FEDERAL REGISTER

VOLUME 6 NUMBER 241

Washington, Friday, December 12, 1941

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE USE, CONTROL AND CLOSING OF RADIO STATIONS AND THE PREFERENCE OR PRIORITY OF COMMUNICATIONS

WHEREAS The Senate and House of Representatives of the United States of America in Congress assembled have declared that a state of war exists between the United States and the Imperial Japanese Government;

AND WHEREAS Section 606 of the Communications Act of 1934 (48 Stat. 1104; U.S.C., title 47, sec. 606) authorizes the President under such circumstances to cause the closing of any radio station and the removal therefrom of its apparatus and equipment, and to authorize the use or control of any such station and/or its apparatus and equipment by any agency of the Government under such regulations as the President may prescribe upon just compensation to the owners, and further authorizes him to direct that communications essential to the national defense and security shall have preference or priority;

AND WHEREAS It is necessary to insure the national defense and the successful conduct of the war that the Government of the United States shall take over, operate, and have use or possession of certain radio stations or parts thereof within the jurisdiction of the United States, and shall inspect, supervise, control or close other radio stations or parts thereof within the jurisdiction of the United States, and that there should be priority with respect to the transmission of cerain communications by wire or radio;

NOW, THEREFORE, by virtue of authority vested in me under the Constitution of the United States and under the aforementioned joint resolution of Congress dated December 8, 1941, and under the provisions of the aforementioned Section 606 of the Communications Act of 1934, I hereby prescribe that from and after this date the Defense Communications Board created by the Executive Order of September 24, 1940 [1] (hereinafter referred to as the Board) shall exercise the power and authority vested in me by Section 606 of the Communications Act of 1934 pursuant to and under the following regulations:

1. The Board shall determine and prepare plans for the allocation of such portions of governmental and nongovernmental radio facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

2. The Board shall, if the national security and defense and the successful conduct of the war so demand, designate specific radio stations and facilities or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of Navy or other agency of the United States Government.

3. The Board shall, if the national security and defense and the successful conduct of the war so demand, prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection or closure, in accordance with such prescription, by the Department of War, Department of Navy or other agency of the United States Government designated by the Board.

4. Every department and independent agency of the government shall submit to the Defense Communications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any radio station or facility and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

[1] 5 F.R. 3817.

CONTENTS

(Continued on next page)

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.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

5. No radio station or facility shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national defense and security and the successful conduct of the war. So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6. Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees of the radio stations shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers, as the case may be.

7. The head of any department or agency which uses or controls any radio station pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such radio station and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (d) of Section 606 of the Communications Act of 1934 (U. S. C., title 47, sec. 606 (d)).

8. By subsequent order of the Board, the use, control, or supervision of any radio station or facility or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any radio station or facility pursuant hereto may be removed in whole or in part.

9. The Board is hereby designated, in accordance with the provisions of Section 606 (a) of the Communications Act of 1934, to make such arrangements as may be necessary in order to insure that communications essential to the national defense and security shall have preference or priority with any carrier subject to the Communications Act of 1934. The Board may issue any regulations which may be necessary to accomplish this purpose.

10. All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, of the Communications Act of 1934.

11. All regulations of general applicability issued by the Secretary of War, the Secretary of the Navy, or any other governmental agency under these Presidential regulations shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Dec. 10, 1941.

[No. 8964]

[F. R. Doc. 41-9317; Filed, December 11, 1941; 10:38 a. m.]

EXECUTIVE ORDER

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1942

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, it is ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1942, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 10, 1941.

[No. 8965]

[F. R. Doc. 41-9318; Filed, December 11, 1941; 10:38 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO ASHEVILLE LIVESTOCK YARDS, ASHEVILLE, NORTH CAROLINA[1]

DECEMBER 11, 1941.

Whereas, the Asheville Livestock Yards was posted on February 4, 1936, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Asheville Livestock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Asheville Livestock Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-9336; Filed, December 11, 1941; 11:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3634]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DELUXE PRODUCTS COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, (1) supplying, etc., others with pull cards or any other device or devices which are to be, or may be, used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (2) shipping, etc., to agents or distributors, or to members of the public, pull cards, or any other device or devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

§ 3.6 (c) *Advertising falsely or misleadingly — Composition of goods.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, using the unqualified term "silver" to designate or describe tableware or other articles of merchandise which are not made entirely of silver, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

§ 3.6 (r) *Advertising falsely or misleadingly — Prices — Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, representing that the price charged for merchandise is less than the usual retail price of such merchandise when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

In the Matter of Ralph Kalner, Rea Drath, Freda Rosten, and Alvin B. Wolf, Individuals Trading as Deluxe Products Company and Delco Novelty Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the testimony and other evidence introduced before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners thereon and exceptions thereto, and briefs filed in support of the complaint and in opposition to the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents, Ralph Kalner, Rea Drath, Freda Rosten and Alvin B. Wolf have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Ralph Kalner, Rea Drath, Freda Rosten and Alvin B. Wolf, individuals trading as DeLuxe Products Company and Delco Novelty Company, or under any other trade name or designation, jointly, or severally, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bed spreads, pillows, wrist watches, chinaware, rifles, overnight cases, dolls, kitchen ware, blankets, suede jackets, clocks, tableware, hot water bottles, fountain pen and pencil sets, salt and pepper sets, and any other articles of merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or any other device or devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Shipping, mailing or transporting to agents or distributors, or to members of the public, pull cards, or any other device or devices which are to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

4. Using the unqualified term "silver" to designate or describe tableware or other articles of merchandise which are not made entirely of silver.

5. Representing that the price charged for merchandise is less than the usual retail price of such merchandise when such is not the fact.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9321; Filed, December 11, 1941; 11:19 a. m.]

[File No. 21-317]

PART 155—RAYON AND SILK DYEING, PRINTING AND FINISHING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

[1] Modifies list posted stockyards 9 CFR 204.1.

[1] 4 F.R. 1607.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of December 12, 1941.

Statement by the Commission

Trade practice rules for the Rayon and Silk Dyeing, Printing and Finishing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the prevention of unfair trade practices under laws administered by the Commission in the interest of maintaining fair competition in industry and protection of the public.

The industry's business is estimated to aggregate nearly $100,000,000 annually, including the dyeing, bleaching, printing, finishing, or other processing, of fabrics made primarily of silk or rayon, or mixtures thereof; also skein-dyeing and other types of dyeing or finishing of fiber, yarn or fabric of similar composition, not including, however, the piece dyeing or processing of hosiery.

Application for establishment of trade practice rules was filed by members of the industry. Due proceedings thereon were had, including the holding of a general trade practice conference of the entire industry, the submission and consideration of proposed rules, and of briefs, memoranda and other presentations regarding the matter, together with public hearings at which all interested or affected parties were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions or objections as they desired to submit.

Thereafter, and upon full consideration by the Commission of the entire matter, final action was taken whereby the Commission approved and received, respectively, the following trade practice rules in Group I and Group II.

The Rules

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of the industry and the public. Their operation is to be directed toward this end and is not to permit of the use of any practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition.

Definitions

For the purposes of these rules and in their application, the following definitions shall apply unless the context otherwise requires:

(1) The term "product of the industry", as used herein, shall include the fabric, skein, yarn, or fiber which members of the industry process by dyeing, printing, bleaching, mercerizing, finishing, or other processing, for use, sale, distribution, or marketing by their customers, by so-called cutters-up, or by others, as articles of "commerce," whether in the processed form produced by members of the industry, or in the form of garments or products made therefrom. Such term shall also include the dyeing, printing, bleaching, mercerizing, finishing, or other processing by industry members of such fabric, skein, yarn, or fiber together with the necessary processing materials used to put such industry product in finished form. The term "product of the industry," as used herein, shall not include hosiery or the piece dyeing or processing of hosiery.

