



FEDERAL REGISTER

VOLUME 5

NUMBER 10

Washington, Tuesday, January 16, 1940

The President

GOLDEN GATE INTERNATIONAL EXPOSITION
SAN FRANCISCO, CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS there has been in progress at San Francisco, California, during the year 1939, an international exposition which had for its purpose the celebration of the completion of the San Francisco-Oakland Bridge and the Golden Gate Bridge, and which was designed to depict and exhibit the progress and accomplishments of the Pacific area of the United States in science, industry, business, transportation, and culture, and which, because of its world character, has contributed to cordial relations among the nations of the world; and

WHEREAS it has been made evident that through the medium of the Golden Gate International Exposition peaceful intercourse between nations has been promoted and the exchange of ideas, experience, and technical knowledge between many parts of the earth has been encouraged; and

WHEREAS, especially at the present time, it is fitting and proper that the ideal of harmonious intercourse be firmly maintained as offering the only hope of progress and peace; and

WHEREAS, a Joint Resolution of Congress, approved June 15, 1936, reads in part as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries and nations to such proposed exposition with a request that they participate therein."

AND WHEREAS by proclamation dated the sixteenth day of November,

1936, in compliance with the aforesaid Joint Resolution, I invited the participation of the nations in the Golden Gate International Exposition and many nations have participated therein:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do invite the nations which have participated in the said Golden Gate International Exposition during the year 1939 to continue their participation therein during the calendar year 1940, or such part thereof as may seem appropriate.

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

DONE at the City of Washington this 11th day of January in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2381]

[F. R. Doc. 40-226; Filed, January 13, 1940; 11:11 a. m.]

TRAVEL AMERICA YEAR

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the exigencies of international conflict may be expected to deter travel by American citizens to the areas involved, and

WHEREAS no such deterrent to travel exists among the friendly nations of the Western Hemisphere, and

WHEREAS it is important that we in the Americas further consolidate our unity by a better knowledge of our own and each others' countries through the instrumentality of travel, and

WHEREAS the facilities of the Government of the United States may well

* 1 F.R. 1079.

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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.

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be devoted to the encouragement of so laudable a program

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim 1940 as TRAVEL AMERICA YEAR and do invite our own citizens, and friends from other lands, to join in a great travel movement, so that our peoples may be drawn even more closely together in sympathy and understanding.

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

DONE at the City of Washington this thirteenth day of January in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2382]

[F. R. Doc. 40-234; Filed, January 15, 1940; 12:07 p. m.]

EXECUTIVE ORDER

AUTHORIZATION OF COMMITTEE ON EDUCATION AND LABOR, UNITED STATES SENATE, TO INSPECT INCOME, PROFITS, AND CAPITAL STOCK TAX RETURNS AND RETURNS OF EMPLOYMENT TAX ON EMPLOYERS

By virtue of and pursuant to the authority vested in me by sections 55 (a), 351, and 503 of the Revenue Act of 1936 (49 Stat. 1648), section 358 of the Revenue Act of 1936 as amended by the Revenue Act of 1937 (50 Stat. 813, 817), sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 478, 564, 566, 568), sections 55 (a), 1204, and 1604 (c) of the Internal Revenue Code (53 Stat. Part 1), and section 905 of the Social Security Act (49 Stat. 620, 641), it is hereby ordered that income, profits, and capital stock tax returns made under the Revenue Act of 1936, under the Revenue Act of 1937, under the Revenue Act of 1938, and under the Internal Revenue Code, and returns of employment tax on employers under Title IX of the Social Security Act and under Subchapter C of Chapter 9 of the Internal Revenue Code shall be open to inspection by the Committee on Education and Labor, United States Senate, or any duly authorized subcommittee thereof, which committee or subcommittee is authorized by Senate Resolution 266, Seventy-fourth Congress, second session, passed June 6, 1936, to make an investigation of violations of the rights of free speech and assembly and undue interference with the right of labor to organize and bargain collectively; such inspection to be in accordance and upon compli-

ance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by that committee, or any duly authorized subcommittee thereof, approved by me this date.¹

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
Jan. 10th 1940.

[No. 8318]

[F. R. Doc. 40-229; Filed, January 13, 1940; 12:10 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION

[G.S.Q.R. Series 7, No. 1]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1940

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.21 *Consumption requirements for 1940.* It is hereby determined, pursuant to Section 201 of the Sugar Act of 1937 (hereinafter referred to as the "act"), that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1940 is 6,725,100 short tons of sugar, raw value. (Sec. 201, 50 Stat. 904; 7 U.S.C., Sup. IV, 1111)

§ 821.22 *Quotas for domestic areas—(a) Original quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1940, the following quotas.

	<i>Quotas in terms of short tons, raw value</i>
Area:	
Domestic beet sugar.....	1,550,695
Mainland cane sugar.....	422,823
Hawaii.....	943,967
Puerto Rico.....	803,020
Virgin Islands.....	8,972

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.23 *Other quotas—(a) Original quotas.* There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1940, the following quotas:

¹ See page 196.

Area:	Quotas in terms of short tons, raw value
Commonwealth of the Philippine Islands	1,036,356
Cuba	1,923,680
Foreign countries other than Cuba	26,581

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.24 *Proration of quota for foreign countries other than Cuba*—(a) *Original prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	Prorations in pounds
Argentina	15,522
Australia	217
Belgium	313,388
Brazil	1,275
British Malaya	28
Canada	600,782
China & Hongkong	308,792
Colombia	284
Costa Rica	21,932
Czechoslovakia	280,371
Dominican Republic	7,100,786
Dutch East Indies	225,088
Dutch West Indies	6
France	186
Germany	125
Guatemala	356,613
Haiti, Republic of	981,361
Honduras	3,655,096
Italy	1,865
Japan	4,269
Mexico	6,422,913
Netherlands	231,989
Nicaragua	10,883,614
Peru	11,834,608
Salvador	8,740,688
United Kingdom	373,400
Venezuela	308,802
Subtotal	52,662,000
Unallotted reserve	500,000
Total	53,162,000

(Sec. 202, 50 Stat. 905; 7 U.S.C., Sup. IV, 1112)

§ 821.25 *Direct-consumption portion of quotas*—(a) *Domestic areas.* The quotas established in Sec. 821.22 hereof for the following listed areas may be filled, during the first two months of the calendar year, by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Amount of direct consumption sugar in terms of short tons, raw value
Hawaii	4,936
Puerto Rico	21,006
Virgin Islands	0

(b) *Other areas.* The quotas established in Sec. 821.23 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Amount of direct consumption sugar in terms of short tons, raw value
Commonwealth of the Philippine Islands	80,214
Cuba	375,000

(Sec. 207, 50 Stat. 907; 7 U.S.C., Sup. IV, 1117)

§ 821.26 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1940, quotas for liquid sugar as follows:

Country:	In terms of wine gallons of 72% total sugar content
Cuba	7,970,658
Dominican Republic	830,694
Other foreign countries	0

(Sec. 208, 50 Stat. 908; 7 U.S.C., Sup. IV, 1118)

§ 821.27 *Restrictions on marketing and shipment.* (a) (1) For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(2) For the first two months of the calendar year 1940 all persons are hereby forbidden, pursuant to section 506 of said act, from bringing or importing into the continental United States from Hawaii, Puerto Rico, or the Virgin Islands any direct-consumption sugar after the quantities specified in Sec. 821.25 hereof have been filled, and for the calendar year 1940 all persons are hereby forbidden from bringing or importing into the continental United States from the Commonwealth of the Philippine Islands or Cuba any direct-consumption sugar after the quantities specified in Sec. 821.25 hereof have been filled.

