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Washington, Saturday, March 21, 1942

The President

PROCLAMATION 2541

FOURTH REGISTRATION DAY

BY THE PRESIDENT OF THE UNITED STATES
A PROCLAMATION

WHEREAS the Selective Training and Service Act of 1940 (54 Stat. 885), as amended by the Act of December 20, 1941 (Public Law 360, 77th Cong., 55 Stat. 844), contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

* * * * *

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

* * * * *

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

* * * * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

* * * * *

SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

WHEREAS section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (Public Law 8, 77th Cong., 55 Stat. 9), provides, in part, as follows:

Members of the [Coast Guard] Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *;

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me on September 16, 1940, October 1, 1940, October 8, 1940, and November 12, 1940, respectively;

WHEREAS the second registration under the Selective Training and Service Act of 1940 took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico on July 1, 1941, pursuant to proclamation issued by me on May 26, 1941;

WHEREAS the third registration under the Selective Training and Service Act of 1940, as amended, took place in the United States, the Territories of

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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Alaska and Hawaii, and in Puerto Rico, on February 16, 1942, pursuant to proclamation issued by me on January 5, 1942;

WHEREAS a state of war now exists between the United States of America and the Empire of Japan, Germany, and Italy;

WHEREAS this and other registrations under the Selective Training and Service Act of 1940 and the amendments thereto will be required to insure victory, final and complete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

1. Pursuant to the Selective Training and Service Act of 1940, as amended, the registration of male citizens of the United States and other male persons who were born on or after April 28, 1877, and on or before February 16, 1897, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Monday, the 27th day of April, 1942, between the hours of 7:00 a. m. and 9:00 p. m.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, and by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall on April 27, 1942, present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day if such male citizen or other male person on February 16, 1942, had attained the forty-fifth aniversary of the day of his birth and on April 27, 1942, has not attained the sixty-fifth anniversary of the day of his birth, and has not heretofore been registered under the Selective Training and Service Act of 1940, as amended, and the regulations thereunder; Provided, That the duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(b) A person subject to registration may be registered before the day set herein for his registration if arrangements therefor are made by the local board under rules and regulations prescribed by the Director of Selective Service. Whenever such arrangements are made, public notice thereof will be given by the local board.

(c) A person subject to registration may be registered after the day fixed for his registration in case he is prevented from registering on that day by circumstances beyond his control or because he is not present in continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on that day. If he is not in the continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but subsequently enters any of such places, he shall as soon as possible after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in the continental United States or in the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

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

DONE at the City of Washington this 19th day of March, in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2430; Filed, March 20, 1942; 11:42 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[Wheat 507, Sup. 4]

PART 728—WHEAT

REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1941 CROP OF WHEAT

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, 52 Stat. 31, 7 U.S.C. 1940 ed. 1301 *et seq.*), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, 55 Stat. 203, as amended by Public Law No. 384, 77th Congress, approved December 26, 1941, the regulations pertaining to wheat marketing quotas for the 1941 crop of wheat [1] (form Wheat 507), prescribed May 31, 1941, as amended on July 15 and September 8, 1941 and January 9, 1942, are hereby further amended as follows:

Section 728.256 is amended by adding the following two new paragraphs:

§ 728.256 *Storage of the farm marketing excess.*

* * * * *

(e) *Underplanting the farm acreage allotment for a subsequent crop.* Any producer who stored wheat of the 1941 crop in accordance with paragraph (b) or (c) of this section and who is a wheat producer in 1942 or any subsequent year may remove from storage an amount of the wheat so stored equal to the normal production of the number of acres by which the acreage planted to wheat on any farm on which he is a wheat producer in 1942 or such subsequent year is less than the farm acreage allotment therefor: *Provided, however,* That, in case there are other wheat producers on the farm who are similarly situated, the amount of wheat which may be removed from storage on account of the underplanting on the farm shall be apportioned among them in accordance with their agreement or, in the absence thereof, as they are entitled to share in the wheat crop, but no producer shall be entitled to a share therein which is greater than the amount of his stored excess wheat of the 1941 crop. The acreage planted to wheat for the purpose of this paragraph shall mean the acreage seeded to wheat plus the acreage of volunteer, or "self-seeded," wheat which is not disposed of in accordance with instructions of the Agricultural Adjustment Agency (formerly the Agricultural Adjustment Administration) of the Agricultural Conservation and Adjustment Administration and any wheat seeded in a mixture which, in accordance with instructions of said Agency of said Administration, is classified as acreage of wheat. A wheat producer in 1942 or in any subsequent year shall mean, for the purposes of this paragraph, any person who, at the end of the wheat-seeding season for the area in which the farm is situated, was entitled to share in the wheat crop which was or could have been seeded on the farm.

(f) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Any producer who stores wheat of the 1941 crop in accordance with paragraph (b) or (c) of this section and who is a wheat producer in 1942 or any subsequent year may remove from storage an amount of the wheat so stored equal to the amount by which the normal production of the farm acreage allotment for any farm on which he is a wheat producer in 1942 or such subsequent year exceeds the total amount of wheat produced on such farm in that year, less the amount of any wheat authorized to be removed from storage, or which could have been authorized to be removed from storage, in connection with the farm on account of underplanting the farm acreage allotment in that year under paragraph (e) of this section: *Provided, however,* That, in cases where there are other wheat producers on the farm who are similarly situated, the amount of wheat which may be removed from storage under this paragraph shall be apportioned among them in accordance with their agreement or, in the absence thereof, as they are entitled to share in the wheat crop harvested on the farm, but no producer shall be entitled to a share therein which is greater than the amount of his stored excess wheat of the 1941 crop. (Par. 6)

Done at Washington, D. C., this 20th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-2431; Filed, March 20, 1942; 11:30 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS [1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

* * * * *

(e) (1) The enlistment in the grade of Private in the Enlisted Reserve Corps and assignment to the Enlisted Section, Office of the Chief Signal Officer, of personnel qualified to pursue instruction in the following courses and who have made an Army General Classification Test Score as indicated, is authorized. The age limit will be that as prescribed by existing Army Regulations for enlistment.

Radio Electrician (174) AGCTS 120 and high school physics.
Radio Operator (177) AGCTS 110, Signal Corps Code Aptitude Test 50.
Telegraph Printer Operator (237) AGCTS 110, type 20 words per minute.
Instrument Repairman (097) AGCTS 110.
Telegraph Printer Maintenance Man (239) AGCTS 120 and evidence of mechanical aptitude, such as high school manual training course.
Switchboard Installer (232) AGCTS 110.
Cable Splicer (039) AGCTS 110.
Lineman (238) AGCTS 100.

The Chief Signal Officer is authorized to change the above qualifications and Army General Classification Test Score at any time it becomes necessary in order to meet the demands of the service and training requirements.

(2) The facilities of the recruiting services will be used to assist in the procurement of the above personnel. All applicants will be instructed by the recruiting service to report at their own expense to the officer in charge of any civilian school training Signal Corps personnel. It will be the responsibility of this officer to give the Army General Classification Test to all applicants and to determine from this test and other personal qualifications those eligible for enlistment.

(3) Personnel so enlisted will be deferred from active duty until the scheduled date of completion of this course; however, the time spent on an inactive status shall not exceed six (6) months except in case of a reservist whose progress and ability indicates the desirability of additional advanced training, in which case an additional period of deferment of not to exceed three (3) months in duration to allow the reservist time to complete this advanced training, may be authorized. He shall upon recommendation of the Chief Signal Officer, be ordered to active duty and sent to a Signal Corps Replacement Training Center or Signal Corps unit. In the event that a student leaves the school or fails to make reasonable progress he may be ordered to active duty without delay and assigned as indicated above. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423-427) [Letter AGO March 15, 1942, AG 341 (3-6-42) RP-A]

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

[F. R. Doc. 42-2407; Filed, March 20, 1942; 9:26 a. m.]