(2) The word "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(3) The word "rayon," as used herein, is the generic term for manufactured textile fiber or yarn produced chemically from cellulose or with a cellulose base and for thread, strands, or fabric made therefrom, regardless of whether such fiber or yarn be made under the viscose, acetate, cuprammonium, nitrocellulose, or other process.

Group I

The unfair trade practices embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 155.1 *Misbranding and misrepresentation.* The false or deceptive marking or branding of products of the industry, or the making or publishing of any false or deceptive advertisements, statements, or representations, concerning the dyeing, printing, bleaching, finishing, or processing of any products of the industry, or concerning their quality, quantity, weighting, fiber content, or preparation, or in any other material respect, is an unfair trade practice.* (Rule 1)

*§§ 155.1 to 155.16, inclusive, issued under the authority contained in 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 155.2 *Deceptive concealment.* It is an unfair trade practice for any member of the industry to use, or directly or indirectly to assist others in the use of, any deceptive selling method or other deceptive act or practice by concealing or failing to disclose textile content, weighting, and other information required to be disclosed by the Trade Practice Rules for the Rayon and Silk Industries as promulgated by the Federal Trade Commission on October 26, 1937, and November 4, 1938, respectively, or other applicable rules; or by any other means to engage in deceptive selling methods.* (Rule 2)

§ 155.3 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, or to representations made prior to securing the order, without the consent of the customers to such substitutions, or with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* (Rule 3)

§ 155.4 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the tendency and capacity or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* (Rule 4)

§ 155.5 *Defamation of competitors.* The defamation of competitors by falsely imputing to them dishonorable business conduct, inability to perform contracts, questionable credit standing, or by other false representations, is an unfair trade practice.* (Rule 5)

§ 155.6 *Disparagement of products of competitors.* The false disparagement of the grade, quality, quantity, weighting, fiber content, character, or processing of competitors' products or services is an unfair trade practice.* (Rule 6)

§ 155.7 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to contract for the processing of goods or products by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing with competitors.* (Rule 7)

§ 155.8 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* Obtaining information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements, by the impersonation of one in authority, or by any other unfair means, and using the information so obtained in such a man-

ner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade, is an unfair trade practice.* (Rule 8)

§ 155.9 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.* (Rule 9)

§ 155.10 *Unlawful interference.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices, or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses.* (Rule 10)

§ 155.11 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but with the effect of intimidating such customers or prospective customers, or of hampering or injuring competitors in their businesses, is an unfair trade practice.* (Rule 11)

§ 155.12 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.* (Rule 12)

§ 155.13 *Bogus independents.* It is an unfair trade practice to sell or offer to sell industry products through a pretended independent concern in such manner as to mislead or deceive customers or prospective customers into the erroneous belief that such concern is independent and in competition with that member of the industry owning or controlling such concern.* (Rule 13)

§ 155.14 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This rule is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.* (Rule 14)

§ 155.15 *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* (a) It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, allowance for alleged imperfect workmanship after material has been cut, or other form of price differential, where such rebate, refund, discount, credit, allowance for alleged imperfect workmanship, or other form of price differential, effects a discrimination in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them; *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale, of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 15.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals and charitable institutions not operated for profit.* The foregoing provisions of this Rule 15 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 15 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination

[1] As used in Rule 15, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c).* (Rule 15)

§ 155.16 *"End piece pilfering," false invoicing, etc.* (a) In the course of or in connection with conduct of business by any member of the industry involving the sale of, or contract to furnish, products of the industry to his customers, it is an unfair trade practice for any such member to use the device or scheme of false invoicing or of so-called end piece pilfering or of any other device or scheme characterized by deception or fraud.

(b) For purposes of this rule, end piece pilfering shall mean the pilfering, purloining, or unauthorized conversion to his own use, by any member of the industry, of fabrics or yarn, or pieces thereof, belonging to his customers and bailed to such member for dyeing, printing, finishing, bleaching, or other processing.* (Rule 16)

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

Rule A—Repudiation of contracts. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

Rule B—Cost records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

Rule C—Arbitration. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so, they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission December 12, 1941.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9322; Filed, December 11, 1941 11:19 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER I—UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SUBCHAPTER C—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 31—GENERAL ADMINISTRATIVE PROVISIONS

Compensation District Redefined: New District Established

Pursuant to the authority conferred by section 39 of the Longshoremen's and Harbor Workers' Compensation Act (Act of March 4, 1927, 44 Stat. 1442; 33 U.S.C. 939), § 31.2, Part 31, Subchapter C of Chapter I of the regulations of this Commission (20 CFR 31.2) is hereby amended, effective January 1, 1942, so as to redefine the geographic limits of the compensation district established as District No. 13, and to establish a new compensation district under said Act to be known as District No. 15. The designations for said districts in § 31.2 of said regulations shall read as follows:

§ 31.2 *Establishment of compensation districts.* * * *

* * * * *

District No. 13. Comprises the States of California, Arizona, New Mexico, Nevada, Utah, and Colorado, with headquarters at San Francisco, California.

* * * * *

District No. 15. Comprises the Territory of Hawaii, with headquarters at Honolulu, T. H.

Amendment to regulation issued December 10, 1941.

JEWELL W. SWOFFORD,
Chairman.
JNO. J. KEEGAN,
Commissioner.

[F. R. Doc. 41-9311; Filed, December 11, 1941; 9:39 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 373]

PART 403—PROPERTY MANAGEMENT DIVISION

Limitation on Broker's Authority to Incur Charges

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.14–2 [1] is amended by adding at the end thereof the following:

§ 403.14–2 *Certification by contractor.*

* * * * *

Unless the payee signs Voucher Form 21, any bill to be paid by voucher shall bear the following certification by the contractor:

I hereby certify that this bill is correct and just, and that payment therefor has not been received.

Such certification shall be signed by the contractor in the manner provided for his signature on HOLC Form 21. The customary bills of public utility companies may be accepted without such certification.

(Effective December 15, 1941.)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-9312; Filed, December 11, 1941; 9:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

BANCO DI NAPOLI TRUST CO.

DECEMBER 11, 1941.

Revocation of General License No. 47 and General License No. 47A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc. [2]

General License No. 47 (§ 131.47 [3]) and General License No. 47A (§ 131.47a [3]) are hereby revoked.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-9320; Filed, December 11, 1941; 11:17 a. m.]

[1] 5 F.R. 1264.
[2] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.
[3] 6 F.R. 2908.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 26

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that effective immediately the forms, conversions, and derivatives of Wood, Proclamation 2503,[4] issued pursuant to section 6 of the Act of July 2, 1940, shall include the following in addition to items listed in previous numbered Export Control Schedules:

NOTE: The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule F, "Statistical Classification of Foreign Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

Unit of quantity	Commodity description	Department of Commerce No.
	WOOD	
M. bd. ft....	Teakwood, boards, planks, logs, and scantlings.	4009F

MILO PERKINS,
Executive Director.

DECEMBER 10, 1941.

[F. R. Doc. 41-9316; Filed, December 11, 1941; 10:01 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 978—UTILITIES

Maintenance, Repair and Supplies Amendment No. 3 to Preference Rating Order No. P-46[5]

Whereas, maintenance, repair, operation and expansion of property and equipment of public utilities consumes large quantities of copper, zinc, iron, steel and aluminum; national defense requirements have created a shortage in these materials for defense, private account and for export; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the current rate of consumption of such materials for maintenance, repair, operation and expansion of public utility property and equipment is limited to the minimum quantities essential for such purposes;

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 6 F.R. 4231.
[5] 6 F.R. 4784, 4921, 5995.