(b) For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane-sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 908, 7 U.S.C., Sup. IV, 1119; Sec. 506, 50 Stat. 915; 7 U.S.C., Sup. IV, 1179)

§ 821.28 *Inapplicability of quota regulations.* These regulations shall not apply to (1) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of 1½ gallons each; or (4) any sugar or liquid sugar imported,

brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C., Sup. IV, 1122)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 13th day of January 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-223; Filed, January 13, 1940; 10:31 a. m.]

[G. S. Q. R. Series 7, No. 2]

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1940 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.31 *Consumption requirements and quotas*—(a) *Original consumption requirements.* It is hereby determined, pursuant to Section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1940 is 30,869 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1940 is 70,784 short tons of sugar, raw value.

(b) *Original local consumption quotas.* There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1940, the following quotas:

Area:	Quotas in terms of short tons, raw value
Hawaii	30,869
Puerto Rico	70,784

(Sec. 203, 50 Stat. 905; 7 U.S.C., Sup. III, 1113)

§ 821.32 *Restrictions on marketing.* For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C., Sup. III, 1119)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 13th day of January 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-224; Filed, January 13, 1940;
10:31 a. m.]

**TITLE 17—COMMODITY AND
SECURITIES EXCHANGES**
**CHAPTER II—SECURITIES AND
EXCHANGE COMMISSION**

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF REGULATION X-14

Correction

F. R. Doc. 40-186 (filed, January 11, 1940; 12:00 m.), which appears in the issue of the FEDERAL REGISTER for Friday, January 12, 1940, should be corrected as follows:

Paragraph (F) in the second column on page 176 should read:

(F) If the candidacy of the nominee, for election or reelection to office as the case may be, is the subject of an arrangement or understanding (inclusive of any arrangement or understanding continuing in effect from a time past) directly or indirectly between any of the persons making the solicitation or the nominee and any other person or persons except directors and officers of the issuer acting solely in that capacity, make a statement to that effect, naming each such other person and stating, as of the most recent practicable date, the approximate amount of each class of securities of the issuer of which such person is directly or indirectly the beneficial owner and the approximate amount of each class of any securities of the issuer which are otherwise held by such person: *Provided, however,* That if such person be a person having a managerial contract with the issuer there shall also be stated, on an accrual basis if practicable, the aggregate amount of remuneration paid by the issuer and any subsidiaries of the issuer (directly, or indirectly through any affiliate of the issuer or otherwise) to such person in all capacities during the last fiscal year of the issuer: *Provided further,* That if such person be a committee representing security holders of the issuer, there shall be stated the approximate amount of each class of securities of the issuer of which each member of the committee is directly or indirectly the beneficial owner and the approximate amount of each class of such securities represented by the committee.

TITLE 24—HOUSING CREDIT

**CHAPTER II—FEDERAL SAVINGS
AND LOAN SYSTEM**

AMENDMENT TO RULES AND REGULATIONS
FOR THE FEDERAL SAVINGS AND LOAN
SYSTEM

ELIMINATING REQUIREMENT THAT FEDERAL
ASSOCIATIONS CREATED BY CONVERSION
MUST BE EXAMINED PROMPTLY UPON COM-
PLETION OF ORGANIZATION

Be it resolved, That the first sentence of Section 203.1 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective January 13, 1940, to read as follows:

"Promptly upon the completion of the organization of a newly organized Federal association pursuant to the provisions of sections 202.1 to 202.16, such Federal association shall be examined and a report made thereof in such form as shall be prescribed by the Board." (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on January 12, 1940.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-228; Filed, January 13, 1940;
11:34 a. m.]

TITLE 26—INTERNAL REVENUE

**CHAPTER I—BUREAU OF INTERNAL
REVENUE**

[T.D. 4962]

PART 458—INSPECTION OF RETURNS

REGULATIONS GOVERNING THE INSPECTION
BY THE COMMITTEE ON EDUCATION AND
LABOR, UNITED STATES SENATE, OF INCOME,
PROFITS, AND CAPITAL STOCK TAX RE-
TURNS AND RETURNS OF EMPLOYMENT
TAX ON EMPLOYERS

*To Collectors of Internal Revenue and
Others Concerned:*

§ 458.203 Pursuant to the provisions of sections 55 (a), 351, and 503 of the Revenue Act of 1936, section 358 of the Revenue Act of 1936 as amended by the Revenue Act of 1937, sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938, section 905 (c) of the Social Security Act, and sections 55 (a), 1204, and 1604 (c) of the Internal Revenue Code, income, profits, and capital stock tax returns made under the Revenue Act of 1936, under the Revenue Act of 1936 as amended by the Revenue Act

of 1937, under the Revenue Act of 1938, and under the Internal Revenue Code, and returns of employment tax under Title IX of the Social Security Act and Subchapter C of Chapter 9 of the Internal Revenue Code, may be inspected by the Committee on Education and Labor, United States Senate, or any duly authorized subcommittee thereof,¹ for the purpose of, and to the extent necessary in the investigation which such committee or subcommittee is authorized to make by Senate Resolution 266, Seventy-fourth Congress, second session, passed June 6, 1936. The inspection of returns herein authorized may be by such committee or subcommittee or by or through such examiners or agents as such committee or subcommittee may designate or appoint. Upon written notice by the chairman of such committee or subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by such committee or subcommittee or by such examiners or agents as such committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by such committee or subcommittee which is relevant or pertinent to the purpose of the investigation, may be submitted by such committee or subcommittee to the United States Senate.

[SEAL]

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved, Jan. 10, 1940.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 40-230; Filed, January 13, 1940;
12:10 p. m.]

**TITLE 33—NAVIGATION AND NAVI-
GABLE WATERS**

**CHAPTER II—CORPS OF ENGINEERS,
WAR DEPARTMENT**

PART 203—BRIDGE REGULATIONS²

§ 203.420 *Altamaha, Ocmulgee, and Oconee Rivers, Ga.; bridge.* (a) The owner of or agency controlling any bridge crossing the Altamaha River below the highway bridge on State Route 64 at mile 88.7, near Glennville, Georgia, except the bridge over the South Altamaha River,

¹ See page 194.

² These regulations supersede section 203.-420, Title 33, Code of Federal Regulations.

near Darien, Georgia, shall not be required to keep a draw tender in attendance at said bridges between the hours of 10:00 p. m. and 5:00 a. m.: *Provided*, That during these hours the bridge shall be opened promptly upon receipt of notice provided for in paragraph (c) below.

