



FEDERAL REGISTER

VOLUME 4

NUMBER 183

Washington, Friday, September 22, 1939

Rules, Regulations, Orders

TITLE 29—LABOR

CHILDREN'S BUREAU WAGE AND HOUR DIVISION

JOINT REGULATION FOR UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

SEC. 1. *Definitions.* As used in this Regulation—

a. *Act.* The term "Act" means the Fair Labor Standards Act of 1938 (Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201).

b. *Administrator.* The term "Administrator" means the Administrator of the Wage and Hour Division in the United States Department of Labor.

c. *Division.* The term "Division" means the Wage and Hour Division in the United States Department of Labor.

d. *Bureau.* The term "Bureau" means the Children's Bureau of the United States Department of Labor.

e. *State.* The term "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

f. *State agency.* The term "State agency" means the agency in the State charged with the administration of labor laws which necessitate inspection of places of employment for (1) enforcement of State child-labor regulations and (2) enforcement of State maximum-hour or State minimum-wage regulations.

g. *Official forms.* The term "official forms" means forms prescribed by the Administrator or the Chief of the Bureau.*

SEC. 2. *Agreements with State agencies—*a. *Purpose.* The Administrator and the Chief of the Bureau may enter into Agreements with State agencies, for the utilization of services of State and local agencies and their employees in making investigations and inspections

*Sections 1 through 10 are issued under the authority contained in R.S., Sec. 161, 5 U.S.C. 22, and apply Sec. 11 (b), 52 Stat. 1060, 29 U.S.C. 201.

under the Act and for reimbursement therefor, when such State agencies have submitted plans of cooperation for such purposes and such plans have been found to be reasonably appropriate and adequate to carry out the respective functions of the Administrator and the Chief of the Bureau under the Act.

b. *Certificates of attorneys general.* No such agreement shall become effective and operative until a statement of the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, has been received by the Division and the Bureau, certifying that the Agreement is valid in the form as executed under the laws of the State.*

SEC. 3. *Qualifications of the State agency.* The State agency shall have as its primary function the administration of State labor laws and shall be under the direction of an executive who gives full time to the work of the agency. The agency shall be engaged in inspecting places of employment for (1) enforcement of State child-labor laws and regulations, and (2) enforcement of State maximum-hour or minimum-wage laws and regulations. An administrative division of the State agency shall be designated to make investigations and inspections under the Act; qualified staff, under adequate supervision, shall be specifically assigned for work connected with State and Federal child-labor, maximum-hour and minimum-wage laws and regulations; and provision shall be made to inspect any establishment subject to the Act.*

SEC. 4. *Submission of plan.* The State agency shall submit a plan, in quadruplicate, which shall include the following:

a. A copy of the act establishing the State agency, copies of the laws administered by the State agency, and if there is an act specifically authorizing the State to cooperate with the Division or the Bureau, or both, a copy of such act.

b. A description of the organization of the State agency, illustrated by organization charts, showing the delegation of responsibility and lines of authority to

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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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be followed within the agency in the enforcement of the Act and State labor laws.

c. A description (1) of the manner in which investigations and inspections under the Act will be coordinated with the investigations and inspections for enforcement of State child-labor, maximum-hour and minimum-wage laws and regulations; (2) of the location of offices of the administrative division designated to make inspections under the Act, with the job titles of employees located in each such office and employees assigned to work in connection with the Act so designated; and (3) of the manner in which the work of inspectors will be supervised.

d. Provisions for the establishment and maintenance of personnel administration, with respect to personnel engaged in work under the Act for the Division and the Bureau in accordance with the following standards:

(1) Job classifications based upon an analysis of the duties and responsibilities of positions;

(2) A compensation schedule adjusted to State salary schedules for similar positions; provided, however, that all salaries paid by the State for services rendered in accordance with an Agreement entered into pursuant to Section 2 shall be on the basis of applicable State laws or regulations, or in the absence of such applicable laws or regulations, on the

approved and usual scale paid by the State for similar services and shall in no case exceed salaries paid for comparable Federal positions in the competitive classified service. Allowances for necessary traveling expenses shall be on the basis of State laws and regulations governing travel allowances;

(3) Assignment of personnel to Federal work only when their qualifications conform substantially with qualifications of Federal employees engaged in similar work, such assignment to be made only after submission to and approval by the Division and the Bureau of a statement of the training and experience of each person who will engage in Federal work;

(4) Appointment of new personnel on the basis of merit, either (a) from lists of eligible persons certified in the order of merit, secured under a merit system through State-wide competitive examinations which prescribe requirements of training and experience in substantial conformity with Federal civil service requirements for similar positions or (b) from lists taken from Federal registers established through competitive examinations for similar positions, it being understood that such registers may be broken down by States;

