Street, Philadelphia, Pennsylvania; Men's Pants; 5 percent (T); February 2, 1943.

Ideal Manufacturing Company, 220 Franklin Street, Johnstown, Pennsylvania; Ladies' Belts, Pleating; 7 learners (E); April 6, 1942.

Trimount Clothing Company, Inc., 18 Station Street, Roxbury, Massachusetts; Men's Clothing; 5 percent (T); February 2, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Aalfs-Baker Manufacturing Company, 1007 Fourth Street, Sioux City, Iowa; Overalls, Shirts and Pants; 10 percent (T); February 2, 1943.

Ambra Manufacturing Company, 911 Center Street, Freeland, Pennsylvania; Sport Shirts; 9 learners (T); February 2, 1943.

The Baker Manufacturing Company, 319½ East Main Street, Chanute, Kansas; Ladies' and Children's Wash Frocks, Smocks and Blouses; 25 learners (E); April 13, 1942.

The Baker Manufacturing Company, 319½ East Main Street, Chanute, Kansas; Ladies' & Children's Wash Frocks, Smocks, & Blouses; 10 percent (T); February 2, 1943.

Ball Brassiere Company, Inc., 8 W. 30th Street, New York, N. Y.; Brassieres & Corsets; 75 learners (E); August 2, 1942.

Berry Dry Goods Company, 105-107 East Markham Street, Little Rock, Arkansas; Men's and Boys' Overalls and Pants; 10 percent (T); February 2, 1943.

Bonzette Foundations, Inc., 12-16 West 27th Street, New York, N. Y.; Brassieres & Bandeaux; 10 percent (T); May 18, 1942.

Dallas Pant Manufacturing Company, Dallas, Texas; Pants; 10 percent (T); February 2, 1943.

Kay Dunhill, Inc., Hudson and Hill Streets, Mechanicsville, New York; Dresses; 10 percent (T); February 2, 1942.

Greenville Pant Manufacturing Company, South Stonewall Street, Greenville, Texas; Single Pants; 10 percent (T); February 2, 1943.

Helene Dresses, Incorporated, 165 Water Street, Catskill, New York; Dresses; 10 percent (T); February 2, 1943.

Hollywood Maxwell Company, Front Street, Natchitoches, Louisiana; Brassieres; 5 learners (T); February 2, 1943. (This certificate replaces one issued to you bearing expiration date of October 13, 1942.)

JaRose Manufacturing Company, 699 Broadway, New York, N. Y.; Ladies' Underwear; 5 learners (T); May 18, 1942.

Kay Dress Company of Massachusetts, Inc., Cove Road, New Bedford, Massachusetts; Dresses; 10 learners (T); February 2, 1943.

Charles Komar and Sons, 259 N. Stevens Avenue, South Amboy, New Jersey; Ladies' and Misses' Silk and Rayon Slips; 10 percent (T); February 2, 1943. Lee Manufacturing Company, Inc., 5902 St. Vincent's Avenue, Shreveport, Louisiana; Shirts and Pants; 10 percent (T); February 2, 1943.

M. & G. Waist Company, 174 Glen Street, Glens Falls, New York; Blouses; 5 learners (T); February 2, 1943.

Mi-Ron Dress Company, 3rd and Chew Streets, Allentown, Pennsylvania; Ladies' & Children's Dresses; 18 learners (E); June 22, 1942.

Novick and Kahn, 31 W. 27th Street, New York, N. Y.; Ladies' Knitted Girdles; 1½ percent (T); May 18, 1942.

Peter Pan Manufacturing Company, 132 Essex Street, Boston, Massachusetts; Overalls and Coveralls; 5 learners (T); February 2, 1943.

Pool Manufacturing Company, South Montgomery Street, Sherman, Texas; Shirts, Pants, Overalls; 10 percent (T); February 2, 1943.

Primrose Foundations, Inc., 53 West 23rd Street, New York, N. Y.; Corsets and Girdles; 10 percent (T); May 18, 1942.

