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Washington, Wednesday, May 15, 1946

## The President

### EXECUTIVE ORDER 9722

#### REASSIGNMENT OF THE FUNCTIONS OF THE SERVICE OF SUPPLY COMMAND AND THE COMMANDING GENERAL, SERVICES OF SUPPLY

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat. 838), and as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The Secretary of War is authorized and directed, within thirty days from the date hereof, to reassign to such agencies and officers of the War Department as he may deem appropriate the functions, duties, and powers heretofore assigned to the service of supply command and to the Commanding General, Services of Supply.

Executive Order No. 9082 of February 28, 1942, entitled "Reorganization of the Army of the United States and Transfer of Functions within the War Department," is amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,  
May 13, 1946.

[F. R. Doc. 46-8101; Filed, May 14, 1946; 10:41 a. m.]

## Regulations

### TITLE 16—ARMY: WAR DEPARTMENT

#### Chapter II—Aircraft

#### PART 202—ASSISTANCE TO CIVIL AIRCRAFT

Sections 202.1 to 202.8, inclusive, are superseded by the following §§ 202.1 to 202.6, inclusive, in revision of AR 95-50, May 3, 1946.

- |       |   |
|-------|---|
| Sec.  |   |
| 202.1 | Use of Government military airfields by civil aircraft. |
| 202.2 | Competition with private enterprise.                    |
| 202.3 | Emergency sales.  |
| 202.4 | Prohibited sales.                                       |
| 202.5 | Emergency storage and overhauling.                      |
| 202.6 | Prices to be charged.                                   |

AUTHORITY: §§ 202.1 to 202.6, inclusive, issued under 44 Stat. 571; 49 U.S.C. 175.

§ 202.1 Use of Government military airfields by civil aircraft. (a) Commanding officers are authorized to permit the landing at airfields under their jurisdiction of itinerant civil aircraft being operated at the time in connection with Government contracts, other Government interest, or the official business of the installation and to furnish assistance to operators of such aircraft as hereinafter provided.

(b) Owners of civil aircraft not engaged in connection with Government work will not be permitted to use any active Government-owned military airfields as a base. However, the use of the landing area of such airfields by operators of civil aircraft may be permitted in the discretion of the commanding officer of the installation, upon conditions that the aircraft is not operated for profit, that it is not housed on the military reservation and that assistance will not be required from the military installation as to maintenance, repairs, and operation.

(c) In the case of Government-owned military airfields declared from time to time as being on an inactive status, operators of civil aircraft may be permitted, when airfield facilities are available, to use such facilities, subject in each case to the approval of the Commanding General, Army Air Forces, and under such regulations as are now or may hereafter be prescribed by the Commanding General, Army Air Forces.

(d) With regard to airfields leased by the Government for use in common with others, owners of private and commercial aircraft may obtain permission to use the facilities in accordance with the particular lease. Use by commercial aircraft of airfields occupied by the Army Air Forces under lease providing for exclusive use by the Government will require the approval of the Commanding General, Army Air Forces, and the issuance of a War Department permit. Owners of civil aircraft may obtain permits to use airfields, occupied by the Army Air Forces under concurrent use leases, from the War Department or the lessor in accordance with the terms of the particular lease.

(e) Operators of aircraft who use military facilities at any Army airfield will be required to conform to the rules and regulations in force at the installation.

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<sup>1</sup> See E. O. 9722.

Any violation of these rules and regulations will be made the subject of a report to The Adjutant General.

(f) Nothing herein contained shall be construed to prohibit or restrain any aircraft in distress from making emergency landing at any airfield.

§ 202.2 *Competition with private enterprise.* Under no conditions will War Department airfield services and facilities be made available for the use of civil aircraft in competition with private enterprise.

§ 202.3 *Emergency sales.* Commanding officers of Army Air Forces stations are authorized to make emergency sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance for cash in emergencies where such supplies or assistance is required in order that aircraft may continue on its course to the nearest airport operated by private enterprise. The extent and amounts of aircraft fuel, oil, equipment, supplies, mechanical services and shelter furnished to operators of aircraft referred to in § 202.1 (a), will be as determined by the commanding officer of the station concerned. This determination will be based on the nature of the mission or flight the aircraft is engaged in and will be subject to provisions of §§ 202.4, 202.5 and 202.6.

§ 202.4 *Prohibited sales.* Complete engines, airplane wings, and other major items of equipment will not be sold.

§ 202.5 *Emergency storage and overhauling.* (a) Civil aircraft damaged to such an extent that major repairs are required may be given emergency storage at the request of the pilot, provided necessary facilities are available, at the rates for shelter shown in § 202.6, but a major or minor overhauling of civil aircraft will not be made at Army Air Forces stations by Army personnel.

(b) Damaged aircraft may, when facilities are available, be stored in its original damaged condition, but the Government will not assume any responsibility for its safekeeping and the owner will be required to take charge of it and remove it from Government storage at the earliest practical date.

