FEDERAL REGISTER

VOLUME 5 NUMBER 178

Washington, Thursday, September 12, 1940

Rules, Regulations, Orders

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 947]

PART 409—INSURANCE

CO-INSURANCE QUALIFICATION

Section 409.01–1[1] is amended by inserting the following paragraph immediately after the paragraph thereof entitled "Insurance Required", to become the second paragraph of said section:

Co-insurance qualification. If fire or other insurance is submitted by the home owner or ordered from the carrier under contract and co-insurance or a similar clause is applicable, the necessary amount of insurance to meet this condition shall be carried so that there will be no penalty in event of loss.

(Effective date September 10, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 40–3809; Filed, September 10, 1940; 1:02 p. m.]

[Administrative Order No. 946]

NOTICE OF INSURANCE PLACED, ROUTING OF CERTIFICATE

Section 409.02–2[2] is amended by deleting the third paragraph and substituting therefor the following:

Routing of certificate and notice of insurance placed. The certificate, home owner's notice of insurance placed and Accounting Section's copy of notice of insurance placed (insurance invoices) shall be sent to the Regional Office Insurance Section and shall be routed as follows:

The certificate to be filed in the policy jacket.

The home owner's notice to be attached to the Daily Transmittal Form prepared by the insurer under contract and forwarded to the Regional Accounting Section, which section will forward all such notices to the Control Supervisor of the Loan Service Division after imprinting the statement prescribed in Article 206–7 of the Consolidated Manual where an advance was made due to a deficiency in the home owner's tax and insurance account.

The Accounting Section copy to be attached to the Daily Transmittal Form prepared by the insurer under contract and retained in the Accounting Section files.

(Effective September 10, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation, which are deemed to have general applicability and legal effect within the meaning of the Federal Register Act as amended.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 40–3808; Filed, September 10, 1940; 1:02 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 531—REASONABLE COST OF BOARD, LODGING, AND OTHER FACILITIES

AMENDMENT

The following amendment to Regulation—Part 531, Reasonable Cost of

[1] 5 F.R. 2611.
[2] 5 F.R. 2613.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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Board, Lodging, and Other Facilities, pursuant to section 3 (m) of the Fair Labor Standards Act, is hereby issued. This amendment, amending § 531.1 [1] of said regulations, which shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C., this 10th day of September 1940.

BAIRD SNYDER,
Acting Administrator.

§ 531.1 *Reasonable cost under section 3 (m) of the Act.* The term "reasonable cost" in section 3 (m) of the Act is hereby determined to be not more than the actual cost to the employer of the board, lodging, or other facilities customarily furnished by him to his employees.

(a) Reasonable cost does not include a profit to the employer or to any affiliated person.

(b) The reasonable cost to the employer of furnishing the employee board, lodging or other facilities (including housing) is hereby determined to be the cost of operation and maintenance including adequate depreciation plus a reasonable allowance (not more than 5½ percent) for interest on the depreciated amount of capital invested by the employer; provided that if the total so computed is more than the fair rental value (or the fair price of the commodities or facilities offered for sale), the fair rental value (or the fair price of the commodities or facilities offered for sale) shall be the reasonable cost. The cost of operation and maintenance, the rate of depreciation, and the depreciated amount of capital invested by the employer shall be those arrived at under good accounting practices.

(c) The term "good accounting practices" shall not include accounting practices which have been rejected by the Bureau of Internal Revenue for income tax purposes. The term "depreciation" shall include obsolescence.

(d) The cost of furnishing "facilities" which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages.

The following list of facilities found by the Administrator to be primarily for the benefit or convenience of the employer is meant as illustrative rather than exclusive: (1) Tools of the trade and other materials and services incidental to carrying on the employer's business; (2) the cost of any construction by and for the employer; (3) the cost of uniforms and of their laundering, where the nature of the business requires the employee to wear a uniform.

[1] 3 F.R. 2535.

[F. R. Doc. 40-3821; Filed, September 11, 1940; 11:58 a. m.]

