

OCT 2 1939

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
**FEDERAL REGISTER**  
OF THE UNITED STATES  
1934

VOLUME 4NUMBER 188

Washington, Friday, September 29, 1939

*The President*

**FIRE PREVENTION WEEK—1939**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**A PROCLAMATION**

WHEREAS, in spite of efforts to curtail the number of accidental fires in the United States, many lives are still lost each year as a result of fires which could have been prevented; and

WHEREAS the damage caused by fires in this country during 1937 has been estimated at approximately \$254,000,000, and the estimate for 1938 is in excess of \$265,000,000; and

WHEREAS a redoubled effort is necessary in order to lessen the serious menace to safety of life and the enormous waste of property that result from destructive fires:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 8, 1939, as Fire Prevention Week, and I request the appropriate public authorities, civic groups, educators, and others to cooperate in bringing to the attention of all the people the importance of taking measures to eliminate fire hazards, to abolish dangerous practices and procedures which may lead to the occurrence of needless fires, and to maintain a special alertness in every situation in which a destructive fire may occur.

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 26<sup>th</sup> day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, 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. 2366]

[F. R. Doc. 39-3579; Filed, September 28, 1939; 10:15 a. m.]

**Rules, Regulations, Orders**

**TITLE 7—AGRICULTURE**

**DIVISION OF MARKETING AND MARKETING AGREEMENTS**

[Order No. 42]

**CHAPTER IX—MARKETING ORDERS**

PART 942—ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA\*

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Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is em-

\*Section 942.0 to and including section 942.11 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. 601 et seq. (Sup. IV 1938).

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Published 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. L. 500), under regulations prescribed by the Administrative Committee, with the approval of 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 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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powered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the New Orleans, Louisiana, marketing area would tend to effectuate the declared policy of the act, gave, on June 16, 1939, notice of a hearing to be held on July 5, 1939, at Amite, Louisiana, and on July 6, 1939, at New Orleans, Louisiana, and at said times and places conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and proposed order; and

Whereas, after said hearings and after the tentative approval of a marketing agreement by the Secretary on September 8, 1939, handlers of more than 50 percent of the volume of milk covered by this order, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement; and

Whereas, the Secretary determined, on the 25th day of September 1939, said determination being approved by the President of the United States on the 26th day of September 1939, that said refusal or failure to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by more than two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939 (said month having been determined by the Secretary to be a representative period), were engaged in the production of milk for sale in said marketing area; and

Whereas, the provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk de-

livered by them is approved or favored by at least three-fourths of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939 (said month having been determined by the Secretary to be a representative period), were engaged in the production for market of milk covered in such order, said approval being separate and apart from the approval of producers as set forth above; and

Whereas, the Secretary has found and proclaimed the period August 1919-July 1929 to be the base period to be used in connection with the ascertainment of the purchasing power of milk handled in the New Orleans, Louisiana, marketing area; and

Whereas, the Secretary finds that the expenses which the market administrator will necessarily incur during any 12-month period of time for the maintenance and functioning of such agency for the administration of this order will be approximately \$25,000 and that the payment by each handler of 4 cents per hundredweight on all milk received from producers is a proper maximum pro-rata share of such expenses; and

§ 942.0 Findings. Whereas, the Secretary finds, upon the evidence introduced at said hearings:

1. That milk received by handlers who distribute milk in said marketing area, which originates in States other than Louisiana, enters the current of interstate commerce; that the milk received by such handlers which originates in the State of Louisiana is inextricably intermingled with that milk which is in the current of interstate commerce in such a way that it is impossible to regulate the milk originating in States other than Louisiana without regulating that milk which originates in the State of Louisiana; that the handling of milk in the New Orleans, Louisiana, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

2. That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the price of feeds, the available supplies of feed, and other economic conditions which affect the supply of, and demand for, such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

3. That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which hearings have been held; and

4. That orderly marketing conditions for milk flowing into the New Orleans, Louisiana, marketing area are threatened with disruption which will result

in an impairment of the purchasing power of milk handled in said marketing area, and that the issuance of this order and all its terms and conditions will tend to effectuate the declared policy of said act:

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 942.1 *Definitions*—(a) *Terms*. The following terms shall have the following definitions:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, and Belle Chasse in Jefferson Parish; and Poydras, St. Bernard, Violet, Meroux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "market administrator" means the agency which is described in Sec. 942.2 for the administration hereof.

(5) The term "delivery period" means the current marketing period from the first to, and including, the 15th day of each month, and from the 16th to, and including, the last day of each month.

(6) The term "producer" means any person, irrespective of whether such person is also a handler, who, in conformity with the health requirements applicable for milk which is disposed of for consumption as milk in the marketing area, produces milk which is received at a plant approved for the receipt of milk to be disposed of as milk in the marketing area: Provided, That if such producer did not regularly distribute milk in the marketing area or dispose of milk to a handler or to persons within the marketing area during a period of 30 days immediately prior to the effective date hereof, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including 2 full calendar months following such first delivery to a handler, after which he shall be known as a "producer."

(7) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate com-

merce in milk and its products. This definition shall be deemed to include a cooperative association with respect to any milk received from producers at any plant operated by such cooperative association.

(8) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

(9) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

§ 942.2 *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties*. The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by Sec. 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 942.3, or (b) made payments pursuant to Sec. 942.8 and Sec. 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Submission of reports*. Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 4th day after the end of each delivery period (a) the receipts of milk at each plant from pro-

ducers and new producers, (b) the receipts of milk at each plant from handlers, (c) the quantity of milk, if any, produced by such handler, (d) the receipts of milk from any other source, (e) the utilization of all receipts of milk for the delivery period, and (f) the name and address of each new producer.

(2) On or before the 20th day after the end of each delivery period his producer pay roll, which shall show for each producer and new producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to such producer and new producer made pursuant to Sec. 942.8, and (c) the deductions and charges, if any, made by the handler.

(b) *Verification of reports*. Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities which are necessary for the sampling and weighing of the milk of each producer and new producer.

§ 942.4 *Classification of milk*—(a) *Milk to be classified*. All milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in classes set forth in paragraph (b) of this section, subject to the provisions of paragraph (c) of this section.

(b) *Classes of utilization*. The classes of utilization of milk shall be as follows:

(1) Class I milk means all milk, including skimmed milk, disposed of as fluid milk, plain or flavored, and all milk not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk means all milk (excepting milk from which the skimmed milk was disposed of as Class I milk) disposed of as cream (for consumption as cream), creamed cottage cheese, ice cream, and ice cream mix.

(3) Class III milk means all milk (excepting milk from which the skimmed milk was disposed of as Class I milk) used or disposed of as a milk product other than those specified in Class I milk and in Class II milk, and all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales*. Milk, including skimmed milk, disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be classified by the market administrator as Class I milk: Provided, That if such selling handler, on or before the date fixed for filing reports pursuant to Sec. 942.3, furnishes to the market administrator a statement which is signed by the buyer and the seller that such milk was disposed of as other than Class I milk by the receiving handler or person, then such milk shall

be classified accordingly, subject to verification by the market administrator.

§ 942.5 *Minimum prices*—(a) *Class prices*. Except as set forth in paragraph (c) of this section, each handler shall pay, at the time and in the manner set forth in Sec. 942.8, not less than the following prices for milk of 4.0 percent butterfat content received at plants located in the 61-70 mile freight zone described in paragraph (b) of this section:

Class I milk—\$2.32 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposal of milk to low-income consumers, including persons on relief, the price shall be not less than that provided by such program.

Class II milk—\$1.65 per hundredweight.

Class III milk—The price per hundredweight calculated by the market administrator as follows: subtract 2 cents from the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, multiply by 4, and add 30 percent thereof.