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS [1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve

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[1] 6 F.R. 2695, 3465, 4626; 7 F.R. 195.

[1] 6 F.R. 5165; 7 F.R. 213, 738.

[1] 6 F.R. 5165; 7 F.R. 213, 738.

Corps are suspended with the following exceptions:

* * * * *

(f) (1) Enlistments as private, Air Corps Enlisted Reserve Corps, of—

(i) Students now enrolled in courses of pilot training being conducted by the Civil Aeronautics Administration, who meet the requirements for appointment as aviation cadets, U. S. Army.

(ii) Applicants for enrollment in such pilot training who meet the requirements for appointment as aviation cadet, U. S. Army.

(iii) Applicants for enrollment in courses for technicians who meet the requirements for admission to the Air Corps technical schools.

(2) Persons so enlisted in the Air Corps Enlisted Reserve Corps who successfully complete the required course of instruction will be called to active service at the termination of the course, or at such time thereafter as determined by the Chief of the Army Air Forces, provided that the total period of inactive service in the Enlisted Reserve Corps does not exceed 6 months, or 1 year in the case of individuals whose progress during the first 6-month period has been such as to warrant advanced pilot and instrument training.

(3) Persons so enlisted in the Air Corps Enlisted Reserve Corps failing to make adequate progress in the course of instruction in which enrolled will be called to active service without delay for assignment to duty as directed by the Chief of the Army Air Forces: *Provided*, That men not liable for military service under the Selective Training and Service Act of 1940 will remain in an inactive status until reaching the age of liability for service under said act, unless they shall otherwise elect. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Cir. 204, W.D., Sept. 30, 1941, as amended by Cir. 75, W.D., March 13, 1942]

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

[F. R. Doc. 42-2408; Filed, March 20, 1942; 9:26 a. m.]

Chapter VII—Personnel

PART 71—ENLISTMENT IN THE REGULAR ARMY

SUSPENSION OF CERTAIN REGULATIONS PERTAINING TO EXAMINATION AND ENLISTMENT, WITH EXCEPTIONS

§ 71.22 *Physical examination of applicants for enlistment.* (a) Except for men enlisted in the Army Air Forces with a view to their appointment as aviation cadets and men enlisted in the Enlisted Reserve Corps, all men enlisted in the Army of the United States will, prior to their enlistment, appear before a board of officers and undergo the same examination as is required in the case of the induction of a Selective Service registrant. This will require applicants for enlistment to be accepted for enlistment only at recruiting stations which lack complete examination facilities and be actually enlisted at recruiting and induction stations. So much of §§ 71.1 to 71.18, inclusive, as conflicts with the above is suspended.

(b) The physical examination of aviation cadets will be as prescribed in War Department instructions and § 74.3 of this title, and those for the Enlisted Reserve Corps will be as prescribed in Part 64, Chapter VI, of this title. (41 Stat. 765; 10 U.S.C. 42) [Cir. 73, W. D., March 12, 1942]

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

[F. R. Doc. 42-2409; Filed, March 20, 1942; 9:27 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT OR WITHDRAWAL OF COIN, BULLION, AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

SPECIAL REGULATION NO. 1 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED,[1] AND SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED BY THE FIRST WAR POWERS ACT, 1941, RELATING TO TRANSACTIONS IN SPECIAL BLOCKED PROPERTY

MARCH 18, 1942.

By virtue of the authority vested in the Federal Reserve Bank of San Francisco, Fiscal Agent of the United States, pursuant to section 5 (b) of the Trading with the Enemy Act as amended by the First War Powers Act, by virtue of the authority vested in such bank by the Commanding General of the Western Defense Command and Fourth Army, and by virtue of all other authority vested in such bank, the following special regulations are hereby prescribed:

§ 130.8 *Transactions in special blocked property.* (a) The acquisition, disposition or transfer of, or other dealing in, or exercising any right, power, or privilege with respect to, any property hereafter designated as Special Blocked Property is prohibited except as authorized by license expressly referring to this section.

(b) Applications for any such license may be filed on Form TFE–1 by any person with the nearest office of the Federal Reserve Bank of San Francisco. Such applications should set forth (1) the interest, if any, of the applicant in the property; (2) the details of the transaction for which a license is requested including the terms of any proposed settlement; (3) the manner in which the interest of the evacuee national in the property is being protected; and (4) whether or not the evacuee national is in agreement with the proposed settlement.

(c) As used in this section and in any ruling, license, instruction, etc.:

(1) The term "evacuee national" shall mean any Japanese, German or Italian alien, or any person of Japanese ancestry, resident on or since December 7, 1941 in Military Area No. 1 or in specified zones in other Military Areas prescribed in or pursuant to public proclamations issued by Lieutenant General J. L. DeWitt, Commanding General of the Western Defense Command and Fourth Army. For the purpose of this regulation all evacuee nationals are nationals of a foreign country.

(2) The term "Special Blocked Property" shall mean property in which an evacuee national has an interest and which has been designated as Special Blocked Property by the Federal Reserve Bank of San Francisco in one or more of the following ways:

(i) There is posted on or reasonably near such property an official Federal Reserve Bank of San Francisco notice that such property is Special Blocked Property.

(ii) The person holding such property or having possession or custody thereof has been notified by the Federal Reserve Bank of San Francisco that such property is Special Blocked Property.

(iii) One or more persons having an interest in such property have been notified by the Federal Reserve Bank of San Francisco that such property is Special Blocked Property. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong.; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, E.O. 8998, Dec. 26, 1941, E.O. 9066, Feb. 19, 1942, 7 F.R. 1407, E.O. 9095, Mar. 11, 1942, 7 F.R. 1971)

Federal Reserve Bank of San Francisco
(Fiscal Agent of the United States).

[SEAL] WILLIAM A. DAY,
President.

Confirmed:

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2418; Filed, March 20, 1942; 9:49 a. m.]

[1] 6 F.R. 2897, 3715, 6348, 6785.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 57]

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 section 605.51 of the Selective Service Regulations, I hereby

prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 311, entitled "Selective Service Occupational Questionnaire," [1] effective immediately upon the filing 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 the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 28, 1942.

[F. R. Doc. 42-2405; Filed, March 19, 1942; 3:53 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 984—LEAD

EXTENSION NO. 1 OF GENERAL PREFERENCE ORDER NO. M-38

Section 984.1 (*General Preference Order M-38* [2]) is hereby extended to expire 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 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2427; Filed, March 20, 1942; 11:38 a. m.]

PART 1032—COCOANUT OIL, BABASSU OIL, PALM KERNEL OIL AND OTHER HIGH LAURIC ACID OILS

The fulfillment of requirements for the defense of the United States, has created a shortage in the supply of Cocoanut Oil, Babassu Oil, Palm Kernel Oil and other high lauric acid oils as herein defined 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:

§ 1032.1 *General Preference Order M-60*—(a) *Definitions.* For the purposes of this Order:

(1) "High Lauric Acid Oils" means Cocoanut Oil, Babassu Oil, Palm Kernel Oil and all other oils having a lauric acid content of thirty-five percent (35%) or higher, whether crude, refined, bleached or deodorized.

(2) "Inventory" of a person with respect to high lauric acid oils means:

(i) The high lauric acid oil content of copra and other seeds and nuts from which high lauric acid oils are obtained;

(ii) High lauric acid oils, whether crude, refined, bleached or deodorized;

(iii) The high lauric acid oil content of all mixtures and blends of which such oils are a part;

(iv) The high lauric acid oil equivalent of all fatty acids and acidulated soapstocks and of all mixtures and blends of such fatty acids and acidulated soapstocks;

(v) All material as aforesaid to or in which such person has any title or equity of redemption or which he has purchased for future delivery;

(vi) The inventory, as above defined, of affiliates and subsidiaries of such person.