(b) The owner or agency controlling any bridge crossing the Altamaha River at or above the highway bridge on State Route 64 at mile 88.7, near Glennville, Georgia, and any bridge crossing the Oconee River and the Ocmulgee River, will not be required to keep a draw tender in attendance at said bridges: *Provided*, That the draw of any of these bridges shall be opened as soon as practicable, in any event not later than 24 hours after receipt of notice provided for in paragraph (c) below.

(c) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw at a time when no draw tender is in attendance, notice thereof shall be given to the authorized representative of the owner of or agency controlling said bridge, hereinafter provided for.

(d) The owner of or agency controlling any of the aforementioned bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (c) may be reached.

(e) The operating machinery of the draw shall be maintained in serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations, which are supplemental to the general regulations governing the operation of drawbridges crossing all navigable waters of the United States discharging their waters into the Atlantic Ocean, south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries, shall take effect and be in force on and after January 15, 1940, and the special regulations approved February 27, 1933, for the operation of drawbridges across the Altamaha, Ocmulgee and Oconee Rivers, Georgia, are hereby revoked effective on that date. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs., Jan. 2, 1940 (E.D. 6374 (Altamaha River System)—8/2)]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-217; Filed, January 12, 1940; 2:38 p. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

YOSEMITE NATIONAL PARK SUBSIDIARY REGULATIONS¹

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2), the subsidiary regulations for Yosemite National Park, approved January 20, 1939 (4 F.R. 473 (DI)), are amended to read as follows, to become effective immediately:

§ 20.16 Yosemite National Park—
(a) *Fishing*. (1) Open season: June 1 to October 15, inclusive.

(2) Open and closed waters: The waters of Lake Eleanor and its tributaries for a distance of one mile from the Lake are closed to fishing. All other lakes and streams are open to fishing.

(3) Limit of catch: The number of fish that may be taken by any one person in any one day shall not exceed 20 fish, or 10 pounds and 1 fish, except that the number of golden trout which may be taken by any one person in any one day shall not exceed 10. Possession of more than one day's catch limit by any person at any one time is prohibited.

(b) *Entrance roads*. Automobiles, trucks, and other vehicles permitted in the park may enter and leave by the several entrances and travel upon the roads only during the hours and at the times and upon the conditions specified in the following schedules, except that during construction activities or other emergencies the superintendent shall prescribe such hours as in his judgment are necessary for the protection of the public:

(1) All-Year Highway: Entrance at Arch Rock open from 5:00 A. M. to 12:00 Midnight every day of the year.

(2) Wawona Road: South entrance open from 6:00 A. M. to 12:00 Midnight between May 30 and September 15, inclusive; during the remainder of the year from 6:00 A. M. to 10:00 P. M. Sunday to Thursday, inclusive, and from 6:00 A. M. to 11:00 P. M. Friday and Saturday (Travel season: Entire year, except during periods of heavy snow).

(3) Chowchilla Mountain Road: Chowchilla Mountain entrance open from 6:00 A. M. to 9:30 P. M. (Travel season: May to about October 15).

(4) Big Oak Flat Road: Crane Flat or Tuolumne Grove entrance open from

6:00 A. M. to 12:00 Midnight from May 30 September 15, inclusive; during the remainder of the year, when the road is open, from 6:00 A. M. to 10:00 P. M. (Travel season: About May 1 to November 1).

(5) Old Big Oak Flat Road: Down travel only will be permitted on the approximately four miles of narrow one-way road from the summit of the grade near Cascade Creek to the floor of Yosemite Valley. No automobiles with trailers, trucks, or semi-trailers, except ambulances and Government vehicles on emergency or maintenance trips will be permitted on this one-way section of the Old Big Oak Flat Road. One-way traffic control may be maintained on this one-way section of road so as to permit traffic in both directions at intervals when necessary due to construction activities or other emergencies.

(6) Coulterville Road: Merced Grove entrance open from 6:00 A. M. to 9:30 P. M. One-way traffic control may be maintained on the narrow grade between the floor of Yosemite Valley and the summit of the grade near Big Meadows.

(7) Tioga Road: Tioga Pass entrance open from 6:00 A. M. to 12:00 Midnight between date of road opening and September 15, inclusive; during the remainder of the year, when the road is open, from 6:00 A. M. to 10:00 P. M. (Travel season: About May 1 to October 15.)

(8) Old Tioga Road: Aspen Valley entrance open from 6:00 A. M. to 9:30 P. M. (Travel season: About July 1 to October 15.)

(9) Road to Hetch Hetchy Dam: Mather Ranger Station entrance open from 6:00 A. M. to 9:30 P. M. (Travel season: About May 1 to October 15.)

(10) Approximate dates: Where approximate dates only are given, weather and other conditions obtaining will govern and signs will be posted accordingly.

(c) *Closed roads*. The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.

(d) *Speed*. Speed of automobiles and other vehicles, except on emergency trips by ambulances, Government cars, or physicians' cars, is limited to 25 miles per hour on the Tioga Road between McSwain Meadows and Cathedral Creek.

(e) *Camping*. Quiet shall be maintained at all camps between 10:00 P. M. and 6:00 A. M.

Approved, January 5, 1940.

[SEAL] ARNO B. CAMMERER,
Director, National Park Service.

[F. R. Doc. 40-221; Filed, January 13, 1940; 9:39 a. m.]

¹These regulations supersede Section 20.16, Title 36, Code of Federal Regulations.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 504-FD]

IN THE MATTER OF THE APPLICATION OF KENTUCKY COAL AGENCY, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY, AND PETITION OF KENTUCKY COAL AGENCY, INCORPORATED, FOR PROVISIONAL APPROVAL OF MODIFICATION OF MARKETING AGENCY CONTRACT

NOTICE OF AND ORDER FOR HEARING

Kentucky Coal Agency, Incorporated, a Kentucky corporation, having been granted provisional approval as a marketing agency pursuant to Section 12 of the Bituminous Coal Act of 1937, by order of the National Bituminous Coal Commission dated November 29, 1938, and an application having been filed with the Bituminous Coal Division on November 16, 1939, by said Kentucky Coal Agency, Incorporated, for provisional approval of a modification of its marketing agency contract;

It is ordered, That a hearing on such matter be held on the 26th day of January, 1940, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That E. J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof 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 prepare and submit to the Director 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 such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before January 25, 1940.

The matter concerned herewith is in regard to an application filed by Kentucky Coal Agency, Incorporated, for provisional approval of a modification of its marketing agency contract, which

contract was heretofore approved by order of the National Bituminous Coal Commission dated November 29, 1938. Said application requests that Paragraph 9 of said contract be cancelled and set aside, and that in lieu thereof the following be substituted:

"The producer agrees to pay commissions as stated hereinafter in this paragraph, on coal shipped in accordance with the terms of this agreement, except as provided in Paragraph 1 hereof. All such commissions shall be based on the gross price f. o. b. at the mines less authorized allowances and wholesale discounts;

"(a) Where the selling agent sells the coal directly a reasonable commission shall be paid the selling agent which shall be not less than 15¢ per ton on coal sold for domestic use and not less than 10¢ per ton on coal sold for steam purposes and not more than 12½%.

