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Washington, Friday, March 13, 1942

The President

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF ALIEN PROPERTY CUSTODIAN AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution, by the Trading with the Enemy Act of October 6, 1917, as amended, by the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Order.

2. All power and authority conferred on the President by Sections 3 (a) and 5 (b) of the Trading with the Enemy Act of October 6, 1917, as amended, and by Sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941, except such powers and authority as were delegated to the Secretary of the Treasury by Executive Orders issued prior to February 12, 1942, and to the Board of Governors of the Federal Reserve System by Executive Order No. 8843¹ of August 9, 1941 (which powers and authority shall continue to be vested in and exercised by the Secretary of the Treasury and the Board of Governors respectively), are hereby delegated to and vested in the Alien Property Custodian. The memorandum of February 12, 1942,² delegating

¹ 6 F.R. 4035.
² 7 F.R. 1409.

to the Secretary of the Treasury certain powers and authority under said sections, is hereby revoked and canceled. Any and all action heretofore taken by the Board of Governors of the Federal Reserve System after February 11, 1942, in pursuance of Executive Order No. 8843 of August 9, 1941, is hereby confirmed and ratified. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839³ of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

3. Any property, or interest therein, of any foreign country or a national thereof shall vest in the Alien Property Custodian whenever the Alien Property Custodian shall so direct; and, in the case of any property, or interest therein, subject to the control of the Secretary of the Treasury, when the Alien Property Custodian shall notify the Secretary of the Treasury in writing that he has so directed, the Secretary of the Treasury shall release all control of any such property, or interest therein, to the Alien Property Custodian.

4. Any outstanding order, proclamation, regulation, ruling, license, or instruction issued pursuant to, or relating to the administration of, any power or authority vested in the Alien Property Custodian by this Order shall remain in effect unless and until amended or revoked by the Alien Property Custodian.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 11, 1942.

[No. 9095]

[F. R. Doc. 42-2127; Filed, March 12, 1942;
10:47 a. m.]

EXECUTIVE ORDER

CERTIFYING THE ISLAND OF PUERTO RICO AS A DISTRESSED EMERGENCY AREA

WHEREAS section 2 (c) of the act of January 29, 1937, entitled "An Act to provide for loans to farmers for crop produc-

³ 6 F.R. 3823.

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tion and harvesting during the year 1937, and for other purposes" (50 Stat. 5, 6), provides:

No loan made under the provisions of this Act to any borrower shall exceed \$400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed \$400 in amount: *Provided, however,* That in any area certified by the President of the United States to the Governor [of the Farm Credit Administration] as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

AND WHEREAS it appears that on account of the conditions now prevailing therein, the Island of Puerto Rico is a distressed emergency area:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory provisions above set out, and upon recommendation of the Secretary of Agriculture and the Governor of the Farm Credit Administration, I hereby certify the Island of Puerto Rico as a distressed emergency area during the continuance of the present war and for six months after termination thereof, or until such earlier time as I may designate.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 10, 1942.

[No. 9093]

[F. R. Doc. 42-2117; Filed, March 11, 1942; 2:06 p. m.]

EXECUTIVE ORDER

ABOLISHING THE BOARD OF SURVEYS AND MAPS AND AUTHORIZING THE DIRECTOR OF THE BUREAU OF THE BUDGET TO PERFORM ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, and in order to further coordinate and promote

the improvement of the surveying and mapping activities of the Government, it is hereby ordered as follows:

1. The Federal Board of Surveys and Maps, established by Executive Order No. 3206 of December 30, 1919, is hereby abolished.

2. The Director of the Bureau of the Budget is authorized and directed to perform the functions heretofore performed by the said Board, and such other functions as may be necessary to carry out the purposes of this order.

3. The Director of the Bureau of the Budget is authorized and directed to call upon the heads of the several departments and independent establishments to furnish, through such representatives as they may designate for the purpose, such information as may be required by the Director in carrying out the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 10, 1942.

[No. 9094]

[F. R. Doc. 42-2118; Filed, March 11, 1942; 2:06 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 21—THE FEDERAL LAND BANK OF SPRINGFIELD

APPRAISAL FEES

Section 21.1 of Title 6, Code of Federal Regulations, as amended (5 F.R. 2721), is further amended by adding the following paragraphs:

§ 21.1 Appraisal fees.

On each application for the division of a mortgage lien and the debt secured thereby, between two or more owners of the mortgaged security, an appraisal fee will be charged as follows: Federal land bank mortgage loan made through a national farm loan association \$15.00; Federal land bank mortgage loan made through a national farm loan association and a Land Bank Commissioner mortgage loan subject to such Federal land bank mortgage \$15.00; Federal land bank direct mortgage loan and a Land Bank Commissioner mortgage loan subject to such land bank mortgage \$11.00; Federal land bank direct mortgage loan or a Land Bank Commissioner first mortgage loan, or a Land Bank Commissioner mortgage loan which is subject to a mortgage other than a land bank mortgage \$11.00.

The applicants also will be required to pay cash outlays for abstract expenses, recording fees and other disbursements necessary for the completion of the division. (Sec. 13, "Ninth," 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723 (e),

1016 (e) and Sup.; 6 CFR 19.4019)
(Res. Ex. Com., February 25, 1942)

[SEAL] THE FEDERAL LAND BANK
OF SPRINGFIELD,

Confirmed: H. P. PERKINS,
Secretary.

[F. R. Doc. 42-2138; Filed, March 12, 1942;
11:34 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—RULES OF PRACTICE AND REGULATIONS, FEDERAL POWER ACT

[Order No. 92]

PART 1—ADMINISTRATION

MARCH 6, 1942.

The Commission, acting pursuant to authority vested in it by the Federal Power Act, particularly sections 308 and 309 thereof, and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938:

Add §§ 1.156 and 1.157 to read as follows:

§ 1.156 Prepared expert testimony.

(a) With the approval of the presiding officer, an expert witness may be permitted to offer as his testimony on direct examination (either by reading it into the record or by offering it for inclusion in the transcript without reading as may appear to be the more desirable depending upon its nature and extent) his own relevant and material statements of fact and expressions of opinion within his special field, in written form, provided that copies of such prepared testimony shall have been served upon the Chief Trial Examiner, the General Counsel of the Commission and the parties to the proceeding or their counsel at least five (5) days in advance of the initial session of the hearing. Such prepared testimony shall be subject to the same rules of admissibility, and to cross-examination in all respects the same, as if such testimony were offered in the usual way. Pertinent objections to such testimony or to any part of it may be made and prosecuted by means of motions to strike.

(b) Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or its hearing officers designated to preside, may direct that expert testimony to be given on direct examination shall be reduced to

writing and be served and offered in the manner described and authorized in paragraph (a) of this section; *Provided*, A reasonable period of time shall be allowed for the preparation of such written testimony.

§ 1.157 *Limiting number of expert witnesses.* The Commission reserves the right for itself and its hearing officers designated to preside, to limit appropriately the number of expert witnesses that may be heard upon any issue.

The amendment to the "Rules and Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated and prescribed by this order, shall become effective on April 1, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2122; Filed, March 12, 1942;
9:35 a. m.]

SUBCHAPTER B—PROVISIONAL RULES OF PRACTICE AND REGULATIONS, NATURAL GAS ACT

[Order No. 93]

PART 50—ADMINISTRATION

MARCH 6, 1942.

The Commission, acting pursuant to authority vested in it by the Natural Gas Act, particularly Sections 15 and 16 thereof, and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, Effective July 11, 1938," as heretofore prescribed by Order No. 52, adopted July 5, 1938:

Add §§ 50.65a and 50.65b to read as follows:

§ 50.65a Prepared expert testimony.

(a) With the approval of the presiding officer, an expert witness may be permitted to offer as his testimony on direct examination (either by reading it into the record or by offering it for inclusion in the transcript without reading as may appear to be the more desirable depending upon its nature and extent) his own relevant and material statements of fact and expressions of opinion within his special field, in written form: *Provided*, That copies of such prepared testimony shall have been served upon the Chief Trial Examiner, the General Counsel of the Commission and the parties to the proceeding or their counsel at least five (5) days in advance of the initial session of the hearing. Such prepared testimony shall be subject to the same rules of ad-

missibility, and to cross-examination in all respects the same, as if such testimony were offered in the usual way. Pertinent objections to such testimony or to any part of it may be made and prosecuted by means of motions to strike.