PART 536—DEFINING THE TERM "AREA OF PRODUCTION"

NOTICE OF POSTPONEMENT OF EFFECTIVE DATE OF AMENDMENT

Whereas on July 24, 1940 an amendment to Regulations, Part 536, Defining the Term "Area of Production", as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act, effective October 1, 1940, was issued (5 F.R. 2647), which amendment amended § 536.2 of the said regulations by rendering it inapplicable to the handling, packing, storing, drying, preparing in their raw or natural state, or canning of perishable or seasonal fresh fruits or vegetables for market and by adding a special paragraph applicable solely to perishable or seasonal fresh fruits or vegetables, and

Whereas the said effective date of October 1, 1940, was selected because it appeared desirable to make the change in regulations effective at a time when the said operations on fruits and vegetables are comparatively inactive and because it further appeared that October 1 represented a period of comparative inactivity; and

Whereas it now appears that the said operations are in general comparatively inactive at that time except for the peak activity connected with the packing of apples and pears:

Now therefore it is hereby ordered that the effective date of this amendment with respect to the handling, packing, and preparing in their raw or natural state of apples and pears be postponed from October 1, 1940 until December 1, 1940. The present definition of the term "area of production" contained in § 536.2 of Regulations, Part 536, hereby remains applicable to the handling, packing, and preparing in their raw or natural state of apples and pears until December 1, 1940.

Signed at Washington, D. C., this 11th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-3822; Filed, September 11, 1940; 11:57 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 163—GENERAL LICENSE NO. 33 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

A general license is hereby granted authorizing remittances by persons within the United States to citizens of the United States within any of the foreign countries designated in Executive Order No. 8389, as amended, or to citizens of the United States who have departed from any such designated foreign countries and are within any other foreign country, through any bank, and any such bank is authorized to effect such remittances, providing the following terms and conditions are complied with:

(1) such remittances do not exceed $250 per month to any payee and are made only for the necessary living expenses of the payee and the payee's family except that one additional sum not exceeding $250 may be remitted if such sum will be used for the purpose of enabling the payee and the payee's family to return to the United States;

(2) such remittances are not made from funds in which a national of any of the foreign countries designated in Executive Order No. 8389, as amended, has any interest whatsoever, direct or indirect.

Any bank effecting any such remittance shall satisfy itself that the foregoing terms and conditions are complied with.

Banks are authorized to obtain foreign exchange, to the extent necessary, on the same terms and conditions as those prescribed in General License No. 32 [1] in order to effect the remittances herein authorized.

[1] 5 F.R. 3531.

Banks through which any such remittances originate shall file promptly separate reports in triplicate on Form TFR–32 with the appropriate Federal Reserve Bank indicating therein that the payee is a citizen of the United States. In addition, the bank ultimately transmitting abroad (by cable or otherwise) the payment instructions for any such remittances shall file weekly reports with the appropriate Federal Reserve Bank setting forth in detail the same information required in such reports under General License No. 32. This weekly report may be combined with the weekly report required under General License No. 32.

As used in this general license the term "bank" shall mean any bank or trust company incorporated under the laws of the United States or of any state, territory or district of the United States, or any private bank subject to supervision and examination under the banking laws of any state, and also any other banking institution specifically authorized by the Treasury Department to be treated as a "bank" for the purpose of this general license or of General License No. 32.*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

SEPTEMBER 10, 1940.

[F. R. Doc. 40–3817; Filed, September 11, 1940; 11:41 a. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 30, Supp. No. 1]

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 285—DETERMINATION OF PROFIT IN CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION, RECONDITIONING, OR RECONSTRUCTION OF SHIPS

Amendment

Section 285.10 (g), *Contract price*,[1] of the "Regulations Prescribing Method of Determining Profit in Connection with Contracts and Subcontracts for the Construction, Reconditioning, or Reconstruction of Ships for the United States Maritime Commission," approved by the Commission May 4, 1939 (46 CFR, 1939 Supp., § 285.10 (g)), is amended to read as follows:

(g) *Contract price* means the amount specified in the contract or subcontract to be received by the contractor or subcontractor for the performance of the contract or subcontract, as modified by any discounts, allowances, price adjustments, changes, or other items affecting such amount: *Provided*, That the contract price under any contract or subcontract will not be deemed to be decreased by reason of any damages payable by the contractor or subcontractor whether payment thereof be affected directly or by deduction from sums otherwise payable to the contractor or subcontractor: *Provided further*, That the contract price under any contract will not be deemed to be increased by reason of any performance premiums, unless otherwise specified in such contract: and *Provided further*, That any contract may provide that the contract price under any subcontract made thereunder will not be deemed to be increased by reason of any performance premiums.

effective only with respect to such contracts (and subcontracts thereunder) as are entered into after August 29, 1940. (§ 285.10, as amended, issued under the authority contained in sec. 505 (c), 49 Stat. 1998, 52 Stat. 958; 46 U.S.C. Supp. 1155 (c)) [The source of § 285.10, as amended, is General Order No. 30, Supplement No. 1, approved by the Commission August 29, 1940]

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

AUGUST 29, 1940.

[F. R. Doc. 40–3811; Filed, September 10, 1940; 2:52 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

NOTICE IN THE MATTER OF ATTACHING SPECIAL TERMS, CONDITIONS, AND LIMITATIONS TO THE EXERCISE OF PRIVILEGES GRANTED IN CERTIFICATES OF COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE AUTHORIZED TO TRANSPORT GENERAL COMMODITIES OVER REGULAR ROUTES AS ESTABLISHED AND PRESCRIBED BY THE COMMISSION, DIVISION 5:

SEPTEMBER 4, 1940.

The Commission, Division 5, has voted to rescind its prior action whereby it adopted and prescribed, for attachment to certificates as issued, certain special terms, conditions and limitations to the exercise of privileges granted in certificates of common carriers of property by motor vehicle authorized to transport general commodities over regular routes.

This notice supersedes that of April 3, 1940,[1] relative to the same subject, and it will be understood that the use of such special terms, conditions and limitations in the issuance of certificates by the Commission will be discontinued.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40–3810; Filed, September 10, 1940; 2:23 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUPPLEMENTARY DETERMINATION NO. 8, IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

Whereas, the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association, Inc., filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of Abram Cleason of Palmyra, New York, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by Abram Cleason at Sodus, Wayne County, New York; and

Whereas it appears from the application filed by the National Crushed Stone Association, Inc., on behalf of Abram Cleason of Palmyra, New York, that the

*Part 163; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; E.O. 8493, July 25, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940 and July 15, 1940.

[1] Appears as § 2.35 at 4 F.R. 2422.

[1] 5 F. R. 1317.

crushed stone plant of the aforesaid company in Wayne County, New York, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of Abram Cleason, in Wayne County, New York.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of obection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 4th day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3818; Filed, September 11, 1940; 11: 57 a. m.]

SUPPLEMENTARY DETERMINATION NO. 9, IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association, Inc., filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the Genesee Stone Products Corporation of Batavia, New York, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the Genesee Stone Products Corporation at Stafford, Genesee County, New York; and

Whereas it appears from the application filed by the National Crushed Stone Association, Inc., on behalf of the Genesee Stone Products Corporation of Batavia, New York, that the crushed stone plant of the aforesaid company in Genesee County, New York, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now therefore upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the Genesee Stone Products Corporation, in Genesee County, New York.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 4th day of September, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3819; Filed, September 11, 1940; 11: 57 a. m.]

SUPPLEMENTARY DETERMINATION NO. 10, IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS, ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and

for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association, Inc., filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the Rowe Contracting Company of Malden, Massachusetts, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the Rowe Contracting Company at Revere, Suffolk County, and Malden, Middlesex County, Massachusetts; and

Whereas it appears from the application filed by the National Crushed Stone Association, Inc., on behalf of the Rowe Contracting Company of Malden, Massachusetts, that the crushed stone plant of the aforesaid company in Suffolk County and Middlesex County, Massachusetts, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now therefore upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the Rowe Contracting Company in Suffolk County and Middlesex County, Massachusetts.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 5th day of August, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3820; Filed, September 11, 1940; 11:58 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4140]