Now, therefore, it is hereby ordered, That:

Section 978.1 as heretofore amended is hereby amended as follows:

Paragraph (a) (1) is amended to read as follows:

§ 978.1 *Preference rating order P-46.* * * *

(a) *Definitions.* * * *

(1) "Producer" means any individual, partnership, association, corporation, governmental unit or other form of organization engaged in one or more of the following services:

(i) Supplying electric power directly or indirectly for general use by the public;

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public;

(iii) Supplying water directly or indirectly for general use by the public;

(iv) Public sanitation services, but not including manufacturers of public sanitation products;

(v) Supplying central steam heating directly or indirectly for general use by the public.

The term "Producer" includes any producer as herein defined, whether or not such producer has executed the acceptance attached hereto.

Paragraph (f) (3) is hereby amended to read as follows:

(f) *Restrictions on deliveries, withdrawals and inventory.*

* * * * *

(3) (i) No Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Materials to be used as Operating Supplies or for Maintenance or Repair or for any other purpose the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940 unless such withdrawals shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(ii) No Producer shall make withdrawals from stores or inventory of Material to be used for additions to or expansion of property or equipment without securing approval in advance from the Office of Production Management, unless (*a*) the project or job is under construction and 40% of the total dollar value thereof is installed on December 5, 1941; or (*b*) the cost of material for the work order, job or project is less than $1,500 in the case of underground connections and $500 in the case of other additions to or expansion of property or equipment: *Provided, however,* That no single work order, job or project shall be subdivided into parts in order to come below these limits: *And provided further,* that in no event shall lines be extended more than 1,000 feet from existing facilities.

Paragraph (g) is amended to read as follows:

(g) *Audits and reports.* (1) Each Producer and each Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each Producer and each such Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(3) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9 Public No. 783, 76th Congress, Third Session)

Issued this 11th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9338; Filed, December 11, 1941; 12:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 50—GREEN COFFEE

The outbreak of war is threatening an inflationary increase in the price of coffee. This threatened increase is in part caused by conditions affecting foreign production and shipping to this country. During the past months, speculators attempted to profit from unbalanced inventory holdings and from threatened price and supply squeezes, despite adequate stocks in this and producing countries and an import quota for this year substantially higher than the estimated national consumption. Because of this past history and the present critical emergency, the Office of Price Administration hereby freezes all coffee prices at those which prevailed at New York City on December 8, 1941.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than the maximum prices herein will be ordered.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that contracts entered into prior to December 11, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. The maximum prices shall include all commissions and other charges.

(b) The maximum prices for the grades of green coffee shall be the prices specified below. These prices are for the best quality of each grade named. Poorer qualities shall be priced at the customary differentials.

1. Brazil grades:

	Cents per pound ex dock or warehouse New York City
Santos No. 4	13⅛
Rio No. 7	9⅛

The maximum prices for all other Brazilian grades shall be determined by applying the customary differentials to the above maximum prices.

2. Mild grades:

	Cents per pound ex dock or warehouse New York City
Colombian Medellins	16
Manizales	15⅝
Maracaibo, Trijillo	10¾
La Guayra, W. Caracas, Good	14½
Porto Cabello, Washed	13½
Puerto Rico, Washed	13¼
General Java	19
Robusta, Washed	10¼
Harrar, Longberry	15½
Costa Rica, Prime	17
Salvador, Washed	15
Haiti, Washed	13½
San Domingo, Washed	13

The maximum prices for all other mild grades of green coffee shall be determined by applying the customary differentials to the above maximum prices for the corresponding mild grades.

(c) The maximum prices for all grades, ex dock or warehouse New Orleans, and ex dock or warehouse San Francisco, shall be determined by applying the customary trade differentials at these points.

(d) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differentials at that port.

(e) The delivered price for any grade of green coffee shall in no case exceed the maximum price plus the actual transportation charges from, as the case may be, New York City, New Orleans, or San Francisco, or other port of entry ex dock or warehouse.

(f) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. For such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941, for all the months then traded in as follows:

	Cents
Santos No. 4:	
December	12.83
1942	
March	12.88
May	12.93
July	13.00
September	13.00
Rio No. 7:	
December	8.26
1942	
March	8.26
May	8.65
July	8.75
September	8.85

*§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.3 *Records and reports.* Any person receiving or delivering green coffee on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of green coffee on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.4 *Modification of schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided,* That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1351.6 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.*

§ 1351.8 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

Issued this 11th day of December, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9340; Filed, December 11, 1941; 12:27 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

Cocoa is an imported food of material importance both in the National Defense program and in our civilian economy. Recent price rises, influenced by uncertainties in the shipping situation, have been of concern to this Office. During the past few weeks, this Office has engaged in a study of the price and supply factors with a view of establishing a price ceiling schedule for cocoa beans and cocoa butter. These recent price rises have taken place in spite of the fact that present stocks of cocoa beans in this country are the largest in history. The war emergency has given rise to a further increase in prices. The danger of serious inflation and price spiraling has made it imperative to issue immediately a schedule temporarily freezing prices at those which prevailed at New York City on December 8, 1941, for all grades and types of cocoa beans and cocoa butter.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than

the maximum prices herein will be ordered.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices, except that contracts entered into prior to December 11, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. These maximum prices shall include all commissions and other charges.

(b) The maximum prices for the various grades of cocoa beans and cocoa butter shall be the following prices:

Cocoa Beans:	*Cents per pound ex dock or warehouse New York City*
F. F. Accra Main Crop	9.50
F. A. G. Lagos	9.40
Mid Lagos	9.00
Sanchez	8.85
Superior Bahia	8.95
Fine St. Thome	9.50
Up-River Para	8.95
Laguayra-Caracas	11.25
Trinidad-Estate (or ordinary)	14.75
Trinidad Plantation	15.00
Red Summer Arriba	11.25
Season Arriba	10.625
Caraquez	10.25
Java, Estates No. 1	21.00
Grenada Plantations	14.75
Samoan	16.50
Ceylon	17.00

Cocoa Butter:	*Cents per pound f. o. b. shipping point*
Cocoa Butter	25.50

(c) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differential at that port.

(d) The delivered price for any grade of cocoa beans shall in no case exceed the maximum price plus the actual transportation charges from New York City or any other port of entry ex dock or warehouse.

(e) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange. For such contracts, the maximum prices shall be the closing prices on this Exchange as of December 8, 1941, for all the months then traded in as follows:

	Cents per pound
December	8.61
1942	
January	8.74
March	8.85
May	8.91
July	8.96
September	9.01
December	9.11

*§§ 1351.51 to 1351.58, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.52 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.53 *Records and reports.* Any person receiving or delivering cocoa beans or cocoa butter on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of cocoa beans or cocoa butter on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every such purchase and sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.54 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cocoa beans or cocoa butter, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.56 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.57 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Cocoa butter" means unpackaged cocoa butter sold in bulk by the original processor.*

§ 1351.58 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

Issued this 11th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9341; Filed, December 11, 1941; 12:26 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 52—PEPPER

Pepper is one of the imported commodities which has experienced during the past few months several sharp inflationary price movements. This was followed by a period of relative price stability. With the outbreak of war, the dangers of speculation and inflationary price rises have been magnified, mainly because of the fear of shipping shortages and eventual depletion of stocks. To prevent such unwarranted movements and to hold the stability achieved by the trade, the Office of Price Administration hereby freezes all pepper prices at those which prevailed at New York City on December 8, 1941.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than the maximum prices herein will be ordered.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.101 *Maximum prices for pepper.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer pepper, and no person shall buy, offer to buy, or accept delivery of pepper at prices higher than the maximum prices, except that contracts entered into prior to December 11, 1941 calling for a price higher than the maximum prices may be carried out at the contract price. These maximum prices shall include all commissions and other charges.