(b) Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or its hearing officers designated to preside, may direct that expert testimony to be given on direct examination shall be reduced to writing and be served and offered in the manner described and authorized in paragraph (a) of this section; provided, a reasonable period of time shall be allowed for the preparation of such written testimony.

§ 50.65b *Limiting number of expert witnesses.* The Commission reserves the right for itself and its hearing officers designated to preside, to limit appropriately the number of expert witnesses that may be heard upon any issue.

The amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act" adopted, promulgated and prescribed by this order shall become effective on April 1, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2123; Filed, March 12, 1942;
9:35 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50580]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendment to Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917

FEBRUARY 11, 1942.

T.D. 50525 (6 F.R. 6404; 19 CFR, Part 27), dated December 11, 1941, as amended by T.D. 50529 (6 F.R. 6453), dated December 15, 1941, and T.D. 50559 (7 F.R. 616), dated January 26, 1942, is hereby further amended by inserting "Thailand," after "Rumania," in the phrase "Japan, Italy, and Germany and allies thereof, including Bulgaria, Rumania, and Hungary" wherever said phrase appears. (Sec. 3 (c), 40 Stat. 412; secs. XI, XIII, E.O. 2729-A, Oct. 12, 1917)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2139; Filed, March 12, 1942;
11:41 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-1149, Part II]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF ALBERT STRIPPING MINE AND POTOMAC NOS. 4 AND 6 MINE, MINE INDEX NOS. 1006 AND 397, RESPECTIVELY, FOR THE ESTABLISHMENT OF TWO SHIPPING POINTS FOR THE COALS OF CUSHNER NO. 1 MINE, MINE INDEX NO. 3159, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF CHICKASAW, MOHICAN, CADOGAN NOS. 1 AND 2 MINES, MINE INDEX NOS. 93, 329, 76 AND 976, RESPECTIVELY, AND OF THE COALS OF CHERRY RUN NOS. 1, 2, 3A, AND 4 MINES, MINE INDEX NOS. 88, 688, 3189, AND 3187, RESPECTIVELY

This proceeding was instituted initially (Docket No. A-1149) upon a petition filed with the Bituminous Coal Division on November 6, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals and/or for the mixtures of coals, not theretofore classified and priced, of certain mines in District 1, including the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines (Mine Index Nos. 76, 976, 93, and 329, respectively) of the Allegheny River Mining Company and the Cherry Run Nos. 1 and 4 Mines (Mine Index Nos. 88 and 3187, respectively) of the Cherry Run Coal Mining Company (A. A. Groe).¹

On November 17, 1941, F.R. 6534, the Director issued an Order in Docket No. A-1149 granting temporary relief and conditionally providing for permanent relief with respect to price classifications and minimum prices for the coals produced at various mines, including the Cherry Run No. 4 Mine.

On November 17, 1941, F.R. 6280, the Director also issued an Order severing from Docket No. A-1149 and designating as Docket No. A-1149, Part II, that portion of the docket relating to the establishment of price classifications and minimum prices for the mixture of coals produced at the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines, and for the mixture of the coals produced at the Cherry Run Nos. 1 and 4 Mines.² A peti-

¹ In the petition, the operator of Cherry Run Nos. 1 and 4 Mines is stated as the Cherry Run Coal Mining Co. (H. J. O'Brien).

² That portion of Docket No. A-1149 relating to the mixing of the coals of Cherry Run Nos. 2 and 3A Mines (Mine Index Nos. 688 and 3189, respectively) with those of Cherry Run Nos. 1 and 4 Mines, the establishment of an additional shipping point for the coals of both the Albert Stripping Mine and the Potomac Nos. 4 and 6 Mines (Mine Index Nos. 1006 and 397, respectively), and the establishment of price classifications and minimum prices for all shipments except truck and of two shipping points for the

tion of intervention was filed by District Board 2.

Pursuant to Order of the Director, a hearing in this matter was held on December 19, 1941, before William A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner and District Board 2 appeared. At the conclusion of the hearing the parties waived the preparation and filing of a report by the Examiner, and the record in the proceeding was thereupon submitted to the undersigned. The only witness who appeared testified on behalf of the petitioner.

The Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines (Mine Index Nos. 76, 976, 93, and 329, respectively) are owned and operated by the Allegheny River Mining Company. The evidence shows that the coals produced at these mines are similar in general characteristics. All these coals have identical price classifications, namely H in Size Groups 1 to 3, inclusive, and J in Size Groups 4 and 5. The same classifications are proposed by the petitioner for a mixture of the coals of these four mines for shipment other than by truck.

Evidence was adduced that the cleaning process at the Cadogan Mines has not been substantially changed since the coals of those mines were classified and priced. The evidence shows that the Chickasaw Mine was closed from the spring of 1938 to September 1941. The production of the Chickasaw Mine is small but is expected to increase when a process of rehabilitation is completed. The present quality of the coal produced there is, according to the evidence, difficult to determine. Testimony was given that, when those coals were classified, the Chickasaw Mine had cleaning facilities in use but that these had to be abandoned when the mine was reopened. The Mohican Mine had no cleaning facilities when its coals were classified. Evidence was presented that these coals were difficult to clean well, especially over air tables in use at the Cadogan Mines. Moreover, mechanical loading equipment has been installed at the Mohican Mine since the coals produced there were classified and priced, with a resultant degrading of the quality of the coal. The evidence shows that, since the coals of all these mines were classified and priced, the percentage of mechanical loading at all four mines has substantially increased and is continuing to increase, and that the mechanically loaded coals almost necessarily must be mechanically cleaned. Evidence was adduced to the effect that, after being mechanically cleaned, the mechanically loaded coals are merely restored to the quality they had before being loaded. The witness for the peti-

coals of the Cushman No. 1 Mine (Mine Index No. 3159), also severed from Docket No. A-1149 and incorporated in Docket No. A-1149, Part II, was stricken from the petition, upon the request of the petitioner, at the instant hearing. Temporary relief for the Cushman No. 1 Mine was granted in the Order severing Docket No. A-1149, Part II.

tioner testified that the coals of these mines had not changed substantially since they were classified and priced.

The daily production at these mines ranges, according to the evidence, from approximately 1,700 tons at the Mohican Mine to approximately 350 tons at the Chickasaw Mine. However, it appears that regardless of what percentage of these respective coals comprises the mixture, mixing would not improve the quality of the coals beyond the quality thereof as originally classified.

At the Cadogan No. 1 Mine there is a cleaning plant, representing an investment estimated at \$250,000, with a capacity sufficient for cleaning the entire output of all four mines. The purpose of the requested relief is stated to be to permit sending the coals produced at the four mines through this preparation plant, the mixing being merely the practical result of so doing because of the difficulty and expense of keeping the coals of the different mines separate in the plant. Use of this common plant, according to the evidence, would be economical and would eliminate either the construction of separate plants at the other mines, at a time when it is difficult to get the necessary equipment, the abandonment of the mechanical loading equipment at those mines, or the shutting down of the Chickasaw and Mohican Mines.

Evidence was adduced that these mines have been treated as being separate only because the terrain in the area necessitated having openings somewhat widely separated. The Chickasaw Mine is 15 or 16 miles and the Mohican Mine 5 or 6 miles distant from the Cadogan No. 1 Mine. The Chickasaw and Mohican Mines are so located that coals can be loaded directly from their tipples into the cars of the Pittsburg and Shawmut Railroad and moved to the Cadogan cleaning plant on a service charge of \$2.00 per car for shipments subsequently moved out and not sold locally. The Cadogan No. 2 Mine is located immediately above the Cadogan No. 1 Mine, and the coals produced at the former, according to the evidence, would be moved by truck the $\frac{1}{2}$ to $\frac{1}{4}$ of a mile to the cleaning plant. All four mines have the same freight rates.

Upon the basis of the uncontroverted evidence, I find and conclude that the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck should be amended by adding thereto a note providing that, if coals of the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines are loaded into the same car, the minimum price that shall apply to such mixture shall be the price which is applicable to the coal in the mixture having the highest price classification.

The Cherry Run Nos. 1 and 4 Mines (Mine Index Nos. 88 and 3187, respectively) of the Cherry Run Coal Mining Company (A. A. Groe) have identical price classifications in all size groups, namely D.