(3) "Inventory Quota" of a person means twenty-five percent (25%) of a person's inventory on the inventory date. In the event that through circumstances beyond the control of such person any material in a person's inventory for which a contract of purchase existed on the inventory date is in whole or in part not delivered to such person, his inventory quota as of such date shall be adjusted accordingly.

(4) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

(b) *Restrictions on use*—(1) *Prohibitions on use.* Hereafter, except as provided by paragraph (b) (3) hereof, the use or consumption by any person of high lauric acid oils in the following manufactures, processes or uses is prohibited:

(i) Any manufacture, process or use in which Glycerine is not produced;

(ii) Any manufacture or process in which Glycerine is produced where the amount of Glycerine (whether free or combined) remaining in the product exceeds one and five-tenths percent (1.5%) calculated on an anhydrous soap basis or where the remainder of the Glycerine is not at least ninety percent (90%) recovered.

(2) *Curtailment of amount of use.* No person shall hereafter in any calendar month beginning with March, 1942 saponify, or put in the process of saponification, any high lauric acid oils or any fatty acids derived in whole or in part from such oils in a quantity, in terms of oil or of oil equivalent, in excess of seventy-five percent (75%) of one-twelfth of such oils or fatty acids saponified or put in the process of saponification by him in 1941.

(3) *Permitted uses for a limited period.* During March, 1942 each person may use or consume high lauric acid oils in any manufacture, process or use in an amount not exceeding one hundred percent (100%) of one-twelfth of his use or consumption of such oils in such manufacture, process or use in 1941, and during each of the months April and May, 1942 each person may use or consume such oils in any manufacture, process or use in an amount not exceeding fifty percent (50%) of one-twelfth of his use and consumption of such oils in such manufacture, process or use in 1941: *Provided however,* That the uses permitted by this paragraph (b) (3) shall not include the manufacture of any margarine, shortening or cooking fat, the further use of such oils in the manufacture of such products being hereafter prohibited.

(4) *Reports of unusable oils.* Any high lauric acid oils at any time remaining in the hands of any person which by reason of any of the provisions of this paragraph (b) may not be used or consumed by him shall be reported to the War Production Board, Washington, D. C., Ref: M-60, for disposition.

(c) *Restrictions on processing.* No Person shall hereafter process or change the condition of any high lauric acid oils in preparation for any manufacture or use permitted by this order except to the extent necessary for such preparation and then only in such quantities as may be necessary to meet his normal production schedule or, if such oils are to be manufactured or used by another person, then the normal production schedule of such other person, in so far as either such schedule is not in violation of paragraph (b) (3) hereof.

(d) *Withholdings of high lauric acid oils.* (1) Every person who on the inventory date has an inventory in an amount in the aggregate in excess of 30,000 lbs., by weight of oil or oil content or equivalent, shall set aside his inventory quota and shall continue to hold such quota subject to the direction of the Director of Industry Operations. The quotas of all such persons shall provide the source for the allocation of high lauric acid oils to the extent that the Director of Industry Operations may determine that substitutes for such oils cannot be found and that the use of such oils is indispensable and essential for defense purposes; and such quotas shall also constitute a reserve supply of such oils.

(2) The inventory quota so directed to be set aside shall, in so far as possible, be composed of crude whole oils. Such quota shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations, except that this paragraph (d) (2) shall not be construed to prevent the crushing of copra or other seeds or nuts nor to prevent changing the condition of the oils so set aside to the extent necessary to prevent deterioration while carried in inventory.

(3) On or before April 15, 1942 every person subject to the terms of paragraph (d) (1) hereof and every person who on the inventory date had in his possession or under his control in excess of 30,000 lbs. of high lauric acid oils including, in terms of high lauric acid oil content, any copra or other nuts or seeds, mixtures, blends, fatty acids and acidulated soapstocks, but whether or not owned or under contract of purchase, shall report to the War Production Board on Form PD-354, listing among other things such person's inventory as of the inventory date, the composition thereof, the amount of such person's inventory quota and the form in which held, and in case of material which

[1] Form filed as part of the original document.

[2] 6 F.R. 5090.

on the inventory date was not owned by such person or was under contract of sale to another, the name of the owner or vendee thereof.

(e) *Restrictions on sales and deliveries.* No person shall sell or, directly or indirectly deliver, or cause to be delivered, any high lauric acid oils for any use prohibited by paragraph (b) hereof nor for any use in greater quantities than are permitted by paragraph (b) (3) hereof nor in violation of paragraph (d) hereof, and no person shall accept deliveries of any high lauric acid oils for any prohibited use or for any greater quantities or proportions than for permitted consumption.

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

(2) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single enterprise, to another branch, division, or section, of the same or any other enterprise owned or controlled by the same person.

(3) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of high lauric acid oils, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(4) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of high lauric acid oils or of Glycerine conserved, 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., Reference: M-60, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

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

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2429; Filed, March 20, 1942; 11:39 a. m.]

PART 1036—PALM OIL

GENERAL PREFERENCE ORDER M-59 TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF PALM OIL

The national defense requirements for Palm oil and products made therefrom having created a shortage of the supply thereof for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1036.1 *General Preference Order M-59*—(a) *General restrictions on use effective April 1, 1942.* On and after April 1, 1942, except as specifically authorized by the Director of Industry Operations, no person shall use or consume Palm oil except in the following manufactures or processes:

(1) The manufacture of tin plate, terne plate, long terne plate, steel sheets, steel strip and black plate;

(2) Any manufacturing process in which Glycerine is produced where the amount of Glycerine (whether free or combined) remaining in the product does not exceed one and five-tenths percent (1.5%) calculated on an anhydrous soap basis and where the remainder of the Glycerine is at least ninety percent (90%) recovered.

(b) *Use restrictions for March.* No person shall in March, 1942 use or consume Palm oil in any manufacture, process or use other than those described in paragraphs (a) (1) and (2) hereof in an amount in excess of one hundred percent (100%) of one-twelfth of the Palm oil used by him in any such manufacture or use during the calendar year 1941.

(c) *Restrictions on processing.* No person shall hereafter put in process or change the condition of any Palm oil in preparation for any manufacture, process or use permitted by this Order except to the extent necessary for such preparation and then only in such quantities as may be necessary to meet his normal production schedule or, if such Palm oil is to be manufactured or used by another person, then the normal production schedule of such other person, in so far as such schedule is not in violation of paragraph (b) hereof.

(d) *Creation of reserve.* (1) Every person who on the inventory date has an inventory of Palm oil in an amount in the aggregate in excess of 30,000 lbs. shall set aside his inventory quota of Palm oil, such quota in so far as possible to consist of crude whole oil. Such quota shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations, except that this paragraph (d) (1) shall not be construed to prevent changing the condition of the oil so set aside to the extent necessary to prevent deterioration while carried in inventory. The quotas of all such persons shall provide the source for the allocation of Palm oil to the extent that the Director of Industry Operations may determine that substitutes for Palm oil cannot be found and that the use of Palm oil is indispensable and essential for defense purposes; and such quotas shall also constitute a reserve supply of Palm oil.

(2) On or before April 15, 1942 every person who or whose affiliates and subsidiaries on the inventory date had possession of or under control in excess of 30,000 lbs. of Palm oil, whether or not owned or under contract of purchase, shall report to the War Production Board on Form PD-355, listing among other things inventory as of the inventory date, the composition thereof, the amount of the inventory quota and the form in which held, and in case of material which on the inventory date was not owned or was under contract of sale to another, the name of the owner or vendee thereof.