(5) Adequate training of staff;

(6) Promotion on the basis of qualifications and performance;

(7) Security of tenure assured satisfactory employees, including right of notice and hearing prior to demotion or dismissal;

(8) Prohibition against employees engaging in political activities other than the exercise of their right to vote and to express privately their opinions on political questions.

e. A budget which shall show, in detail, estimated expenditures by the State agency on behalf of the Division and the Bureau for services to be rendered in connection with the administration of the Act and a budget which shall show estimated expenditure for the enforcement of comparable State laws and regulations during the period covered by the Agreement; a statement showing funds appropriated to or allocated for meeting the budget for estimated State expenditures; and a statement showing expenditures by the State agency for the enforcement of comparable State laws and regulations during the last fiscal year.

f. A statement of State requirements in regard to fiscal practices and to appointment of personnel, together with copies of the laws and regulations setting forth such requirements.

g. A statement from the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, from the State official who is so authorized, certifying that the State agency has authority to enter into an Agreement with the Division and the Bureau, in accordance with this Regulation.*

SEC. 5. *Additional requirements.* a. The State agency shall follow the procedure set forth in the Inspection Manual for the enforcement of the Act and such supplements to or provisions thereof as may be issued from time to time by the Division or the Bureau; use official forms for recording findings; make reports as required; and carry on the work connected with the administration of the Act in conformity with the plans and budget agreed upon and with the instructions and policies of the Division and the Bureau.

b. Representatives of the Division and the Bureau may at any time, upon notifying the State agency, make such inspections and investigations and secure such information as may be necessary for the administration of the Act.*

SEC. 6. *Audits.* The accounting records and the supporting data pertaining to expenditures for investigations and inspections under the Act shall be subject to audit by the Division and the Bureau annually, or so often as the Administrator and the Chief of the Bureau may require.*

SEC. 7. *Transmission of official mail.* Subject to the requirements of law and of the regulations of the Post Office Department, franked self-addressed envelopes may be used for communications from the field staff to a State official designated by the Division and the Bureau, and for communication from the State agency to the Division or the Bureau.*

SEC. 8. *Litigation.* All litigation relating to the enforcement of the Act, other than civil actions for the recovery of wages due instituted pursuant to section 16 (b) of the Act, shall be undertaken by and be under the direction and control of the Federal Government. Any State agency intending to institute a civil action in behalf of an employee or employees for the recovery of wages due, pursuant to section 16 (b) of the Act, shall notify the Division prior to the institution of such action.*

SEC. 9. *Agreements and approved plans* incorporated therein may be amended upon the consent of the parties thereto.*

SEC. 10. *Amendments and repeal.* This Regulation may be amended or repealed by appropriate regulations issued by the Administrator and the Chief of the Bureau: *Provided, however,* That no such amendment or repeal shall be effective as to any Agreement previously entered into by a State agency without its consent thereto.*

[SEAL] ELMER F. ANDREWS,
Administrator, Wage and
Hour Division

KATHARINE F. LENROOT,
Chief of the Children's Bureau.

Date, September 21, 1939.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 39-3484; Filed, September 21, 1939; 12:40 p. m.]

TITLE 43—PUBLIC LANDS

DIVISION OF GRAZING

AMENDMENT OF THE FEDERAL RANGE CODE CONTAINING THE RULES FOR THE ADMINISTRATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT, AS AMENDED

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act of July 14, 1939, (Pub. No. 173, 76th Cong.), paragraphs *a*, *c*, *d*, and *g* of section 12¹ of the Federal Range Code, revised to August 31, 1938, (43 CFR, Sec. 501.12, *a*, *c*, *d*, and *g*) are amended to read as follows:

Section 12, Paragraph *a*. *Authorization for Establishment; Number of Members; Qualifications*. The Taylor Grazing Act provides that there shall be an advisory board of local stockmen in each grazing district. The regional grazer shall fix the number of members to be elected to such board in each district, such number to be not less than five and not more than twelve, exclusive of a wildlife representative who will not be elective but will be appointed by the Secretary of the Interior. The regional grazer may fix the number of district advisors to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct established by him, or both, provided that the free-use licensees or permittees in each district will be entitled to one representative, who shall be a free-use licensee or permittee. All district advisors shall be elected in the manner herein provided and, excepting the wildlife representatives, shall be electors qualified to vote in the particular district is divided into precincts, an advisor representing a precinct shall qualify in the precinct in the same manner as in the district.