The relief herein requested as to the Cherry Run Mines is the establishment of the price classification D in Size Groups 1 to 5, inclusive, for a mixture of

the coals of the Cherry Run Nos. 1 and 4 Mines for shipments other than by truck. The Cherry Run No. 4 coals would be loaded over the tippie at the Cherry Run No. 1 Mine. Evidence was adduced that these two mines are located on adjacent properties and "for all practical purposes may be considered as one coal."

Upon the basis of the uncontroverted evidence, I find and conclude that the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck should be amended by adding thereto a note providing that, if coals of the Cherry Run Nos. 1 and 4 Mines are loaded into the same car, the minimum price that shall apply to such mixture shall be the price which is applicable to the coal in the mixture which has the higher price classification.

I find that the foregoing amendments to the District 1 price schedule are required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date of this Order, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be, and it hereby is, amended by appending thereto a note reading as follows:

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

Mine Index Nos. 76, 93, 329, and 976 of the Allegheny River Mining Company; Mine Index Nos. 88 and 3187 of the Cherry Run Coal Mining Company (A. A. Groe).

It is further ordered, That the temporary relief granted on November 17, 1941, in the Order severing this docket from Docket No. A-1149 be, and it hereby is, terminated.

It is further ordered, That the prayers for relief contained in the petition are granted to the extent set forth above and in all other respects denied.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2125; Filed, March 12, 1942; 10:45 a. m.]

[Docket No. A-1323]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.							
								1	2	3	4	5		
1026	Askey, Roy R. (Askey Coal Company).	Askey's.....	9	B	Karthaus, Pa.....	NYC.....	44	(†)	(†)	G	(†)	(†)		
30	Banner Coal Company (J. H. Wallin).	Banner.....	21	B	Osceola Mills, Pa.	PRR.....	45	(*)	(†)	(*)	C	(†)		
3380	Connolly, John	Connolly.....	7	E	Curwensville, Pa.	B&O.....	113	(†)	(†)	F	(†)	(†)		
1327	Elder & Shingledecker (J. C. Elder).	McKee.....	1	B	Henderson, Pa.	LEF&O.....	31	F	F	F	F	F		
2026	Gilmour & Jones Coal Company (R. A. Gilmour).	Ankeny.....	36	E	Gray, Pa.....	W. Md.....	102	E	(†)	(*)	E	(†)		
3404	J & S Coal Company (W. H. Shafer & J. D. Christy).	McWilliams #2.	11	E	McWilliams, Pa.	P&S.....	119	(†)	(†)	G	G	H		
3405	J & S Coal Company (W. H. Shafer & J. D. Christy).	McWilliams #3.	11	D	McWilliams, Pa.	P&S.....	119	(†)	(†)	G	G	H		
3406	Ruth Coal Co. (Arthur Martin).	Ruth #2.....	14	B	Osceola Mills, Pa.	PRR.....	45	(†)	(†)	G	(†)	(†)		
3407	Ruth Coal Co. (Arthur Martin).	Ruth #3.....	14	B	Osceola Mills, Pa.	PRR.....	45	(†)	(†)	G	(†)	(†)		
3408	Walker, John D.	Leland #1½	10	D	Osceola Mills, Pa.	PRR.....	45	B	(†)	B	B	C		

*When shown under a Size Group Number indicates coals previously classified for this size group.
†When shown under a Size Group Number indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam					
						All lump coal double screened top size 2' and over	Double screened top size 2' and under	Run of mine modified R/M	2' and under slack	¾' and under slack
						1	2	3	4	5
Connolly, John	3380	Connolly.....	7	Clearfield...	E	.....	.....	220	.....	.....
Gilmour & Jones Coal Company (R. A. Gilmour).	2026	Ankeny.....	36	Somerset.....	E	250	.....	(*)	215	.....
J & S Coal Company (W. H. Shafer & J. D. Christy).	3404	McWilliams #2....	11	Armstrong...	E	.....	.....	215	205	190
J & S Coal Company (W. H. Shafer & J. D. Christy).	3405	McWilliams #3....	11	Armstrong...	D	.....	.....	215	205	190
Rimer, Walter G., & Son (Walter G. Rimer).	3355	Rimer's.....	4	Clarion.....	E	240	215	215	200	190
Ruth Coal Co. (Arthur Martin)	3406	Ruth #2.....	14	Clearfield...	B	.....	.....	215	.....	.....
Ruth Coal Co. (Arthur Martin)	3407	Ruth #3.....	14	Clearfield...	B	.....	.....	215	.....	.....
Walker, John D.	3408	Leland #1½	19	Clearfield...	D	265	.....	240	280	215

*When shown under a Size Group Number indicates coals previously classified for this size group.

[F. R. Doc. 42-2124; Filed, March 12, 1942; 10:45 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (Public Law 381, 77th Cong.), § 301.7 (f) of the regulations under the Federal Explosives Act heretofore promulgated (7 F.R. 305 and 1103) is hereby amended to read as follows:

§ 301.7 *Applications for licenses, forms.*

(f) *Applications of associations, corporations, etc.* Applications of corporations, associations, or other legal entities which operate through a board of directors, trustees, or similar officers, shall show the following:

The name, address, and nationality of all officers, directors, trustees, or persons exercising similar functions.

The name, address, nationality, and the extent of interest in the voting stock or other beneficial voting holdings of the stockholders or members, beginning with the holder of the largest voting interest, and continuing in the order of the amount of the respective diminishing voting holdings, until not less than 51 percent of all voting stock or other beneficial voting holding is shown: *Provided*, That not more than ten need be listed. If those listed do not hold 51 percent or more of the stock or other beneficial voting holdings, then the application must be supported by the affidavit of the applicant, which may be stated on belief and the best information available, stating the nationality of the majority of the stockholders or members. The nationality of any corporation or organization listed in the application as a stockholder or member shall be given as the place of incorporation or organization.

In any case where a corporation owns more than 50 percent of the stock of the applicant, the applicant must also list the name, address, and nationality of the officers and directors of that corporation.

In the case of organizations such as cooperatives, the individual voting interests in which are equal in amount, no list of stockholders or members need be included in the application, but the application shall contain a statement of the nationality of the majority of the stockholders or members. If the nationality is not definitely known by reason of the number of stockholders or members, the statement may be based upon information and belief.

R. R. SAYERS,
Director.

Approved: March 12, 1942.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 42-2141; Filed, March 12, 1942; 11:49 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-16—National Parts Corporation

National Parts Corporation of Chicago, Illinois, is a manufacturer of automobile replacement grilles. It is a fabricator of cast aluminum and is subject to the provisions of Supplementary Order M-1-c. During the period from June 11, 1941, to December 6, 1941, the Company accepted deliveries of 67,347 pounds of aluminum scrap for melting and other processing, despite the fact that no preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. During the period from June 11, 1941, to December 6, 1941, the Company delivered 68,143 pounds of aluminum scrap to the Atlas Brass and Aluminum Foundry, Chicago, Illinois, pursuant to an unauthorized toll agreement. The shipments for nondefense purposes were made without the assignment of preference ratings and without authority for their delivery having been requested or granted. During the period from June through December, 1941, the Company accepted deliveries of aluminum radiator grilles, containing approximately 35,552 pounds of aluminum, from the Atlas Brass and Aluminum Foundry, Chicago, Illinois. These shipments were accepted, with knowledge that the products were obtained by melting and processing aluminum scrap, delivered to the processor without the assignment of preference ratings and without authority for the delivery of the aluminum scrap having been requested or granted.

These violations of Supplementary Order M-1-c have resulted in the diversion of aluminum scrap into uses unauthorized by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered:

§ 1010.16 *Suspension Order S-16.* (a) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its suc-

cessors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products, except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this order shall be in effect, no person shall deliver to, nor receive from, National Parts Corporation of Chicago, Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloy of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 12th day of May 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 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2142; Filed, March 12, 1942; 11:57 a. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-17—Atlas Brass and Aluminum Foundry

Atlas Brass and Aluminum Foundry of Chicago, Illinois, is a manufacturer of aluminum and brass castings. It is engaged in all operations necessary to such manufacture, including the melting and casting of aluminum, and is subject to the provisions of Supplementary Orders M-1-a and M-1-c. During the period from June 11, 1941, to December 6, 1941, the Company accepted deliveries of 69,143 pounds of aluminum scrap for melting and other processing from National Parts Corporation, Chicago, Illinois. No preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. During the period from June through December, 1941, the Company made deliveries, for non-defense purposes, of automobile radiator grilles containing approximately 35,552

pounds of aluminum to National Parts Corporation, Chicago, Illinois. These automobile grilles were fabricated pursuant to a toll agreement unauthorized by the Director of Priorities and they were shipped without the assignment of preference ratings and without authorization from the Director of Priorities.