(e) *Restrictions on sales and deliveries.* No person shall on and after April 1, 1942 sell or deliver any Palm oil to any other person, except a dealer or a person using such oil in the manufactures, processes or uses set out in paragraph (a) hereof, except as may be specifically authorized by the Director of Industry Operations, and no person shall prior to April 1, 1942 knowingly deliver any such oil to any other person for use in greater quantities or proportions than are specified in paragraph (b) hereof.

(f) *Miscellaneous provisions*—(1) *Definitions.* For the purposes of this Order:

(i) "Palm Oil" means all oils of any grade or description, heretofore known or sold as Palm oil, whether crude, refined, bleached or deodorized.

(ii) "Dealer" shall mean any person who imports, buys, sells, and/or distributes Palm oil.

(iii) "Inventory" of a person shall include all Palm oil to or in which such person has any title or equity of redemption or which he has purchased for future delivery, as well as the inventory, as so defined, of affiliates and subsidiaries of such person.

(iv) "Inventory Quota" of a person means twenty percent (20%) of such person's inventory of Palm oil as of the inventory date. In the event that through circumstances beyond the control of such person any material in a person's inventory for which a contract of purchase existed on the inventory date is in whole or in part not delivered to such person, his inventory quota as of such date shall be adjusted accordingly.

(v) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

(2) *Applicability of Priorities Regulation No. 1.* This Order, and all trans-

actions 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.

(3) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single enterprise, to another branch, division, or section, of the same or any other enterprise owned or controlled by the same person.

(4) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Palm oil, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(5) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Palm oil conserved, 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., Reference: M-59, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

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

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2426; Filed, March 20, 1942; 11:38 a. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES

GENERAL LIMITATION ORDER L-49

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel 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:

§ 1099.1 *General Limitation Order L-49*—(a) *Definitions.* For the purposes of this Order;

(1) "Group I Products" means the following; bunks, berths and beds in which the aggregate weight of iron and steel (exclusive of that contained in the springs) is 25 per cent or more of the total weight of the complete bunk, berth or bed exclusive of the springs.

(2) "Group II Products" means the following: coil, flat, box and fabric bed springs (whether or not they are integral parts of the beds or other sleeping equipment); innerspring mattresses and pads; metal folding cots, roll-away cots; sanitary couches and day beds; studio couches, sofa beds and lounges designed primarily for sleeping purposes; and all other articles of sleeping equipment not included in Group I Products, except bunks, berths and beds in which the aggregate weight of iron and steel (exclusive of that contained in the springs) is less than 25 per cent of the total weight of the complete bunk, berth or bed, exclusive of the springs.

(3) "Base Period" means the twelve months ending June 30, 1941.

(4) "Iron and Steel Used" means the aggregate weight of iron and steel contained in the finished Group I and Group II Products manufactured.

(5) "Class A Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was 500 tons or more.

(6) "Class B Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was greater than 100 tons but less than 500 tons.

(7) "Class C Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was 100 tons or less.

(b) *General restrictions.* During the period of three months beginning with the first day of the first calendar month following the date of issuance of this Order

(1) No Class A Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 10 per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 16¼ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(2) No Class B Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 12½ per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 18¾ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(3) No Class C Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 15 per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 21¼ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(4) The foregoing restrictions shall not apply to the production of Group I or Group II Products for the following purposes:

(i) In fulfillment of a specific order of, or contract with, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, Office of Scientific Research and Development and any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(ii) When such production is designed primarily for use in a hospital or sanitorium.

(c) *Avoidance of excessive inventories.* No manufacturer of Group I or Group II Products shall accumulate for use in the manufacture of such products inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of Group I and Group II Products at the rates permitted by this Order.

(d) *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.

(e) *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.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board Form PD-356 within thirty days of the effective date of this Order, and Form PD-357 fifteen days after the expiration of each period of three months covered by this Order, and such other reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully 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).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an excep-

tional and unreasonable hardship upon him, or 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 apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits or may limit the use of any material in the production of Group I and Group II Products to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application 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 provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-49.

(l) *Effective date.* This Order shall take effect on the date of its issuance and shall continue in effect until revoked. (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 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2428; Filed, March 20, 1942; 11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1355—LEAD

CORRECTION TO REVISED PRICE SCHEDULE NO. 70 [1] LEAD SCRAP

The word "primary" inadvertently appears for the word "secondary" in § 1355.65 (a) (2) (iii). It is accordingly corrected to read "secondary".

This correction shall become effective the 19th day of March 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 19th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R Doc. 42-2406; Filed, March 19, 1942; 5:09 p. m.]

[1] 7 F.R. 1341.

TITLE 45—PUBLIC WELFARE

Chapter II—Civilian Conservation Corps

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES [1]

§ 203.10 *Allotments and deposits.*

* * * * *

(b) *Amounts.* The State Selecting agency in selecting men for enrollment will note on the certificate of selection the amount of the allotment and the name of the beneficiary, and/or the amount of the deposit required to be made by each enrollee. Except for enrollees enrolled under the Indian quota, those outside the continental limits of the United States under the administration of the Departments of Agriculture and the Interior, and as provided in (c) below, at the time of enrollment and effective with February, 1942, pay, junior enrollees with dependents will be required to make an allotment and/or deposit of $10.00 and $8.00, respectively. No change will be made as to the amounts of deposits of veterans. Junior enrollees without dependents will make deposits in the amount of $18.00 per month. Selection is made contingent on such an allotment and/or a deposit.

(c) *Ten exempted enrollees per company.* The compulsory monthly deposit of $8.00 will not be required of the ten exempted enrollees per company, if married, and if married subsequent to making a compulsory deposit they may be authorized to withdraw amount on deposit at the time of marriage.

(d) *Changes or termination.*

* * * * *

(4) Subsequent to enrollment the company commander, upon request of a junior enrollee may authorize the increase of an allotment from the cash payment made to the enrollee for his personal use in camp, or may authorize an increase in the approved deposit from the cash payment, without reference to the State selecting agency. In no case however will the $8.00 deposit uniformly prescribed for junior enrollees with dependents be reduced either for the purpose of increasing an allotment or for any other purpose.

* * * * *

(h) *Prorata of allotments and deposits.* In the event that the enrollee is not entitled to a full month's pay, the allotment, the deposit, and the cash payment will be prorated in even dollars as set forth below :

Day	Cash	Deposit	Allottee
1	$1.00		
2	2.00		
3	3.00		
4	4.00		
5	5.00		
6	2.00	$2.00	$2.00
7	3.00	2.00	2.00
8	3.00	2.00	3.00
9	4.00	2.00	3.00
10	4.00	3.00	3.00
11	4.00	3.00	4.00
12	$5.00	$3.00	$4.00
13	5.00	4.00	4.00
14	5.00	4.00	5.00
15	6.00	4.00	5.00
16	7.00	4.00	5.00
17	7.00	4.00	6.00
18	7.00	5.00	6.00
19	8.00	5.00	6.00
20	8.00	5.00	7.00
21	8.00	6.00	7.00
22	9.00	6.00	7.00
23	9.00	6.00	8.00
24	10.00	6.00	8.00
25	10.00	7.00	8.00
26	10.00	7.00	9.00
27	11.00	7.00	9.00
28	11.00	8.00	9.00
29	11.00	8.00	10.00
30	12.00	8.00	10.00

When enrollees are paid at $36.00 or $45.00 rate the cash allowance will be increased accordingly.

* * * * *

(k) *Deposits.* Junior enrollees with dependents will be required by the State selecting agency to make from their basic monthly pay an allotment in the amount of $10.00 per month and a deposit in the amount of $8.00 per month, effective with February, 1942, pay (see (b) above). This will result in the following pay schedules for junior enrollees with dependents:

Monthly distribution of pay to—	Monthly pay rate—		
	$30	$36	$45
Enrollees in cash	$12.00	$18.00	$27.00
Allottees	10.00	10.00	10.00
Deposit account	8.00	8.00	8.00

(50 Stat. 319; 16 U.S.C. Chapter 3A) [Par. 36, C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C 88½, Feb. 20, 1942]

* * * * *

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

[F. R. Doc. 42-2410; Filed, March 20, 1942; 9:26 a. m.]