Section 12, Paragraph *c*. *Elections; Qualifications of Electors*. Only those persons who are qualified to receive regular, free-use, or nonuse licenses or permits will be allowed to vote in any election held pursuant to the act of July 14, 1939; provided, that in any new grazing district hereinafter established and embracing areas not theretofore within any district, the electors will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified, provided that upon request by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Division of Grazing in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote, provided that anyone claiming that his name has been erroneously

omitted from the list may obtain and mark a ballot which will be held uncounted until the regional grazer shall have had a further opportunity to determine whether or not the party was entitled to vote. If it is found that the party was entitled to vote, his ballot shall be counted, otherwise it shall be disregarded.

Section 12, Paragraph *d*. *Elections—Judges; Nominations; Ballots; Registration; Challenges*. The representative of the Division of Grazing in charge of an election will choose three qualified electors to act as election judges. The electors present may then place in nomination the names of candidates, but ballots may be cast for any other person qualified to represent a particular class or precinct. Voting shall be only by ballots cast personally by qualified electors and proxies will not be recognized. Except as provided in paragraph *c* of this section, no elector shall receive a ballot until he has registered by signing opposite his name on the list of persons entitled to vote. Before receiving a ballot any elector may be challenged by any other elector qualified to vote in the district and thereupon the judges, or any of them, may require the elector challenged to answer such questions concerning his qualifications as a voter as may be deemed necessary. Upon his failure or refusal to answer such questions satisfactorily, he shall not be permitted to register or to receive a ballot. Each candidate may designate any qualified elector to remain within the polling places during the casting and counting of votes and the declaration of the results thereof, and such person may act as a challenger. Before any elector shall be permitted to deposit his completed ballot in the ballot box, the judges shall write "Voted" opposite his signature on the registration list.

Section 12, Paragraph *g*. *Appointment by Secretary of the Interior; Oath and Term of Office; Removal; Vacancies*. No person elected as a district advisor may assume office until he has been appointed by the Secretary of the Interior and has taken an oath of office. Persons elected as district advisors at the first election after the establishment of a grazing district or after July 14, 1939, shall be divided as evenly as may be into three classes by lot by the regional grazer. Those in class 1 shall hold office for one year, those in class 2 for two years and those in class 3 for three years, and until their successors are elected and have qualified. Thereafter at each election the class whose term has expired shall be elected for a term of three years. The Secretary of the Interior may remove any district advisor from office for failure to discharge his duties or for the good of the service. Upon a vacancy occurring in the office of a district advisor other than a wildlife representative by reason of resignation, removal or otherwise, the board shall recommend the name of a person to fill the vacancy and

such recommendation, together with that of the regional grazer, shall be transmitted to the Director, who shall consider the recommendation and, if he concurs, transmit it to the Secretary for his consideration. A person appointed by the Secretary to fill a vacancy shall hold office until the next regular election, when a successor shall be elected to serve for the remainder of the unexpired term, if any, of the member causing the vacancy. Wildlife representatives shall hold office without term and until a successor may be appointed by the Secretary.

E. V. KAVANAGH,
Acting Director of Grazing.

Approved, September 18, 1939.

H. L. I.

Secretary of the Interior.

[F. R. Doc. 39-3476; Filed, September 21, 1939; 9:30 a. m.]

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

PART 43—RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.

The Commission on September 19, 1939, amended Section 43.31 (a), effective immediately, to read as follows:

Each telegraph, cable, and radiotelegraph carrier having annual operating revenues in excess of \$50,000 shall make and file with the Commission monthly reports of its revenues and expenses.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))—(Sec. 20, 24 Stat. 386; 47 U.S.C. 20. Rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604)—(Sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3473; Filed, September 20, 1939; 1:28 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 29]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 7 FOR THE KNITTED OUTERWEAR INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the knitted outerwear industry (as such industry is defined in paragraph 2) an

industry committee composed of the following representatives:

For the Public:

Charles Ray, Chairman, Holyoke, Mass.

Paul F. Brissenden, New York, N. Y.
Fred Lazarus, Jr., Columbus, Ohio.
John C. Evans, Reading, Pa.
Jonathan Daniels, Raleigh, N. C.
Harrold English, Los Angeles, Calif.

For the Employees:

David Dubinsky, New York, N. Y.
Louis Nelson, Brooklyn, N. Y.
Samuel Otto, Philadelphia, Pa.
Jacob Halpern, Boston, Mass.
Abraham W. Katovsky, Cleveland, Ohio.

Jennie Matyas, San Francisco, Calif.