(b) *Location differentials*. (1) The market administrator shall from time to time publicly announce the freight zone location of each handler's country plant or plants, according to the railway mileage distance between the country plants of the handler and the railroad terminal in the city of New Orleans, or according to the highway mileage distance between the country plant and the City Hall in New Orleans, whichever is shorter. Except as set forth in subparagraph (2) of this paragraph, the minimum price for milk received at any plant located in a freight zone other than the 61-70 mile zone and disposed of as Class I milk in the marketing area, shall be the minimum price for Class I milk applicable pursuant to this section, plus or minus the amount indicated in the following schedule, for the freight zone in which the plant is located:

Freight zone miles	Cents per hundredweight
0-10	+13.0
11-20	+11.0
21-30	+8.0
31-40	+6.5
41-50	+4.0
51-60	+2.0
61-70	0.0
71-80	-2.5
81-90	-4.0
91-100	-5.5
101-110	-7.0
111-120	-8.0
121-130	-9.0
131-140	-10.0
141-150	-11.5
Each additional 10 miles	Minus an additional 1.0 cent.

(2) The minimum price of milk received from producers and new producers at a plant in which such milk is bottled and loaded for wholesale or retail delivery and disposed of as Class I milk in the marketing area shall be the minimum price for Class I milk pro-

vided in paragraph (a) of this section, plus 28 cents per hundredweight.

(3) The minimum price of milk received from producers and new producers at a plant in which such milk is bottled and loaded for wholesale or retail delivery in the marketing area and disposed of as Class II milk shall be the minimum price for Class II milk provided in paragraph (a) of this section, plus 20 cents per hundredweight.

(4) For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk shall be considered to have been the milk received by such handler at plants within and nearest to the marketing area.

(c) *Sales outside the marketing area*. The price to be paid by a handler for milk received from producers and new producers and disposed of as Class I milk outside the marketing area, in lieu of the price otherwise applicable pursuant to paragraph (a) of this section, shall be, as ascertained by the market administrator, such price as is being paid, for milk of equivalent use, to dairy farmers supplying the market in which such milk was disposed, subject to a reasonable allowance for transportation.

§ 942.6 *Handlers who are also producers*—(a) *Application of provisions*. No provision hereof shall apply to a handler who is also a producer and who receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request, and shall permit the market administrator or his agent to verify such reports.

(b) *Milk purchased from producers*. In the case of a handler who is also a producer and who received, during the delivery period, milk from producers or new producers, the market administrator, before making the computations set forth in Sec. 942.7 (a) (1), shall (a) exclude the milk received by such handler in each class from other handlers, and (b) exclude from such handler's Class I milk that milk of such handler's own production which was disposed of as certified milk.

§ 942.7 *Computation and announcement of uniform prices to producers*. (a) For each delivery period the market administrator shall compute, subject to the provisions of Sec. 942.6, for each handler the uniform price per hundredweight of milk received by such handler during such delivery period as follows:

(1) For each plant, multiply the quantity of milk received from producers, new producers, and the quantity of milk of his own production disposed of in each class by the price applicable pursuant to Sec. 942.5;

(2) For each plant, multiply the hundredweight of milk received from producers, not including new producers, by the Class I location differential for such plant applicable pursuant to Sec. 942.5 (b) (1);

(3) Add to the amount computed pursuant to subparagraph (1) of this paragraph, the amount of the Class I location differential for each plant located in a zone beyond the 61-70 mile zone, computed pursuant to subparagraph (2) of this paragraph and subtract from the amount computed pursuant to subparagraph (1) of this paragraph, the amount of the Class I location differential for each plant located in a zone nearer than the 61-70 mile zone, computed pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the sum computed pursuant to subparagraph (3) of this paragraph an amount determined by multiplying the quantity of milk received from new producers by the Class III price; and

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the hundredweight of milk received from producers, not including new producers. This result shall be known as the uniform price for such delivery period for milk (containing 4.0 percent butterfat) received from producers at plants located in the 61-70 mile freight zone.

(b) On or before the 6th day after the end of each delivery period the market administrator shall mail to all handlers, and publicly announce, the uniform price for each handler as determined pursuant to this paragraph, and the Class III price for such delivery period.

§ 942.8 *Payment for milk*—(a) *Time and method of payment*. On or before the 10th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section and to the location differentials set forth in paragraph (d) of this section, for the total value of milk received from producers and new producers during the delivery period, computed pursuant to Sec. 942.7 (a), as follows:

(1) To each producer to whom payment is not made pursuant to subparagraph (3) of this paragraph, at not less than the uniform price computed pursuant to Sec. 942.7 (a) for the quantity of milk received from such producer;

(2) To each new producer to whom payment is not made pursuant to subparagraph (3) of this paragraph, at the Class III price for the quantity of milk received from such new producer;

(3) To a cooperative association, with respect to milk which it causes to be delivered to a handler from producers and new producers who have signed membership agreements or other contracts with the cooperative association, which agreements or contracts expressly authorize the cooperative to collect the amount due such producers and new producers for their milk, and pursuant to which authorization the cooperative association is collecting payment for milk on behalf of its producers and new producers, or expressly assumes such responsibility by

some authorized act of the board of directors, or of the membership in accordance with its bylaws, the total amount of money which such handler is obligated to pay for milk received from such producers and new producers, calculated as follows: (a) multiply the volume of milk received from such producers by not less than the uniform price computed pursuant to Sec. 942.7 (a), (b) multiply the volume of milk received from such new producers by the Class III price, and (c) add together the resulting amounts.

(b) *Errors in payments.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If during the delivery period any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making the payments prescribed in subparagraphs (1) and (3) of paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than, 4 cents per hundredweight. If during the delivery period any handler has received from any new producer milk having an average butterfat content other than 4.0 percent, such handler, in making the payments prescribed in subparagraphs (2) and (3) of paragraph (a) of this section, shall add or subtract, as the case may be, for each one-tenth of 1 percent of average butterfat content in milk above or below 4.0 percent, 4 cents per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section for milk received from producers and new producers at a plant not located in the 61-70 mile freight zone, each handler shall add or deduct from such payment, with respect to all milk received from such producers and new producers, the amount per hundredweight specified pursuant to Sec. 942.5 (b) (1) for the zone in which the plant is located.

(e) *Additional payments.* Any handler may make payments to producers, not including new producers, for milk in addition to the payments to be made pursuant to paragraph (a) of this section: *Provided*, That such additional payments shall be made on a uniform basis for all milk of like grade and quality received by him.

§ 942.9 *Expense of administration—*  
(a) *Payments by handlers.* As his pro-rata share of the expense of the administration hereof, each handler, except those described in Sec. 942.6 (a), shall pay to the market administrator, on or before the 10th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight, with respect to all milk received by him from producers and new producers, or produced

by him during such delivery period, the exact sum to be determined by the market administrator, subject to review by the Secretary: *Provided*, That each handler which is a cooperative association shall pay such pro-rata share of expense of administration on only that milk received from producers and new producers at a plant operated by such cooperative association.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.

§ 942.10 *Effective time, suspension, or termination of order—*(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all

funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability—*(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 28th day of September 1939, and declares this order to be effective on and after the 1st day of October 1939.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-3588; Filed, September 28, 1939; 12:14 p. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY AMENDING CERTAIN REGULATIONS AND RULES OF PRACTICE HERETOFORE ADOPTED BY THE AUTHORITY

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 26th day of September 1939.

#### *It Appearing to the Authority:*

1. That Section 11 of the Federal Register Act, as amended, requires that on July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee created by that Act a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on the first day of June of that year.

2. That Section XXI, as amended, of the Regulations prescribed by the Administrative Committee and approved by the President provides that there shall be prepared in accordance with the provisions of Section VII of the Federal

Register Regulations and Sections 1.6 and 1.9 of the Codification Regulations of October 11, 1938, and filed with the Director of the Division of the FEDERAL REGISTER, all other documents issued subsequent to June 1, 1938 which are subject to codification pursuant to Section 11 of the Federal Register Act, as amended.