[1] § 203.10 (b), (c), (d), (h), and (k) is amended.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-234]

IN THE MATTER OF RALPH GOGEL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Ralph Gogel, a code member in District No. 11, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

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

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

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

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That Ralph Gogel, St. Meinrad, Indiana, whose code membership became effective as of April 26, 1941, operator of the Gogel Mine, Mine Index No. 1283, located in Spencer County, Indiana, District No. 11, wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code:

(1) during the period from July 11, 1941, to September 11, 1941, both dates inclusive, by offering to sell to Bernard Knott, Dale, Indiana, 240 tons of 1½" or 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.00 per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the Supplement annexed to and made a part of Order dated May 20, 1941, granting temporary and conditionally final relief in Docket No. A–831;

(2) during the period from July 11, 1941, to September 11, 1941, both dates inclusive, by selling to said Bernard Knott approximately 68.8 tons of 1½" or 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.00 per net ton f. o b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the aforesaid Supplement;

(3) during the period May 20, 1941, to September 20, 1941, both dates inclusive, by selling to Luther S. Howard, French Lick, Indiana, an undetermined quantity of 1½" x 0 or 1¼" x 0 screenings (Size Group No. 14) produced at said mine at a price of 50 cents per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 14 produced at said mine is $1.40 per net ton f. o. b. said mine as set forth in the aforesaid Supplement;

(4) during the month of September 1941 by selling to Carl Rhodes, Dale, Indiana, approximately 38 tons of 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.125 per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the aforesaid Supplement.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2411; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B–228]

IN THE MATTER OF H. J. DOBSON, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by H. J. Dobson (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

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

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

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

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said com-

plainant, alleging wilful violations by the above named Code member as follows:

That said code member, whose address is 1229 16th Street, Bedford, Indiana, and whose code membership became effective as of April 8, 1940:

1. During the period, February 8 to February 28, 1941, both dates inclusive, sold to various purchasers approximately 173.495 tons of 1¼" x 0 screenings (Size Group No. 14), produced at his Dobson and Sims Mine, Mine Index No. 409, located in Martin County, Indiana, in District No. 11, at prices of $1.00 to $1.35 per net ton, f. o. b. said mine, the effective minimum price for said coal being $1.55 per net ton, f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, resulting in violation of Section 4 II (e) of the Act and Part II (e) of the Code.

2. During the period subsequent to January 1, 1941, said code member failed to maintain and file tickets, sales slips, invoices, memoranda, records, and data, as required by Order of the Division No. 307, dated December 11, 1940, resulting in violation of the Code and regulations thereunder.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2412; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B-230]

IN THE MATTER OF RAY A. COLLINS, INDIVIDUALLY, AND AS SURVIVING PARTNER OF THE FORMER PARTNERSHIP DOING BUSINESS UNDER THE NAME AND STYLE OF RAMSAY-COLLINS FUEL COMPANY (RAMSAY COLLINS FUEL COMPANY), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 25, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 2, 1942, by Bituminous Coal Producers Board for District No. 12, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Ramsey Collins Fuel Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 27, 1942, at 10 a m., at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

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 officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

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

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the code member, whose address is 307 South C. Street, Oskaloosa, Iowa, during the period from February 13, 1941, to February 19, 1941, both dates inclusive, sold and delivered to the Des Moines Electric Light Company at its plant located at Des Moines, Iowa, 280.25 tons of screenings produced at its mine, Mine Index No. 49, at the delivered price of $2.42 per net ton, whereas the effective minimum delivered price for said coal was $2.54 per net ton, resulting in wilful violations of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2413; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B-199]

IN THE MATTER OF GRIFFITH-CONSUMERS COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1874

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal 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 Griffith-Consumers Coal Company, Registered Distributor, Registration No. 1874 (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 1413 New York Ave. NW., Washington, D. C., 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 July 26, 1939, executed and filed by Griffith-Consumers Coal Company pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, and, more particularly, whether or not subsequent to September 30, 1940 said Registered Distributor

1. During the period October 1, 1940 to November 22, 1941, both dates inclusive, purchased coal produced at the Winding Gulf No. 1 Mine (Mine Index No. 205) and the Winding Gulf No. 2 Mine (Mine Index No. 206) of the Winding Gulf Collieries and the Slab Fork Mine (Mine Index No. 168) of the Slab Fork Coal Company, code members in District No. 7, from the Smokeless Fuel Company, sales agent for said code members, and resold said coal to various purchasers in Washington, D. C., hereinafter set forth, and prepaid the transportation and freight charges thereon, resulting in violations of Rule 1 (J) of Section VII, and Rule 3 of section XIII of the Marketing Rules and Regulations, Section 4 II (i) 3 of the Act, Part II (i) 3 of the Code and Paragraphs (c) and (e) of its Distributor's Agreement:

(a) PITTSBURGH PLATE GLASS CO., 1545 NEW YORK AVE. NE., WASHINGTON, D. C.

Net tons	Car No.	Freight charge	Date of freight bill	Date distributor paid freight charge	Date purchaser paid invoice
49	C&O 31012	$162.31	July 2, 1941	July 7, 1941	Aug. 15, 1941

(b) STONE STRAW CORPORATION, 900 FRANKLIN ST. NE., WASHINGTON, D. C.

72.75	C&O 71270	$210.44	Jan. 8, 1941	Jan. 14, 1941	Feb. 12, 1941
56.75	Vgn 8330	164.11	Apr. 3, 1941	Apr. 9, 1941	May 14, 1941
50.50	Vgn 3455	146.12	July 28, 1941	Aug. 4, 1941	Aug. 12, 1941
52.80	Vgn 13953	152.77	Nov. 8, 1941	Nov. 14, 1941	Unpaid.
Total 232.80		673.44			

(c) THE PULLMAN CO., 610 RHODE ISLAND AVE. NE., WASHINGTON, D. C.

47.80	Vgn 11411	$138.28	Oct. 3, 1940	Oct. 10, 1940	Nov. 16, 1940
48.40	Vgn 13497	140.02	Oct. 30, 1940	Nov. 6, 1940	Dec. 17, 1940
49.00	Vgn 5441	141.75	Nov. 23, 1940	Nov. 29, 1940	Dec. 17, 1940
45.90	Vgn 1623	132.79	Dec. 11, 1940	Dec. 18, 1940	Jan. 15, 1941
49.80	C&O 63638	144.02	Jan. 1, 1941	Jan. 7, 1941	Feb. 15, 1941
54.70	C&O 125175	158.27	Jan. 19, 1941	Jan. 27, 1941	Feb. 15, 1941
55.00	C&O 128347	159.11	Feb. 5, 1941	Feb. 11, 1941	Mar. 15, 1941
56.10	Vgn 9408	162.32	Feb. 25, 1941	Mar. 4, 1941	Apr. 17, 1941
64.20	C&O 71260	185.65	Feb. 27, 1941	Mar. 6, 1941	Apr. 17, 1941
50.40	Vgn 13267	145.80	Mar. 7, 1941	Mar. 13, 1941	Apr. 17, 1941
66.50	Vgn 7357	192.46	Mar. 10, 1041	Mar. 27, 1941	Apr. 17, 1941
70.70	C&O 71653	204.61	Mar. 26, 1941	Apr. 1, 1941	Apr. 12, 1941
63.70	Vgn 7295	184.36	May 25, 1941	May 31, 1941	June 16, 1941
63.10	Vgn 7147	182.57	June 23, 1941	July 1, 1941	Aug. 5, 1941
45.35	Vgn 2482	131.22	Aug. 21, 1941	Aug. 27, 1941	Sept. 15, 1941
49.60	Vgn 6507	143.53	Sept. 5, 1941	Sept. 12, 1941	Oct. 15, 1941
48.85	Vgn 6063	141.26	Oct. 3, 1941	Oct. 9, 1941	Nov. 17, 1941
50.00	Vgn 11371	144.64	Nov. 5, 1941	Nov. 11, 1941	Unpaid.
Total 979.10		2,832.66			
Grand total 1,260.90	Net tons 23 cars	3,668.41			

2. During the period February 24, 1941 to November 22, 1941, both dates inclusive, failed to furnish or cause to be furnished to the Division copies of all invoices rendered by it to the aforesaid purchasers of the above-mentioned coal, resulting in violations of Sections II and III of Order No. 313, dated February 24, 1941, and paragraphs (e) and (f) of the Agreement;

3. During the period from October 1, 1940 to November 22, 1941, both dates inclusive, physically handled the coal resold by it to various purchasers as set forth in paragraph 1, and received, accepted and retained discounts thereon, resulting in violations of paragraphs (d) and (e) of its Agreement and participation in violations of Rule 1 of Section III of the Marketing Rules and Regulations.