These violations of Supplementary Orders M-1-a and M-1-c have resulted in the diversion of aluminum scrap to uses unauthorized by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered:

§ 1010.17 *Suspension Order S-17.* (a) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part, or aluminum products, except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry, of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from the Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 12th day of May 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 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2143; Filed, March 12, 1942;
11:57 a. m.]

PART 1055—WOOL

Interpretation No. 2 of Conservation Order No. M-73¹ as Amended and Extended to July 4, 1942

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1055.1, Conservation Order No. M-73, as Amended and Extended to July 4, 1942, issued February 25, 1942:

(a) The phrase "grown mohair" as used in paragraph (f) (6) (c) (1) and (2) of Conservation Order No. M-73, as Amended and Extended to July 4, 1942, shall mean mohair commercially known as 30s (micrometer diameter 30.60) and lower.

(b) The phrase "wool of grades 44s and lower" as used in paragraph (f) (6) (c) (1) and (2) of Conservation Order No. M-73, as Amended and Extended to July 4, 1942, shall include wool known as carpet wool as defined in paragraph (b) of Interpretation No. 1 of Conservation Order No. M-73. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2152; Filed, March 12, 1942;
11:58 a. m.]

PART 1072—SOLE LEATHER

General Preference Order M-80

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sole leather 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:

§ 1072.1 *General Preference Order M-80—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

¹ 7 F.R. 120, 543, 1541, 1570.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Sole leather" means any vegetable tanned sole leather of both "manufacturers" and "finders" types.

(2) "Cut outer soles of military weight and quality" means soles of 8½ to 11 iron, Fine, Semifine, Imperfect Fine, and No. 1 Scratch grades cut out of "manufacturers" leather.

(3) "Cut inner soles of military weight and quality" means soles of 5½ to 7 iron first quality full grain leather, with strong fiber of quality adapted to the purpose.

(4) "Finders' cut stock of military weight and quality" means half soles or repair taps of 9 iron and up, of Prime, Fine, Semifine, Imperfect Fine, and No. 1 Scratch grades cut out of "finders" leather; and "finders" leather cut outer soles of size, grade and weight now or hereafter specified on any military shoes.

(5) "Whole stock" means sole leather sides, backs, bends, strips, crops, shoulders, bellies, and belly centers.

(6) "Sole cutters" means all persons who produce cut soles, cut outer soles, cut inner soles, blocks, and repair taps from sole leather, and shall include independent cutters, tanner cutters, packer-tanner cutters, shoe manufacturer cutters and tanner-shoe manufacturer cutters.

(7) "Military shoes" means shoes for Army, Navy, Marine Corps and Lend-Lease requirements.

(8) "Put into process" with respect to cut soles means the first step taken in the preparation of cut soles for shoe making or for the attachment of cut soles to shoe uppers.

(9) "Reserved cut soles" means all cut soles of military weight and quality set aside by sole cutters pursuant to the terms of this Order.

(c) *Restrictions on the cutting of whole stock.* No person having any whole stock, from which cut inner or cut outer soles of military weight and quality can be obtained, shall hereafter cut any of the said whole stock except in such a manner as will produce all the cut inner, cut outer, or repair tap soles of military weight and quality obtainable therefrom, in accordance with paragraph (d) hereof.

(d) *Restrictions on sole cutters.* (1) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day at least 80% of all cut outer or cut inner soles of military weight and quality that are obtainable from all manufacturers' whole stock cut by him. All such cut soles so set aside shall be cut on Army size dies to fit the Munson Last in sizes and widths to fit the sizes of shoes bought on U. S. Army Tariffs as issued, or cut on the dies required by the Navy and Marine Corps to fit their schedules, or cut in accordance with the schedules of any other defense orders for shoes.

(2) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day at least 80% of all finders' cut stock of military weight and quality cut from finders' whole stock received by him.

Each sole cutter shall provide that the 80% so set aside shall include a sufficient quantity of cut outer soles so as to insure the fulfillment of his contracts to deliver such soles for use on military shoes.

(e) *Restrictions on sales, deliveries, and use of reserved cut soles.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter sell, deliver, or put into process any reserved cut soles from manufacturers' leather, except to fill defense orders for military shoes, or to fill defense orders for cut soles of military weight and quality.

(2) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter use any finders' cut stock set aside pursuant to paragraph (d) (2) hereof, except upon defense orders for repair tap soles or defense orders for cut outer soles of military weight and quality.

(f) *Reports.* Every person affected by this Order shall execute and file the following reports:

(1) With the War Production Board—such reports and questionnaires as may, from time to time, be required by said Board.

(2) With the Boston Quartermaster Depot within fifteen (15) days after promulgation of this Order, and at sixty-day intervals, thereafter, a letter listing and describing by weight, size, and type all stocks on hand of "reserved cut soles" not obligated to any contractors for the manufacture of military shoes.

(g) *Disposition of stocks of reserved cut soles.* Every person delivering to another person or to his own shoe factory and "reserved cut soles" to fill defense orders for military shoes, shall, within twenty-four (24) hours after such delivery give notice by letter addressed to the Commanding Officer, Reference: Reserved Cut Soles, Boston Quartermaster Depot, Army Base, Boston, Massachusetts, as tabulating agent of the War Production Board, of the amount and quality of cut soles so delivered, the person to whom delivered, and the contract number or further identification of the defense order for military shoes to fill which such "reserved cut soles" were delivered.

(h) *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 sole leather conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations by letter or telegram, Reference M-80, 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.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless

otherwise directed, be addressed to: "War Production Board, Washington, D. C., Reference M-80."

(j) *Violations.* Any person who willfully violates any provisions of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to the 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).

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

Issued this 12th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-2144; Filed, March 12, 1942; 11:58 a. m.]

PART 1096—WOOD PULP

General Preference Order M-93 To Conserve the Supply and Direct the Distribution of Wood Pulp

Whereas the national defense requirements have created a shortage of wood pulp, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1096.1 *General Preference Order M-93—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Wood Pulp" means and includes pulp manufactured either by mechanical or chemical means from coniferous or broadleaf trees.

(2) "Other Fibrous Material" means and includes any waste material or virgin material of a fibrous nature other than wood pulp used in the manufacture of paper and paperboard or paper products.

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

(4) "Producer" means and includes any person producing wood pulp as hereinafter defined.

(5) "Consumer" means any purchaser of wood pulp, or person who receives

wood pulp from a producer as hereinbefore defined.

(c) *Directions as to deliveries.* (1) On and after May 1, 1942, no producer shall make and no person shall accept from a producer deliveries of wood pulp until the deliveries have been approved by the Director of Industry Operations in accordance with the following procedure:

(i) On or before the fifth day of each month, beginning April, 1942, each consumer other than the Army, Navy, and other agencies and governments referred to in paragraph (b) of Priorities Regulation No. 1, as amended, including countries eligible to receive material or equipment under the Lend-Lease Act, shall file with a Producer his orders for wood pulp to be delivered during the following month on Form PD-290 in accordance with the instructions attached to that form.

(ii) On or before the fifteenth day of each month, beginning April, 1942, each consumer shall file with the War Production Board Form PD-291 showing his consumption, inventory and estimated receipts of wood pulp and other fibrous materials.

(iii) On or before the fifteenth day of each month, beginning April, 1942, each producer shall file with the War Production Board his proposed shipping schedule of wood pulp for the following month on Form PD-292, in accordance with the instructions attached to that form, together with copies of Form PD-290 filed with him under the terms of subparagraph (i) of this paragraph.

(iv) Each Producer may make during each month, beginning May 1, 1942, only the deliveries approved by the Director of Industry Operations.

(2) No person shall make delivery of wood pulp from his inventory thereof to any person, and no person shall accept delivery thereof, except from a producer, without having first obtained the express authority of the Director of Industry Operations.

(d) *Withheld deliveries and imports.* (1) During the month of May, 1942, and each calendar month thereafter, each producer shall withhold from his monthly production of wood pulp such portion thereof as may be determined and specified from time to time by the Director of Industry Operations. From the amounts so withheld, deliveries shall be made only upon express direction of the Director of Industry Operations.