IN THE MATTER OF THOMAS J. MONAHAN, AN INDIVIDUAL TRADING AS MONAHAN'S BAKERY; GUST GUSTAFSON, AN INDIVIDUAL TRADING AS GUSTAFSON BAKERY; ZINSMASTER BAKING COMPANY, A CORPORATION; EGEKVIST BAKERIES, INC., A CORPORATION; REGAN BROS. COMPANY, A CORPORATION; WILLIAM BLASECK, AN INDIVIDUAL, TRADING AS EAST SIDE BAKERY; GLADNESS BAKERIES, INC., A CORPORATION; GEORGE P. JANICKE, AN INDIVIDUAL TRADING AS JANICKE'S BAKERY; JOHN KARALIAS, FRED KARALIAS, AND DEMETRIUS KARALIAS, INDIVIDUALLY AND AS CO-PARTNERS TRADING AS LAKEVIEW BAKERY; PURITY BAKING COMPANY, A CORPORATION; CONTINENTAL BAKING COMPANY, A CORPORATION; EXCELSIOR BAKING COMPANY, A CORPORATION; PEOPLES-LEHMAN BAKING CORPORATION, A CORPORATION; EMRICH BAKING COMPANY, A CORPORATION; RAFERT BAKING COMPANY, A CORPORATION; INDEPENDENT GROCER BAKING COMPANY, INC., A CORPORATION; GEORGE CHONIS, AN INDIVIDUAL TRADING AS NICOLLET PASTRY SHOPPE; JAMES T. MCGLYNN, AN INDIVIDUAL TRADING AS MCGLYNN'S BAKERY; NORTH SIDE BAKING COMPANY, INC., A CORPORATION; BAKERY, CRACKER, PIE & YEAST WAGON DRIVERS' UNION LOCAL NO. 289, AN UNINCORPORATED ASSOCIATION, ITS OFFICERS AND MEMBERS; HARRY DEBOER, INDIVIDUALLY AND AS PRESIDENT AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; SAM ASH, INDIVIDUALLY AND AS VICE-PRESIDENT AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; JOSEPH F. O'HARE, INDIVIDUALLY AND AS SECRETARY-TREASURER AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; GREGORY HELWIG, INDIVIDUALLY AND AS RECORDING SECRETARY AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; LOREN JOHNSON, INDIVIDUALLY AND AS TRUSTEE AND AS MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; CHESTER RYAN, INDIVIDUALLY AND AS TRUSTEE AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289; AND MEL EDSTROM, INDIVIDUALLY AND AS TRUSTEE AND AS A MEMBER OF RESPONDENT BAKERY, CRACKER, PIE AND YEAST WAGON DRIVERS' UNION LOCAL NO. 289

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, September 25, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3816; Filed, September 11, 1940; 11:20 a. m.]

RAILROAD RETIREMENT BOARD.

STATUS OF NATIONAL CARLOADING CORPORATION, UNIVERSAL CARLOADING & DISTRIBUTING COMPANY, INC., AND OF INDIVIDUALS WHO HAVE BEEN ENGAGED IN THE PERFORMANCE OF THE OPERATIONS OF THOSE COMPANIES

POSTPONEMENT OF HEARINGS

Notice is hereby given to all persons interested that upon the request of one of the parties and pursuant to the authority vested in me by Board Order 40-26, adopted January 12, 1940, and as amended by Board Order 40-115, adopted March 7, 1940, the hearings in the above matters which have been set for September 16, 1940,[1] at 10:00 A. M. at the offices of the Board in Washington, D. C., are postponed to a date to be later fixed.

JOSEPH A. FANELLI,
Examiner.

Dated September 7, 1940.

[F. R. Doc. 40-3812; Filed, September 11, 1940; 10:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-104]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

ORDER EXEMPTING THE ISSUE AND SALE OF SECURITIES

At a regular session of the Securities and Exchange Commission held at its

[1] 5 F.R. 2623.

office in the City of Washington, D. C., on the 9th day of September, A. D. 1940.