§ 202.6 *Prices to be charged—(a) General.* All articles will be sold and assistance furnished at the fair market value prevailing locally, but in no case will aviation supplies be sold for less than cost price plus 15 percent for transportation, handling, etc.

(b) *In case of nonavailability of supplies in nearby localities.* In cases where similar supplies are not available in nearby localities the price charged will be cost price plus 15 percent.

(c) *Aviation supplies, except gasoline and oil.* On all aviation supplies, except gasoline and oil, the price listed in Army Air Forces stock lists will be considered as the cost price.

(d) *Gasoline and oil.* Cost prices on aviation gasoline and oil will be published semiannually by the Commanding General, Army Air Forces, based on the prevailing contract price.

(e) *Mechanical services.* (1) Mechanical services furnished will be

charged for on the same basis as the local rate for similar work if such rates can be determined by Army Air Forces station commanders.

(2) The Commanding General, Army Air Forces, will publish hourly rates for mechanical service which will be used in all cases where a fair local value for such services cannot be determined.

(f) *Shelter.* (1) Charges for shelter of civil aircraft will be on the same basis as the local rate for similar shelter charges.

(2) The Commanding General, Army Air Forces, will publish rates to be used as shelter charges for single-engine and dual or multiple engine aircraft where no local price for shelter has been established.

(3) The free storage of airplanes owned and operated, not for profit, by Regular Army personnel, Reserve officers when on active duty, and officers of the National Guard when in Federal service, is authorized when facilities are available and the storage can be accomplished without interruption to normal operations.

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 46-8064; Filed, May 13, 1946;  
1:35 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4653]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### UNITED WATCH CO.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Maker:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Maker.* In connection with the offering for sale, sale, and distribution of watches and other merchandise in commerce, (1) representing that any watch is an Elgin watch which is not manufactured by the Elgin Watch Company; (2) using the term "Elgin" in such a way as to represent either directly or by implication that respondent's watches are Elgin watches when such watches are not in fact manufactured by the Elgin Watch Company; (3) using the term "Locomotive Special" or any other term of similar import or meaning to designate or describe a watch which is not a railroad watch possessing the accuracy and dependability required for use by railroad employees; (4) representing that respondent's watches are shockproof unless the movement of said watch is of special shockproof design and construction;

(5) representing that any watch is sold exclusively by the respondent when watches of the same quality, design, and construction are sold by other dealers in watches; or (6) using the term "yellow gold effect" or "gold effect" or any other term of similar import or meaning to designate or describe watch cases or other items of jewelry which are not made in whole or in part of gold; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 (b)) [Cease and desist order, United Watch Company, Docket 4653, March 26, 1946]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March, A. D. 1946.

#### *In the Matter of Earl Hall, an Individual Trading as United Watch Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint (including supplemental testimony, taken pursuant to order of the Commission of February 23, 1943, on the question of possible deception in the use of the term "yellow gold effect") taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, supplemental report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent, Earl Hall, an individual trading as United Watch Company, and his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of watches and other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that any watch is an Elgin watch which is not manufactured by the Elgin Watch Company.

2. Using the term "Elgin" in such a way as to represent either directly or by implication that respondent's watches are Elgin watches when such watches are not in fact manufactured by the Elgin Watch Company.

3. Using the term "Locomotive Special" or any other term of similar import or meaning to designate or describe a watch which is not a railroad watch possessing the accuracy and dependability required for use by railroad employees.

4. Representing that respondent's watches are shockproof unless the movement of said watch is of special shockproof design and construction.

5. Representing that any watch is sold exclusively by the respondent when watches of the same quality, design, and construction are sold by other dealers in watches.

6. Using the term "yellow gold effect" or "gold effect" or any other term of similar import or meaning to designate or describe watch cases or other items of jewelry which are not made in whole or in part of gold.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 46-8130; Filed, May 14, 1946;  
11:40 a. m.]

## TITLE 29—LABOR

### Chapter XI—National Railway Labor Panel

[General Wage Approval 2]

#### PART 1301—GENERAL WAGE APPROVALS RAILWAY AND AIRLINE CARRIERS

§ 1301.2 *General Wage Approval No. 2.* (a) As exceptions to § 4001.103 (e) of Chapter XVIII of Title 32 (Supplementary Wage and Salary Regulations issued March 8, 1946 (11 F.R. 2517), by the Economic Stabilization Director) the Chairman of the National Railway Labor Panel, pursuant to authority of Executive Order 9299, as modified by Executive Order 9581, and pursuant to § 4001.308 (c) of Chapter XVIII of Title 32 (regulations of the Economic Stabilization Director), hereby approves establishment and payment by any carrier (as "carrier" is defined in Titles I and II of the Railway Labor Act amended), for positions in new plants or in new departments of existing plants occupied by employees subject to the Chairman's jurisdiction, of certain wage or salary rates or rate ranges, as specified hereinafter.

