

(iv) "Electroplate or deposit" means any method, electrolytic or otherwise, whereby rhodium may be plated upon a metallic surface.

(v) "Jewelry" means any ornamental article or accessory of personal adornment, whether incompletely or completely manufactured, and including rings, settings, mountings, blanks, findings, pins, brooches, bracelets, initials, tie-pins, collar pins, atomizers (except medical), cosmetic containers, lighters, napkin rings, picture frames, smokers, accessories, souvenirs, or any other similar ware and ornaments.

(c) *Effective date.* This Order shall take effect on the 11th day of March, 1942, and shall continue in effect until December 31, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 11th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-2120; Filed, March 11, 1942; 4:29 p. m.]

PART 1104—BICYCLES AND BICYCLE PARTS
Limitation Order L-52

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

§ 1104.1 *General Limitation Order L-52—(a) Definitions.* For the purposes of this Order:

(1) "Bicycle" means any pedal-propelled, non-motor, two-wheeled vehicle.

(2) "Bicycle Manufacturer" means any Person who manufactures or assembles finished Bicycles.

(3) "Parts Manufacturer" means any Person who manufactures Parts or Accessories for Bicycles.

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

(5) "Net Weight" means the weight of the finished Bicycle, exclusive of the weight of tires or tubes.

(6) "Preferred Order" means any order or contract for Bicycles, Parts, or Accessories to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development.

(7) "Prohibited Materials" means crude rubber and any metal other than iron, unalloyed steel, silver and gold.

(8) "Parts" means those components in the make-up of Bicycles, essentially required for the actual function of locomotion.

(9) "Accessories" means all customary attachments to Bicycles other than Parts.

Neither Parts nor Accessories shall include anything not customarily attached to the Bicycle itself.

(10) "Replacement Parts and Accessories" means those Parts and Accessories sold to anyone other than a Bicycle Manufacturer.

(11) "Restricted Period" means the period from the effective date of this Order to March 31, 1942.

(12) "Average Daily Production" means the total production during the calendar year 1941 divided by 365.

(b) *General restrictions.* (1) During the Restricted Period no Bicycle Manufacturer shall manufacture or assemble a greater total of Bicycles than 42% of his Average Daily Production of Bicycles multiplied by the number of days (including Sundays and holidays) contained in the Restricted Period.

(2) During the Restricted Period:

(i) No Bicycle Manufacturer shall manufacture any Bicycles having a Net Weight greater than 47 pounds;

(ii) No Parts Manufacturer shall manufacture a greater total of any Replacement Part or Accessory for Bicycles than his Average Daily Production of such Replacement Part or Accessory multiplied by the number of days (including Sundays and holidays) contained in the Restricted Period.

(3) During the three months' period ending June 30, 1942, no Bicycle Manufacturer shall manufacture more Bicycles than three times 42% of the average monthly number of Bicycles produced by him in the calendar year 1941.

(4) During the three months' period ending June 30, 1942, no Bicycle Manufacturer shall manufacture any Bicycles which

(i) Have a Net Weight greater than 31 pounds;

(ii) Are not built with a diamond-shaped frame, or when intended for use by women, with a drop-shaped frame;

(iii) Have a frame measurement from the center of the crank to the top of the saddle post staff of less than 20 inches.

(iv) Contain any Prohibited Material, *except that*

(a) Chromic acid for plating may be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such Prohibited Material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Supplementary Order M-15b-1 as amended from time to time.

(v) Have tires or tubes with a diameter greater than 1.375 inches;

(vi) Are equipped with any of the following Parts or Accessories if those Parts

or Accessories contain any iron or steel or Prohibited Material: Chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks. *Provided,* That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above Parts or Accessories and the fastening of such Parts or Accessories to the finished such Parts or Accessories to the finished Bicycle, may be used.