"(b) Where the producer appoints a sub-agent for the sale of its coal, a reasonable commission but not more than One Cent per ton will be paid to the Selling Agent, and a reasonable commission to be paid to the sub-agent will be agreed upon between the Producer, the Selling Agent and the Sub-Agent, which will be not less than 15¢ per ton on coal sold for domestic use, and not less than 10¢ per ton on coal sold for steam purposes, and not more than 12½%.

"(c) A sub-agent may sell any other sub-agent and allow the full sub-agent's commission. On sales of this character the commission to the sub-agent shall be 4½% of the net price with a minimum of 10¢ on coal sold for domestic use and 5¢ on coal sold for steam use.

"(d) The commission allowed wholesalers shall be not more than 8%. On Sales to wholesalers other than to on-line railroads, the commission to the sub-agent shall be a maximum of 4½%.

"(e) The commission to the sub-agent on on-line railroad fuel sold to wholesalers may be not in excess of 8% of the net price."

Dated, January 11, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-222; Filed, January 13, 1940;
10:21 a. m.]

[Docket No. 31-ID]

IN THE MATTER OF THE APPLICATION OF CLIN CHIDESTER FOR EXEMPTION

ORDER OF WITHDRAWAL

Applicant having filed the above entitled application for exemption pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Applicant having been required by order of the Director, issued on November

30, 1939, to amend his application for exemption within fifteen (15) days from the date of said order so as to set forth therein certain facts to enable the Director to grant or deny the application for exemption pursuant to Section 4-A of the Bituminous Coal Act of 1937 or to show cause why he should not so amend said application; and

Applicant having failed to comply with said order of the Director;

It is ordered, That pursuant to the provisions of said order of November 30, 1939, the above entitled application for exemption be and the same hereby is deemed withdrawn upon the condition that the applicant waives any exemption which might otherwise become effective during the pendency of a subsequent application for exemption, except upon a showing of a material change of facts.

Dated, January 13, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-232; Filed, January 15, 1940;
11:30 a. m.]

[Docket No. 1166-FD]

IN THE MATTER OF THE APPLICATION OF MIDDLE RIVER COAL CO. FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, January 13, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-233; Filed, January 15, 1940;
11:30 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

APPLICATION OF THE BERNE HAT, INC., LILLY DACHE, INC., STYLEPARK HATS, INC., TEXAS HARVEST HAT COMPANY, AND SUNDRY OTHER PARTIES

NOTICE OF HEARING

Whereas, applications have been made by the Berne Hat, Inc., Lilly Dache, Inc., Stylepark Hats, Inc., Texas Harvest Hat Company, and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act—Title

29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the millinery and hat industries at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the said Act and Section 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in Room 214, Hutchins Building, 939 D Street, Northwest, Washington, D. C., to commence at 10 A. M. on Wednesday, January 31, 1940, before Merle D. Vincent hereby duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining and to determine:

(a) What, if any, occupation or occupations in the millinery and hat industries require a learning period, and

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the millinery and hat industries, and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the millinery and hat industries for whatever occupation or occupations, if any, are found to require a learning period.

At this hearing opportunity to present evidence relevant to the above questions will be afforded any interested persons providing the presiding officer, Merle D. Vincent, Director of the Hearings Branch of the Wage and Hour Division, shall have received from such person, prior to noon, Tuesday, January 30, 1940, a notice of intention to appear setting forth his name and address, the company or organization which he represents, and specifying the branch or branches of the millinery or hat industries to which his testimony will be directed and the approximate length of such presentation.

As used in this notice, the term "millinery industry" means:

The manufacture of all headwear except knitted headwear for ladies, misses, girls, and infants from any material, but not including the manufacture of felt hat bodies of fur or wool;

and the term "hat industry" means:

(a) The manufacture from any material of headwear for men or boys except caps and cloth hats.

(b) The manufacture of felt hat bodies from fur or wool for men's, boys', women's or children's hats.

(c) The manufacture or processing of hatters' furs.

Signed at Washington, D. C., this 13th day of January 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-225; Filed, January 13, 1940; 10:43 a. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION THAT THE NORTHERN BRANCH OF THE SAND AND GRAVEL INDUSTRY IS, AND THE SOUTHERN BRANCH OF THAT INDUSTRY IS NOT, AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (b) (3) OF THE FAIR LABOR STANDARDS ACT OF 1938 AND PART 526 AS AMENDED OF REGULATIONS ISSUED THEREUNDER

Whereas, applications have been made by the National Sand and Gravel Association and sundry other parties, under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the sand and gravel industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a public hearing on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the said sand and gravel industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

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

2. There is a southern branch of the industry wherein the plants do not shut down at all or do not normally shut down for a substantial period each year; and

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

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

5. The southern branch of the sand and gravel industry is not an industry of a seasonal nature within the mean-

ing of the Act and the Regulations; and

6. For the purpose of this Determination the sand and gravel industry shall mean the excavation of sand and gravel, but not industrial sand, from open cuts, including necessary milling operations incident thereto; and

7. For the purpose of this Determination the northern branch of the sand and gravel industry shall include all plants located in counties that lie within the isothermic belt below 25 degrees Fahrenheit or are touched by the 25 degree isotherm on Figure 5 of the American Atlas of Agriculture issued by the United States Department of Agriculture. The said counties are listed in Appendix A attached hereto and incorporated herewith by reference.

8. This determination shall be without prejudice to a supplementary determination enlarging the scope of the Northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the Northern branch described in paragraphs 1 and 3 above.

Whereas, said Findings and Determination were duly filed with the Administrator on January 8, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 15th day of January, 1940.

HAROLD D. JACOBS,
Administrator.

APPENDIX A

A. All counties in the States of: Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Utah, Vermont, Wisconsin, and Wyoming.

B. All the counties in the State of Colorado except the counties of: Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Denver, Douglas, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma.

All the counties in the State of Connecticut except the counties of: Middlesex, New London, Tolland, and Windham.

All the counties in the State of Idaho except the counties of: Ada, Benewah, Canyon, Gooding, Jerome, Latah, Lewis,

Lincoln, Minidoka, Nez Perce, Owyhee, Payette, and Twin Falls.

All the counties in the State of Michigan except the counties of: Berrian and Monroe.

All the counties in the State of Nebraska except the counties of: Adams, Banner, Buffalo, Chase, Cheyenne, Clay, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Harlan, Hayes, Hitchcock, Jefferson, Kearney, Kimball, Nuckolls, Pawnee, Perkins, Phelps, Redwillow, Richardson, Thayer, and Webster.

All the counties in the State of New York except the counties of: Genesee, Monroe, Nassau, Niagara, Orleans, Rockland, Seneca, Suffolk, Wayne, Westchester, and all the counties of the City of New York.

C. The following counties in the following states:

State of Illinois: Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Henderson, Henry, Jo Daviess, Kane, Kendall, Knox, Lake, La Salle, Lee, McHenry, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, and Winnebago.