For the Employers:

Ingram Bergman, Philadelphia, Pa.
I. B. Davies, Delavan, Wis.
John Springthorpe, Mount Airy, N. C.
Louis Sternberg, New York, N. Y.
E. W. Stewart, Los Angeles, Calif.
Roger W. Whitman, New Britain, Conn.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. The term "knitted outerwear" as used in Section 2 of Administrative Order No. 7¹ appointing Industry Committee No. 2 for the Apparel Industry, refers to the manufacture of all knitted garments, garment sections and accessories included in the following definition.

For the purpose of this order, the term "knitted outerwear industry" means:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

- (a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.
- (b) Fulled suitings, coatings, topcoatings, and overcoatings.
- (c) Garments or garment accessories made from purchased fabric.
- (d) Gloves or mittens.
- (e) Hosiery.
- (f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.
- (g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.
- (h) Knitted shirts of cotton or any synthetic fiber or any mixture of such

¹ 3 F.R. 3066 DI.

fibers which have been knit on machinery of 10-cut or finer; provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 18th day of September, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3481; Filed, September 21, 1939; 11:22 a. m.]

[Administrative Order No. 30]

APPOINTMENT OF INDUSTRY COMMITTEE
NO. 8 FOR THE KNITTED UNDERWEAR AND
COMMERCIAL KNITTING INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the knitted underwear and commercial knitting industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

John P. Devaney, Chairman, Minneapolis, Minn.
George Fort Milton, Chattanooga, Tenn.
Fred Lazarus, Jr., Columbus, Ohio
Jonathan Daniels, Raleigh, N. C.
Philip Taft, Providence, R. I.
John C. Evans, Reading, Pa.
Miss Marion Dickerman, New York, N. Y.

Arthur J. Patton, New York, N. Y.

For the Employees:

David Dubinsky, New York, N. Y.
Samuel Shore, New York, N. Y.
Harry Wander, Newark, N. J.
John S. Martin, Atlanta, Ga.
C. M. Fox, Savannah, Ga.
Emil Rieve, New York, N. Y.
Ray Reidenbach, Kenosha, Wis.
Joseph P. White, Cohoes, N. Y.

For the Employers:

L. B. Boynton, Newton, Mass.
Ralph M. Jones, Utica, N. Y.
E. J. McMillan, Knoxville, Tenn.
T. O. Moore, Winston-Salem, N. C.
T. H. Mueller, New York, N. Y.
William Ravner, New York, N. Y.
H. E. Sims, Piqua, Ohio
Mitchel Schneider, New York, N. Y.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. The term "knitted underwear" as used in Section 2 of Administrative Order No. 7,¹ appointing Industry Committee No. 2 for the Apparel Industry, refers to the manufacture of all garments and garment accessories included in the following definition.

For the purposes of this order, the term "knitted underwear and commercial knitting industry" means:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.
2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 per cent, by weight, of wool or animal fiber other than silk.
3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.
2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.
3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.
4. Knitted towels or cloths.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and

¹ 3 F.R. 3066 DI.

recommend, to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 18th day of September, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3482; Filed, September 21, 1939; 11:22 a. 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 18, 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

- Acme Hosiery Mills, North Street, Asheboro, North Carolina.
- Apex Hosiery Company, Philadelphia, Pennsylvania.
- Bacon Company, Charles H., Lenoir City, Tennessee.
- Bacon Company, Charles H., Loudon, Tennessee.
- Baker Cammach Hosiery Company, Burlington, North Carolina.
- Berkshire Knitting Mills, Wyomissing, Pennsylvania.
- Blenheim Silk Hosiery Co., Blackwood, New Jersey (5 learners).
- Chapman Guild, Inc., The Oneida, New York (5 learners).
- Dallas Hosiery Mills, Inc., Dallas, Georgia.
- Dixie Hosiery Mills, Inc., Newport, Tennessee.
- East Shore Hosiery Mills, Berlin, Maryland (5 learners).
- Gold Seal Hosiery Co., New Orleans, Louisiana (5 learners).

Jessup, C. D. & Company, Claremont, North Carolina (5 learners).

Knox Hosiery Mills, Cleveland, Tennessee (5 learners).

Magnet Mills, Inc., Clinton, Tennessee. Magnet Mills, Inc., Lake City, Tennessee (5 learners).

Millville Hosiery Company, Millville, New Jersey (5 learners).

Rollins Hosiery Mills, Inc., Des Moines, Iowa.

Scotch-Knit Hosiery Mills, New York, New York (5 learners).

Selinsgrove Knitting Mill, Inc., Selinsgrove, Pennsylvania.