(b) The maximum prices for the grades of pepper specified below shall be as follows:

Grade:	*Cents per pound ex dock or warehouse New York City*
Lampong Black Pepper	6.75
Aleppy Black Pepper	8.50
Java White Pepper	11.00
White Small Berries	10.00

The maximum prices for all other grades and types of pepper shall be determined by applying the differentials, customary within the American spice trade, to the maximum prices specified above.

(c) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differentials at that port.

(d) The delivered price for any grade of pepper shall in no case exceed the maximum prices plus the actual transportation charges from New York City or other port of entry ex dock or warehouse.

(e) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Produce Exchange. For such contracts the maximum prices shall be the closing prices on this Exchange as of December 8, 1941, for the months then traded in as follows:

	Cents per pound
December	6.39
1942	
January	6.45
March	6.60
May	6.68
July	6.75
September	6.85
October	6.88

*

*§ 1351.101 to 1351.108, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.102 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§1351.103 *Records and reports.* Any person receiving or delivering pepper on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of pepper on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every such purchase and sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.104 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from these persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of pepper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.106 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of pepper, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.107 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity dealing in pepper.

(b) "Pepper" means whole or unground pepper as delivered to the processing trade.*

§ 1351.108 *Effective date of schedule.* This schedule shall become effective on December 11, 1941.

Issued this 11th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9342; Filed, December 11, 1941; 12:26 a. m.]

CHAPTER XIV—SUPPLY PRIORITIES AND ALLOCATIONS BOARD

PART 1600—REGULATIONS UNDER REQUISITIONING ACTS

Pursuant to Executive Order 8942 of November 19, 1941, the Supply Priorities and Allocations Board hereby establishes the following policies and prescribes the following regulations governing the requisitioning and disposal of property under the Act of October 10, 1940 (Public No. 829, 76th Congress) and the Act of October 16, 1941 (Public No. 274, 77th Congress):

Sec.

§ 1600.1 *General provisions applicable to all requisitioning proceedings.* (a) As used in these Regulations, the term "Requisitioning Authority" means the Office of Production Management in all cases except when requisitioning is initiated under paragraph 4 of Executive Order 8942 in which case the term "Requisitioning Authority" means the head of the department or agency who shall have submitted the proposal for requisitioning to the Office of Production Management.

(b) Promptly after any property is requisitioned, notice of such requisition, in such manner and form as may be approved by the General Counsel of the Supply Priorities and Allocations Board, shall be given by the Requisitioning Authority to all persons known to have or claim any interest in such property; and all such persons shall be directed to file such claims with the Requisitioning Authority.

(c) As promptly as practicable after property is requisitioned the Requisitioning Authority shall make a preliminary determination of the fair and just compensation to be paid for such property and of the person or persons entitled thereto, and notice of such preliminary determination, in such manner and form as may be approved by the General Counsel of the Supply Priorities and Allocations Board, shall be given by the Requisitioning Authority to all persons known to have or claim an interest in such property.

(d) If a preliminary determination of the person or persons entitled to compensation cannot be made, or if any person known to have or claim an interest in such property shall file a written objection to a preliminary determination in accordance with paragraph (c), specifying the grounds for such objection, the Requisitioning Authority shall direct all such persons to appear in support of their claims before a board or official designated by the Requisitioning Authority for such purpose, at a specified time and place. Such board or official shall hear the claimants and shall receive any evidence relevant to the inquiry. A stenographic transcript of the proceeding before such board or official and copies of all written evidence submitted shall be preserved. Following such inquiry, such board or official shall make a recommendation to the Requisitioning Authority as to the person or persons entitled to compensation and

the amount thereof, and thereupon the Requisitioning Authority shall make its final determination as to these matters.

(e) If, in any such proceeding, the person or persons entitled to compensation for the property requisitioned cannot be determined, the amount of such compensation shall nevertheless be determined; and such amount may be set aside and retained, or the proper appropriation charged therefor, until the person or persons entitled to receive the same shall be established.

(f) A Requisitioning Authority may exercise any power, duty or discretion vested in it under Executive Order 8942 or this Regulation, through such person or persons as it may designate.

(g) Any Requisitioning Authority, for the purpose of requiring and compelling a disclosure of information under section 4 of the Act of October 16, 1941, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony or witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States.*

*§§ 1600.1 to 1600.4, inclusive, issued under the authority contained in Executive Order 8942, November 19, 1941, 6 F.R. 5909; Public No. 829, 76th Congress, Third Session; Public No. 274, 77th Congress, First Session.

§ 1600.2 *Provisions applicable to action initiated by the head of a department or agency other than the Office of Production Management.* (a) The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Economic Defense Board, or the head of such other agency as the President may from time to time designate shall, prior to requisitioning any property pursuant to the power granted by paragraph 4 of Executive Order 8942, submit to the Office of Production Management a written statement (in such form as may be approved by the General Counsel of the Supply Priorities and Allocations Board) setting forth in reasonable detail all pertinent facts with respect to the property which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

(b) Upon the submission of any such proposal, the Office of Production Management shall determine whether such proposal is consistent with its priorities and allocations program and general production and supply plan. The Office of Production Management may consider and act upon the proposed requisitioning separately from the proposed disposal. The determination of the Office of Production Management shall be transmitted in writing to the Requisitioning Authority.

(c) If the proposed requisitioning is determined to be consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management, the Requisitioning Authority may requisition the property in accordance with § 1600.1 hereof. If the proposed disposal of such property has been determined to be consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management, such property shall be disposed of in accordance with such proposal; but if the Requisitioning Authority desires otherwise to dispose of such property, it may submit a new proposal for such disposal to the Office of Production Management.

(d) In any case in which any Requisitioning Authority which has requisitioned property pursuant to paragraph 4 of Executive Order 8942 determines that property requisitioned by it and retained is no longer needed for the defense of the United States and proposes to return it to the original owner thereof, it shall submit such proposal to the Office of Production Management, in the same manner as provided in § 1600.1 hereof, for determination as to whether such proposal is consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management. The determination of the Office of Production Management shall be transmitted in writing to the Requisitioning Authority.

(e) In any case in which property is requisitioned or disposed of, or a determination of compensation or of a person entitled thereto is made, or property is returned to the original owner thereof, in accordance with this § 1600.2 or § 1600.4 hereof, the Requisitioning Authority shall report in reasonable detail concerning such requisitioning, determination and payment of compensation, disposal or return to the Office of Production Management within 15 days after the event.*

§ 1600.3 *Provisions applicable only to requisitioning by the Office of Production Management.* (a) The Office of Production Management shall keep a written record of each determination made by it, pursuant to the provisions of Executive Order 8942 and the Acts, of the necessity for requisitioning property.

(b) Whenever the Office of Production Management determines to requisition property through another department or agency pursuant to paragraphs 2 and 3 of Executive Order 8942, it shall notify such department or agency and request (in such form as may be approved by the General Counsel of the Supply Priorities and Allocations Board) it to requisition and dispose of such property, and all action taken shall be in accordance with the determination of the Office of Production Management.*

§ 1600.4 *Matters pending under the Act of October 10, 1940.* This Regulation shall apply only with respect to property requisitioned after the effective date hereof. If any property has heretofore been requisitioned under the Act of October 10, 1940, and such property has not heretofore been disposed of or the determination of the fair and just compensation therefor has not been made, such disposal of determination shall be made in accordance with said Act of October 10, 1940 and all Executive Orders and Regulations of the President thereunder.*

Approved: December 8, 1941.

JOHN LORD O'BRIAN,
General Counsel.

By the Supply Priorities and Allocations Board.

HERBERT EMMERICH,
Secretary.