3. That the Division of the Federal Register has requested that all documents issued by the Authority subject to codification shall be codified in order that such documents shall conform to the style, arrangement, and designation of documents hereafter to be adopted by the Authority and subject to codification.

The Authority finds that it is necessary and desirable in the interest of uniformity that all documents which have general applicability and legal effect shall conform to the style, arrangement, and designation of documents hereafter to be adopted by the Authority and subject to codification:

Now, therefore, acting pursuant to the authority vested in it by the Act, particularly section 205 (a) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act, and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

[Amendment to Regulations 407-A-1, 407-D-1, 406-A-1, 403-A-1, 403-B-3, 405-M-1 as amended, 403-B-1, 605-B-1 as amended, 401-B-1 as amended, 401-B-2, 401-F-1 as amended, 401-F-2, 401-F-3, 401-K-1, 402-D-1, 409-A-1 as amended, 412-A-1, 205-A-1, 205-A-2, 400-1 as amended, 405-E-1, 405-E-2, and Rules of Practice adopted May 9, 1939]

AMENDING CERTAIN REGULATIONS AND RULES OF PRACTICE HERETOFORE ADOPTED BY THE AUTHORITY

(a) The regulations heretofore adopted by the Authority, as amended to date, are hereby amended as follows:

Regulation 407-A-1 is amended by striking out the words and figures "Regulation 407-A-1" in the title, and inserting in lieu thereof the words and figures "Section 202.1".

Regulation 407-D-1 is amended by striking out the words and figures "Regulation 407-D-1" in the title, and inserting in lieu thereof the words and figures "Section 202.2".

Regulation 406-A-1 is amended by striking out the words and figures "Regulation 406-A-1" in the title, and inserting in lieu thereof the words and figures "Section 216.1".

Regulation 403-A-1 is amended by striking out the words and figures "Regulation 403-A-1" in the title, and inserting in lieu thereof the words and figures "Section 224.1".

Regulation 403-B-3 is amended by striking out the words and figures "Regulation 403-B-3" in the title, and insert-

ing in lieu thereof the words and figures "Section 224.2".

Regulation 405-M-1, as amended on November 4, 1938, is amended by striking out the words and figures "Regulation 405-M-1" in the title, and inserting in lieu thereof the words and figures "Section 228.1".

Regulation 403-B-1 is amended by striking out the words and figures "Regulation 403-B-1" in the title, and inserting in lieu thereof the words and figures "Section 228.2".

Regulation 605-B-1, as amended on February 17, 1939 and May 9, 1939, is amended by striking out the words and figures "Regulation 605-B-1" in the title, and inserting in lieu thereof the words and figures "Section 228.3".

Regulation 401-B-1, as amended on September 16, 1938, and October 10, 1938, is amended by striking out the words and figures "Regulation 401-B-1" in the title, and inserting in lieu thereof the words and figures "Section 238.1".

Regulation 401-B-2 is amended by striking out the words and figures "Regulation 401-B-2" in the title, and inserting in lieu thereof the words and figures "Section 238.2".

Regulation 401-F-1, as amended on April 28, 1939, is amended by striking out the words and figures "Regulation 401-F-1" in the title, and inserting in lieu thereof the words and figures "Section 238.3".

Regulation 401-F-2 is amended by striking out the words and figures "Regulation 401-F-2" in the title, and inserting in lieu thereof the words and figures "Section 238.4".

Regulation 401-F-3 is amended by striking out the words and figures "Regulation 401-F-3" in the title, and inserting in lieu thereof the words and figures "Section 238.5".

Regulation 401-K-1 is amended by striking out the words and figures "Regulation 401-K-1" in the title, and inserting in lieu thereof the words and figures "Section 238.6".

Regulation 402-D-1 is amended by striking out the words and figures "Regulation 402-D-1" in the title, and inserting in lieu thereof the words and figures "Section 241.1".

Regulation 409-A-1, as amended on January 20, 1939, is amended by striking out the words and figures "Regulation 409-A-1" in the title, and inserting in lieu thereof the words and figures "Section 248.1".

Regulation 412-A-1 is amended by striking out the words and figures "Regulation 412-A-1" in the title, and inserting in lieu thereof the words and figures "Section 251.1".

Regulation 205-A-1 is amended by striking out the words and figures "Regulation 205-A-1" in the title, and inserting in lieu thereof the words and figures "Section 287.1".

Regulation 205-A-2 is amended by striking out the words and figures "Regulation 205-A-2" in the title, and inserting in lieu thereof the words and figures "Section 287.2".

Regulation 400-1, as amended on December 7, 1938, is amended by striking out the words and figures "Regulation 400-1" in the title, and inserting in lieu thereof the words and figures "Section 292.1".

Regulation 405-E-1 is amended by striking out the words and figures "Regulation 405-E-1" in the title, and inserting in lieu thereof the words and figures "Section 208.1".

Regulation 405-E-2 is amended by striking out the words and figures "Regulation 405-E-2" in the title, and inserting in lieu thereof the words and figures "Section 208.2".

(b) Section 238.2 of the Economic Regulations 401-B-2, is hereby amended by striking out the words and figures "Regulation 401-B-1" in the first and second sentences of such section and inserting in lieu thereof the words and figures "Section 238.1 of the Economic Regulations".

(c) Section 238.4 of the Economic Regulations, formerly Regulation 401-F-2, is hereby amended by striking out the words and figures "the Authority's Regulation 401-F-1 as amended" in the first sentence of Part V of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations"; and also by striking out the words and figures "Regulation 401-F-1" in the last sentence of Part V of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations."

(d) Section 238.5 of the Economic Regulations, formerly Regulation 401-F-3, is hereby amended by striking out the words and figures "Regulations 401-F-1, as amended", in paragraphs (a) and (b) of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations"; and by striking out the words and figures "Regulations 401-F-1, as amended, and 401-F-3 of the Authority" in paragraph (c) of such section, and inserting in lieu thereof the words and figures "Sections 238.3 and 238.5 of the Economic Regulations."

(e) Section 224.1 of the Economic Regulations, formerly Regulation 403-A-1, is hereby amended by striking out the words and figures "Tariff Regulation 403-A-1" in the second footnote of Appendix C of such section, and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations"; and by striking out the words and figures "Tariff Regulation 403-A-1" in the second footnote of Appendix D of such section, and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations".

(f) Section 224.2 of the Economic Regulations, formerly Regulation 403-B-3, is hereby amended by striking out the words and figures "regulation 403-A-1" in paragraph (b) of such section and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations".

(g) Section 238.6 of the Economic Regulations, formerly Regulation 401-K-1, is hereby amended by striking out the words and figures "the 'Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938'" in paragraph (a) of such section, and inserting in lieu thereof the words and figures "Section 285.1 of the Economic Regulations"; and by striking out the words and figures "Regulation 401-K-1 of the Authority" in paragraph (a) of such section, and inserting in lieu thereof the words and figures "Section 238.6 of the Economic Regulations".

(h) Section 248.1 of the Economic Regulations, formerly Regulation 409-A-1, is hereby amended by striking out the words and figures "Rules of Practice under Title IV" in paragraph (b) of such section, and inserting in lieu thereof the words and figures "Section 285.1 of the Economic Regulations".

(i) Section 208.1 of the Economic Regulations, formerly Regulation 405-E-1, is hereby amended by striking out the words and figures "the 'Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938'" in paragraph (b) of such section, and inserting in lieu thereof the words and figures "Section 248.1 of the Economic Regulations"; and by striking out the words and figures "Regulation 405-E-1" of paragraph (c) of such section, and inserting in lieu thereof the words and figures "Section 208.1 of the Economic Regulations".

(j) Section 208.2 of the Economic Regulations is hereby amended by striking out the words and figures "Regulation 401-F-1 and Regulation 401-F-2 of the Authority" in paragraph (g) of such section, and inserting in lieu thereof the words and figures "Sections 238.3 and 238.4 of the Economic Regulations".