(b) The general approval granted herein covers the establishment and payment by a carrier, in the case of positions in new plants or in new departments of existing plants, of such rates or rate ranges as the same carrier has lawfully established for application to all jobs of equivalent combinations of duties and responsibilities throughout the carrier's entire system or a definite part thereof, and in so far as the establishment and payment of such identical pay scales in the new plants or departments represents no departure from the past practice of the carrier in similar situations.

(c) In the case of positions within the scope of collective agreements, the approval conveyed herein is applicable only in the event that establishment and payment of the rates or rate ranges for positions in the new plants or departments meet with the concurrence of the duly recognized bargaining representatives of the employees.

(d) This authorization is permissive in nature and shall not be construed as directing or ordering payment of such rates or rate ranges as are herein approved.

(e) The term "plants" as used herein, shall be understood to include offices, stations, repair shops, overhaul bases, aircraft landing fields, et cetera.

(E.O. 9299, Feb. 4, 1943; E.O. 9581, June 30, 1945; sec. 308 (c), Regs., Economic Stabilization Director, Mar. 8, 1946; 32 CFR, 1945 Supp., Part 4001)

Dated: May 13, 1946.

H. H. SCHWARTZ,  
Chairman.

Approved:

CHESTER BOWLES,  
Economic Stabilization Director.

[F. R. Doc. 46-8087; Filed, May 13, 1946;  
3:30 p. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION CONCERNING SHIPMENTS OF BITUMINOUS COAL PURCHASED FROM SURPLUS SUPPLIES OF GOVERNMENT AGENCIES AND CONSUMERS

In order to conserve further the limited bituminous coal supply for uses most essential to health and safety, the following direction is issued pursuant to Executive Order No. 9332 and SFAW Regulation No. 1.

Until further notice:

1. No person shall, without the specific authorization or direction of the Solid Fuels Administration for War, sell, ship, deliver or otherwise dispose of within the United States or for export any of the following described bituminous coal:

(a) Coal purchased or acquired directly or through another person from any state or Federal Government agency for purpose of resale.

(b) Coal purchased or acquired directly or through another person from any consumer out of his surplus stock of coal, wherever located, for purpose of resale.

2. All persons who now have or hereafter acquire coal in the categories described above shall forthwith report in writing such purchases or stocks to the Solid Fuels Administration for War, Washington 25, D. C., so that it may be distributed pursuant to specific authorization or direction designed to alleviate distress in the present emergency.

3. Any bituminous coal, the distribution of which is governed by outstanding directions or orders of the Solid Fuels Administration for War is exempt from this direction.

4. No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

5. This direction shall take effect immediately and remain in effect until further notice.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; Sec. 2 (a) 54 Stat. 676, as amended

by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827 and 59 Stat. 658)

Issued this 11th day of May 1946.

J. A. KRUG,  
Solid Fuels Administrator for War.

[F. R. Doc. 46-8065; Filed, May 13, 1946;  
2:05 p. m.]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO SHIPPERS OF BITUMINOUS COAL PRODUCED AT MINES RESUMING OPERATIONS WHICH WERE SUSPENDED ON OR ABOUT APRIL 1, 1946

It is necessary during the period immediately following the resumption of mining at certain bituminous coal mines (1) that adequate coal be supplied for the continuance of activities most essential to the health and safety of the Nation and (2) that the balance of coal be distributed equitably so as to avoid hardship and distress. Accordingly, the following notice of direction is issued pursuant to SFAW Regulation No. 1, as amended:

1. Shippers of coal produced after the effective date of this notice of direction at bituminous coal mines which resume the operations that were suspended on or about April 1, 1946, are hereby relieved from the provisions freezing coal on track provided in the notice of direction dated March 28, 1946 (11 F.R. 3354).

2. Shippers described in paragraph 1 hereof are hereby prohibited from making any shipment of coal on track or of newly mined coal, except as follows:

(a) First preference is to be given to orders of public utilities, railroads, hospitals, food processing plants (including milk plants, dairies and commercial bakeries), refrigeration plants and laundries: *Provided, however,* That this preference is limited to such a consumer to the extent that his orders (1) are promptly placed with his normal suppliers, and (2) do not exceed in the aggregate a tonnage equal to his estimated consumption requirements from the date of this notice of direction to May 31, 1946, plus that amount which may be necessary to bring his stock pile as of May 31 up to a 20 days' supply. First preference is also to be given to orders of persons operating steamships or tugboats on the Great Lakes, at tidewater or on a river to the minimum extent necessary to provide the fuel for actual operation of such steamships or tugboats.

First preference is also to be given to orders of retail dealers, lake and tidewater commercial dock operators placed with normal suppliers to the limited extent necessary to assure that they receive a supply of coal equivalent to the tonnage which their consumer customers in the categories described in the foregoing paragraph would be entitled under that paragraph if such customers were eligible to receive shipments direct from the shippers whose distribution is governed by this notice of direction.

(b) Second preference is to be given to orders of industrial consumers, other than those entitled to the first preference: *Provided, however,* That this pref-