(5) During the three months' period ending June 30, 1942

(i) No Parts Manufacturer shall manufacture any Replacement Part or Accessory for Bicycles, which contains any Prohibited Material, *except that*

(a) Chromic acid for plating may be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such Prohibited Material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Supplementary Order M-15-b-1 as amended from time to time;

(ii) No Parts Manufacturer shall use iron or steel or any Prohibited Material in the manufacture of any of the following Replacement Parts or Accessories for Bicycles: chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks: *Provided,* That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above Parts or Accessories and the fastening of such Parts or Accessories to the finished Bicycle, may be used;

(iii) No Parts Manufacturer shall manufacture a greater total of any single Replacement Part or Accessory for Bicycles than three times 100% of the average monthly number of such Replacement Part or Accessory manufactured by him in the calendar year 1941; except that a Parts Manufacturer may manufacture such additional Replacement Parts and Accessories (other than those enumerated in subparagraph (5) (ii)) as he can make from three times 50% of the average monthly amount of iron and steel used by him in 1941 in the manufacture of those Parts and Accessories enumerated in subparagraph (5) (ii).

(6) Any Bicycle or Parts Manufacturer having Preferred Orders may exceed any of the foregoing restrictions to the extent required to fill such Preferred Orders.

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

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

(e) *Reports.* All Persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request. No reports or questionnaires are to be filed by any Person until forms therefor are prescribed by the War Production Board.

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

(g) *Appeal.* Any Person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref: L-52" setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-52.

(i) *Applicability of other orders.* Insofar as any other Order of the Director of Industry Operations heretofore or hereafter issued, limits or curtails to a greater extent than herein provided, the use of any material used in the production of Bicycles, Replacement Parts and Accessories, the limitations of such other Order shall control.

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

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

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2146; Filed, March 12, 1942; 11:58 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

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

MAXIMUM PRICE REGULATION 107—USED TIRES AND TUBES

Correction

In Table I-B—Maximum Prices for Used Truck and Bus Tires, appearing in the issue of March 11, 1942, at page 1840, the line reading:

9.00-20 (36 x 8).....12 51.98 42.55 28.35 12.00

is corrected to read:

9.00-20 (35 x 8).....12 52.00 42.55 28.35 12.00

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

TITLE 46—SHIPPING

CHAPTER I—COAST GUARD

[Coast Guard General Order No. 8]

ADOPTING CERTAIN ORDERS, RULES, REGULATIONS, PERMITS, AND OTHER PRIVILEGES MADE, ISSUED, OR GRANTED IN THE EXERCISE OF CERTAIN FUNCTIONS TRANSFERRED TO THE UNITED STATES COAST GUARD BY EXECUTIVE ORDER NO. 9083, DATED FEBRUARY 28, 1942

MARCH 5, 1942.

All orders, rules, regulations, permits, or other privileges made, issued, or granted in the exercise of all functions of:

(a) The Secretary of Commerce, the Bureau of Marine Inspection and Navigation, the office of the Director thereof, the offices of supervising inspectors, principal travelling inspectors, travelling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Boards, and the Marine Boards;

(b) Collectors of Customs; and

(c) The United States Maritime Commission;

transferred to the United States Coast Guard by Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), and in effect at the time of such transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed, in the process of consolidation.

R. R. WAESCHE,
Commandant.

Approved:

FRANK KNOX,
Secretary of the Navy.

MARCH 5, 1942.

[F. R. Doc. 42-2140; Filed, March 12, 1942; 11:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 2—ADJUDICATION: VETERANS' CLAIMS REQUISITION FOR SUBMISSION OF EVIDENCE

§ 2.1031 *Physicians' statements and lay affidavits.*

(d) Where the veteran was engaged in combat with the enemy in active service with a military or naval organization of the United States during a war, campaign or expedition, satisfactory lay or other evidence of service incurrence or aggravation of a disease or injury will be accepted as sufficient proof establishing that fact if consistent with the circumstances, conditions, or hardships of such service, notwithstanding there is no official record of such incurrence or aggravation, provided that service connection is not rebutted by clear and convincing evidence. The benefit of every reasonable doubt will be resolved in favor of such veterans and the reasons for granting or denying service connection in each such case shall be recorded in full. See § 2.1077 (b). (December 20, 1941) (Pub. Law 361, 77th Cong.)