State of Indiana: Allen, DeKalb, Elkhart, Kosciusko, Lagrange, Marshall, Noble, Saint Joseph, Steuben, and Whitley.

State of Massachusetts: Berkshire, Franklin, Hampden, Hampshire, Middlesex, and Worcester.

State of Missouri: Atchison, Gentry, Harrison, Holt, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan, and Worth.

State of Nevada: Elko, Eureka, and White Pine.

State of New Mexico: Colfax, Nora, Rio Arriba, Sante Fe, and Taos.

State of Ohio: Williams.

State of Oregon: Clackamas, Deschutes, Grant, Hood River, Jefferson, Lane, Linn, Marion, Umatilla, Union, and Wasco.

State of Pennsylvania: Bradford, Erie, Lackawanna, McKean, Pike, Potter, Susquehanna, Tioga, Warren, Wayne, and Wyoming.

State of Washington: Chelan, Ferry, King, Kittitas, Lewis, Okanogan, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Watcom, and Yakima.

[F. R. Doc. 40-237; Filed, January 15, 1940; 12:53 p. m.]

NOTICE OF FURTHER EXTENSION OF TIME FOR FILING BRIEFS IN REVIEW OF DETERMINATION AND ORDER REEMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the Administrator, by notice published in the FEDERAL REGISTER on December 19, 1939 (4 F.R. 4889 DI), extended the time for the filing of briefs in the Review of the Determination and

Order re Employment of Learners in the Knitted Wear Industry at Wages Lower than the Minimum Wage Applicable under Section 6 of the Fair Labor Standards Act of 1938 until January 15, 1940, for original briefs and January 24, 1940, for rebuttal briefs, and

Whereas, the Administrator has received requests from the Underwear Institute and the National Knitted Outerwear Association for a further extension which would permit original briefs to be filed prior to the close of business February 15, 1940, said requests stating reasons for the requested extension which appear to be valid,

Now, therefore, the requests for a further extension of time in the filing of said briefs are hereby granted and notice is hereby given that the Administrator will receive briefs in the Review of the Determination and Order re Employment of Learners in the Knitted Wear Industry at Wages Lower than the Minimum Wage Applicable under Section 6 of the Fair Labor Standards Act of 1938, provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business February 15, 1940, and provided that rebuttal briefs are filed with the Administrator prior to the close of business February 24, 1940. All briefs will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 13th day of January, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-238; Filed, January 15, 1940; 12:53 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective January 16, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During

this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Duquesne Manufacturing Co., New Kensington, Pennsylvania (5 learners), smocks and aprons.

New Holland Garment Factory, New Holland, Pennsylvania, gowns and slips.

Nona Lee Dress Co., Inc., 250 Court Avenue, Memphis, Tennessee (5 learners), dresses.

Signed at Washington, D. C., this 15th day of January 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-239; Filed, January 15, 1940; 12:55 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective January 16, 1940, to September 16, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Real Silk Hosiery Mills, Inc., Dalton, Georgia, 50.

Signed at Washington, D. C., this 15th day of January 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-240; Filed, January 15, 1940; 12:55 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective January 16, 1940, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part

522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Garrison Hosiery Company, 301 North Main Street, Burlington, North Carolina (1 learner).

Signed at Washington, D. C., this 15th day of January 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-241; Filed, January 15, 1940; 12:55 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective January 16, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Burlington Dyeing & Finishing Co., Plant A, Burlington, North Carolina, rayon piece goods.

Burlington Dyeing & Finishing Co., Plant B, Burlington, North Carolina, rayon piece goods.

Signed at Washington, D. C., this 15th day of January 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-242; Filed, January 15, 1940; 12:55 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex

parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective January 16, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificates is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Cabin Crafts, Inc., Dalton, Georgia, bedspreads, draperies, and rugs.

Signed at Washington, D. C., this 15th day of January 1940.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 40-243; Filed, January 15, 1940; 12:56 p. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[File No. 21-341]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE TUNA INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Tuna Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than February 2, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., February 2, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL]

A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-235; Filed, January 15, 1940; 12:09 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Nos. 28300, 28310]

ORDER RELATIVE TO CLASS RATE INVESTIGATION, 1939, AND CONSOLIDATED FREIGHT CLASSIFICATION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 9th day of January, A. D. 1940.

The matter of obtaining information regarding class rates and classification of freight, to serve as a basis for arriving at conclusions in the above-entitled proceedings, being under consideration:

It is ordered, That all Class I railways as herein defined be, and they are hereby, required to compile the following information on or before May 15, 1940.

1. Each Class I railway which reported more than \$1,000,000 of freight revenue received from less-carload traffic in 1937 shall make, and preserve until further notice, a record of each freight shipment terminated by it on the days specified in paragraph 2. The items of information to be recorded on such record for each shipment shall be those specified in paragraph 3, subject to the instructions in paragraph 4.

The information shall be obtained from waybills in so far as shown thereon. When a number of commodities moving at different rates or rated differently in the classification appear on a single waybill, the quantity of each shown on the bill shall be regarded as a separate shipment, and a separate record made therefor.

2. The dates shall be as follows, all in 1939: January 11; February 8; March 8; April 12; May 10; June 14; July 12; August 9; September 13; October 11; November 8; and December 13.

3. The items of information to be recorded for each shipment shall be as follows:

- (a) Carrier on which originated.
- (b) Station of said carrier at which originated.
- (c) Station of respondent at which terminated.
- (d) Number of railways participating in the line-haul movement of the shipment from station of origin to station at which terminated.
- (e) Page of the consolidated freight classification (No. 13, Greenly's I.C.C.-O.C. No. 57, Dulaney's I.C.C. No. 80, Fyfe's I.C.C. No. 26, Sperry's I.C.C. No. 429) on which the classification description and rating most nearly corresponding to the article in the shipment appear.
- (f) The item number on such page which corresponds to said description and rating.

(g) The weight in pounds.

(h) The distance transported, over the route of movement, in the territory of origin; and, separately, in the territory of termination.

(i) Whether the shipment was transported any distance in any other terri-

tory or territories than those of origin and termination.

(j) The total distance transported, over the route of movement, in all territories combined.

(k) The distance, over the shortest route over which traffic could be transported without transfer of lading from car to car, from station of origin to station at which terminated.

(l) The freight revenue accrued to railways in the territory of origin, and, separately, to those in the territory of termination.

(m) The freight revenue accrued to all railways combined.

(n) The percentage of first class, in official, southern and western classifications, separately, at which the article comprising the shipment is rated in the classification. (This information is to be recorded regardless of whether the shipment moved at such percentage.)

(o) In the case of shipments which moved at a percentage of a class rate, specified by a tariff, but different from the percentage to be determined as provided in (n): the percentage of first-class rate at which the shipment moved.

(p) Whether the shipment was charged for at: A rating provided in the classification; a rating provided in an exception to the classification; or a commodity rate.