Shriner Manufacturing Company, Taneytown, Maryland; Pajamas and Middles; 10 percent (T); August 2, 1942.

C. F. Smith Company, 126 W. Los Feliz Boulevard, Glendale, California; Men's Shirts, Slack Suits; 10 learners (T); August 2, 1942.

Straus Royer and Strass, Inc., Elm Avenue and W. 32nd Street, Baltimore, Maryland; Dresses; 2 learners (T); August 2, 1942.

Style Dress Company, Mill #8, Ware, Massachusetts; Misses' & Women's Dresses; 10 percent (T); February 2, 1943.

Universal Pants Company, Inc., 39 W. 21st Street, Northampton, Pennsylvania; Men's Trousers; 10 percent (T); February 2, 1943.

Vesta Corsets, Inc., 157 Main Street, Cortland, New York; Corsets & Brassieres; 5 learners (T); February 2, 1943.

Warren Shirt Company, 7th and Millin Streets, Lebanon, Pennsylvania; Polo Shirts, Jackets; 10 percent (T); February 2, 1943. (This certificate replaces one issued bearing expiration date of March 10, 1942.)

Williamson-Dickie Manufacturing Company, 509 West Vickery Boulevard, Fort Worth, Texas; Pants, Overalls, Coveralls, Work Shirts; 10 percent (T); February 2, 1943.

Wood Garment Manufacturing Company, Elm Street, Republic, Missouri; Overalls and Work Pants; 10 percent (T); February 2, 1943.

Hosiery

Gray Line Hosiery Company, Street Road, Eddington, Pennsylvania; Full Fashioned Hosiery; 4 learners (T); February 2, 1943

The Nolde and Horst Company; Ninth and Douglass Streets, Reading, Pennsylvania; Seamless and Full Fashioned

Hosiery; 12 learners (T); February 2, 1943.

Knitted Wear

Redstone Knitting Mill, Inc., Penn Craft, East Millsboro, Pennsylvania; Knitted Outerwear; 5 learners (T); February 2, 1943.

Textile Specialty Corporation, 39 W. 19th Street, New York, N. Y.; Commercial Knitting; 5 learners (T); May 18, 1942.

Millinery

Florence Reichman, Inc., 1 West 57th Street, New York, N. Y.; Custom-Made Millinery; 2 learners (T); February 2, 1943.

Textile

Greenwood Cotton Mill, Greenwood, South Carolina; Cotton and Spun Rayon Cloth; 3 percent (T); February 2, 1943. (This certificate replaces one bearing expiration date of September 25, 1942.)

Mathews Cotton Mill, Greenwood, South Carolina; Cotton and Spun Rayon Cloth; 3 percent (T); February 2, 1943. (This certificate replaces one issued bearing expiration date of August 18, 1942.)

South Hill Industries, Inc., Goodes Ferry Road, South Hill, Virginia; Ribbons; 3 learners (T); February 2, 1943.

Signed at Washington, D. C., this 2d day of February 1942.

PAULINE C. GILBERT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-947; Filed, February 2, 1942; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (B) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective February 2, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER AGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Florida Cigar Company, E. Jefferson Street, Quincy, Florida; Cigar Industry;

4 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Packing; August 2, 1942.

I. B. Kleinert Rubber Company, 20-09 127th Street, College Point, New York; Dress Shields, Baby Pants, etc.; 10 percent; 8 weeks for any one learner; 75% of applicable minimum; Hand Workers and Machine Workers in Make-Up Processes Only; Inspectors on Rubber Products; August 3, 1942.

Roy R. Smith Cigar Company, Wallick Alley, Red Lion, Pennsylvania; Cigar Industry; 8 learners; 8 weeks for any one learner; 75% of applicable minimum wage; Cigar Machine Operating; June 16, 1942.

Signed at Washington, D. C., this 2nd day of February 1942.

PAULINE C. GILBERT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-941; Filed, February 2, 1942; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5765]

IN THE MATTER OF SUPERIOR WATER, LIGHT & POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

JANUARY 27, 1942.