(k) The Rules of Practice, effective May 9, 1939, are hereby amended by striking out the words and figures "Rules of Practice under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938" in the title, and inserting in lieu thereof the words and figures "Section 285.1, Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938".

(l) This regulation shall become effective immediately.

By the authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-3584; Filed, September 28, 1939; 12:03 p. m.]

[Amendment 1 of Sec. 287.1]

DEFINITIONS OF TERMS USED IN RULES, REGULATIONS AND ORDERS OF THE AUTHORITY

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 26th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

Section 287.1 of the Economic Regulations is hereby amended to read as follows:

§ 287.1. *Definitions of terms used in rules, regulations and orders of the authority.* (a) As used in the rules, regulations, and orders prescribed by the Authority, pursuant to the Civil Aeronautics Act of 1938, unless the context otherwise requires:

(1) The term "Authority" means the Civil Aeronautics Authority;

(2) The term "Act" means the Civil Aeronautics Act of 1938;

(3) The term "section" refers to a section of the Act or a section of the Economic Regulations or Civil Air Regulations of the Authority as indicated by the context;

(4) The terms "rule," "regulation," and "order" refer to the rules, regulations and orders prescribed by the Authority pursuant to the Act;

(5) The terms "this regulation," "pursuant to this regulation," "in accordance with the provisions of this regulation," and words of similar import when used in the Economic Regulations of the Authority refer to the section of the Economic Regulations in which such terms appear.

(6) Unless otherwise specifically stated, other words and phrases have the meaning defined in the Act.

(b) On and after the effective date of this regulation, the regulations of the Authority may be cited by section numbers. For example, this regulation may be cited as "Section 287.1 of the Economic Regulations".

(c) In each case in which a rule, regulation, order or other document of the Authority refers to a regulation or a rule of practice of the Authority by means of the numbering system used prior to the adoption of section numbers, such reference shall be deemed to relate to the appropriate section number of the Economic Regulations.

This regulation shall become effective immediately.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-3585; Filed, September 28, 1939; 12:04 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3854]

IN THE MATTER OF THE ZELLE COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Zellets No. 1" and "Zellets No. 2," or other similar medicinal preparations, which advertisements represent, directly or through implication, that either or both of said preparations constitute a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effect upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Zelle Company, Docket 3854, September 11, 1939]

*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 11th day of September, A. D. 1939.

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

IN THE MATTER OF LELAND F. BENHAM, AN INDIVIDUAL, TRADING AS THE ZELLE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Leland F. Benham, an individual, trading as The Zelle Company, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means

of the United States mails or in commerce as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known or designated by the name of "Zellets No. 1" and "Zellets No. 2", or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act of said medicinal preparations, which advertisements represent directly or through implication that either or both of said preparations constitute a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effect upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user.

It is further ordered, That the respondent shall, within ten (10) days after the service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order, and if so, the manner and form in which he intends to comply; and that within sixty (60) days after the service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-3578; Filed, September 28, 1939; 9:46 a. m.]

## TITLE 37—PATENTS AND COPYRIGHTS

### PATENT OFFICE

#### AMENDMENT OF RULES OF PRACTICE

Sec. 1.11<sup>1</sup> is amended by striking out the words "two years" and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.24 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.29 is amended by striking out the words "two years" and inserting in place thereof the words *one year* and

<sup>1</sup> Code of Federal Regulations section numbers.

by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.31 is amended by inserting in the fifth paragraph, after the word "months", second occurrence, the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner.*

and by adding at the end of the section (See Sec. 1.200 (b)).

Sec. 1.46 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.48 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.75 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.77 is amended by inserting in the first paragraph after the word "months" the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner,*

by inserting after the first paragraph the following two paragraphs:

The Commissioner of Patents may require prosecution of an application by the applicant in a shorter time than six months, but not less than thirty days, whenever such shorter time is deemed necessary or expedient. Unless notified in writing that response is required in less than six months, the maximum period of six months is allowed for the response.

The time for reply, when a time less than six months has been set, will be extended only for good and sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which the response or other action is due, but in no case will the mere filing of the request effect any extension. Only one extension may be granted by the primary examiner; any further extension must be approved by the Commissioner. In no case can any extension be granted which will carry the date on which response to an action is due beyond six months from the date of the action.

and by adding at the end of the section (See Sec. 1.200 (b)).

Sec. 1.79 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (See Sec. 1.200 (a)).

Sec. 1.94 is amended by striking out the fourth paragraph and inserting in place thereof:

No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted.

and by adding at the end of the section (See Sec. 1.200 (c)).

Sec. 1.97 is amended by striking out the words "examiner of interferences," first occurrence, and inserting in place thereof the words *interference division*; by striking out the words "to the examiner of interferences for his use;" and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.98 is amended by striking out the word "the," second occurrence, and inserting in place thereof the word *an*; and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.122 is amended by striking out the last sentence in the second paragraph and inserting in place thereof the following sentence:

The matter raised on a motion to shift the burden of proof may be reviewed at final hearing.

and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.124 is amended to read as follows:

No appeal will be permitted from a decision rendered on a motion brought under the provisions of sections 1.109 and 1.122.

Appeals may be taken directly to the Commissioner from decisions on such other motions as, in his judgment, should be appealable.

(See Sec. 1.200 (d)).

Sec. 1.126 is amended by cancelling the following words "examiner of interferences or the board of appeals" and inserting in place thereof the words *board of interference examiners* and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.130 is amended by cancelling the last sentence in the first paragraph and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.143 is amended to read as follows:

There is no appeal to the board of appeals in interferences.

Interferences declared prior to October 5, 1939 will be governed by the statutes and rules in effect on August 4, 1939 with respect to appeals.

(See Sec. 1.200 (d).)

Sec. 1.144 is cancelled and rescinded and the following note is inserted (See Sec. 1.200 (d)).



Sec. 1.145 is cancelled and rescinded and the following note is inserted (See Sec. 1.200 (d)).

Sec. 1.146 is cancelled and rescinded and the following note is inserted (See Sec. 1.200 (d)).

Sec. 1.148 is amended by cancelling the words "in interference cases" and substituting therefor the words *from the decision of the board of interference examiners* and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.149 is amended by cancelling the last sentence in the third paragraph; by amending the fourth paragraph to read:

From adverse decisions by the board of appeals in ex parte cases and from decisions of the board of interference examiners, the appellant, if an applicant, has the option of proceeding under section 4915 R. S. instead of appealing directly to the U. S. Court of Customs and Patent Appeals.

and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.162 is amended by cancelling in the second paragraph the word "one", second occurrence, and inserting in place thereof the word *four*; by changing the colon, second occurrence, in the second paragraph to a period and cancelling the rest of the paragraph; by cancelling in the third paragraph the word "one", first occurrence, and inserting in place thereof the word *four*; and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.163 is amended by cancelling in the first paragraph the words "and on appeals from final decisions"; by cancelling the last sentence of the first paragraph; by cancelling in the second paragraph the words "and on appeal from interlocutory decisions"; by cancelling in the second paragraph the words "and appeals thereon"; and by adding at the end of the section (See Sec. 1.200 (d)).

Sec. 1.171 is amended by inserting in the first paragraph after the word "months", second occurrence, the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner,*

and by adding at the end of the section (See Sec. 1.200 (b)).

Sec. 1.175 is amended to read as follows:

The Commissioner of Patents may in his discretion receive the final fee if paid within one year after the six months period for payment has passed and the patent shall issue. Each petition for the delayed payment of the final fee shall be accompanied by the final fee and the petition fee, and a verified statement in support of the petition.

(See Sec. 1.200 (e)).

Sec. 1.176 is cancelled and rescinded and the following note is inserted (See Sec. 1.200 (e)).