(2) Any person having in his possession wood pulp arriving at its first destination in the United States at or after twelve noon, Eastern War Time, on May 1st, 1942, shall hold the same at the disposal of the Director of Industry Operations. Any person who has placed any order for wood pulp to arrive at its first destination in the United States after twelve noon, Eastern War Time, on May 1st, 1942, shall notify War Production Board of such order on Form PD-290 in accordance with the instructions attached thereto, and shall request the foreign producer to deliver such

wood pulp in accordance with the directions of the Director of Industry Operations.

(e) *Intra-company deliveries.* The prohibitions and restrictions contained in this Order 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 business enterprise to another branch, division, or section of the same or any other business enterprise under common ownership or control.

(f) *Notification of consumers.* Any person who is prohibited from, or restricted in, making deliveries of wood pulp by the provisions of this order, shall, as soon as practicable, notify each of his regular consumers of the requirements of this Order, and of the cancellation as of May 1, 1942, of all deliveries of wood pulp previously contracted for, except such as shall be authorized hereunder, but the failure to give such notice shall not excuse any consumer from the obligation of complying with the terms of this order.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended, the Producer, and each consumer placing or receiving any purchase order hereunder, shall each retain, for a period of two years, for the inspection by representatives of the War Production Board, endorsed copies of all such purchase orders, whether accepted or rejected, segregated from all other purchase orders or filed in such a manner that they can be readily segregated for such inspection.

(h) *Reports.* Each producer and consumer covered by this Order shall file such reports and questionnaires as are required by Paragraph (c) of this Order and such other reports and questionnaires as may be required from time to time by the War Production Board.

(i) *Communications to War Production Board.* All reports required to be filed under this Order, and all communications concerning this Order, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-93.

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

(k) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal by addressing a letter to War Production Board, Ref.: M-93, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief.

The Director of Industry Operations may thereupon take such action as he deems appropriate.

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

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2145; Filed, March 12, 1942;
11:57 a. m.]

PART 1098—RHODIUM

Conservation Order No. M-95 Prohibiting the Electroplating or Deposition of Rhodium on Jewelry

Whereas national defense requirements will create a shortage of rhodium for the combined needs of defense and private account, and the supply of rhodium will be insufficient for defense and essential civilian requirements unless the supply of rhodium is conserved and its use in the manufacture of jewelry is prohibited; and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of rhodium.

Now, therefore, it is hereby ordered, That:

§ 1098.1 *Conservation Order M-95—(a) Prohibition of use of rhodium in the electroplating of jewelry.* (1) *Prohibition against sale.* After the effective date of this Order no person shall sell or deliver rhodium salts, or solutions thereof, to any other person for use in the electroplating or deposition of rhodium upon articles of jewelry.

(2) *Prohibition against purchase.* After the effective date of this Order no person shall purchase or receive from any other person any rhodium salts, or solutions thereof, for use in the electroplating or deposition of rhodium upon articles of jewelry.

(3) *Prohibition against use.* After the effective date of this Order no person shall electroplate or deposit rhodium upon articles of jewelry unless such use has been specifically authorized by the Director of Industry Operations.

(b) *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) *Appeal.* 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 unemploy-

ment which would be unreasonably disproportionate compared with the amount of Rhodium conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of Material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Rhodium in the production of any article, the limitation of such other Order shall be observed.

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

(5) *Reports.* (i) After the effective date of this Order any person selling, transferring, delivering or otherwise disposing in any manner of rhodium salts or solutions thereof in his possession, or subject to his control, shall report such sale, transfer, delivery or disposition, on Form PD-295 to the War Production Board, Ref.: M-95, setting forth the name of the person or persons to whom such sale, transfer, delivery or disposition was made and the amount of rhodium content sold, transferred, or delivered.

(ii) All persons affected by this Order shall execute and file with the War Production Board, reports on Form PD-296 stating the stocks and inventories of rhodium salts and solutions thereof in their possession or subject to their control on March 11, 1942.

(6) *Correspondence and communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to War Production Board, Washington, D. C. Ref.: M-95.

(7) *Definitions.* For the purpose of this Order:

(i) "Rhodium salt" means any compound of the metal rhodium.

(ii) "Solution" means any homogeneous liquid containing rhodium salts.

(iii) "Electroplating or deposition" means any method, electrolytic or otherwise, whereby rhodium may be plated upon a metallic surface.

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

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

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

Issued this 11th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) During the Restricted Period:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

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

MAXIMUM PRICE REGULATION 107—USED TIRES AND TUBES

Correction

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

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

is corrected to read:

9.00-20 (36 x 8).....12 52.00 42.55 28.35 12.00

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

TITLE 46—SHIPPING

CHAPTER I—COAST GUARD

[Coast Guard General Order No. 8]

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

MARCH 5, 1942.

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

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

(b) Collectors of Customs; and

(c) The United States Maritime Commission;

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

R. R. WAESCHE,
Commandant.

Approved:

FRANK KNOX,
Secretary of the Navy.

MARCH 5, 1942.

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

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

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

§ 2.1031 *Physicians' statements and lay affidavits.*

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

SERVICE CONNECTION

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

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

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

[SEAL]

FRANK T. HINES,
Administrator.

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

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-147]

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

NOTICE OF AND ORDER FOR HEARING

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

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

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

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

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

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

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

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

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

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

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

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

\$74.31 in excess of the maximum allowable discounts.

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

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

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

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

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

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

and Rules 2 and 4 of section XIII of the Marketing Rules and Regulations, by allowing discounts to the Consumers Company, Lima, Ohio, on the sale to the S. S. Products Company, Lima, Ohio, of two cars of coal produced at the aforesaid Malcolmson Mine, although the Consumers Company was not authorized to receive such discounts, resulting in violations of paragraphs (c) and (e) of the Agreement;

(g) whether or not during the month of October 1940, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, a code member, operator of the Tiptop Mine, Mine Index No. 462, participated in transactions which were in violation of section 4 II (i) paragraphs 2 and 4 of the Act, Rule 1 of section III and Rules 2 and 4 of section XIII of the Marketing Rules and Regulations, by granting discounts from the effective minimum prices to the City Ice and Fuel Company, Cincinnati, Ohio, retail dealers, upon the sale to the latter of 7 cars containing approximately 407 tons of 2" nut and slack coal produced at the aforesaid mine, although the City Ice and Fuel Company was not authorized to receive such discounts, resulting in violations of paragraphs (c) and (e) of the Agreement;

(h) whether or not during the month of May 1941 East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, operator of the Tiptop Mine, Mine Index No. 462, violated Rules 1 and 3 of section X of the Marketing Rules and Regulations by granting an allowance of 40 cents per ton from the effective minimum prices to the Bacca Coal and Iron Company, Cincinnati, Ohio, on the sale of 2 cars of 5" block coal produced at the aforesaid mine, because of alleged substandard preparation of said coal, without filing with the Statistical Bureau for District 8 a verified statement of the facts as required by the said rules, resulting in violations of said rules and paragraphs (b) and (e) of the Agreement;

(i) whether or not subsequent to September 30, 1940, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, a code member, operator of the Tytip and Tiptop Mines, Mine Index Nos. 423 and 462, respectively, participated in transactions which were in violation of Rules 4 (B) and 9 (a) of section II of the Marketing Rules and Regulations by appointing and paying sales commissions to subsales agents without authority to do so, including such commissions paid on Order Nos. 1141 and 1144, transmitted during the month of October 1940 by East Kentucky Coal Sales, Inc., to the Buchanan Coal Company, resulting in violations of said Marketing Rules and Regulations and paragraph (e) of the Agreement;

(j) whether or not on or about April 15, 1941, East Kentucky Coal Sales, Inc., participated in transactions which were in violation of paragraphs 2, 4, 6 and 7 of section 4 II (i) of the Act and Paragraphs 2, 4, 6 and 7 of section XXII of the Marketing Rules and Regulations, by

making an allowance of approximately \$67.10, through its Subagent, E. J. De-Rochie, 2800 West Grand Boulevard, Detroit, Michigan, to the Hygrade Food Products Corporation, Detroit, Michigan, to cover the expenses incurred by the latter in buying coal from outside sources when the registered distributor was unable to furnish such coal, resulting in violations of said sections of the Act, the Marketing Rules and Regulations, and paragraphs (c) and (e) of the Agreement;

(k) whether or not on or about May 31, 1941, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, operator of the Tiptop Mine, Mine Index No. 462, participated in transactions which were in violation of Rules 1 and 3 of section X of the Marketing Rules and Regulations by issuing a credit memorandum to the Bacca Coal and Iron Company, Cincinnati, Ohio, covering an adjustment in price because of alleged substandard preparation of 2 cars of 5" block coal produced at the aforesaid mine, sold to it by East Kentucky Coal Sales, Inc., and by failing to file with the Statistical Bureau for District 8 a notification for such claim as prescribed by said Marketing Rules, resulting in violations of said Rules and Regulations and of paragraph (e) of the Agreement;

(l) whether or not the registration of East Kentucky Coal Sales, Inc., 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 aforementioned East Kentucky Coal Sales, Inc., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on April 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 820, United States District Court, Cincinnati, Ohio.