B. Whether or not the registration of said Griffith-Consumers Coal Company should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether or not the said Griffith-Consumers Coal Company has committed violations in the respects heretofore described and to determine whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, be held on April 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 442, National Labor Relations Board, Washington, D. C.

It is further ordered, That W. A. Shipman, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearings 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 Griffith-Consumers Coal Company and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Griffith-Consumers Coal Company, with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the Griffith-Consumers Coal Company; and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Griffith-Consumers Coal Company 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 matters 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: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2414; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. B-213]

IN THE MATTER OF THOMAS B. BLEAKNEY, AN INDIVIDUAL, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing dated February 21, 1942; and the place of said hearing having been changed to the Community Room of the Altoona City Hall, Altoona, Pennsylvania, by Order of the Acting Director dated March 5, 1942; and

The defendant having requested that said hearing be postponed, and good cause therefor having been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 a. m. on March 25, 1942, to 10 a. m. on March 30, 1942, at a hearing room of the Bituminous Coal Division at the Community Room of the City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2415; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. B-86]

IN THE MATTER OF REYNOLDS, LATTIER, AND SCHIED, ALSO KNOWN AS CHARLES REYNOLDS, DAVID LATTIER AND JOHN SCHIED, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF REYNOLDS, LATTIER, AND SCHIED, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter by Order dated February 7, 1942, having been heretofore scheduled for hearing at 10 a. m. on March 26, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m., March 26, 1942, to 10 a. m., April 20, 1942, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute,

Indiana, before the officer or officers previously designated to preside at said hearing.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2416; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. 1666-FD]

IN THE MATTER OF W. H. WARNER & COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9432, RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER DISMISSING CHARGES

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 in order to determine (a) whether the respondent, W. H. Warner & Company, Inc., a registered distributor (Registration No. 9432), 570 Union Commerce Building, Cleveland, Ohio, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed July 20, 1939, by respondent; and (b) whether the registration of said respondent as a distributor should be revoked or suspended, or other appropriate penalties should be imposed.

The Notice of and Order for Hearing, dated July 28, 1941, charged that the respondent, during the months of October, November, and December, 1940, purchased 10,520.40 tons of ¾" slack coal produced by certain named producers from the Costanzo Coal Mining Company ("Costanzo") and resold and delivered the same to the Ohio Edison Company ("Edison") at Toronto, Ohio, at a price below the effective minimum price established therefor; and that the respondent, in addition, failed to add at least the actual transportation charges from the respective mines at which the coal was produced to the point from which all such charges were assumed and directly paid by Edison.

The respondent filed an answer denying the purchase from Costanzo or sale during the period in question of any coal which "was to come" from any of the producers named in the Notice of and Order for Hearing. The answer admitted that the respondent purchased from Costanzo during said period large quantities of ¾" deep mine coal produced at the Costanzo and Richland Mines, at a discount of five cents below the effective minimum price of $1.45, and delivered and resold such coal to Edison at Toronto, Ohio, at the said effective minimum price, which included 15 cents transportation charges.

The answer did not deny the origin of the coal as alleged in the Notice of and Order for Hearing, but asserted that if any coal from mines other than the Costanzo and Richland Mines was delivered for the respondent's account to Edison during the period in question, it was not in compliance with orders of the respondent and without its knowledge and consent, and that the notices of shipment of said coal showed it was produced at the Costanzo and Richland Mines, having river-loading facilities.

Pursuant to the Notice of and Order for Hearing, and after due notice to interested persons, a hearing in this matter was held from September 11 to 13, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

The respondent appeared.

At the conclusion of the Division's case, the Examiner on the ground of failure of proof, purported to sustain a motion to dismiss made orally by the respondent, stating that "This hearing is accordingly dismissed." A proceeding which has been instituted before the Division can be dismissed only by or pursuant to an order of the Director or Acting Director. The Order of the Acting Director designating Examiner Cuff to preside at the hearing in this matter and setting a time and place therefor, granted and delegated unto the Examiner certain powers in the conduct of the hearing but in no manner, either expressly or impliedly, bestowed upon the Examiner the authority to dismiss the proceeding. The Examiner possessed only such authority as the Order of the Acting Director bestowed upon him and, therefore, the Examiner was without authority to dismiss the proceeding.

However, it seems appropriate to regard this ruling of the Examiner as a recommendation by the Examiner that the proceeding be dismissed and I am so regarding it. In addition, however, I have considered the record herein and upon the basis thereof I hereby make the following findings of fact, conclusions of law, and Order:

The evidence referred to two ¾" slack coals: (1) the coal in question ("truck coal"), originating at the mines of the producers listed in the Notice of and Order for Hearing and priced in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments at $1.90 per net ton f. o. b. the mine plus trucking charges, and (2) coal produced at the Costanzo and Richland Mines of Wheeling Valley Coal Corporation ("river coal") and priced in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck at $1.45 per net ton, including river transportation charges.

It was established by the uncontroverted evidence that during the period specified in the Notice of and Order for Hearing the respondent purchased from Costanzo 10,664.14 tons of ¾" slack coal, produced at the mines of the ten producers listed in the Notice of and Order for Hearing, at $1.45 per net ton, including barge transportation charges, minus a distributor's discount of five cents. This coal was transported by barge to Toronto, Ohio, where it was delivered to Edison at $1.45 per net ton f. a. s. This coal, priced for truck shipments at $1.90 per net ton f. o. b. the mine, and not priced for river shipments, was substituted by Costanzo on orders placed with it by the respondent for coals of the Costanzo and Richland Mines, priced for shipment by river to Toronto, Ohio, at $1.45 per net ton f. a. s.

There is no substantial evidence to indicate that the respondent knew that coal which it was actually purchasing from Costanzo and reselling to Edison was the truck coal rather than the river coal. Indeed, there is evidence to indicate that Costanzo substituted the truck coal on the respondent's orders for river coal, without the respondent's authorization, approval or knowledge. The witness McElroy, Costanzo's traffic manager, on cross-examination identified orders given by the respondent to Costanzo during the period in question, calling for an aggregate of 60,000 tons of ¾" slack coal from the Costanzo and Richland Mines, and Costanzo's acknowledgments thereof. Andrew Carnegie, superintendent of production for Edison, testified that Edison had not ordered any truck coal from the respondent since 1930, and that it was its belief, based on the shipping invoices received by it, that the coal purchased from the respondent during the three last months of 1940 was not truck coal.