SERVICE CONNECTION

§ 2.1077 (a) *Direct and presumptive service connection.* Under Public No. 2 and Public No. 141, 73d Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in or aggravated by active military or naval service within the dates prescribed under each Act and under Public No. 344, 74th Congress, provided that such incurrence or aggravation is not the result of the misconduct of the veteran. Under Public No. 141, 73d Congress, disability compensation is also authorized for disabilities presumptively service connected under the conditions hereinafter specified. Under Public No. 2, 73d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peace time service during an enlistment on and after April 21, 1898. Under Public No. 196, 76th Congress (July 19, 1939) any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as the result of any disability and who was in receipt of compensation therefor on March 19, 1933, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service, directly or presumptively under the laws and interpretations governing this class of cases prior to March 20, 1933, if otherwise entitled, notwithstanding such disability is considered to have been incurred as the result of the misconduct or wilful misconduct of the veteran. On or after October 17, 1940, under section 7 of Public No. 866, 76th Congress (October 17, 1940) any World War veteran, if otherwise entitled, may be paid disability com-

pensation for such disability, found to have been incurred in service, directly or presumptively under the laws and interpretations governing this class of cases prior to March 20, 1933, although he was not on the rolls as of March 19, 1933.

(b) In determinations involving the question of service connection due consideration shall be given to the places, types, and circumstances of service as shown by the service record, the official history of each organization in which the veteran served, his medical records, and all pertinent medical and lay evidence. See § 2.1031. (December 20, 1941) (Pub. Law 361, 77th Cong.)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-2128; Filed, March 12, 1942;
11:10 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-147]

IN THE MATTER OF EAST KENTUCKY COAL
SALES, INC., REGISTERED DISTRIBUTOR,
REGISTRATION NO. 2612

NOTICE OF AND ORDER FOR HEARING

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

(a) whether or not the East Kentucky Coal Sales, Inc., a Kentucky corporation, a Registered Distributor, Registration No. 2612, (hereinafter sometimes referred to as the "registered distributor") whose address is 2408 Union Central Building, Cincinnati, Ohio, has violated any provisions of the Act, the Code, and orders and regulations of the Division including the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated June 14, 1939, executed and filed by the East Kentucky Coal Sales, Inc., pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939;

(b) whether or not East Kentucky Coal Sales, Inc., purchased coal for resale from certain code members as more particularly set forth herein and accepted and retained discounts thereon in said transactions in excess of the maximum allowable discounts, as prescribed by Order of the Director in General Docket No. 12 dated June 19, 1940, thereby participating in a violation of Rule 1 of section III of the Marketing Rules and Regulations and in violation of Paragraphs (a) and (e) of the Agreement.

(1) During the period October 1, 1940 through April 1, 1941 the registered distributor sold to various purchasers ap-

proximately 181 cars of various sizes of coal produced by the Green Silvers Coal Corporation, Harlan, Kentucky, a code member, at its Malcolmson Mine, Mine Index No. 597, District 8, and retained discounts on 173 of said cars of coal in excess of the maximum allowable discounts.

(2) During the period October 1, 1940 through June 30, 1941 the registered distributor sold to various purchasers approximately 21 cars of various sizes of coal, produced by the Benito Harlan Coal Company, Benito, Kentucky, a code member, at its Benito Mine, Mine Index No. 41, District 8, and retained discounts on said cars of coal in excess of the maximum allowable discounts.

(3) During the period October 1, 1940 through June 30, 1941 the registered distributor sold to various purchasers approximately 357 cars of coal of various sizes, produced by the Buchanan Coal Company, Hazard, Kentucky, a code member, at its Rytip and Tiptop Mines, Mine Index Nos. 423 and 462, respectively, District 8, retaining discounts on 282 of said cars of coal in excess of the maximum allowable discounts.

(4) During the months of April through June 1941 the registered distributor sold to various purchasers 27 cars containing approximately 1500 tons of coal, produced by the McDonald Coal Company, Beattyville, Kentucky, a code member, at its McDonald Mine, Mine Index No. 2559, Lee County, District 8, retaining discounts on said cars in excess of the maximum allowable discounts.