No. 188—2

Sec. 1.191 is amended by inserting after the words "On filing each petition for the revival of an abandoned application for patent ---- 10.00" the following:

On filing each petition for the delayed payment of the final fee----- \$10.00

The following section is added:

§ 1.200 (a) The changes in Sections 1.11, 1.24, 1.29, 1.46, 1.48, 1.75 and 1.79 are to be effective only with respect to applications filed on and after August 5, 1940.

(b) The changes in Sections 1.31, 1.77 and 1.171 are to be effective November 15, 1939.

(c) The change in Section 1.94 is to be effective only with respect to amendments filed on and after August 5, 1940.

(d) The changes in Sections 1.97, 1.98, 1.122, 1.124, 1.126, 1.130, 1.143, 1.144, 1.145, 1.146, 1.148, 1.149, 1.162 and 1.163 are to be effective only with respect to interferences declared on and after October 5, 1939.

(e) The changes in Sections 1.175, 1.176 and 1.191 are to be effective with respect to applications in which the notice of allowance was not sent before August 9, 1939.

(Section 483 R.S.: U.S.C. title 35, sec. 6)

[SEAL]

CONWAY P. COE,  
Commissioner.

Approved, September 28, 1939.

EDWARD J. NOBLE,

Acting Secretary of Commerce.

[F. R. Doc. 39-3589; Filed, September 28, 1939; 12:14 p. m.]

## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE EXTENSION OF THE MINIMUM WAGE DETERMINATION OF THE SECRETARY OF LABOR FOR THE LUGGAGE AND SADDLERY INDUSTRIES TO THE MANUFACTURE OF CARRIER'S TIE STRAPS AND LEATHER POUCHES

This matter is before me pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act). On July 24, 1939, the Administrator of Public Contracts issued a notice of opportunity to show cause (4 F. R. 3446, D. I.) why the decision of the Secretary of Labor dated July 12, 1938, in the Matter of the Determination of the Prevailing Minimum Wages in the Luggage and Saddlery Industries (3 F. R. 1733, D. I.) should not be amended to include the manufacture or supply of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife), and to show cause why in law and fact the minimum wages for em-

ployees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of these commodities should not be 40 cents an hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico; and 37.5 cents an hour or \$15.00 per week of forty hours, arrived at either upon a time or piece work basis, for the other 26 States and the District of Columbia.

This notice was based upon evidence before the Department showing that companies manufacturing carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife) follow similar manufacturing processes to those followed in the manufacture of luggage; that the majority of luggage manufacturers also manufacture such commodities; and that the same minimum wage prevails in the manufacture of such commodities as has been found by the Secretary of Labor to prevail in the manufacture of luggage.

Notice of opportunity to show cause was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Notice was given to all other interested parties by publication in the FEDERAL REGISTER (4 F.R. 3446, DI.).

Responses to the notice were received from seven companies. Four of these companies do not manufacture such commodities and are not affected by this action. Two of the other three companies advised the Administrator by letter that carrier's tie straps and leather pouches are regarded as products of the Luggage and Saddlery Industries, that the prevailing wage scale in the manufacture of these products is substantially the same as that in the manufacture of luggage and saddlery, and alleged that such commodities should be produced under the same labor standards. One company stated in its reply that it does not manufacture luggage and saddlery although it manufactures carrier's tie straps and leather pouches during two months of each year. The company also stated that its minimum wage scale is lower than that prevailing in the Luggage and Saddlery Industries.

On the basis of the evidence, the Public Contracts Board has submitted findings of fact and recommendations. The Board has found that carrier's tie straps and the leather pouches described above are manufactured in plants which are included within the

scope of the minimum wage determination for the Luggage and Saddlery Industries or in closely similar plants; and that in the manufacture of these products, the prevailing minimum wage corresponds with the minimum wage determination made by the Secretary of Labor for the Luggage and Saddlery Industries.

On the basis of these findings, the Board recommends that the decision of the Secretary of Labor, dated July 12, 1938, in the Matter of the Determination of the Prevailing Minimum Wages in the Luggage and Saddlery Industries, be extended to include the manufacture of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife).

I have examined these findings and recommendations of the Board and the evidence and other matters of record, together with the recommendations of the Administrator of Public Contracts, and I am of the opinion that such findings and recommendations are correct, and I adopt them as my own.

Therefore, I hereby proclaim,

That the minimum wage determination of July 12, 1938, for the Luggage and Saddlery Industries is extended to the manufacture of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife).

This determination shall be effective and the minimum wages hereby established shall apply to all contracts for these products with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids for which are received on or after October 11, 1939.

[SEAL]

FRANCES PERKINS,  
Secretary of Labor.

SEPTEMBER 26, 1939.

[F. R. Doc. 39-3577; Filed, September 28, 1939; 9:42 a. m.]

TITLE 42—PUBLIC HEALTH  
FEDERAL SECURITY AGENCY—PUBLIC HEALTH SERVICE

[No. 7]

AMENDMENT TO THE REGULATIONS FOR THE  
GOVERNMENT OF THE UNITED STATES  
PUBLIC HEALTH SERVICE, 1931

FURNISHING OF MEDICAL RELIEF TO PERSONNEL OF UNITED STATES COAST AND GEODETIC SURVEY AND THEIR DEPENDENTS

To Commissioned Officers and All Others Concerned:

Pursuant to the authority contained in section 2 of the Act of April 26, 1939 (Public, No. 48, 76th Cong.), the Regulations for the Government of the United States Public Health Service, approved

June 18, 1931, are hereby changed by amending paragraphs 603 (3) and 639 and by adding paragraphs 639a-639g, to read as follows:

§ 603. \* \* \*

§ 3. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, active and retired, including those on shore duty and those on detached duty, and dependent members of families of such personnel.

§ 639. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, shall receive hospital or out-patient relief at all relief stations of the Public Health Service without regard to length of service, on certificate of officers of the United States Coast and Geodetic Survey, identifying the applicant. Commissioned officers may sign their own certificates.

§ 639a. Retired commissioned officers, retired ships' officers and retired members of the crews of the vessels of the United States Coast and Geodetic Survey shall, upon presentation of evidence establishing their status, be furnished with hospital care at any United States marine hospital, and with out-patient relief at any first-, second-, or third-class station and dental relief at any station where there is a full-time dental officer on duty. When hospital care is required, the patient shall present himself at a marine hospital for admission; the expense of transfer from second- and third-class stations shall not be a charge against appropriations of the Public Health Service.

§ 639b. In emergency, at places where there is no Public Health Service relief station, officers of the United States Coast and Geodetic Survey may procure either hospital or out-patient relief for commissioned officers, ships' officers, and members of the crews of the vessels of the Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, requiring it, and shall immediately report to the Surgeon General of the Public Health Service, through Coast and Geodetic Survey headquarters, forwarding as a part of the report the certificate of the attending physician as to the necessity for immediate treatment and the probable duration of the treatment required. Vouchers on proper forms duly certified by the said officer and signed by the person rendering the bill shall be forwarded to the Surgeon General through Coast and Geodetic Survey headquarters.

§ 639c. At ports where there is a relief station of the Public Health Service, when commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, on account of in-

jury or illness, require the immediate attention of a physician, and on account of the exigency of the case it is impossible to convey the patient to the relief station, temporary provision for medical attendance or care may be made by an officer of the United States Coast and Geodetic Survey, who will immediately report his action to the Public Health Service relief station at the port, and the treatment thereafter will be conducted by the Public Health Service, if in the judgment of the proper officer of the Public Health Service it may be done without detriment to the patient. Vouchers for such emergency treatment will be forwarded to the Surgeon General through said officer for approval and payment. Unreasonable charges for emergency relief will not be allowed.

§ 639d. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, shall be admitted to hospital only in cases where the gravity of the disease or injury from which they suffer is such as to require hospital treatment, in the opinion of an officer of the Public Health Service, or of a reputable physician designated by the Administrator to act at a place where no regular relief station has been established, or of a physician temporarily employed as provided in paragraphs 639b and 639c.

§ 639e. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, while on authorized leave or sick leave may receive medical and surgical relief only at regular established relief stations of the Public Health Service.