Potomac Electric Power Company, a direct subsidiary of Washington Railway and Electric Company and an indirect subsidiary of The North American Company, both registered holding companies, having filed an application with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 seeking exemption from the provisions of section 6 (a) of the Act of the issuance and sale of $10,000,000 principal amount of First Mortgage Bonds, 3¼% Series, due 1975; and the issuance and sale of said First Mortgage Bonds having been expressly authorized by the Public Utilities Commission of the District of Columbia;

A hearing[1] on such matter having been held after appropriate notice; this Commission having heard and considered the evidence and examined the record in this matter and made and filed its findings and opinion herein;

It is ordered, That the issuance and sale of the said First Mortgage Bonds be, and the same are hereby, exempted under Section 6 (b) of said Act from the provisions of Section 6 (a) of said Act, subject, however, to the terms and conditions prescribed in Rule U–9 promulgated under said Act and the following condition:

That when all expenses incurred in connection with the issuance and sale of said First Mortgage Bonds shall have been actually paid, Potomac Electric Power Company shall file with this Commission a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amount of such payments, the accounts charged and a detailed description of the services rendered in connection with the issuance and sale.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–3815; Filed, September 11, 1940; 11:12 a. m.]

[File No. 70–141]

IN THE MATTER OF NEW BEDFORD GAS AND EDISON LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1940.

The above-named party having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, for exemption from the provisions of section 6 (a) of the issue and sale of unsecured notes to the First National Bank of Boston in the aggregate sum of $1,750,000;

Said application having been filed on August 19, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said application, and finding with respect to said application under section 6 (b) of said Act that the requirements of section 6 (b) of said Act are satisfied;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid application be and hereby is granted at 4:30 P. M. E. S. T. on September 9, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

Commissioners Healy and Pike were absent at the time of and did not participate in the Commission's disposition herein.

[F. R. Doc. 40–3814; Filed, September 11, 1940; 11:12 a. m.]

[File No. 70–137]

IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO CERTAIN BANK LOAN NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1940.

The above-named party having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof and Rule U-12C–1 (a) thereunder, regarding, among other things, the issuance and sale of $1,890,000 principal amount of Bank Loan Notes, bearing interest at the rate of 2½% per annum (or at 2⅜% per annum if on or prior to October 31, 1940, the declarant refunds its First Mortgage Bonds, 4% Series, due 1963, by the issue and sale of its proposed First Mortgage Bonds, 3½% Series, due 1970, also covered by said declaration), maturing $135,000 each six months on October 15, 1941, on April 15 and October 15 in each of the years 1942 to 1947, both inclusive, and on April 15, 1948, and to apply the proceeds of such loans, together with funds from the declarant's treasury, to the redemption of the declarant's 4% Serial Notes due on April 15 of the years 1942 to 1948, both inclusive, aggregating $1,870,000 principal amount at redemption prices varying from 104% to 100½% which, exclusive of the accrued interest to the redemption date, will require the sum of $1,901,050; and said Bank Loan Notes to be issued and sold at the face amount thereof to the following named banks in the amounts set opposite their respective names:

Name of Bank:	*Amount of loan*
Harris Trust & Savings Bank, Chicago, Illinois	$890,000.00
National Bank of Detroit, Detroit, Michigan	500,000.00
Frost National Bank, San Antonio, Texas	200,000.00
Alamo National Bank, San Antonio, Texas	150,000.00
National Bank of Commerce, San Antonio, Texas	150,000.00
Total	1,890,000.00

Said declaration having been filed on August 10, 1940, and certain amendments having been filed thereto, the last of said amendments having been filed on September 5, 1940, which requested that the declaration be permitted to become effective on or about September 9, 1940 only with respect to the afore-described Bank Loan Notes, and postponing the effective date on the afore-described First Mortgage Bonds, 3½% Series, due 1970, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The above-named party having requested that said declaration as filed or as amended become effective on or about September 9, 1940; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-12C–1 (a) to become effective and finding with respect to said declaration under Section 7 of said Act that the requirements of section 7 (c) and 7 (g) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act;

It is hereby ordered, pursuant to said Rule U-8 and the applicable provisions of said Act, subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declaration as amended be and hereby is permitted to become effective forthwith with respect to the Bank Loan Notes as aforedescribed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

Commissioners Healy and Pike were absent at the time of and did not participate in Commission action herein.

[F. R. Doc. 40–3613; Filed, September 11, 1940; 11:12 a. m.]

[1] 5 F.R. 2873.