It appears that the respondent had neither intention to substitute truck coal on orders for river coal nor knowledge that this was being done. While the mere failure of a distributor to comply with the requirements of the Act, Division Orders, the Marketing Rules and Regulations, or the Agreement is sufficient to invoke the penalties provided by § 304.14 of the Rules and Regulations for the Registration of Distributors, no specific showing of knowledge of such failure to comply or intention not to comply being necessary, the undersigned finds that on the present record insufficient evidence appears to warrant revoking or suspending the registration of the respondent as a registered distributor. The proceeding should therefore be dismissed.

Now, therefore, it is ordered, That this proceeding and the allegations contained in the Notice of and Order for Hearing herein, be, and they are hereby dismissed.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2417; Filed, March 20, 1942; 10:24 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 685]

ALLOCATION OF FUNDS FOR LOANS

MARCH 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the

sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2032B1 La Plata	$125,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-2425; Filed, March 20, 1942; 11:30 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 5678 and 6107]

APPLICATIONS OF JULIO M. CONESA (WPRP), PONCE, PUERTO RICO, FOR CONSTRUCTION PERMIT AND MODIFICATION OF CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 13th day of March 1942, that the notices of issues heretofore released on the applications in Docket Nos. 5678 and 6107, be, and they are hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine what new areas and populations would receive primary service as a result of the proposed changes in facilities and what broadcast service is already available to such areas and populations.
3. To determine whether the granting of the applications would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942 Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled applications, namely April 22, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2390; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 5954]

APPLICATION OF VOICE OF LONGVIEW (KFRO), LONGVIEW, TEXAS, FOR MODIFICATION OF CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket 5954 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, May 18, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2391; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 5963]

APPLICATION OF FOULKROD RADIO ENGINEERING CO., (WTEL), PHILADELPHIA, PENNSYLVANIA, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 5963 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine what broadcast service is already available to the new areas and populations which would receive primary service as a result of the proposed change in facilities.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 27, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2392; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 6130]

APPLICATION OF ALEXANDRIA BROADCASTING COMPANY, INC. (KALB), ALEXANDRIA, LOUISIANA, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 14th day of March 1942, that the notice of issues heretofore released on the application in Docket 6130 be, and it is hereby, supplemented, as follows:

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

It is further ordered, That the present hearing date on the above-entitled application, namely, April 27, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2393; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 6218]

IN RE APPLICATION OF BEAUFORD H. JESTER, WACO, TEXAS, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 6218 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942. Mimeograph Number 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, May 4, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2394; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 6219]

APPLICATION OF ROY BRANHAM ALBAUGH, WACO, TEXAS, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 6219 be, and it is hereby, supplemented, as follows:

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

It is further ordered, That the present hearing date on the above-entitled application, namely, May 4, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2395; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 5997]

APPLICATION OF EDWARD E. REEDER (NEW)

NOTICE OF HEARING

Application dated July 16, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Seattle, Washington; operating assignment specified: Frequency, 1,600 kc.; power, 250 watts; hours of operation, unlimited.

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

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

2. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

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

4. To determine whether the proposed station would render primary service to (a) the business districts, (b) the residential districts, (c) the metropolitan district of Seattle, Washington, as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 1,600 kilocycles.

6. To determine whether the operation of the station as proposed herein is consistent with the Standards of Good Engineering Practice, particularly with reference to Section 1, footnote 4, thereof.

7. To determine the availability of a transmitter site in the Seattle, Washington area which would comply with the Standards of Good Engineering Practice.

8. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience, and necessity would be served by the granting of this application.

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

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

The applicant's address is as follows:

Edward E. Reeder, 1627 Belmont Avenue, Seattle, Washington.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2396; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6108]

APPLICATION OF NASHVILLE RADIO CORP. (NEW)

NOTICE OF HEARING

Application dated October 11, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Andrew L. Todd, Docket No. 6269, and Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Docket No. 6270, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the character of the proposed program service.

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

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

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

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

7. To determine the availability of transmitter site in the Nashville, Tennessee area which would meet the requirements of the Standards of Good Engineering Practice.

8. To determine whether the proposed station would provide primary service to (a) the business district, (b) the residential districts, and (c) the metropolitan district of Nashville, Tennessee as contemplated by Standards of Good Engineering Practice.

9. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Murfreesboro Broadcasting Company, Docket No. 6270, and the application of Andrew L. Todd, Docket No. 6269, or any of them.

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

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

The applicant's address is as follows:

Nashville Radio Corporation, c/o E. B. Stahlman, Jr., 1100 Broadway, Nashville, Tennessee.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2397; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6265]

APPLICATION OF McKEESPORT RADIO CO. (NEW)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit, class of service, broadcast; class of station, broadcast; location, McKeesport, Pa., operating assignment specified: frequency, 1,360 kc.; power, 1 kw.; hours of operation, daytime.

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

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

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

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

4. To determine whether the proposed station would provide primary service to the metropolitan district of Pittsburgh

as contemplated by the Standards of Good Engineering Practice.

5. To determine the availability of a transmitter site in the McKeesport, Pennsylvania, area which would satisfy the requirements of the Standards of Good Engineering Practice.

6. To determine whether there are other assignments available which would permit operation during daytime hours only in accordance with the Standards of Good Engineering Practice.

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

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

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

The applicant's address is as follows:

McKeesport Radio Company, Attention: David B. Labowitz, 307 Fifth Avenue, McKeesport, Pennsylvania.

Dated at Washington, D. C. March 16, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2398; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6269]

APPLICATION OF ANDREW L. TODD (NEW)

NOTICE OF HEARING

In re application dated November 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murfreesboro, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Nashville Radio Corporation, Docket No. 6108, and Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Docket No. 6270, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

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

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

5. To determine whether granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's memorandum opinion dated February 23, 1942, Mimeograph #58106).

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

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Murfreesboro Broadcasting Company, Docket No. 6270, and the application of Nashville Radio Corporation, Docket No. 6108, or any of them.

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

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

The applicant's address is as follows:

Andrew L. Todd, West Main Street, Murfreesboro, Tennessee.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2399; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6270]

IN RE APPLICATION OF MINOR E. BRAGG & ROBERT C. LIPSCOMB, D/B AS MURFREESBORO BROADCASTING COMPANY (NEW)

NOTICE OF HEARING

In re application dated November 12, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murfreesboro, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Nashville Radio Corporation, Docket No. 6108, and Andrew L. Todd, Docket No. 6269, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

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

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

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

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

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Andrew L. Todd, Docket No. 6269, the application of Nashville Radio Corporation, Docket No. 6108, or any of them.

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

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

The applicant's address is as follows:

Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Attention: Minor E. Bragg, 110 East Main Street, Murfreesboro, Tennessee.

Dated at Washington, D. C. March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2400; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6271]

IN RE APPLICATION OF WILLIAM L. KLEIN (NEW)

NOTICE OF HEARING

In re application dated, August 8, 1941; for, construction permit; class of service, broadcast; class of station, broadcast; location, Oak Park, Illinois; operating assignment specified: frequency, 1,490

kc.; power, 250 watts; hours of operation, unlimited.

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

1. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WHIP and WDAN.

2. To determine the areas and populations which would be deprived of primary service, particularly from Stations WHIP and WDAN, as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

3. To determine the availability of a transmitter site in the Oak Park, Illinois, area which would comply with the Standards of Good Engineering Practice in all respects.

4. To determine whether the proposed station would provide primary service to the metropolitan district of Chicago as contemplated by the Standards of Good Engineering Practice.

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

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

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

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

9. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

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

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

The applicant's adress is as follows:

William L. Klein, 201 N. Wells Street, Chicago, Illinois.

Dated at Washington, D. C., March 16, 1942.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2401; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6272]

IN RE APPLICATION OF CHAMBERSBURG BROADCASTING CO. (NEW)

NOTICE OF HEARING

In re application dated September 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Chambersburg, Pennsylvania; operating assignment specified: Frequency, 1,340 kc.; power, 250 watts; hours of operation, unlimited.