(q) Whether the shipment was charged for at a less-than-carload minimum charge, a less-than-carload rate, or a carload rate subject to a carload minimum. For the purpose of this requirement an any-quantity rate shall be regarded as a less-than-carload rate.

(r) Whether the transportation covered by the waybill included movement: on an inland waterway, or on the Great Lakes, or coastwise by water, or some combination thereof.

(s) Whether the shipment moved at: an export rate lower than the domestic rate; an import rate lower than the domestic rate; a rate made lower than the local rate because of previous or subsequent water movement; a proportional rate, other than one dependent upon previous or subsequent water movement; a transit balance; or a rate having more than one of these features.

4. For the purpose of 3 (h), 3 (i), and 3 (l), territories and their boundaries shall be deemed to be as follows:

Official territory, including Illinois territory. All that part of the United States lying generally east of the following line: Lake Michigan, including west-bank car-ferry ports on official-territory traffic, south to Milwaukee, Wis., thence the line of the Chicago, Milwaukee, St. Paul & Pacific Railway (the Milwaukee) to Rugby Junction, Wis., thence the line of the Minneapolis, St. Paul & Sault Ste. Marie Railway to Duplainville, Wis., thence the line of the Milwaukee through Watertown to Madison, Wis., thence the line of the Chicago & North Western

Railway to Dodgeville, Wis., thence the line of the Illinois Central Railroad to the Illinois State line and west along the latter to the Mississippi River, thence south along that river, including west-bank crossing points on official-territory traffic, to the Ohio River; and lying generally north of the following line: along the Ohio River east from its mouth, including south-bank crossing points on official-territory traffic, to Cincinnati, Ohio, thence east on the line of the Chesapeake & Ohio Railway to Kenova, W. Va., thence on the main line of the Norfolk & Western Railway to its crossing with the line of the Virginian Railway west of Roanoke, Va., thence on the Virginian Railway to Suffolk, Va., thence on the main line of the Norfolk & Western Railway to Norfolk, Va.

Southern territory. All that part of the United States lying south of official territory and east of the Mississippi River, including north-bank Ohio River and west-bank Mississippi River crossing points on southern territory traffic.

Southwestern territory. Consists of the States of Arkansas, Oklahoma, Texas, and Louisiana west of the Mississippi River, including east-bank crossing points on the Mississippi River in Tennessee, Mississippi, and Louisiana on southwestern-territory traffic.

Western trunk-line territory, including zone C in Wisconsin and southern Missouri. All that part of the United States lying west of official-Illinois and southern territories, including east-bank Mississippi River crossings in Illinois on western trunk-line territory traffic, north of southwestern territory and New Mexico, and on and east of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south of the main line of the Union Pacific Railroad, thence along that railroad to Cheyenne, Wyo., thence south on the line of the Colorado & Southern Railway and paralleling railroads passing through Denver, Colorado Springs, and Trinidad, Colo., to the southern border of Colorado.

Mountain-Pacific territory. All that part of the United States lying west of western trunk-line and southwestern territories.

The information provided for in section 3 (1) shall be recorded only in the case of shipments the revenue from which is divided on the basis of divisions to or from, or combinations on, points on or near the border of the territory of origin or termination. As to such shipments, the information shall be recorded even if several carriers participated in the movement in both territories, and even if the shipment moved through an additional territory.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-219; Filed, January 13, 1940; 9:01 a. m.]

[Nos. 28300, 28310, MC-C 150]

CLASS RATE INVESTIGATION, 1939; CONSOLIDATED FREIGHT CLASSIFICATION; MOTOR FREIGHT CLASSIFICATION

JANUARY 9, 1940.

Notice to Parties and Public:

An earlier notice announced the institution of these investigations. The broad objective is to determine whether the present class-rate structure within the territorial scope of these proceedings can be simplified, and a lawful rate structure better suited to existing conditions can be established. It requires consideration of many matters, among them being (1) whether one rate level, or fewer and more closely related rate levels than now exist, are lawful and desirable in the territory embraced in No. 28300; and (2) whether the establishment throughout the country of a rail and water classification, and a motor classification, simplified and uniform or more nearly uniform when compared with the present consolidated freight classification, is lawful and practicable.

Inquiries into the general aspects of the matters in issue are contemplated. Except as may be otherwise specified in future notices, in the earlier stages of the hearings evidence will not be received pertaining to individual rates or to the classification descriptions, minima, and ratings on individual articles, save to the extent necessary to develop and illustrate facts relevant and material to the general aspects.

In order to afford a record for the determination of the issues in these proceedings, many subjects must be explored and data relating thereto must be assembled and compiled. For the purpose of assisting the parties in selecting the subjects to be studied, some, but not all, are described below:

1. The present differences between the levels, intraterritorially and interterritorially in and between official, southern, southwestern, and western trunk-line territories, of (a) class rates, and (b) rates on all other traffic. Descriptions of these territories appear in appendix A to this notice.
2. The method or methods to be used in the construction of interterritorial class rates, if more than one rate level is prescribed.
3. The progressions in the present class-rate scales applicable in official, southern, southwestern, and western trunk line territories.
4. Shall the progression in the class rate scales be the same for less-than-carload or other unit of volume as for carload?
5. Percentage relations between the rates on the various classes.
6. Feasibility of prescribing minimum and maximum or precise class rates.
7. The extent to which the class-rate traffic of railroads is affected by the

competition encountered from motor carriers and water carriers, common, contract, and private.

8. The effect upon the movement of class-rate traffic of traffic transported on basis of all-commodity rates, and of traffic handled by forwarder companies.

9. The desirability of stating separately the charges or allowances for pick-up and delivery services, where those services are performed or allowances made in lieu thereof, on traffic moving under class rates.

10. The classification principles or elements to be considered and employed in the determination of appropriate classification of articles, and whether they shall be the same for the motor classification as for the rail and water classification?

11. The number of classes necessary for a classification of freight for rail, water, and motor transportation.

12. Shall the classification of freight for rail, water, and motor transportation be revised to accord more or less importance to a weight-space basis, with less or more regard to value?

13. Shall the descriptions of articles and packing requirements be the same for the motor classification as for the rail and water classification?

14. To the extent that sizes of railroad car and truck body are to be considered in the determination of minimum weights applicable in connection with carload and truckload ratings, what sizes of car and truck body shall be used as the standards?

15. The desirability of making less-than-carload and less-than-truckload ratings vary with the weight or volume of the shipment.

16. The practicability or necessity of a uniform basic classification of freight for all rate territories (a) for all transportation agencies, or (b) for each transportation agency.

It is realized that the foregoing list does not exhaust all possible subjects which it may be necessary to consider in these extensive proceedings. Nor is the list intended to circumscribe parties in the presentation of evidence on other subjects within the issues.