It is further ordered, That Travis Williams 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said East Kentucky Coal Sales, Inc.,

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 East Kentucky Coal Sales, Inc., 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 East Kentucky Coal Sales, Inc., 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 East Kentucky Coal Sales, Inc., 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 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2126; Filed, March 12, 1942;
10:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 103-A 4]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 42, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Notice is hereby given of a hearing to be held at the Tangipahoa Parish Courthouse, Amite, Louisiana, beginning at 10:00 a. m., c. w. t., March 19, 1942, and at the New Orleans Hotel, New Orleans, Louisiana, beginning at 10:00 a. m., c. w. t., March 20, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 42, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments re-

late. The amendments which have been proposed are as follows: Amendments Proposed to the Tentatively Approved Marketing Agreement, as Amended, and the Marketing Order, as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area

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

Class I milk—\$3.00 per hundred-weight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be \$2.53 per hundred-weight.

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

Class II milk—\$2.33 per hundred-weight.

3. Delete the proviso in subparagraph (6) of § 942.1, referring to new producers, together with other references to new producers.

4. Reconsider § 942.4 for the purpose of establishing a separate classification of milk utilized in the manufacture of butter.

5. Consider the establishment of a market-wide pool as a basis for computing uniform prices to producers, the revision of Class III prices, the revision of any other provisions of the regulation, or the introduction of new provisions, for the specific purpose of providing a method for the diversion of milk from utilization in Class III to utilization in Class I.

6. Reconsider, revise, redesignate, delete, or add any other provisions of the regulation necessitated by the foregoing proposals, or for the purpose of clarification or to facilitate administration.

Additional copies of this notice and copies of the order, as amended, now in effect, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the
Secretary of Agriculture.¹

MARCH 12, 1942.

[F. R. Doc. 42-2137; Filed, March 12, 1942;
11:16 a. m.]

Rural Electrification Administration.

[Administrative Order No. 677]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Ohio 2031E1 Holmes.....	\$269,000
Ohio 2033E1 Auglaize.....	329,000
Ohio 2039E1 Paulding.....	538,000
Ohio 2056D1 Lorain.....	671,000
Ohio 2060F1 Seneca.....	96,000
Ohio 2068C1 Fulton.....	261,000
Ohio 2083F1 Huron.....	308,000
Ohio 2087C1 Wood.....	564,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2136; Filed, March 12, 1942;
11:18 a. m.]

[Administrative Order No. 678]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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
Wisconsin 2025F1 Monroe.....	\$17,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2135; Filed, March 12, 1942;
11:18 a. m.]

[Administrative Order No. 679]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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
Nebraska 2051D2 Burt District Public.....	\$7,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2134; Filed, March 12, 1942;
11:17 a. m.]

[Administrative Order No. 680]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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 2016D1 Jefferson.....	\$50,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2133; Filed, March 12, 1942;
11:17 a. m.]

[Administrative Order No. 681]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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
Montana 2017C1 Rosebud.....	\$3,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2132; Filed, March 12, 1942;
11:17 a. m.]

[Administrative Order No. 682]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 5 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
Texas 2118S1 Henderson*.....	\$14,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2131; Filed, March 12, 1942;
11:17 a. m.]

[Administrative Order No. 683]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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
Tennessee 2001K1 Meigs.....	\$30,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2130; Filed, March 12, 1942;
11:16 a. m.]

[Administrative Order No. 684]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 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 loans for the projects and in the amounts set forth in the following schedule:

Project designation:	Amount
Alabama 2032E3 Geneva.....	\$35,000
Colorado 2018E2 Gunnison.....	10,000
Georgia 2035E2 Walton.....	50,000
Indiana 2041A3 Lagrange.....	25,500

Project designation—Continued.	Amount
Indiana 2092C3 Jackson.....	\$35,000
Iowa 2079A2 Clarke.....	17,000
Louisiana 2006C2 St. Mary.....	5,000
Michigan 2040C2 Allegan.....	50,000
Michigan 2043B2 Chippewa.....	60,000
Minnesota 2095A2 Lake of the Woods.....	12,000
Nebraska 2004C2 Polk District Public.....	29,000
Tennessee 2025B2 Jackson.....	40,000
Vermont 2007E3 Orleans.....	35,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2129; Filed, March 12, 1942; 11:16 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 41 FOR THE LUGGAGE, LEATHER GOODS, AND WOMEN'S HANDBAG INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on January 10, 1942, by Administrative Order No. 138, appointed Industry Committee No. 41 for the Luggage, Leather Goods, and Women's Handbag Industry composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 41 on February 3, 1942, recommended a minimum wage rate for the Luggage, Leather Goods, and Women's Handbag Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on February 4, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 41 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 41 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his

employees in the Luggage, Leather Goods, and Women's Handbag Industry (as defined in Administrative Order, No. 138), who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Luggage, Leather Goods, and Women's Handbag Industry as set forth in Administrative Order No. 138, signed January 10, 1942, is as follows:

For the purpose of this order the term "luggage, leather goods, and women's handbag industry" means:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocket-books, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in section (a).

The definition of the luggage, leather goods, and women's handbag industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and *Provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 41, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3d and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2d Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

Washington, District of Columbia, Department of Labor, 4th Floor.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

New York, New York, 1560 Broadway.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on March 30, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3229 of the United States Department of Labor Building at Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 41 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 41, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than March 24, 1942, any

such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 41.
4. The approximate length of time requested for his presentation. Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 41 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Luggage, Leather Goods, and Women's Handbag Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor Research and Statistics Branch, Wage and Hour Division, *Minimum Wages in the Luggage, Leather Goods and Women's Handbag Industry*, January 1942.

U. S. Department of Labor, Bureau of Labor Statistics Monthly Labor Review, *Differences in Living Costs in Northern and Southern Cities, July 1939* (Serial No. R-963).

U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, *Bureau of Labor Statistics' New Index of Cost of Living*, August 1940 (Serial No. R-1156).

U. S. Department of Labor, Bureau of Labor Statistics, Cost of Living Division and Retail Price Division, *Changes in Cost of Living, September 15, 1941* (Serial No. R-1931).

U. S. Department of Labor, Bureau of Labor Statistics, *Changes in Cost of Living in Large Cities, December 15, 1941*.

U. S. Department of Labor, Bureau of Labor Statistics, *Changes in Cost of Living in Large Cities*, November 20, 1941.

U. S. Department of Labor, Bureau of Labor Statistics, *Estimated Intercity Differences in Cost of Living, September 15, 1941*.

U. S. Department of Labor, Bureau of Labor Statistics, *Retail Costs of Food*, December 16, 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent

modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appear-

ing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due

notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2111; Filed, March 11, 1942; 12:25 p. m.]

[Administrative Order No. 144]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 42 FOR THE GRAIN PRODUCTS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Ted Hopkins from Industry Committee No. 42 for the Grain Products Industry and do appoint in his stead, as representative for the employees on such Committee, Mr. M. G. Wire, of Tacoma, Washington.

Signed at Washington, D. C., this 11th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2110; Filed, March 11, 1942; 12:25 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6258]

IN RE APPLICATION OF CLEVELAND BROADCASTING, INC., FOR CONSTRUCTION PERMIT
NOTICE OF HEARING

In re application of Cleveland Broadcasting Incorporated (New), dated October 22, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,300 kc.; power, 5 kw. (directional antenna); 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 application of Lake Shore Broadcasting Corporation, Docket No. 6172, to be held on April 20, 1942 at the offices of the Commission, Washington, D. C., at 10:00 a. m., 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 type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford

No. 50—3

adequate protection to the services of Stations WOOD and WASH, particularly in view of the distance between these stations and the proposed station.

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

5. To determine (a) whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station and (b) whether there are other assignments available for this area which would permit operation in accordance with the Standards of Good Engineering Practice.