§ 639f. Commissioned officers who receive subsistence allowance as part of their compensation shall while receiving hospital treatment, reimburse the Government in the amount of one subsistence allowance as fixed by law.

§ 639g. Upon written application, in approved form, by commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, active or retired, the dependent members of families of such personnel shall be furnished medical advice and out-patient treatment at first-, second-, and third-class relief stations of the Public Health Service, and hospitalization at marine hospitals, if suitable accommodations, as determined by the medical officers in charge, are available therein, at a per-diem cost to the commissioned officer, ship's officer, or member of the crew concerned equivalent to the uniform per-diem reimbursement rate for Government hospitals as approved by the President for each fiscal year.

The term "dependent members of families" shall include only those relatives

who are wholly dependent upon the commissioned officer, ship's officer, or member of the crew for support and shall not include persons employed by him.

The relationship of dependents, such as wife, son, daughter, etc., including full name, shall be stated in the application, and dependents shall be identified to the relief officer by certification of the applicant's commanding officer. Dependents of retired personnel will be identified by means of a certificate furnished by Coast and Geodetic Survey headquarters at time of retirement. Retired personnel will produce this certificate when seeking relief for dependents and execute necessary application for treatment at the station on blank forms provided for the purpose. At any second- or third-class relief station, except in cases of emergency, medical advice and out-patient treatment will be furnished dependent members of families only during the regular office hours of the relief station.\*

C. L. WILLIAMS,  
Acting Surgeon General.

Approved:

PAUL V. McNUTT,  
Administrator,  
Federal Security Agency.

Approved:

J. M. JOHNSON,  
Acting Secretary of Commerce.

Approved:

FRANKLIN D ROOSEVELT  
The White House.

[F. R. Doc. 39-3576; Filed, September 28, 1939; 9:33 a. m.]

#### TITLE 45—PUBLIC WELFARE CIVILIAN CONSERVATION CORPS

##### PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES<sup>1</sup>

§ 203.17 *Disposition of clothing and equipment.* Upon being discharged, enrollees will be permitted to retain in their possession such articles of serviceable clothing issued to them as company commanders may consider necessary to meet their immediate needs. All insignia (cap, field, shoulder sleeve, and rating) will be removed from such garments. The phrase "necessary to meet their immediate needs" will be strictly interpreted by all field agencies, for example, enrollees may be permitted to retain, upon discharge, during summer months when justified by climatic conditions, one pair of trousers, cotton, khaki, and one shirt, cotton, khaki (issued as articles of special clothing) instead of one pair of trousers, woolen, and one shirt, woolen, olive-drab. Under no circumstances will such articles as rubber boots or other spe-

cial footgear, expensive socks, extra gloves or mittens, or any similar articles be retained by the enrollee upon discharge. Mackinaws, lumber jackets, and jerkins will not be retained by discharged enrollees where it is possible to furnish them with other types of heavy outer garments. Toilet articles and one barrack bag will also be retained by the discharged enrollees. (50 Stat. 319) [C. C. C. Regs., W. D., December 1, 1937; C 36, September 15, 1939]

[SEAL]

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

[F. R. Doc. 39-3575; Filed, September 28, 1939; 9:32 a. m.]

#### Notices

##### DEPARTMENT OF AGRICULTURE.

###### Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Whereas the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order, both of which regulate the handling of milk in the New Orleans, Louisiana, marketing area, would tend to effectuate the declared policy of the act, gave, on the 16th day of June 1939, notice of a public hearing which was held at Amite, Louisiana, on July 5, 1939, and at New Orleans, Louisiana, on July 6, 1939, and at said times and places all interested parties were afforded an opportunity to be heard on said proposed marketing agreement and proposed order; and

Whereas after said hearing and after the tentative approval by the Secretary, on September 8, 1939, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by such proposed order, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 25th day of September 1939.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT  
The President of the United States.

Dated, September 26, 1939.

[F. R. Doc. 39-3586; Filed, September 28, 1939; 12:14 p. m.]

##### PROCLAMATION MADE BY THE SECRETARY OF AGRICULTURE CONCERNING THE BASE PERIOD TO BE USED IN CONNECTION WITH THE EXECUTION OF A MARKETING AGREEMENT AND THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the New Orleans, Louisiana, marketing area, the purchasing power of such milk during the base period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919–July 1929; and the period August 1919–July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the New Orleans, Louisiana, marketing area, for the purpose of the execution of a marketing agreement and the issu-

<sup>1</sup> These regulations supersede Section 203.17, Chapter II, Title 45, Code of Federal Regulations.

ance of an order regulating the handling of milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 28th day of September 1939.

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

[F. R. Doc. 39-3587; Filed, September 28, 1939; 12:14 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

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 at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms:

Name of firm	Number of learners	Industry	Occupation	Period	Beginning	Percent of minimum wage
Berry Dry Goods Co., Little Rock, Arkansas.	25	Apparel (work pants)	Stitching	8 weeks	Oct. 24, 1939	75
Continental Overall Co., Spring Valley, Illinois.	22	Apparel (work clothing)	Stitching	8 weeks	Oct. 24, 1939	75
Di-Anne Underwear Corp., Lebanon, Pa.	18	Apparel (ladies' underwear)	Stitching	8 weeks	Oct. 24, 1939	75
Duquesne Mfg. Company, New Kensington, Pennsylvania.	10	Apparel (smocks, aprons, and hooverettes)	Stitching	8 weeks	Oct. 24, 1939	75
Nona Lee Dress Co., Inc., Memphis, Tenn.	7	Apparel (dresses)	Stitching	8 weeks	Oct. 24, 1939	75
Ottenheimer Bros., Little Rock, Arkansas.	35	Apparel (dresses)	Stitching	8 weeks	Oct. 24, 1939	75
Rice-Stix Factory, Lebanon, Mo.	26	Apparel (overalls, pants, and playsuits)	Stitching	8 weeks	Oct. 24, 1939	75
Tuf-Nut Garment Mfg. Co., Little Rock, Arkansas.	150	Apparel (work clothing)	Stitching	8 weeks	Oct. 24, 1939	75

These Special Certificates are issued ex parte under Section 14 of the said Act and 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.

Signed at Washington, D. C., this 28 day of September 1939.

MERLE D. VINCENT,  
Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3592; Filed, September 28, 1939; 12:43 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 September 29, 1939, 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.

NAME AND ADDRESS OF FIRM

- Burdwyn Hosiery Mills, Inc., Pottstown, Pennsylvania (3 learners).
- Forest City Knitting Company, Rockford, Illinois.
- Granite Hosiery Mills, Granite Falls, North Carolina (5 learners).
- Hafer Hosiery Mill, Hickory, North Carolina.
- Hoover Hosiery Co., Concord, North Carolina.
- Hope Hosiery Mills, Adamstown, Pennsylvania (3 learners).
- Jeanette Hosiery Mills, Inc., Elkins Park, Pennsylvania (5 learners).
- Morristown Knitting Mills, Inc., Morristown, Tennessee.
- Mor-Val Hosiery Mills, Denton, North Carolina (5 learners).

Staton Bros., Inc., Providence, Rhode Island (5 learners).

Triple Wear Hosiery Dye and Finishing Co., Herbert & North Streets, Philadelphia, Pennsylvania.

Walls Hosiery Co., North Wales, Pennsylvania.

Washington Hosiery Mills, Nashville, Tennessee.

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.

Signed at Washington, D. C., this 28th day of September 1939.

MERLE D. VINCENT,  
Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3593; Filed, September 28, 1939; 12:43 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 September 29, 1939, to May 29, 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.]