[F. R. Doc. 41-9335; Filed, December 11, 1941; 11:47 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 176]

PART 9—ENTRANCE AND CLEARANCE OF AIRCRAFT

DECEMBER 11, 1941

Part 9—*Entry and clearance of aircraft* is amended by inserting a new section 9.6 (*Clearance from Grand Forks, North Dakota*), to read as follows:

§ 9.6 *Clearance from Grand Forks, North Dakota.* Aircraft of the United States or foreign registry bound to a foreign port and the place of departure of which is at the airport at Grand Forks, North Dakota, may clear at the Customs Station at Grand Forks, North Dakota. (Sec. 7 (c), 44 Stat. 572; 49 U.S.C. 177 (c))

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9319; Filed, December 11, 1941; 10:39 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

The Commission on December 9, 1941, effective immediately, adopted the following new section to read:

§ 2.93 *National defense; naval instructions regarding ship radio service.* No provision of the Commission's Rules and Regulations shall, in time of war, prevent the master of any vessel of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to

carry out the instructions of United States Naval control officers and other instructions issued by the Navy Department. (Sec. 4 (i), 48 Stat. 1068, sec. 1, 50 Stat. 189; 47 U.S.C. 154 (i), and Sup., 1157)

By the Commission.

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

[F. R. Doc. 41-9313; Filed, December 11, 1941; 9:50 a. m.]

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

The Commission on December 9, 1941, effective immediately, deleted §§ 5.2, 5.3 (including footnotes), 5.51 and 5.53, and substituted the following new sections in lieu thereof, to read:

§ 5.2 *Class 1 experimental station.* The term "Class 1 Experimental Station" means a station licensed in the Experimental Service but not authorized to operate in a proposed or established radio service.

§ 5.3 *Class 2 experimental station.* The term "Class 2 Experimental Station" means a station licensed in the Experimental Service and authorized to operate in a proposed or established radio service.

CLASS 1—EXPERIMENTAL STATIONS

§ 5.51 *Persons eligible.* Persons qualified to conduct fundamental, general, or specific radio research, and experimentation directed toward the advancement of the radio art, are eligible for a Class 1 experimental station authorization.

§ 5.53 *Limitations.* (a) A Class 1 experimental station may not transmit general message traffic of any kind; demonstrate radio equipment for prospective sales purposes; transmit programs intended for public reception, or render any commercial communication service.

(b) Only such test messages as are necessary and directly related to the experimental program may be transmitted by a Class 1 experimental station.

(c) A Class 1 experimental station may be used for transmissions directly relating to field strength surveys, which may include test messages, essential to the installation, extension or development of a radiocommunication facility only under the following conditions:

(1) That the licensee of the station submit to the Commission and the Inspector in Charge of the District in which the survey is to be conducted, at least ten days prior to each specific survey, complete and detailed information, including:

(i) Time, date and duration.

(ii) Location of transmitter and geographic area to be covered.

(iii) Purpose of the survey.

(iv) Method and equipment to be used.

(v) Names and addresses of the persons for whom the survey is conducted if other than the licensee of the experimental station.

(2) That the licensee of the station shall submit to the Commission a comprehensive report of all data obtained, within one month after the completion of the survey.

Provided, however, That upon notice from the Commission the licensee shall suspend or cancel such operation, or proposed operation, or conduct the same upon such conditions as the Commission may deem to be in the public interest. (Secs. 4 (i), 303 (f), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), 303 (f))

By the Commission.

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

[F. R. Doc. 41-9314; Filed, December 11, 1941; 9:50 a. m.]

[Order No. 87]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

WITHDRAWAL OF FREQUENCIES ALLOCATED TO AMATEUR RADIO STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of December 1941:

Whereas a state of war exists between the United States and the Imperial Japanese Government, and the withdrawal from private use of all amateur frequencies is required for the purpose of the National Defense;

It is ordered, That except as may hereafter be specifically authorized by the Commission, no person shall engage in any amateur radio operation in the Continental United States, its territories and possessions, and that all frequencies heretofore allocated to amateur radio stations under Part 12 of the Rules and Regulations be, and they are hereby, withdrawn from use by any person except as may hereafter be authorized by the Commission.

By Order of the Commission.

By the Commission.

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

[F. R. Doc. 41-9315; Filed, December 11, 1941; 9:50 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-135]

IN THE MATTER OF FRANK W. MILLIRON (MILLIRON COAL COMPANY), ALSO KNOWN AS FRANK W. MILLIRON, AN INDIVIDUAL DOING BUSINESS AS MILLIRON COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 2 p. m., at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody 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 defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Frank W. Milliron, (Milliron Coal Company), whose address is R. F. D. #3, Mayport, Pennsylvania, in violation of section 4 II (e) of the Act and Part II (e) of the Code, sold during the period from December 1, 1940, to March 1, 1941, approximately 1,588 tons of run of mine coal, Size Group 3, produced at his Milliron Mine, (Mine Index No. 655), located in Jefferson County, Pennsylvania, District No. 1, to the Pittsburg and Shawmut Coal Company, located at Kittanning, Pennsylvania, at a price of $1.75 per net ton f. o. b. the rail shipping point of said mine, whereas the applicable minimum price f. o. b. the rail shipping point of said mine was $2.25 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck.

Dated: December 9, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9323; Filed, December 11, 1941; 11:20 a. m.]

[Docket No. B-136]

IN THE MATTER OF HORACE SNYDER (LOST HILL COAL MINING COMPANY), ALSO KNOWN AS HORACE SNYDER, JAMES DOBSON, STEVE TOTH, AND H. E. ELKIN, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF LOST HILL COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody 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 defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Horace Snyder, James Dobson, Steve Toth, and H. E. Elkin, doing business as co-partners under the name and style of the Lost Hill Coal Company, Dora, Pennsylvania, sold during the period October 1, 1940 to March 1, 1941, to the Pittsburg and Shawmut Coal Company of Kittanning, Pennsylvania, approximately 3,121 tons of run of mine coal, Size Group 3, produced at their Lost Hill Coal Company Mine (Mine Index No. 607), located in Jefferson County, Pennsylvania, District No. 1, at prices ranging from $1.45 to $1.55 per net ton f. o. b. the rail shipping point of said mine, whereas the applicable minimum price f. o. b. the rail shipping point of said mine for said coal was $2.20 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, and were, therefore, in violation of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9324; Filed, December 11, 1941; 11:20 a. m.]

[Docket No. 1775-FD]

IN THE MATTER OF RUNNELLS COAL COMPANY (ARCHIE HENDRICKSON), DEFENDANT

MEMORANDUM OPINION AND ORDER DENYING EXCEPTIONS TO THE EXAMINER'S REPORT

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the defendant had wilfully violated the Code and regulations thereunder.

Pursuant to Orders of the Director and after due notice to interested parties, a hearing was held in this matter, before W. A. Shipman, a duly designated Examiner of the Division, at which District Board 12 and the defendant appeared and fully participated.

On October 14, 1941, the Examiner prepared and submitted a Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation, recommending that the code membership of the defendant be revoked and cancelled, and that prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $35.10 as provided in section 5 (c) of the Act.

On November 19, 1941, no exceptions to the Examiner's Report having been filed, a final Order was entered herein approving the Report and adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner; revoking and cancelling the defendant's code membership; and finding that a tax of $35.10 should be paid by the defendant to the United States prior to any reinstatement of his membership in the Code.

Exceptions to the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law were forwarded by the defendant on November 8, 1941, to District Board 12 with a letter which stated that the defendant did not know the proper address and requesting the Board to see that they were properly forwarded. The exceptions were forwarded to the Division at Washington and filed on November 24, 1941.

The exceptions were thus filed late and, indeed, after the Director had acted upon the Examiner's recommendation. However, in the circumstances, I will treat the proposed exceptions as if it were a motion for reconsideration and modification of the Director's Order.