Certain studies must be made by the Commission to enable it to attain the objective of these investigations. Some are to be based upon essential information to be obtained from respondents. The first order made for that purpose requires designated respondents, Class I railroads listed in appendix B to this notice, to make and preserve a record of freight traffic terminated during the test period consisting of the second Wednesday in each month of 1939.¹ In a separate order respondents are re-

¹ Respondents may submit to the Commission for approval a different test period containing a different assortment of days if they can unanimously agree upon such a plan. (Compare *Western Trunk-Line Class Rates*, 164 I.C.C. 99-105.)

quired to give information relating to the past and present classifications of freight, and to submit proposals for future classifications. It covers such matters as the classification elements employed or to be employed, changes in ratings heretofore made from time to time and the reasons therefor, and analyses and comparisons of the respective classifications. It is intended later to require respondent railroads to supply data from which may be determined the costs for each territory (official, southern, southwestern, and western trunk-line) for transporting freight and for pick-up and delivery services. Other information may be necessary later.

It is the purpose to have the Commission's staff prepare certain studies, which are to be offered in evidence by qualified witnesses and to be regarded in the same light as though introduced by the parties. Those which have been selected are (1) relative growth in industry, wealth, population, etc., of the different parts of the United States; (2) territorial variation in the cost of freight services on Class I railroads in the United States; and (3) rate progressions in distance scales prescribed by the Commission.

Parties may prepare and offer in evidence any data which they deem necessary and which are relevant and material to the issues in the particular proceeding. It is suggested that much time and expense can be saved to all concerned if as far as possible the interested parties will arrange for a consolidation of their studies and will cooperate in the presentation of evidence.

Dates of hearings will be announced later.

[SEAL]

W. P. BARTEL,
Secretary.

[Nos. 28300 and 28310]

APPENDIX A

Descriptions of principal territories embraced in those investigations:

Official territory, including Illinois territory. All that part of the United States lying generally east of the following line: Lake Michigan, including west-bank car-ferry ports on official-territory traffic, south to Milwaukee, Wis., thence the line of the Chicago, Milwaukee, St. Paul & Pacific Railway (the Milwaukee) to Rugby Junction, Wis., thence the line of the Minneapolis, St. Paul & Sault Ste. Marie Railway to Duplainville, Wis., thence the line of the Milwaukee through Watertown to Madison, Wis., thence the line of the Chicago & North Western Railway to Dodgeville, Wis., thence the line of the Illinois Central Railroad to the Illinois State line and west along the latter to the Mississippi River, thence south along that river, including west-bank crossing points on official-territory traffic, to the Ohio River; and lying generally north of the following line: along the Ohio River east

from its mouth, including south-bank crossing points on official-territory traffic, to Cincinnati, Ohio, thence east on the line of the Chesapeake & Ohio Railway to Kenova, W. Va., thence on the main line of the Norfolk & Western Railway to its crossing with the line of the Virginian Railway west of Roanoke, Va., thence on the Virginian Railway to Suffolk, Va., thence on the main line of the Norfolk & Western Railway to Norfolk, Va.

Southern territory. All that part of the United States lying south of official territory and east of the Mississippi River, including north-bank Ohio River and west-bank Mississippi River crossing points on southern territory traffic.

Southwestern territory. Consists of the States of Arkansas, Oklahoma, Texas, and Louisiana west of the Mississippi River, including east-bank crossing points on the Mississippi River in Tennessee, Mississippi, and Louisiana on southwestern-territory traffic.

Western trunk-line territory, including zone C in Wisconsin and southern Missouri. All that part of the United States lying west of official-Illinois and southern territories, including east-bank Mississippi River crossings in Illinois on western trunk-line territory traffic, north of southwestern territory and New Mexico, and on and east of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad, thence along that railroad to Cheyenne, Wyo., thence south on the line of the Colorado & Southern Railway and paralleling railroads passing through Denver, Colorado Springs, and Trinidad, Colo., to the southern boarder of Colorado.

Mountain-Pacific territory. All that part of the United States lying west of western trunk-line and southwestern territories.

[Nos. 28300 and 28310]

APPENDIX B

List of Class I railroads, each receiving revenue of more than \$1,000,000 from less-than-carload freight in 1937, required to furnish record of freight traffic terminated during test period:

Atchinson, Topeka & Santa Fe Railway.
Atlantic Coast Line Railroad.
Baltimore & Ohio Railroad.
Boston & Albany Railroad (New York Central Railroad, Lessee).
Boston & Maine Railroad.
Central of Georgia Railway.
Central Railroad of New Jersey.
Chesapeake & Ohio Railway.
Chicago & Eastern Illinois Railway.
Chicago & North Western Railway.
Chicago, Burlington & Quincy Railroad.
Chicago, Milwaukee, St. Paul & Pacific Railroad.
Chicago, Rock Island & Pacific Railway.

Chicago, St. Paul, Minneapolis & Omaha Railway.
 Cincinnati, New Orleans & Texas Pacific Railway.
 Delaware & Hudson Railroad.
 Delaware, Lackawanna & Western Railroad.
 Denver & Rio Grande Western Railroad.
 Erie Railroad.
 Grand Trunk Western Railroad.
 Great Northern Railway.
 Illinois Central Railroad.
 Lehigh Valley Railroad.
 Louisville & Nashville Railroad.
 Minneapolis, St. Paul & Sault Ste. Marie Railway.
 Missouri-Kansas-Texas Railroad.
 Missouri Pacific Railroad.
 Nashville, Chattanooga & St. Louis Railway.
 New York Central Railroad.
 New York, Chicago & St. Louis Railroad.
 New York, New Haven & Hartford Railroad.
 Norfolk & Western Railway.
 Northern Pacific Railway.
 Pennsylvania Railroad.
 Pere Marquette Railway.
 Reading Company.
 St. Louis-San Francisco Railway.
 St. Louis Southwestern Railway.
 Seaboard Air Line Railway.
 Southern Railway.
 Southern Pacific Company—Pacific Lines.
 Texas & New Orleans Railroad.
 Texas & Pacific Railway.
 Union Pacific Railroad.
 Wabash Railway.

[F. R. Doc. 40-218; Filed, January 13, 1940; 9:01 a. m.]

[No. 28310]

ORDER RELATIVE TO CONSOLIDATED FREIGHT CLASSIFICATION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 9th day of January, A. D. 1940

The matter of obtaining information regarding the classification of freight for transportation by railroad, by water, and by rail-and-water, being under consideration:

It is ordered, That each respondent be, and it is hereby, required to compile and furnish the following information on or before April 15, 1940:

1. According to what principles are articles assigned to the various classes in the classification?
2. Are the same principles observed in the assignment of articles to the various classes in the classification now as ten years ago? If not, to what extent and why have they been changed?
3. Has respondent under consideration any proposal to simplify the classification? If so, describe the proposal.

4. Has respondent under consideration any proposal for completely unifying, or for promoting greater uniformity among, the three major freight classifications? If so, describe the proposal.

5. Furnish an analysis of the classification currently in effect, comparing it with each of the two other major classifications, as to number of ratings, and differences in assignment of articles to the several classes; also a similar analysis of the classification in effect ten years ago.

6. Furnish a statement showing the number of reductions in less-than-carload and any-quantity ratings in the classification made on December 24, 1936, and on subsequent dates, solely or primarily for the purpose of uniformity.