NAME AND ADDRESS OF FIRM

NAME AND ADDRESS OF FIRM	No. of learners
Acme Hosiery Dye Workers, Inc., Pulaski, Virginia	54
Baker-Mebane Hosiery Mills, Inc., Highway 103, Mebane, North Carolina	19
Cheraw Full Fashioned Hosiery Mills, Cheraw, South Carolina	15
Dothan Silk Hosiery Company, Dothan, Alabama	86
Elkton Textile Mills, Elkton, Maryland	43

NAME AND ADDRESS OF FIRM—CON.

	No. of learners
Randleman Full Fashioned Hosiery Mills, Inc., Randleman, North Carolina	42
Wadesboro Full Fashioned Hosiery Mills, Inc., Wadesboro, North Carolina	67
Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia	20

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.

Signed at Washington, D. C., this 28th day of September 1939.

MERLE D. VINCENT,  
Chief, Hearings and  
Exemptions Section.

[F. R. Doc. 39-3594; Filed, September 28, 1939; 12:43 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 14-401 (E)-1, 27-401 (E)-1, 28-401 (E)-1]

IN THE MATTER OF THE APPLICATIONS OF PAN AMERICAN AIRWAYS, INC., PANAMA AIRWAYS, INC., AND URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Docket No. 14-401 (E)-1, Pan American Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between:

Miami, Florida, and Buenos Aires, Argentina, via Cuba, Haiti, Dominican Republic, San Juan, Puerto Rico, St. Thomas, Virgin Islands, British West Indies, Guadeloupe, Martinique, Trinidad, British Guiana, Netherlands Guiana, French Guiana, Brazil (including Rio de Janeiro), Paraguay, and Uruguay, or any combination of two or more of said countries or places;

Miami, Florida, and Cristobal, Canal Zone, via Cuba, Jamaica, and Colombia, or any one or more of said countries;

Miami, Florida, and Colombia, via Cuba and Jamaica, or any one or more of said countries;

Miami, Florida, and Havana, Cuba; Miami, Florida, and the Bahama Islands;

Miami, Florida, and Merida, Mexico, via Cuba; and between Merida, Mexico, and Belize, British Honduras;

Cristobal, Canal Zone, and Trinidad, via Colombia, and Venezuela, or any one or more of said countries;

Brownsville, Texas, and Cristobal, Canal Zone, via Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and Balboa, Canal Zone, or any combination of one or more of said countries or places;

Brownsville, Texas, and Mexico City, Mexico, with or without an intermediate stop or intermediate stops in Mexico;

Haiti, Florida, and Venezuela, via Cuba and Haiti, or any one or more of said countries.

Docket No. 27-401 (E)-1, Panama Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Balboa, Canal Zone.

Docket No. 28-401 (E)-1, Uraba, Medellin and Central Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia.

Public hearing in the above-entitled proceedings, now adjourned to an indefinite date, are assigned to resume on October 23, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Ave. and DeSales St., N. W., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., September 25, 1939.

[SEAL] F. A. LAW, JR.,  
Examiner.

[F. R. Doc. 39-3582; Filed, September 28, 1939; 12:03 p. m.]

[Docket No. 38-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN-GRACE AIRWAYS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Public hearing in the above-entitled proceeding, being the application of Pan American-Grace Airways, Inc., for a certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone and Buenos Aires, Argentina, with intermediate stops in Colombia, Ecuador and Peru, and thence (a) with intermediate stops in Chile and Argentina with connecting service between Chile and Bolivia, and (b) with intermediate stops in Bolivia (or in Chile and Bolivia) and Argentina, now postponed to a date to be set upon further notice, will be held on October

26, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Ave. and De Sales St., N. W., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., September 26, 1939.

[SEAL] F. A. LAW, JR.,  
Examiner.

[F. R. Doc. 39-3581; Filed, September 28, 1939; 12:03 p. m.]

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for October 2, 1939, is hereby postponed until October 30, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority, Washington, D. C.

Dated Washington, D. C., September 26, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-3583; Filed, September 28, 1939; 12:03 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-136]

IN THE MATTER OF RALPH R. WILLIS

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application filed on July 10, 1939, by Ralph R. Willis, of Lawrenceville, Illinois, pursuant to the provisions of Section 7 (c) of the Natural Gas Act, for a certificate of convenience and necessity to authorize the construction of a natural gas pipe line from a point in Lawrence County, Illinois, to the City of Vincennes, Indiana;

The Commission orders that:

(A) A public hearing on said application be held on October 12, 1939, at 10 o'clock a. m., in the Commission's Hearing Room, at 1757 K Street NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing as provided in Part 67 of the Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-3571; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 82]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that: The decision of the United States Court of Appeals for the District of Columbia in *Alabama Power Company, Appellant v. Frank R. McNinch, et al.*, (94 Fed. (2) 601, decided September 27, 1937) remanded to the Commission for further consideration the following items:

- (i) The cost of water right at Lock 15;
- (ii) The total cost of power used in construction exclusive of profit; and
- (iii) The cost of financing, engineering, and promotional services rendered prior to 1913 for which a claim of \$3,500,000 was disallowed by the Commission to the extent of \$3,423,864.91.

The Commission orders that:

A public hearing be held on November 6, 1939, at 10 o'clock a. m. in the Hearing Room of the Federal Power Commission, 1757 K Street NW., Washington, D. C., for the purpose of affording the licensee further opportunity to introduce evidence on those matters enumerated above which were remanded by the Court of Appeals of the District of Columbia to the Commission for further consideration.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 39-3572; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 349]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Martin Dam Project No. 349, Alabama Power Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on November 9, 1939, at 10 a. m. in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 39-3573; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 618]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Jordan Dam Project No. 618, Alabama Power Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on November 20, 1939, at 10 a. m. in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 39-3574; Filed, September 28, 1939; 9:32 a. m.]

FEDERAL WORKS AGENCY.

Public Works Administration.

[Administrative Order No. 297]

ESTABLISHMENT OF PWA REGIONS AND TERRITORIES, REORGANIZATION OF REGIONAL DIRECTOR'S OFFICES AND PWA REPRESENTATIVES' OFFICES

SEPTEMBER 23, 1939.

1. In order to insure proper economies in the expenditure of Federal funds available to administer the affairs of PWA and to provide, insofar as possible, for conducting the field operations of PWA substantially in accordance with the established policies, it is necessary that certain of the field offices of PWA shall be abolished, and that there shall be a consequent reallocation of powers, functions and duties of certain field offices and officials.

2. There are established six PWA regions and four PWA territories comprising States and Territories and with offices located as follows:

*Region No. 1.* States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. *Location of Office,* New York, New York.

*Region No. 2.* States of Illinois, Indiana, Michigan, Ohio, West Virginia, and Wisconsin. *Location of Office,* Chicago, Illinois.

*Region No. 3.* States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. *Location of Office,* Atlanta, Georgia.

*Region No. 4.* States of Iowa, Minnesota, Missouri, Montana, Nebraska,

North Dakota, South Dakota, and Wyoming. *Location of Office,* Omaha, Nebraska.

*Region No. 5.* States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. *Location of Office,* Fort Worth, Texas.

*Region No. 6.* States of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. *Location of Office,* San Francisco, California.

Territory	Area included	Location of office
Alaska.....	Alaska.....	Juneau, Alaska.
Hawaii.....	Hawaii.....	Honolulu, Territory of Hawaii.
Puerto Rico.....	Puerto Rico.....	San Juan, Puerto Rico.
Virgin Islands..	Virgin Islands..	Charlotte Amalie, St. Thomas, Virgin Islands.

3. There shall be a PWA field office in each PWA region, which office shall be known as "Regional Director's Office, Public Works Administration" (hereinafter referred to as "Regional Director's Office") and which shall be under the local control, management and supervision of a PWA field official whose title shall be "Regional Director, PWA" (hereinafter referred to as "Regional Director"). There shall be a PWA field office in each PWA territory, which office shall be known as "PWA Representative's Office" and which shall be under the local control, management and supervision of a PWA field official whose title shall be "PWA Representatives".