It appearing to the Commission that:

(a) Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses requires all public utilities to submit reclassification and original cost studies;

(b) Superior Water, Light & Power Company (hereinafter referred to as Superior) is engaged in the transmission and sale at wholesale of electric energy in interstate commerce and may be, therefore, a public utility within the meaning of the Federal Power Act subject to the jurisdiction of the Commission;

(c) Superior has failed to file with the Federal Power Commission reclassification of accounts and original cost studies required by the Commission's Uniform System of Accounts;

(d) Superior has filed a reclassification of accounts and original cost studies with the Public Service Commission of Wisconsin under the requirements of the system of accounts prescribed by that Commission;

(e) The staff of the Wisconsin Commission has made a field study of Superior's proposed reclassification of accounts and original cost studies and has submitted a report in which adjustments of the accounts of Superior are recommended;

(f) The report of the staff of the Wisconsin Commission has been served upon Superior and the Wisconsin Commission has ordered that a hearing be held on March 9, 1942, with respect to the studies filed by Superior and the accounting adjustments recommended by that commission's staff (Wisconsin Commission Docket 2-U-1569);

(g) The staff of the Federal Power Commission has reviewed the studies filed by Superior and the report of the Wisconsin Commission's staff;

(h) As a result of the studies made by the Federal Power Commission's staff, it has been recommended by the staff that in the reclassification of accounts and original cost studies to be filed by Superior with this Commission, Superior submit a plan for the disposition of an amount of \$300,000 classified in Account 107, Electric Plant Adjustments, representing common stock issued for franchises at organization, and reflect adjustments to its accounts in the following respects:

(1) Make an adjusting journal entry on its books as follows:

	Debit	Credit
Electric plant in service.....	\$993,110.21	
Gas plant in service.....	1,047,458.50	
Water plant in service.....	1,541,693.50	
Electric plant adjustments...	333,936.60	
Gas plant adjustments....	208,315.75	
Water plant adjustments....	710,873.58	
Unclassified plant.....		\$4,835,388.23

(2) Dispose of an amount of \$7,710.74 classified in Account 107, Electric Plant Adjustments, representing unrecorded retirements by a charge to Account 250, Reserve for Depreciation;

(3) Dispose of a credit amount of \$9,939.91 classified in Account 107, in Electric Plant Adjustments, representing contributed property by a transfer to Account 265, Contributions in Aid of Construction;

(4) Dispose of an amount of \$1,039.88 classified in Account 107, Electric Plant Adjustments, representing miscellaneous improper charges to plant account, by a charge to Account 271, Earned Surplus;

(5) Dispose of an amount of \$39,323.50 classified in Account 107, Electric Plant Adjustments, representing discount and expense on bonds retired, by a charge to Account 271, Earned Surplus; and

(6) Dispose of a credit amount of \$4,197.61 classified in Account 107, Electric Plant Adjustments, representing interest during construction in lieu of bond discount eliminated, by a transfer to Account 271, Earned Surplus;

The Commission orders that:

(A) Superior show cause, if any there be, at a public hearing on March 9, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, why the Federal Power Commission should not by order require Superior (a) to file reclassification of accounts and original cost studies, reflecting the accounting adjustments in said studies, and (b) to dispose of the \$300,000, classified in Account 107, representing common stock issued for franchises at organization, in accordance with the evidence adduced at the hearing; all as more fully set forth in paragraph (h) hereof;

(B) The Secretary, in accordance with the provisions of Part 39, § 39.4 of the Commission's Rules of Practice and Regulations, communicate this Commission's determination to the Public Service Commission of Wisconsin that a joint hearing in the above-entitled matter is desirable, in view of the similarity of the issues involved herein and in the matter pending before the Wisconsin Commission as above noted.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-866; Filed, January 30, 1942;
2:54 p. m.]