It is urged that the 30 tons of coal in question were sold at a price of $2.02 per net ton f. o. b. the mine, which constitutes the sale price on which the tax should be computed. The tax was computed, however, on the basis of the applicable effective minimum f. o. b. mine price of $3.00 per net ton rather than the actual sales price. Section 5 (c) of the Act provides the basis for the computation of this tax and specifically provides that the sales price shall in no case be taken to be less than the established minimum price.

It is contended by the defendant that the coal in question was not mine run coal. I have re-examined the evidence and conclude that it fully sustains the finding that the 30 tons of coal herein involved were of mine run coal.

For these reasons I conclude that the objections of the defendant are not well taken and should be denied and that, therefore, the Order entered herein on November 19, 1941, should remain in full force and effect.

And it is so ordered.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9325; Filed, December 11, 1941; 11:21 a. m.]

[Docket Nos. 1863-FD, 1866-FD]

IN THE MATTER OF THE APPLICATION OF R. C. TWAY COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS ON COAL SOLD TO THE JAMES COAL COMPANY AND TO THE B. & S. COAL & STOKER COMPANY

MEMORANDUM OPINION AND ORDER DISMISSING PETITIONS

Docket No. 1863-FD is a proceeding instituted upon a joint petition filed on August 13, 1941, with the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937 and the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members within all Districts, by R. C. Tway Coal Sales Company, a registered distributor, by R. C. Tway Coal Company, a code member in District 8, and by James Coal Company, a company doing a retail coal business in Louisville, Kentucky. The petition requests that the Division determine that the ownership or control of these companies is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

Docket No. 1866-FD is a proceeding instituted upon a joint petition filed on August 13, 1941, with the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937 and the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members within all Districts, by R. C. Tway Coal Sales Company, a registered distributor, by R. C. Tway Coal Company, a code member in District 8, and by B. & S. Coal & Stoker Company, a company doing a retail business in Louisville, Kentucky. The petition requests that the Division determine that the ownership or control of these companies is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

Pursuant to Orders of the Director and notice to all interested persons, a consolidated hearing in these matters was held on November 17, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of R. C. Tway Coal Sales Company and American Coal Distributors' Association.

Following the opening of the hearing, counsel for the General Counsel's Office of the Division objected to counsel for petitioners introducing as evidence the petitions initiating the proceeding. The Examiner sustained this objection. Thereupon, counsel for petitioner moved to dismiss the proceeding and the Examiner purported to grant the motion. A proceeding which has been instituted before the Division can be dismissed only by or pursuant to an Order of the Director or Acting Director. The Orders of the Director, designating Joseph A. Huston to preside at the hearings in these matters and setting a time and place therefor, granted and delegated unto the Examiner certain powers in the conduct of the hearings but in no manner, either expressly or impliedly, bestowed upon the Examiner the authority to dismiss the proceedings or the petitions. The Examiner possessed only such authority as the Orders of the Director bestowed upon him and, therefore, the Examiner was without authority to dismiss the petitions.

However, it seems appropriate to regard this ruling of the Examiner as a recommendation by the Examiner that the petitions be dismissed and I am so regarding it. In addition, I have considered the record in these proceedings, and upon the basis thereof, I conclude that the motion to dismiss should be granted and the petitions filed herein should be dismissed without prejudice.

Now, therefore, it is ordered, That the motion to dismiss the petitions filed herein be, and it hereby is, granted, and that the petitions filed herein be, and they hereby are, dismissed without prejudice.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9326; Filed, December 11, 1941; 11:21 a. m.]

IN THE MATTER OF THE REVOCATION OF REGISTRATIONS AS DISTRIBUTORS OF DANIEL B. ALLEN, CAMPBELL, PEACOCK & KINZER, INC., E. J. DEROCHIE, MIDWEST COAL COMPANY, MONITOR COALS, INC.

ORDER REVOKING CERTAIN REGISTRATIONS

The Division having information to the effect that the Registered Distributors listed on Exhibit A, attached hereto and made a part hereof, are no longer engaged in business as registered distributors, and mail addressed to said distributors at the addresses submitted by them having been returned by the Post Office Department with the notation "Out of Business" endorsed thereon, the registrations previously granted to said persons should be revoked and their names withdrawn from the List of Registered Distributors, unless showing is duly made by them that they are actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors.

It is therefore ordered, That, effective January 10, 1942, the registration of each of the registrants listed on said Exhibit A, be and it is hereby revoked and its name deleted from the List of Registered Distributors, unless, on or before January 5, 1942, adequate showing is made by affidavit to the Division that such registration should not be revoked, and prior to January 10, 1942, an appropriate order is entered cancelling the revocation herein provided.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

Exhibit A

Name and address	*Registration Number*
Daniel B. Allen, 361 Keyes Avenue, Watertown, New York	0114
Campbell, Peacock & Kinzer, Inc., Franklin Trust Building, 15th and Chestnut Sts., Philadelphia, Pa.	1385
E. J. DeRochie, 2800 W. Grand Boulevard, Detroit, Michigan	2267
Midwest Coal Co., 228 North La Salle St., Chicago, Illinois	6438
Monitor Coals, Inc., 1014 Franklin Trust Bldg., Philadelphia, Pennsylvania	6535

[F. R. Doc. 41-9228; Filed, December 8, 1941; 11:44 a. m.]

Bureau of Reclamation.

UTAH LAKE INVESTIGATIONS, UTAH

ADVERTISEMENT OF LANDS FOR LEASE

NOVEMBER 28, 1941.

1. Sealed proposals will be received at the office of the General Supervisor of Operation and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado, until 2

o'clock, P. M., December 26, 1941, for the lease for grazing and agricultural purposes of all or any tract or tracts of the land located in Goshen Valley, Utah County, Utah, shown on the accompanying list, which are vacant public lands included in withdrawal under the provisions of the act of June 17, 1902 (32 Stat. 388).

2. The lands will be leased for grazing purposes for a one-year period ending December 31, 1942, the lessee having an option to renew the lease from year to year, but not beyond December 31, 1946, provided, the United States does not, by written notice, 90 days prior to the expiration of any annual period, notify the lessee that the lease cannot be renewed.

3. The bidder shall state in the proposal (a) the legal descriptions of the subdivisions or tracts which he proposes to lease, and (b) the area in acres for each individual subdivision or tract and the rental price he proposes to pay for such subdivision or tract. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. The United States reserves the right to accept bids with respect to the combination of subdivisions or tracts which is most advantageous to the general leasing scheme of the area, without restriction to the highest bidder on any particular individual subdivision or tract. *Please use attached proposal blank.*[1]

4. Bids must be accompanied by a payment in full for the calendar year 1942. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments for the purpose of exercising the yearly option renewals must be received in the General Supervisor's office 30 days in advance of the termination of the lease and must be accompanied by a notice to the effect that the lessee desires to exercise such option. In case the necessary payment, accompanied by the notice of the lessee of his desire to exercise the option, is not made on or before the due date, as herein set forth, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. All remittances should be in the form of certified check, bank draft, or money order, drawn in favor of the "Treasurer of the United States".

5. Attention is called to the fact that by reason of the construction of canals in the vicinity of the leased premises by the Bureau of Reclamation and their location with respect to Utah Lake, said leased premises or portions thereof will be flooded by irrigation and waste water and by the water of Utah Lake and it is therefore specifically understood and agreed that the rental charges provided for in this case shall not be diminished, rebated or lowered on account of said premises or any portion thereof being so flooded, as that condition was understood and allowance made therefor in establishing said rental charges.

6. Those desiring to bid should first consult a copy of lease form 7–523 A–G, which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree. The lease form may be inspected at the offices of the Bureau of Reclamation at Salt Lake City and Provo, or the Strawberry Water Users' Association at Payson, Utah.

7. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for Lease of Land, Utah Lake Investigations, Utah, to be Opened at 2 P. M., Mountain Standard Time, December 26, 1941.