4. All of the powers, functions and duties (except such as shall have been withdrawn and except as otherwise specified) heretofore exercised or performed by State Directors, State Engineer Inspectors and Associate Regional Directors in any PWA region or part thereof shall be exercised or performed by the Regional Director of that region. Each PWA Representative shall exercise or perform, in his respective PWA territory, all the powers, functions and duties which a Regional Director is authorized to exercise or perform in a PWA region.

5. In each Regional Director's Office, there shall be four sections, namely:

- 1. Administrative Section,
- 2. Engineering Section,
- 3. Finance Section, and
- 4. Legal Section.

6. The Administrative Section shall consist of all nontechnical personnel assigned to the Regional Director's Office. It shall be the medium through which the Regional Director shall administer and control the organization. It shall be under the immediate supervision of an official who shall be known as "Regional Office Manager, PWA".

7. The Engineering Section shall consist of all engineer-examiners and engineer-inspectors assigned to the Regional Director's Office. It shall be under the

immediate supervision of an official who shall be known as "Regional Engineer, PWA".

8. The Finance Section shall consist of all finance examiners assigned to the Regional Director's Office. It shall be under the immediate supervision of an official who shall be known as "Regional Finance Examiner, PWA".

9. The Legal Section shall consist of all lawyers assigned to the Regional Director's Office. It shall be under the immediate supervision of an official who shall be known as "Regional Counsel, PWA".

10. The chief officials of the Administrative, Engineering, Finance and Legal Sections shall exercise or perform all of the powers, functions and duties (except such as shall have been withdrawn and except as otherwise specified) heretofore exercised or performed by the chief officials of the corresponding sections in the offices of State Directors and, in addition, the chief official of the Engineering Section, under the local direction and supervision of the Regional Director, shall exercise or perform all of the inspection powers, functions and duties (except as above stated) heretofore exercised or performed by the State Engineer Inspectors in the States and Territories comprising the region.

11. The Regional Director shall prepare and submit to the Commissioner of Public Works a list of three section chiefs arranged in his recommended numerical order of seniority for the purpose of assuming charge of the Regional Director's Office as hereinafter stated. Amendatory or supplementary lists shall be likewise prepared and submitted from time to time as conditions justify or as changes occur in the personnel of the Regional Director's Office. Each such list will be approved by the Commissioner of Public Works with or without revision and the Regional Director shall be notified accordingly. During the absence of the Regional Director, unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who, in numerical order, is senior, and whose name is on the list as approved, shall exercise or perform all the powers, functions and duties of the Regional Director and, when so acting, shall be styled "Acting Regional Director, PWA": *Provided*, That where there is an Assistant Regional Director for a Regional Director's Office, such Assistant Regional Director shall automatically exercise all the powers and perform all the functions and duties of the Regional Director in the absence of the latter and, when so acting, such Assistant Regional Director shall be styled "Acting Regional Director, PWA". The PWA Representative shall submit to the Commissioner of Public Works the names of two employees in the PWA Representative's Office similarly arranged for the purpose of assuming charge of the PWA Representative's Office as hereinafter stated, and shall amend or supplement the lists from time to time as con-

ditions justify or as changes occur in the personnel of such Office. The Commissioner of Public Works will dispose of such submittals substantially as indicated above. During the absence of the PWA Representative, unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who, in numerical order, is senior, and whose name is on the list as approved, shall exercise or perform all the powers, functions and duties of the PWA Representative and, when so acting, shall be styled "Acting PWA Representative".

12. The Executive Officer, Public Works Administration, shall give to affected personnel any instructions necessary with respect to records, property, etc., in accomplishing the reorganization herein provided for.

13. The term "Commissioner of Public Works" shall include "Acting Commissioner of Public Works".

14. Administrative Order No. 224, dated October 21, 1937, and all other orders and instructions in conflict herewith are hereby rescinded.

15. This Order is issued under the authority of Section 305 of Reorganization Plan No. 1 of the President.

16. This Order shall become effective October 1, 1939.

E. W. CLARK,  
Acting Commissioner  
of Public Works.

[F. R. Doc. 39-3590; Filed, September 28, 1939; 12:28 p. m.]

[Administrative Order No. 298]

REORGANIZATION OF REGIONAL PROJECT  
AUDIT OFFICES

SEPTEMBER 23, 1939.

1. In order to conform, as nearly as practicable, with the revised plan for regionalization of Regional Directors' Offices, as set forth in Administrative Order No. 297, and for the purposes expressed in Section 1 thereof, there are hereby established six Regional Audit Offices.

2. Each "Regional Audit Office" shall be under the direction and supervision of a "Regional Project Auditor, PWA", whose jurisdiction for audit purposes shall extend over the states and territories comprising the regions established by Administrative Order No. 297: *Provided*, That for audit purposes, the Territories of Puerto Rico and the Virgin Islands are assigned under the supervision of the Regional Project Auditor, Region No. 1, and the Territories of Alaska and Hawaii are assigned under the supervision of the Regional Project Auditor, Region No. 6, the complete jurisdiction of each Regional Audit Office being as follows:

*Region No. 1.* States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Puerto Rico (Territory), and Virgin Islands (Territory). *Headquarters Office*, New York, New York.

*Region No. 2.* States of Illinois, Indiana, Michigan, Ohio, West Virginia, and Wisconsin. *Headquarters Office*, Chicago, Illinois.

*Region No. 3.* States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. *Headquarters Office*, Atlanta, Georgia.

*Region No. 4.* States of Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. *Headquarters Office*, Omaha, Nebraska.

*Region No. 5.* States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. *Headquarters Office*, Fort Worth, Texas.

*Region No. 6.* States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Alaska (Territory), and Hawaii (Territory). *Headquarters Office*, San Francisco, California.

3. Each Regional Project Auditor shall exercise or perform all of the powers, functions and duties as set forth and prescribed in Chapter 11 of the PWA Manual and such amendments thereto as may be issued from time to time.

4. The Regional Project Auditor shall submit to the Commissioner of Public Works, through the Chief Project Accountant and the Executive Officer, the names of two employees in the Regional Audit Office, arranged in his recommended numerical order of seniority, for the purpose of assuming charge of the Regional Audit Office as hereinafter stated, and shall amend or supplement the list from time to time as conditions justify or changes occur in the personnel of such office. The Commissioner of Public Works will approve or revise such lists and the Regional Project Auditor notified accordingly. During the absence of the Regional Project Auditor unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who is senior in numerical order on the approved list, shall exercise or perform all of the powers, functions and duties of the Regional Project Auditor and, when so acting, shall sign and be styled "Acting Regional Project Auditor".

5. The Executive Officer, Public Works Administration, shall give to affected personnel instructions respecting records, property, travel, etc., in accomplishing the reorganization herein provided for.

6. The term "Commissioner of Public Works" shall include "Acting Commissioner of Public Works".

7. Order No. 311, dated November 2, 1937, and all other orders and instructions in conflict herewith are hereby rescinded.

8. This Order is issued under the authority of Section 305 of Reorganization Plan No. 1 of the President.

9. This Order shall become effective October 1, 1939.

E. W. CLARK,  
Acting Commissioner  
of Public Works.

[F. R. Doc. 39-3591; Filed, September 28, 1939; 12:28 p. m.]

SECURITIES AND EXCHANGE COM-  
MISSION.*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 27th day of September, A. D. 1939.

[File No. 43-252]

IN THE MATTER OF SOUTHERN NATURAL  
GAS COMPANY

## NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of 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 be held on October 13, 1939, at 10:00 o'clock in the forenoon of that day,

at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., 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 Willis E. Monty 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 to continue or postpone said hearing from time to time.

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 October 8, 1939.

The matter concerned herewith is in regard to the proposed reduction in interest rate of Declarant's 4½% collateral note maturing serially December 31, 1939 to December 31, 1942. Declarant states that the holder of said 4½% note has agreed to reduce the interest rate thereon to 4%.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.[F. R. Doc. 39-3580; Filed, September 28,  
1939; 11:58 a. m.]