[Docket No. IT-5766]

IN THE MATTER OF NORTHERN POWER
COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF
HEARING

January 27, 1942.

It appearing to the Commission that:

(a) Northern Power Company (hereinafter referred to as Northern) has filed with the Federal Power Commission its proposed reclassification and original cost studies, as required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Federal Power Commission's order of May 11, 1937;

(b) Northern has also filed similar reclassification and original cost studies with the Public Service Commission of Wisconsin, under the requirements of the system of accounts prescribed by that commission;

(c) The staff of the Wisconsin Commission has made a field study of Northern's proposed reclassification and original cost studies, filed with that commission by Northern, and has submitted a report in which certain adjustments of the accounts of Northern are recommended;

(d) The report of the staff of the Wisconsin Commission has been served upon Northern and that commission has ordered that a hearing be held on March 9, 1942, with respect to the studies filed by Northern and the accounting adjustments recommended by that commission's staff (Wisconsin Commission Docket 2-U-1556);

(e) The staff of the Federal Power Commission has reviewed the studies filed by Northern with the Commission and the report of the Wisconsin Commission's staff;

(f) As a result of the studies made by the staff of the Federal Power Commission, it has been recommended by the staff that Northern be ordered to submit a plan for the disposition of an amount of \$273,067.45 classified in Account 107, Electric Plant Adjustments, representing profits to an associated company, and to adjust its accounts in the following respects:

(1) Make an adjusting entry on its books crediting Account 100.1, Electric Plant in Service, with an amount of \$313,625.71 and charging Account 107, Electric Plant Adjustments, with \$312,423.84 and Account 110, Other Physical Property, with \$1,201.87;

(2) Dispose of an amount of \$40,279.86 classified in Account 107, representing unrecorded retirements, by charging \$23,284.76 to Account 250, Reserve for Depreciation, extinguishing the balance in that account; charging \$746.24 representing salvage materials, to Account 131, Materials and Supplies; and charging the balance of \$16,248.86 to Account 271, Earned Surplus;

(3) Dispose of a credit amount of \$1,082.33 classified in Account 107, representing contributed property, by a transfer to Account 265, Contributions in Aid of Construction; and

(4) Dispose of an amount of \$158.86 classified in Account 107, representing miscellaneous improper charges to plant, by a charge to Account 271, Earned Surplus;

The Commission orders that:

(A) Northern Power Company show cause, if any there be, at a public hearing to be held on March 9, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, why the Commission should not by order require Northern to adjust its accounts in accordance with the recommendations of the Commission's staff and to dispose of the amount of \$273,067.45 in accordance with the evidence adduced at such public hearing;

(B) The Secretary, in accordance with the provisions of Part 39, § 39.4 of the Commission's Rules of Practice and Regulations, communicate this Commission's determination to the Public Service Commission of Wisconsin that a joint hearing in the above-entitled matter is desirable in view of the similarity of the issues involved herein and in the matter pending before the Wisconsin Commission as above noted.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-867; Filed, January 30, 1942;
2:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND
ELECTRIC COMPANY (KENTUCKY), AND
STANDARD GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

The above named companies having filed an application and an amendment thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company

Act of 1935 with respect to the following transaction:

Louisville Gas and Electric Company (Kentucky) would sell, and Standard Gas and Electric Company would purchase shares of common stock at \$23.50 per share, of the first named company, in each month commencing with the month of January 1942, in such number that together with shares of said stock sold to the public the proceeds to said company would be not in excess of \$500,000 in each month, payment for shares purchased by Standard Gas and Electric Company to be made not later than the 10th day of the month following such month during which purchases are made, until all of the 150,000 shares of said stock regarding the issue and sale of which an order was entered on October 22, 1941, in the Matter of Louisville Gas and Electric Company (Kentucky), File No. 70-405, have been entirely sold by said company.

A hearing having been held after appropriate public notice and the Commission having made and entered its findings and opinion herein;

It is ordered, That said application be and it is hereby granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-874; Filed, January 31, 1942;
11:45 a. m.]