General Supervisor of Operation and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado.

JOHN C. PAGE,
Commissioner.

LIST OF LANDS AVAILABLE FOR LEASE

Description	*Acres*
T. 9 S., R. 1 E., S. L. M., Utah:	
Sec. 18:	
Lot 1	53.00
Lot 2	58.00
Lot 3	60.30
Lot 4	39.80
W½NE¼	80.00
SE¼NE¼	40.00
SE¼SW¼	40.00
SE¼	160.00
Sec. 19: All	640.00
Sec. 20:	
W½	320.00
W½E½	160.00
T. 9 S., R. 1 W., S. L. M., Utah:	
Sec. 11:	
Lot 1	67.00
Lot 2	40.60
Lot 3	29.50
Lot 4	51.00
NW¼	160.00
W½SW¼	80.00
NE¼SW¼	40.00
Sec. 13:	
Lot 1	4.75
Lot 2	8.70
Lot 3	9.50
Lot 4	23.50
Sec. 14:	
Lot 1	35.00
Lot 2	33.00
Lot 3	35.00
Lot 4	30.50
W½W½	160.00
Sec. 15: E½E½	160.00
Sec. 22:	
S½NE¼	80.00
SE¼	160.00
Sec. 23:	
Lot 1	63.50
Lot 2	55.50
Sec. 24:	
Lot 1	37.60
NE¼	160.00
E½NW¼	80.00
SW¼NW¼	40.00
S½	320.00

[F. R. Doc. 41–9327; Filed, December 11, 1941; 11:24 a. m.]

[1] Filed as part of the original document. Copies may be obtained from the Bureau of Reclamation.

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE SILVERWARE AND CORROSION-RESISTING FLATWARE INDUSTRY

NOTICE OF HEARING AND OPPORTUNITY TO SHOW CAUSE

All interested parties are hereby notified that they are given until December 18, 1941 to show cause (1) why the Secretary of Labor should not determine that 45 cents an hour, or $18.00 per week of 40 hours, arrived at either upon a time or piecework basis, is the prevailing minimum wage to be paid by the Silverware and Corrosion-resisting Flatware Industry, under section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act and hereinafter called the Act, in the performance of contracts with agencies of the United States let subject to the provisions of the Act: *Provided*, That apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship: *And, provided further*, That learners may be employed at a wage and for a period to be determined from the entire record including the testimony submitted in response to this notice; and (2) why the Secretary of Labor should not adopt the regulations issued by the Administrator of the Wage and Hour Division concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (29 CFR, Part 524).

The Silverware and Corrosion-resisting Flatware Industry is that industry which manufactures flatware, hollow ware, and toilet articles made of sterling silver, nickel-silver, pewter, or of metal plated with silver, gold, or other metal; and corrosion-resisting flatware.

Excluded from the definition are kitchen, hospital, and household utensils; field or mess kits other than knife, fork, and spoon; jewelry; badges and emblems; and corrosion-resisting hollow ware.

The minimum wage proposal is predicated upon a tabulation of wage schedules voluntarily submitted by members of the industry through a special committee designated by the Administrator of Public Contracts and collated by the Research Section of the Division of Public Contracts, Department of Labor. Copies of this wage tabulation may be had on application to the Administrator of Public Contracts, Washington, D. C.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before December 18, 1941. No form for the brief

is prescribed but an original and four copies must be submitted.

On December 18, 1941, at 10:00 a. m. a hearing will be held in Room B, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Public Contracts Board at which interested persons will be given opportunity to be heard in opposition to or in favor of the proposed determination.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: December 10, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-9310; Filed, December 10, 1941; 12:13 p. m.]

Wage and Hour Division.

NOTICE OF HEARING TO DETERMINE THE REASONABLE COST TO THE PIEDMONT COTTON MILLS, INCORPORATED AND TO ANY AFFILIATED PERSONS OF LODGING OR OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE PIEDMONT COTTON MILLS, INCORPORATED

Whereas, section 3 (m) of the Fair Labor Standards Act of 1938 provides that "'Wage' paid to any employee includes the reasonable cost, as determined by the Administrator, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees;" and

Whereas, the Administrator of the Wage and Hour Division, pursuant to the authority contained in section 3 (m) of the Fair Labor Standards Act of 1938, issued Regulations Determining the Reasonable Cost of Board, Lodging, and other Facilities, Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, providing that a hearing may be held on the motion of the Administrator to determine such "reasonable cost;" and

Whereas, the Administrator on his own motion, pursuant to § 531.2 of said regulations, has found that a hearing is desirable to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated, Egan, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of regulations, Part 531, of lodging or other facilities customarily furnished to the employees of the Piedmont Cotton Mills, Incorporated;

Now, therefore, notice is hereby given that a public hearing will be held pursuant to § 531.2 of the said regulations on January 9, 1942 at 10:00 a. m. in the Henry Grady Hotel, Atlanta, Georgia, before Gustav Peck, the presiding officer hereby designated as the authorized representative of the Administrator, at which the testimony of interested persons will be taken and pertinent data received to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated and to any affiliated persons, within the meaning of § 531.1 (a) of regulations, Part 531, of lodging, or other facilities, customarily furnished by said company and affiliated persons to employees of the Piedmont Cotton Mills, Incorporated.

Notices of intention to appear should be filed with Mr. R. J. McLeod, Regional Director, 314 Witt Building, 249 Peachtree Street, Atlanta, Georgia not later than January 8, 1942.

The designated presiding officer is hereby authorized to hear and determine the reasonable cost to the Piedmont Cotton Mills, Incorporated and to any affiliated persons of lodging or other facilities customarily furnished to employees of the Piedmont Cotton Mills, Incorporated.

Upon the publication of this notice the Piedmont Cotton Mills, Incorporated, pursuant to the provisions of § 531.2 of the said regulations, shall notify its employees of the place, date and purpose of the hearing hereby announced by posting notices, in a form prescribed by the Wage and Hour Division, in conspicuous places on its premises.

Signed at Washington, D. C., this 3d day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9337; Filed, December 11, 1941; 11:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6075]

IN RE APPLICATION OF THE CONSTITUTION BROADCASTING CO. (NEW)

NOTICE OF HEARING

Application dated June 13, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Atlanta, Georgia; operating assignment specified: Frequency, 550 kc.; power, 1 kw. (DA) night; 5 kw. 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 application of Bob Jones College, Inc. (New), Docket No. 6221, 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 areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station CMW, Havana, Cuba (Appendix II, Table I, North American Regional Broadcasting Agreement).

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the stations proposed by Bob Jones College, Inc., Docket No. 6221, and Fort Smith Newspaper Publishing Co., in application number B3-P-3117, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

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

7. To determine whether the granting of this application, the application of Bob Jones College, Inc., Docket No. 6221, or either of them, 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:

The Constitution Broadcasting Co., % Roby Robinson, 148 Alabama Street SW., Atlanta, Georgia.

Dated at Washington, D. C., December 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9328; Filed, December 11, 1941; 11:33 a. m.]

[Docket No. 6217]

IN RE APPLICATION OF PAUL FORMAN GODLEY (NEW)

AMENDED NOTICE OF HEARING

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Newark, N. J.; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

The Commission, upon further examination of the above-described application, has *amended* the issues on which the hearing will be based as follows:

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

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

3. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Stations WFAS (operating as at present) and WBRB.

4. To determine the areas and populations which may be expected to lose primary service from Stations WFAS (operating as at present) and WBRB as a result of the operation of the proposed station and what other service is available to these areas and populations.

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

6. To determine whether the proposed station would provide a minimum field intensity of 25 to 50 mv/m to the business districts of Newark, New Jersey. (Section 4 of the Standards of Good Engineering Practice.)