(5) During the month of June 1941 the registered distributor sold to various purchasers 3 cars of coal produced by the Congleton Brothers, Beattyville, Kentucky, a code member, at its Congleton No. 4 Mine, Mine Index No. 1324, District 8, retaining in said transactions discounts in excess of the maximum allowable discounts.

(6) During the month of March 1941, the registered distributor sold to various purchasers 12 cars of various sizes of coal purchased from the Loeser Coal Company, Huntington, West Virginia, Sales Agent for F. B. Fry Coal Company, a code member, and produced by the said F. B. Fry Coal Company at its mine, Mine Index No. 2782, retaining discounts in the amount of \$65.66 in excess of the maximum allowable discounts.

(7) During the months of April and June 1941, the registered distributor sold to various purchasers 6 cars containing approximately 296 tons of various sizes of coal produced by the Miller-Davis Coal Company, a code member, at its Miller-Davis No. 2 Mine, Mine Index No. 3517, Breathitt County, Kentucky, retaining in these transactions discounts in the sum of \$7.62 in excess of the maximum allowable discounts.

(8) During the month of March 1941, the registered distributor sold to the Georgia Packing Company, Atlanta, Georgia, 10 carloads of 2' nut and slack coal produced by the Hensley and Finley Coal Company, Sibert, Kentucky, a code member, at its No. 1 Mine, Mine Index No. 1594, Clay County, District 8, retaining in said transactions discounts of

\$74.31 in excess of the maximum allowable discounts.

(9) During the month of February 1941, the registered distributor sold to various purchasers 3 cars of various sizes of coal produced by the Splint Coal Corporation, Harlan, Kentucky, a code member, at its Splint Mine, Mine Index No. 437, retaining discounts in the amount of \$23.13 in excess of the maximum allowable discounts.

(10) During the months of April and May 1941, the registered distributor sold to various purchasers 5 cars containing approximately 276 tons of various sizes of coal produced by W. G. and H. F. Nicely, doing business as the Livingston Power Company, Livingston, Kentucky, a code member, at its River Mine, Mine Index No. 2888, located in Rock Castle County, Kentucky, retaining discounts in the amount of \$10.32 in excess of the maximum allowable discounts;

(c) whether or not in the transactions described in Paragraph (b) Subparagraphs (1), (2), (3), (4) and (5) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, without there having been filed with the Statistical Bureau or Bureaus of the Division, certified copies of all such agency contracts or certified copies of agreements modifying any such sales agency contracts by setting forth therein the basis for the retention by the Sales Agent of the amount of commissions which East Kentucky Coal Sales, Inc., retained in said transactions, as required by Rules 4 (A), 4 (B), and Rule 9 (a) of section II of the Marketing Rules and Regulations, in violation of said rules, or any of them, and of paragraph (e) of the Agreement;

(d) whether or not in the transactions set forth in paragraph (b) subparagraphs (1), (2), (3), (4) and (5) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, and retained commissions in excess of the maximum discounts which it could receive if it purchased and resold such coal as a distributor, without there having been filed with the Division an application for permission to pay such commissions or without having been granted such permission, resulting in violations of Rule 13 (A) and Rule 13 (B) of section II of the Marketing Rules and Regulations, or either of said rules, and Paragraph (e) of the Agreement;

(e) whether or not in the transactions set forth in paragraph (b) subparagraphs (5), (7), (8) and (9) East Kentucky Coal Sales, Inc., made payment in accordance with Rule 1 (A) of section VII of the Marketing Rules and Regulations, for the coal so purchased by it, resulting in a violation of said rule and of paragraph (e) of the Agreement;

(f) whether or not on or about December 2, 1940 and February 6, 1941 East Kentucky Coal Sales, Inc., acting as Sales Agent for the Green Silvers Coal Corporation, Harlan, Kentucky, a code member, operator of the Malcolmson Mine, Mine Index No. 597, District 8, participated in transactions which were in violation of section 4 II (i) paragraphs 2 and 4 of the Act, Rule 1 of section III