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

7. 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.

8. 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 Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58,106).

9. 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.

10. To determine whether public interest, convenience and necessity would be served by the granting of this application, the application of Lake Shore Broadcasting Corporation (Docket No. 6172), or either 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:
Cleveland Broadcasting Incorporated,
c/o Ray T. Miller, 1708 Union Commerce Building, Cleveland, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2112; Filed, March 11, 1942; 12:37 p. m.]

[Docket No. 6247]

IN RE APPLICATION OF GENESEE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of Genesee Broadcasting Corporation (New), dated March 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Flint, Michigan; operating assignment specified: Frequency, 600 kc.; power, 1 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of WTBS Radio Company, Inc., Docket No. 6248, 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 the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WKZO and WSJS.

4. To determine the areas and populations which would be expected to lose primary service, particularly from Stations WKZO and WSJS and what other broadcast service is available to these areas and populations.

5. To determine the extent of interference which would result from the operation of the station as proposed herein to the services of Stations CFCH, North Bay, Ontario, CFCF, Montreal, P. Q. and CFQC, Saskatoon, Sask. (Appendix II, Table I, North American Regional Broadcasting Agreement).

6. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

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

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

9. 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).

10. 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), Communications Act of 1934, as amended.

11. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of The

WTBS Radio Company, Inc., Toledo, Ohio (Docket No. 6248) or either 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 Section 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 Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Genesee Broadcasting Corporation,
Att: Bradley Higbie, 244 Buhl Building,
Detroit, Michigan.

Dated at Washington, D. C., March 9,
1942.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2113; Filed, March 11, 1942;
12:37 a. m.]

[Docket No. 5966]

IN RE APPLICATION OF MOSBY'S INC., FOR
CONSTRUCTION PERMIT
NOTICE OF HEARING

In re application of Mosby's Incorporated (New), dated December 11, 1939, for construction permit; class of service, broadcast; location, Anaconda, Montana; operating assignment specified: Frequency, 1,230 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 the following reasons:

1. To obtain full information concerning a "Consent Decree" entered in the United States District Court, District of Montana, against Mosby's, Incorporated, particularly with reference to the effect thereof upon the qualifications of said corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine whether the statements in the application truly and accurately reflect the facts, particularly sections 12 (e) and 16 (e) thereof.

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

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

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

6. 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 Commission's Memorandum Opinion dated February 23, 1942, Mimeograph 58106).

7. To determine whether, in view of the facts adduced under the foregoing 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:

Mosby's Incorporated, c/o Arthur J.
Mosby, President, 132 West Front Street,
Missoula, Montana.

Dated at Washington, D. C., March 9,
1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2114; Filed, March 11, 1942;
12:37 p. m.]

[Docket No. 6248]

IN RE APPLICATION OF THE WTBS RADIO
CO., INC., FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of the WTBS Radio Company, Inc. (New), dated January 16, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Toledo, Ohio; operating assignment specified: Frequency, 600 kc.; power, 1 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Genesee Broadcasting Corporation, Docket No. 6247, 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 the extent of any interference which would result from simultaneous operation of station proposed herein and Stations WSJS, WKZO and WCLE.

4. To determine the areas and populations which would lose primary service,

particularly from Stations WSJS, WKZO and WCLE, as well as what other broadcast service is available to these areas and populations.

5. To determine the extent of interference which would result from the operation of the station proposed herein to the services of Stations CFCH, Montreal, P. Q., CFCH, North Bay, Ontario and CFQC, Saskatoon, Sask. (Appendix II, Table I, North American Regional Broadcasting Agreement).

6. To determine whether the proposed station would provide primary service to the metropolitan district of Toledo, Ohio as contemplated by the Standards of Good Engineering Practice.

7. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and the operation of Station WHKC as proposed in application B2-P-2833, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

8. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

9. 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 already available to these areas and populations.

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

11. 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 Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

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

13. To determine whether public interest, convenience, and necessity would be served through the granting of this application and the application of the Genesee Broadcasting Corporation, Docket 6247, or either 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:

The WTBS Radio Company, Inc., % Stanley C. Speer, Toledo Blade, Toledo, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2115; Filed, March 11, 1942; 12:38 p. m.]

[Docket No. 6172]

IN RE APPLICATION OF LAKE SHORE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

AMENDED NOTICE OF HEARING

In re application of Lake Shore Broadcasting Corp. (New), dated July 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,300 kc.; power, 5 kw. (DA—night and day); hours of operation, unlimited.

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based as shown below, to be held in a consolidated proceeding with the application of Cleveland Broadcasting Incorporated, Docket No. 6258, on April 20, 1942, at the offices of the Commission, Washington, D. C., at 10:00 o'clock a. m.

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

2. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WOOD, WASH, and WFBR, particularly in view of the distances between said stations and the proposed station.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WOOD, WASH and WFBR.

5. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WOOD, WASH and WFBR as a result of the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide interference-free primary service to the metropolitan district of Cleveland as contemplated by the Standards of Good Engineering Practice.

7. To determine whether (a) the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour), and, (b) the proposed antenna array

would constitute a hazard to air navigation.

8. To determine whether (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station and (b) there are other assignments available for this area which would permit operation in accordance with the Standards of Good Engineering Practice.

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

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

11. 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 Commission's Memorandum Opinion dated February 23, 1942, Mimeograph 58106).

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

13. To determine whether public interest, convenience or necessity would be served by the granting of this application, the application of Cleveland Broadcasting Incorporated (Docket No. 6258), or either 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:

Lake Shore Broadcasting Corporation,
% Stanton Addams, Agent, 201 National City Bank Building, Cleveland, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2116; Filed, March 11, 1942; 12:38 p. m.]

[Docket No. 6260]

IN RE APPLICATION OF FRANK E. HURT

NOTICE OF HEARING

In re application of Frank E. Hurt (KFXD), dated March 7, 1940, class of

service, broadcast; class of station, broadcast; location, Nampa, Idaho, operating assignment specified: frequency, 990 kc. (1,030 kc NARBA); power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the application of News-Review Company (KRNR), Docket No. 6261, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KFXD, as proposed and Station KOB.

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

3. To determine the extent of any interference which would result from the simultaneous operation of Station KFXD as proposed, and the operation of Station KRNR as proposed in Docket 6261, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice in view of the expected nighttime interference limitation to the service of Station KFXD, operating as proposed.

5. To determine whether the operation of Station KFXD, as proposed on the frequency 1030 kilocycles would be an efficient use of that channel and consistent with good allocative practice.

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

7. 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.

8. 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 Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

9. To determine whether granting of this application and the operation of Station KFXD as proposed 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.

10. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of News-Review Company (KRNR), Docket No. 6261, 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:

Frank B. Hurt, Radio Station KFXD,
1024 12th Avenue, South Nampa, Idaho.

Dated: March 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2147; Filed, March 12, 1942;
11:52 a. m.]

[Docket No. 6251]

IN RE APPLICATION OF INDEPENDENCE
BROADCASTING CO.

NOTICE OF HEARING

In re application of Independence Broadcasting Company, Inc. (WHAT), dated February 28, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Philadelphia, Pa.; operating assignment specified: Frequency, 1,160 kc; Power, 5 kw (directional antenna); 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 the extent of any adjacent channel interference which would result from the simultaneous operation of Station WHAT as proposed and Station WDEL.

2. To determine the areas and populations which may be expected to lose primary service, particularly from Station WDEL during daytime hours, should Station WHAT operate as proposed, and what other broadcast service is available to these areas and populations.

3. To determine whether Station WHAT, operating as proposed, would provide primary service to the metropolitan district of Philadelphia, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether the proposed antenna array would constitute a hazard to air navigation.

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

6. 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.

7. 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 Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

8. To determine whether the granting of this application and the operation of Station WHAT, as proposed, 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 address is as follows:

Independence Broadcasting Co. Inc.,
Radio Station WHAT, c/o Dr. Luther Harr,
Philadelphia Record, Broad and
Wood Sts., Philadelphia, Pennsylvania.

Dated: March 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2148; Filed, March 12, 1942;
11:52 a. m.]