7. Furnish a statement showing changes made in ratings (other than reductions included in 6 above) in 1929 and in each subsequent year, indicating as to each change:

(a) Whether the change was in a less-than-carload or carload rating (treating any-quantity ratings as less-than-carload).

(b) The old and new ratings.

(c) Average or usual weight per cubic foot and value per pound of the article on which the rating was changed.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-220; Filed, January 13, 1940; 9:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1940.

[File No. 43-202]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION, TENNESSEE UTILITIES CORPORATION, THE TENNESSEE ELECTRIC POWER COMPANY, SOUTHERN TENNESSEE POWER COMPANY

ORDER RELEASING JURISDICTION

The Commission having entered an order on August 8, 1939, in the above-entitled matter approving certain transactions in the liquidation of The Tennessee Electric Power Company; in said order the Commission having reserved jurisdiction as to the ultimate disposition of the assets to be remaining in The Tennessee Electric Power Company; it having been represented to the Commission that The Tennessee Electric Power Company (in liquidation) has negotiated a contract for the sale of the transportation properties in and about the City of Nashville, Tennessee; it further having

been represented that the purchaser is an individual in no way affiliated with the seller or its parent, The Commonwealth & Southern Corporation and; it further having been represented that said contract was made at arm's length bargaining and that no fees or commissions have been or are to be paid by The Tennessee Electric Power Company to anyone in connection with the sale;

It is ordered, That the jurisdiction of the Commission concerning the disposition of the aforesaid transportation properties be, and the same is hereby released upon the condition that such disposition be carried out in accordance with the representations heretofore made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-227; Filed, January 13, 1940; 11:19 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of January, A. D. 1940.

[File No. 43-274]

IN THE MATTER OF NEW MEXICO GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE, ETC.

New Mexico Gas Company, a subsidiary of Southern Union Gas Company, a registered holding company, having filed a declaration and an amendment thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to (1) the issue and sale of \$250,000 principal amount of First Mortgage Series B, Fifteen-Year, 5% Sinking Fund Bonds, due November 15, 1954, and (2) the issue and sale of \$150,000 principal amount Five-Year Installment 5% Notes; and having requested an order permitting a declaration to become effective pursuant to said Section 7 regarding such exercise of any privilege or right to alter the priorities, preferences, voting power or other rights of outstanding securities of the company within the meaning of Section 6 (a) (2) of the Act as may be involved in (a) the reduction in the stated value of its no par common stock from \$5 to \$4 per share, and (b) the granting of additional rights including voting powers to holders of its 6% Cumulative Convertible Preferred Stock;

A public hearing having been held on the declaration pursuant to appropriate notice; the Commission having considered the record in this matter and having made its findings herein;

It is ordered, That the declaration, in all respects, be and hereby is permitted to

become effective, subject, however, to the following terms and conditions:

(1) That the issue and sale of the securities be in the manner and for the purposes represented in the declaration;

(2) That the proposed reduction in the stated value of the no par common stock shall be effected in the manner and for the purposes represented in the declaration and that in this connection prior to the submission of the question of the reduction of the stated value of the no par common stock and the attendant write-off of capital assets to the meeting of common stockholders, the same matters shall be submitted to a class vote of the holders of the 6% Cumulative Convertible Preferred Stock and shall receive the approval of a majority of that stock at a meeting called for that purpose. For the purpose of the meeting referred to in this paragraph (2), a majority of the outstanding shares of 6% Cumulative Convertible Preferred Stock shall be necessary to constitute a quorum, but if a quorum is not obtained at such meeting, or within thirty (30) days thereafter, one-third of the outstanding shares shall be sufficient to constitute such quorum;

(3) That the declarant shall proceed to call meetings of its stockholders, both common and preferred, and shall take steps to amend its Articles of Incorporation to grant additional rights, including voting power to holders of its 6% Cumulative Convertible Preferred Stock, in the manner and for the purposes represented in the declaration;

(4) That within ten days after the consummation of any of the acts hereby permitted, there shall be filed with this Commission a Certificate or Certificates of Notification stating that the same have been effected in the manner and for the purposes represented in the declaration;

(5) That except as the Commission may by order or orders from time to time otherwise provide, or except as may be ordered by any other regulatory body having jurisdiction in the premises (in which event this Commission shall be notified by the declarant of such order), declarant shall charge against income, for each calendar year beginning with the year 1940 and continuing so long as any of the First Mortgage Series B Fifteen Year 5% Sinking Fund Bonds are outstanding, as a provision for depreciation, at least \$123,719.37 per annum, and for each calendar year after the calendar year 1940, an additional three and one-third per cent (3½%) of the book value of net additions to depreciable property (less estimated salvage value) made after January 1, 1940 and up to the close of the preceding calendar year;

(6) That so long as any of the First Mortgage Series B Fifteen Year 5% Sinking Fund Bonds are outstanding, no

charges shall be made to Retirement Reserve save and except in connection with actual retirements of physical property or for write-offs of intangibles, and no transfers shall be made from said Retirement Reserve to Surplus, Earned or Capital, or to any other account unless and until the prior approval of this Commission shall have been obtained;

(7) That until further order of this Commission so long as any shares of the 6% Cumulative Convertible Preferred Stock are outstanding, the declarant shall not purchase or otherwise acquire, or pay any dividends on, or make any other distributions with respect to, any of its shares of common stock, if after giving effect to such purchase or acquisition or payment or distribution, the capital of the declarant represented by its common stock, together with its surplus, as then stated on its books of account, shall in the aggregate be less than \$925,940. This condition shall become inoperative and of no effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order under Section 12 (c) of the Public Utility Holding Company Act of 1935, or otherwise (other than Rule U-12C-2 as now in effect), which shall be applicable to the Applicant, limiting the right of companies to pay dividends on their common stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on its own motion or upon application of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-231; Filed, January 15, 1940;
11.09 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1940.

[File No. 32-193]

**IN THE MATTER OF THE DAYTON POWER
AND LIGHT COMPANY**

NOTICE OF AND ORDER FOR HEARING

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 1, 1940, at 10:00 o'clock in the forenoon of

that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 27, 1940.

The matter concerned herewith is in regard to proposed issue and sale by The Dayton Power and Light Company, a subsidiary of Columbia Gas & Electric Corporation, a registered holding company, which is, in turn, a subsidiary of The United Corporation, a registered holding company, of \$25,000,000 principal amount of The Dayton Power and Light Company First Mortgage Bonds, 3% Series Due 1970, Maturing January 1, 1970; part of the estimated proceeds to be devoted to the redemption of all of the outstanding, namely \$19,015,000 principal amount of The Dayton Power and Light Company First and Refunding Mortgage Bonds, 3½% Series Due 1960, and the balance of the proceeds to be used for reimbursing the treasury of the company for and on account of uncanceled capital expenditures, which funds will provide additional working capital and cash for the company for anticipated capital improvements.

Applicant has designated the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935 as applicable to the proposed issue and sale, which designation is subject to the obtaining of express authorization for such issue and sale from the Public Utilities Commission of Ohio, the state in which applicant is organized and doing business.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-236; Filed, January 15, 1940;
12:34 p. m.]