7. To determine the extent of the interference which would result from the simultaneous operation of the proposed station and Station WFAS as proposed in Docket No. 6216, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

8. To determine the extent of any interference which would result from the simultaneous operation of proposed station and Station WCAU.

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

10. To determine whether the station proposed herein would render service of a higher order of signal intensity throughout the area which would be deprived of service from Station WCAU than is now being rendered by the latter.

11. 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.

12. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Westchester Broadcasting Corporation, Docket No. 6216, 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:

Paul Forman Godley, 10 Marion Road, Upper Montclair, New Jersey.

Dated at Washington, D. C., December 10, 1941.

By the Commission.

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

[F. R. Doc. 41-9329; Filed, December 11, 1941; 11:33 a. m.]

[Docket No. 6221]

IN RE APPLICATION OF BOB JONES COLLEGE, INC. (NEW)

NOTICE OF HEARING

Application dated June 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Tenn. Operating assignment specified: Frequency, 550 kc; power, 1 kw; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of The Constitution Broadcasting Co. (New), Docket No. 6075, for the following reasons:

1. To determine the qualifications of the applicant 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 proposed station and Station WKRC.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and a station proposed by The Constitution Broadcasting Company in Docket No. 6075, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

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

6. To determine whether there is an assignment available which would permit the rendition of local service by the applicant to Cleveland, Tennessee, and the areas contiguous thereto, during unlimited hours.

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

8. To determine whether the granting of this application, proposing a local service to the Cleveland, Tennessee, area and the use of a regional frequency, 550 kilocycles, during daytime hours only, would be an efficient allocation of that frequency.

9. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 550 kilocycles.

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) of the Communications Act of 1934 as amended.

11. To determine whether the granting of this application and the application of The Constitution Broadcasting Company, Docket No. 6075, or either of them, 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:

Bob Jones College, Inc., Cleveland, Tennessee.

Dated at Washington, D. C., December 10, 1941.

By the Commission,

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

[F. R. Doc. 41-9330; Filed, December 11, 1941; 11:33 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER NO. P-23

Preference Rating Order No. P-23 has been extended to expire December 31, 1941.

Dated: November 29, 1941.

DONALD M. NELSON, *Director of Priorities.*

[F. R. Doc. 41-9339; Filed, December 11, 1941; 12:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-437]

In the Matter of Mountain States Power Company and Standard Gas and Electric Company

NOTICE REGARDING FILING

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 December, A. D. 1941.

Notice is hereby given that Standard Gas and Electric Company, a registered holding company, has joined in the declaration or application (or both) which has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by its subsidiary, Mountain States Power Company. The transaction is with regard to, among other things, the proposed sale to Montana-Dakota Utilities Co. of certain existing electric public utilities properties of Mountain States Power Company, such properties being located in and near Forsyth, Montana, and the acquisition by Mountain States Power Company from Montana-Dakota Utilities Co. of two of the latter company's purchase money notes each in the face amount of $80,000 in payment of the purchase price of the utility properties to be sold by Mountain States Power Company. The acquisition by Mountain States Power Company of said purchase money notes is to be conditioned on the proposed sale thereof at face amount, by endorsement without recourse, to commercial banks, such sale of said purchase money notes by Mountain States Power Company to be consummated simultaneously with the receipt by it thereof.

Notice is further given that any interested person may, not later than December 16, 1941, at 4:45 P. M., E. S. T., request the Commssion in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, and to the notice regarding the filing by Mountain States Power Company subject to Rule U-23 promulgated under the Public Utility Holding Company Act of 1935 under date fo November 18, 1941, for a summary thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9331; Filed, December 11, 1941; 11:36 a. m.]

[File Nos. 59-19 and 54-34]

In the Matter of General Gas & Electric Corporation

ORDER RECONVENING HEARING

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 December, A. D. 1941.

The Commission having heretofore issued its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against General Gas & Electric Corporation, a registered holding company and a Delaware corporation, which order, among other things, directed respondent to show cause why its corporate structure should not be simplified and its voting power equitably distributed among its security holders;

In answer to the above described Order, General Gas & Electric Corporation having filed a plan of recapitalization pursuant to section 11 (e) of the Act, which plan among other things proposes a reclassification of the present prior and cumulative preferred stock and class A common stock of General Gas & Electric Corporation (a more detailed description of such plan having been set forth in our Order setting the date for a public hearing thereon, issued March 7, 1941, Holding Company Act Release No. 2598);

Consolidated public hearings having from time to time been held on these matters, the hearings now being in recess subject to call;

It appearing appropriate to the Commission that the hearings herein be reconvened and that appropriate public notice be given of such reconvening;

Wherefore it is ordered, That the hearing in the above-entitled matter be reconvened on the 19th day of January, 1942, at 10 o'clock in the forenoon of that day, in the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day the hearing room clerk in room 1102 will inform the parties as to the exact room in which said hearing shall be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order by registered mail to General Gas & Electric Corporation not less than 20 days prior to the date of the reconvened hearing; and that notice of this order and of said reconvened hearing is hereby given to all security holders of General Gas & Electric Corporation, the subsidiaries of said company, the parents of said company, and to all other persons including particularly Denis J. Driscoll and Willard L. Thorp, Trustees for the estate of Associated Gas and Electric Corporation, Debtor, and Stanley Clarke, successor Trustee for the estate of Associated Gas and Electric Company, Debtor, all States, municipalities, and political subdivisions of states within which are located any of the utility assets of General Gas & Electric Corporation holding company system or under the laws of which any of the said companies are incorporated, all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over General Gas & Electric Corporation; that such notice shall be given by a general release of the Commission, distributed to the press, and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9332; Filed, December 11, 1941; 11:36 a. m.]

[File No. 1-349]

In the Matter of Kemper-Thomas Company Common Stock, $20 Par Value; 7% Cumulative Preferred Stock, $100 Par Value

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

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 December, A. D. 1941.

The Kemper-Thomas Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $20 Par Value and its 7% Cumulative Preferred Stock, $100 Par Value from listing and registration on the Cincinnati Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 20, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9333; Filed, December 11, 1941; 11:36 a. m.]

[File No. 70-347]

In the Matter of Southwestern Development Company

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND 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 10th day of December, A. D. 1941.

Southwestern Development Company, a Colorado corporation, a registered hold-

ing company and a subsidiary of The Mission Oil Company, also a registered holding company, having filed a declaration and application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof, regarding an issue or sale and acquisition involved in (a) extending the maturity date of $5,721,000 principal amount of First Mortgage Bonds and $875,000 principal amount of 6% Debentures of Natural Gas Pipeline Company of America, pledged to secure applicant's indebtedness under a Loan Agreement (evidenced by a note) with Guaranty Trust Company of New York, (b) subordinating, in the event of default, existing bonds pledged under the Loan Agreement, to a new Series B First Mortgage Bonds in the amount of $17,500,000 proposed to be issued by Natural Gas Pipeline Company of America under a supplemental indenture, and (c) reducing Southwestern Development Company's indebtedness to Guaranty Trust Company by $856,000, representing the proceeds to be received from the retirement by Natural Gas Pipeline Company of America of $6,000,000 of its outstanding First Mortgage Bonds and Debentures.

Said application and declaration having been filed July 5, 1941, and amendments thereto having been filed on November 27, 1941, and December 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application and declaration be advanced; and

The Commission finding with respect to the aforesaid declaration that the requirements of section 7 are satisfied, and that with respect to such application no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act, and that section 10 (c) (2) is not applicable to the proposed transaction, and deeming the proposed transaction to be appropriate in the public interest and in the interest of investors and consumers pursuant to section 12 (c) of the Act and Rule U-42 promulgated thereunder, and being satisfied that the effective date of such declaration and the date of granting such application, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and it is hereby permitted to become effective forthwith and the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy not participating).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9334; Filed, December 11, 1941; 11:36 a. m.]