[Docket No. 6249]

IN RE APPLICATION OF KINGSFORT BROAD-
CASTING CO., INC., FOR CONSTRUCTION
PERMIT

NOTICE OF HEARING

In re application of Kingsfort Broadcasting Company, Inc. (WKPT), dated August 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Kingsport, Tennessee; operating assignment specified: Frequency, 790 kc; power, 1 kw* night; 1 kw day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Northside Broadcasting Corporation (WGRC), Docket No. 6052, for the following reasons:

1. To determine whether the operation of Station WKPT at the proposed transmitter site would be consistent with the Standards of Good Engineering Prac-

tice, particularly as to population residing within the "blanket area" (250 mv/m contour).

2. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

3. To determine whether Station WKPT, operating as proposed, would provide primary service to the business district of Kingsport, Tennessee, as contemplated by the Standards of Good Engineering Practice.

4. To determine the extent of any interference which would result from the operation of Station WKPT as proposed herein to the services of Stations CKSO, Sudbury, Ontario, and CMBC, Havana, Cuba (Appendix II, Table I, NARBA).

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

6. 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.

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 the extent of any interference which would result from the simultaneous operation of Station WKPT as proposed herein and Station WGRC as proposed in Docket no. 6052, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

9. 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), Communications Act of 1934, as amended.

10. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Northside Broadcasting Corporation, licensee of Station WGRC, Docket No. 6052, 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:

Kingsport Broadcasting Company, Inc.,
Radio Station WKPT, 222-224 Commerce
Street, Kingsport, Tennessee.

Dated: March 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2149; Filed, March 12, 1942;
11:52 a. m.]

[Docket No. 6261]

IN RE APPLICATION OF NEWS-REVIEW CO.
FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of News-Review Company (KRNR), dated October 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Roseburg, Oregon; operating assignment specified: Frequency, 1,030 kc; power, 10 kw (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the application of Frank E. Hurt (KFXD), Docket No. 6260, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KRNR, as proposed, and Station KOB.

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

3. To determine the extent of any interference which would result from the simultaneous operation of Station KRNR as proposed and the operation of Station KFXD as proposed in Docket No. 6260, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station KRNR operating as proposed.

5. To determine whether the operation of Station KRNR as proposed on the frequency 1030 kilocycles would be an efficient use of that channel and consistent with good allocation practice.

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

7. 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.

8. 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.

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

10. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Frank E. Hurt (KFXD), Docket No. 6260, 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:

News-Review Co., Radio station
KRNR, 211 North Main Street, Roseburg,
Oregon.

Dated: March 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2150; Filed, March 12, 1942;
11:53 a. m.]

[Docket No. 6052]

IN RE APPLICATION OF NORTHSIDE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re Application of Northside Broadcasting Corp. (WGRC), dated March 1, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, New Albany, Indiana; operating assignment specified: Frequency: 790 kc.; power, 1 kw.* night; 5 kw. day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Kingsport Broadcasting Company, Incorporated (WKPT), Docket No. 6249, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WGRC as proposed herein, and Stations WTAR and WEAU.

2. To determine the areas and populations which may be expected to lose primary service, particularly from Stations WTAR and WEAU should Station WGRC operate as proposed, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the operation of Station WGRC as proposed, to the services of Stations CKSO, Sudbury, Ontario and CMBC, Havana, Cuba (Appendix II, Table I, North American Regional Broadcasting Agreement).

4. To determine whether Station WGRC, operating as proposed, would provide primary service to the metropolitan district of Louisville, Ky., as recommended by the Standards of Good Engineering Practice.

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

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

7. 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.

8. 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 Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

9. To determine the extent of any interference which would result from the simultaneous operation of Station WGRC as proposed and Station WKPT as proposed in Docket No. 6249, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

10. 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), Communications Act of 1934, as amended.

11. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Kingsport Broadcasting Company, Inc. (WKPT), Docket No. 6249, 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:

Northside Broadcasting Corporation,
Radio Station WGRC, Elsby Building,
117 Spring St., New Albany, Indiana.

Dated: March 10, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2151; Filed, March 12, 1942;
11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT-5765, IT-5766]

IN THE MATTERS OF SUPERIOR WATER
LIGHT & POWER COMPANY AND NORTHERN
POWER COMPANY

ORDER POSTPONING HEARINGS

MARCH 11, 1942.

It appearing to the Commission that:
Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission orders that: The hearings in the above-entitled matters, heretofore set for March 12, 1942, be and the same are hereby postponed to March 16, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2121; Filed, March 12, 1942;
9:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-511]

IN THE MATTER OF MICHIGAN CONSOLIDATED
GAS COMPANY AND GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March 1942.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; all interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Michigan Consolidated Gas Company, (hereafter referred to as Michigan Consolidated) a subsidiary of American Light & Traction Company, a registered holding

company, proposes to purchase from Great Lakes Utilities Company, and Great Lakes Utilities Company proposes to sell to Michigan Consolidated, for the consideration of \$750,000 in cash (plus certain adjustments for current assets at closing date), all of the outstanding capital stock and indebtedness (other than current debt) of Gas Corporation of Michigan (hereafter referred to as Gas Corporation).

Great Lakes Utilities Company states that the proposed transaction is part of the plan of liquidation filed pursuant to section 11 (e) by which it proposes to sell all of its assets, retire its indebtedness and dissolve.

Gas Corporation is a corporation organized and existing under the laws of the State of Michigan, having its principal office at Ludington, Michigan. It is a public utility under the laws of Michigan owning and operating the following properties:

(1) A manufactured gas plant and gas distribution system within the City of Ludington, Michigan;

(2) Natural gas distribution systems in the City of Mt. Pleasant, the unincorporated community of Rosebush, both in Isabella County, Michigan, and in the City of Clare, Clare County, Michigan, and the territories adjacent thereto (all of which will be hereinafter referred to as the Mt. Pleasant territory) together with natural gas transmission lines and stand-by equipment in said City of Mt. Pleasant;

(3) A natural gas distribution system in the City of Greenville, Montcalm County, Michigan;

Gas Corporation also owns 1,000 shares of the par value of \$10.00 per share, of the capital stock of Gas Transportation Corporation of Michigan (hereafter referred to as Transportation Corporation) being all of the issued and outstanding capital stock of that company. Transportation Corporation is a Michigan corporation and is a public utility under the laws of Michigan. It owns and operates natural gas transmission lines which connect with the lines of American Michigan Pipe Line Company, and transports gas to the Mt. Pleasant territory and the City of Greenville.

Michigan Consolidated states that the properties owned by the companies to be acquired are located generally in a portion of the territory in which it and its associated company, American Michigan Pipe Line Company, operate, and that the acquisition of such properties will tend toward the economical and efficient development of the properties of Michigan Consolidated and those to be acquired.

Michigan Consolidated further proposes that immediately after it has acquired the securities and indebtedness of Gas Corporation and Transportation Corporation, it will transfer their assets to Michigan Consolidated which will thereafter operate such properties, will surrender to said companies all their securities, will cancel all indebtedness owing by them and will assume all liabilities,

contractual and other obligations of Gas Corporation and Transportation Corporation owing to the public. Thereafter, Gas Corporation and Transportation Corporation will be dissolved.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations or applications (or both) and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission and that at said hearing there be considered, among other things, the various matters hereinafter set forth; and

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect to each of said matters may have a bearing on the other matters; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 31, 1942, at 10:00 A. M., in the offices of the Securities and Exchange Commission, 8th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk will advise as to the room in which such hearing will be held; and

It is further ordered, That the hearings on the said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record in the other matters; and

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the consolidated hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to declarants or applicants and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any persons desiring to be heard or to be admitted as a party to such proceeding shall notify the Commission to that effect on or before March 28, 1942;

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to declarants and applicants and that notice shall be

given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of issues presented by certain applications or declarations, particular attention shall be directed at said hearing to the following matters and questions:

(1) Whether the consideration, including all fees, commissions and other remuneration, to whomsoever paid in connection with the acquisition and sale, is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying the securities to be acquired;

(2) Whether such transfers or acquisitions of securities will unduly compli-

cate the capital structure of the holding company system of which Michigan Consolidated is a subsidiary, or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

(3) Whether the utility properties to be acquired constitute an integrated gas system or systems, or will, when acquired, constitute part of an integrated public utility system already directly or indirectly owned and operated by American Light & Traction Company;

(4) Whether the terms and conditions of the acquisition of the securities of Gas Corporation and Transportation Corporation are consistent with and

meet the applicable standards of the Act;

(5) Whether the proposed transactions are consistent with the Section 11 (b) (1) and Section 11 (b) (2) proceedings pending against both holding company systems;

(6) In the event the Commission finds the proposed transactions appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed with respect to such transactions.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

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