[File No. 70-490]

IN THE MATTER OF ILLINOIS IOWA POWER
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

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

Notice is further given that any interested person may, not later than February 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

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

therein proposed, which are summarized below:

Illinois Iowa Power Company, a registered holding company which is an indirect subsidiary of The North American Company, also a registered holding company, proposes to sell to Commonwealth Edison Company, a nonaffiliate which is neither a registered holding company nor an admitted subsidiary thereof, all real estate and personal property comprising its 132 kv Oglesby switching and transformer substation located near Oglesby, Illinois except (a) the 33 kv substation structure, transformers and accessory equipment, and (b) the 2.3 kv substation structure, transformers and accessory equipment, for and in consideration of the payment by said purchaser of an amount equal to the original cost to the seller of the property to be transferred less depreciation and of an amount equal to the purchaser's pro rata share of current annual real estate and property taxes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-875; Filed, January 31, 1942;
11:45 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER
& LIGHT CORPORATION

ORDER GRANTING EXTENSION OF TIME WITHIN
WHICH TO CONSUMMATE TRANSACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The Commission, by its order issued December 23, 1941, having permitted Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system to utilize approximately \$2,835,015 for the purchase of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to the solicitation of tenders at 100 and accrued interest up to and including January 31, 1942; and

Declarant having filed an amendment herein requesting that the period within which such tenders may be accepted be extended to and including February 28, 1942; and

It appearing to the Commission that declarant's request for an extension of the period within which tenders may be accepted should be granted

It is ordered, That declarant's request be granted, subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24, and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-amendments shall be deemed

applicable in the event that any person shall be directly or indirectly employed to solicit tenders by direct contact with the holders of bonds.

2. That within ten (10) days after the consummation of the proposed transaction the declarant file with the Commission, a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each.

3. That no bonds directly or indirectly owned or controlled by any affiliate of the declarant or by any officer or director of the declarant or of any such affiliate shall be purchased.

4. That no fees incurred in connection with the resumption of the solicitation of tenders as herein proposed be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-937; Filed, February 2, 1942;
11:39 a. m.]

[File No. 70-464]

IN THE MATTER OF INDIANA SERVICE COR-
PORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

Indiana Service Corporation, (hereinafter referred to as "Service Corporation"), a subsidiary of Clarence A. Sutherland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, (hereinafter referred to as "Utilities"), a registered holding company, having filed an application pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of Sections 6 (a) and 7 of the Act of the issue and sale of \$404,448 principal amount of Service Corporation's serial notes maturing in sixty equal monthly installments (notes 1 to 12, inclusive, bearing interest at the rate of 3% per annum from date until payment and notes number 13 to 60, inclusive, bearing interest at the rate of 3¾% per annum from date until payment) for the purpose of paying part of the purchase price of forty electric trackless trolley coaches; and

A public hearing having been held upon such application, as amended, after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered that said application, as amended, be and the same hereby is granted subject, however, to the conditions set forth in Rule U-24 and to the further condition that Service Corporation shall not, unless it first obtains an order of this Commission, pay any of

the principal or interest accrued or to be accrued on its demand notes payable to Utilities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-938; Filed February 2, 1942;
11:40 a. m.]

[File No. 70-481]

IN THE MATTER OF SOUTHERN NATURAL GAS
COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The above named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the issuance and sale to The Northwestern Mutual Life Insurance Company of \$970,000 principal amount of First Mortgage Pipe Line Sinking Fund Bonds, 3½% Series, Due 1956, such sale to be for a cash consideration equivalent to 102.78% of the principal amount of said bonds, plus accrued interest from October 1, 1941; and

Said declaration having been filed on January 9, 1942 and an amendment thereto having been filed on January 21, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said declaration as filed or as amended be permitted to become effective on January 31, 1942, or as soon thereafter as reasonably practicable; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of said declaration as amended should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same is hereby, permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-939; Filed, February 2, 1942;
11:40 a. m.]