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

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the identity, residence, experience and familiarity with the needs of the population to which it is proposed to render a local broadcast service, of the persons having ultimate control of the applicant.

3. To determine the character of the proposed program service.

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

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

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

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

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

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

The applicant's address is as follows:

Chambersburg Broadcasting Company, 12 North Central Avenue, Chambersburg, Pennsylvania.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2402; Filed, March 19, 1942; 12:26 p. m.]

[Docket No. 6276]

IN RE APPLICATION OF ALBERT S. & ROBERT A. DROHLICH D/B AS DROHLICH BROTHERS (NEW)

NOTICE OF HEARING

In re application dated September 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Jefferson City, Missouri; operating assignment specified: Frequency, 800 kc.; power, 1 kw.; hours of operation, daytime only.

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

1. To determine the character of the proposed program service.

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

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

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

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station KCMO as proposed in application B4-P-3389, as well as the areas and populations affected thereby and what broadcast service is available to these areas and populations.

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

7. To determine the areas and populations now receiving primary service from Station KDRO (licensed to the ap-

plicant) which would receive primary service from the proposed station.

8. To obtain full information respecting the plan of operation for the proposed station, particularly in view of the applicant partnership's status as licensee of Station KDRO.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

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

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

The applicant's address is as follows:

Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, 2100 West Broadway, Sedalia, Missouri.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2403; Filed, March 19, 1942; 12:26 p m.]

[Docket No. 6281]

IN RE APPLICATION OF UNIVERSITY OF FLORIDA (WRUF)

NOTICE OF HEARING

In re application dated June 13, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Gainesville, Florida; operating assignment specified: Frequency, 850 kc.; power, 5 kw. (DA-night); hours of operation, unlimited.

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

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

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

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

4. To determine the extent of any interference which would result from the simultaneous operation of Station WRUF as proposed and the operation of Station WRAL as proposed in Docket No. 6210 as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of Station WRUF as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the "blanket area" (250 mv/m contour).

6. To determine the availability of a transmitter site in the Gainesville, Florida, area which would comply with the Standards of Good Engineering Practice in all respects.

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

8. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of Capitol Broadcasting Company, Inc. (WRAL) Docket No. 6210, public interest, convenience and necessity would be served through the granting of this application.

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

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

The applicant's address is as follows:

University of Florida, Radio Station WRUF, University Campus, Gainesville, Florida.

Dated at Washington, D. C., March 17, 1942.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2404; Filed, March 19, 1942; 12:27 p. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE KENTUCKY UNEMPLOYMENT COMPENSATION COMMISSION

The Kentucky Unemployment Compensation Commission having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Kentucky Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Kentucky Unemployment Compensation Commission.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

MARCH 17, 1942.

Approved: March 19, 1942.

PAUL V. MCNUTT, *Administrator,*

[F. R. Doc. 42-2432; Filed, March 20, 1942; 11:35 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte 73]

REGULATIONS FOR PAYMENT OF RATES AND CHARGES

MARCH 19, 1942.

Division Two of the Commission, to which Section 3 (2) of the Interstate Commerce Act is assigned under the current organization schedule and assignment of work and functions, has under consideration the question of adding to the regulations prescribed in the above-entitled proceeding (49 CFR 142) the following new section:

SECTION 142.15. Nothing in these regulations shall be interpreted as affecting the interline settlement of revenue from traffic which is transported over through routes composed of lines of common carriers subject to parts I, II, or III of the Interstate Commerce Act.

Persons wishing to state their views concerning the advisability of such an amendment may do so by sending written communications (4 copies) to the Commission not later than April 6, 1942.

By the Commission, division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-2434; Filed, March 20, 1942; 11:48 a. m.]

IN THE MATTER OF APPLICATION FOR SPECIAL PERMISSION NO. A–7622 OF B. T. JONES, AGENT SUPPLEMENTAL MATTER

Permission under section 6, 217 or 306 of the Interstate Commerce Act to depart from the requirements of the Commission's published tariff regulations.

The Commission[1] having under consideration an application for special permission dated October 30, 1941 (No. A–7622), as amended by Amendment No. 1 dated March 11, 1942, filed by B. T. Jones, Agent, for and on behalf of all carriers and their agents, seeking relief from the provisions of the Commission's tariff rules, on account of definite indications that there will be in the not distant future an inadequate supply of paper for use in tariff publication, due to discontinued importation of large quantities of woodpulp formerly received from the Scandinavian countries and also due to inadequate domestic production, as well as the extraordinary demands by and for account of the United States Government for a wide range of paper products in connection with the national defense program, and

It appearing that the public interest will not be adversely affected by a temporary waiver of Rule 9 (e) of Tariff Circular No. 20, Rule 6 (d) of Tariff Circular No. MF–3, and Rule 5 (g) of Tariff Circular No. 22.

It is ordered, That for the duration of the War and six months thereafter, the said rules be, and they are hereby, waived to the extent of permitting the number of supplements and the volume of supplemental matter as indicated below:

[1] Present, Clyde B. Aitchison, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Except as provided in exceptions numbered 1, 2, 3 and 4 below, tariffs containing

Number of pages	Number of supplements permitted	Volume of supplemental matter permitted
3 and not more than 4.	1	2 pages.
5 and not more than 8.	1	4 pages.
9 and not more than 16.	2	8 pages.
17 and not more than 80.	3 and 1 additional supplement of not to exceed 4 pages.	50 percent.
81 and not more than 200.	4 and 1 additional supplement of not to exceed 4 pages.	50 percent.
Over 200	5 and 1 additional supplement of not to exceed 4 pages.	50 percent.

Exception No. 1 (*applicable only to tariffs of more than 16 pages*). If the number of pages in the supplement which brings the volume of matter up to that authorized, is not evenly divisible by 4 the volume authorized may be exceeded to the extent necessary to bring the number of pages of such supplement to the next multiple of 4 and such supplement may be reissued, provided the number of pages of supplemental matter authorized for such supplement is not exceeded.

Exception No. 2. This relief shall not apply to tariffs now required to be reissued under outstanding permissions, if such tariffs are now beyond the limits of Rule 9 (e) of Tariff Circular No. 20, as modified by this permission, as to number and/or volume.

Exception No. 3. This relief shall not apply to tariffs of all-motor, all-water, or a combination of motor-water carriers now in excess of the number of supplements and/or volume of supplemental matter authorized by Rules 6 (d) or 5 (g) of Tariff Circulars No. MF–3 or No. 22 respectively, as modified by this permission.

Exception No. 4. This relief shall not apply to permissions listed below authorizing relief from the terms of Rules 4 (i) and 9 (e), or 9 (e) only, of Tariff Circular No. 20, in connection with tariffs involved in Ex parte 123, as now authorized by paragraph (c) of Permission No. 6730, as follows:

Permission No.	*Issued to*
185231	AC&Y.
185447	CN.
185571	CP.
185976	C&EI.
185547	CA&S.
185548	Agt. Bohon.
185539	Agt. Chaffee.
185592	Agt. Dodge.
185442	IC.
4915	GM&O.
185806	KCS-L&A.
185110	LV.
185028	NC&StL.
185136	Agt. Haynes.
185430	Agt. Hasker.
185591	Agt. King.
185179	P&WV.
185830	Reading.
185033	Southern.
185745	Seatrain.
185701	Agt. Matthews.
185105	Agt. Miller.
185202	Agt. Peel.

And it is further ordered, That supplements issued under this permission shall bear the notation "Departure from the terms of Rule (here insert number) of Tariff Circular No. (here insert number) is authorized under permission of the Interstate Commerce Commission, No. 7920, M No. 30049 of March 17, 1942."

Dated at Washington, D. C., this 17th day of March 1942.

By the Commission, Commissioner Aitchison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–2433; Filed, March 20, 1942; 11:48 a. m.]