Seneca Knitting Mills, Inc., Seneca Falls, New York.

Spotlight Hosiery Mills, Inc., Rome, Georgia (5 learners).

Sterling Hosiery Mills, Inc., Spindale, North Carolina (5 learners).

Wilknit Hosiery Company, Greenfield, Ohio (5 learners).

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 21st day of September 1939.

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

[F. R. Doc. 39-3483; Filed, September 21, 1939; 11:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5771]

IN RE KNICKERBOCKER BROADCASTING COMPANY, INC. (WMCA)

ORDER TO SHOW CAUSE

At a special meeting of the Commission, held at its offices in Washington, D. C., on Tuesday, September 19, 1939, the Commission having under consideration its Order to Show Cause entered September 12, 1939, in the above-entitled matter and the affidavit of William Weisman dated September 13, 1939, filed on behalf of Broadcast Station WMCA purporting to be in compliance with the requirements of said Order to Show Cause; and

Whereas the Commission, by its Order to Show Cause in this proceeding required

the Knickerbocker Broadcasting Company, Inc., at or before 11 a. m. September 15, 1939, to file a written statement under oath setting forth all facts and circumstances pertaining to the alleged interception and broadcasting of certain secret radio communications and to show cause why the Commission should not revoke the license of said Station WMCA for violation of and failure to observe the provisions of the Communications Act of 1934, as amended, constituting conduct by said licensee contrary to public interest; and

Whereas the said affidavit of William Weisman is not in forthright compliance with the Commission's Order to Show Cause in that, while apparently intended to categorically deny that the licensee of Station WMCA itself intercepted messages in violation of the Communications Act, the said affidavit does not disclose whether the station broadcast any such messages knowing the same to be so intercepted; and further, in that the said affidavit, in lieu of disclosing all facts and circumstances as required by the Commission's Order, contains in large part general averments amounting to merely conclusions of law; and further, in that there are attached to said affidavit photostatic copies of documents alleged to constitute an agreement between Knickerbocker Broadcasting Company, Inc. and the New York Herald Tribune, by which the newspaper agreed to furnish the station material for broadcast purposes, the terms of said agreement, upon the face of these documents being ambiguous and indefinite in character, and that said written documents were supplemented by oral understandings constituting the full arrangement between the parties, the nature of such oral understandings not having been disclosed in said affidavit; and the particulars with respect to performance of said contract not being disclosed by said affidavit; that said affidavit is in other respects incomplete, evasive, and not in compliance with the Commission's Order; and

Whereas the Commission has information in its possession and knowledge of facts not set out in said affidavit tending to establish that Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York, N. Y., caused the interception of secret radio communications sent by the Governments of Germany and Great Britain, respectively, and thereafter caused the existence, contents, substance, purport, effect, or meaning of the same, knowing that such interception was in violation of the Communications Act, to be broadcast over the facilities of Station WMCA, and used the same or information contained therein for its own benefit all without authority of the respective senders of said communications; and

Whereas the Commission, considering that said affidavit is not in compliance with the terms of its order, desires to accord an opportunity for public hear-

ing for the purpose of ascertaining all facts and circumstances pertaining to said alleged interception and broadcasting and for the purpose of permitting said Station WMCA to show cause why the Commission should not, pursuant to Section 312 (a) of the Communications Act of 1934, as amended, revoke the license of said station in accordance with the terms of the Commission's Order to Show Cause of September 13, 1939;

It is by the Commission this 20th day of September, 1939, ordered that a public hearing be held at the offices of the Commission in Washington, D. C. at 10 a. m. on Wednesday, September 27, 1939, upon the issues set forth in the Commission's Order to Show Cause of September 12, 1939, and that notice of said hearing be given to the licensee of Station WMCA by registered mail and that public notice of said hearing be given by publishing in the office of the Secretary of the Commission and in the FEDERAL REGISTER.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3474; Filed, September 20, 1939; 1:28 p. m.]

[Docket Nos. 5773, 5774]

IN RE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY (NEW)

Dated, July 20, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, near Fort Stevens, Oreg.; operating assignment specified: Frequency, 2598 kc; power, 400 watts; emission A2, A3; hours of operation, unlimited; points of communication, "with ship stations"

IN RE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY (NEW)

Dated, July 20, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, Portland, Oreg.; operating assignment specified: Frequency, 2598 kc; power, 50 watts; emission A2, A3; hours of operation, unlimited; points of communication, "with ship stations"

[File Nos. P5-PC-61, P5-PC-62]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described applications and has designated the matter for hearing for the following reasons:

1. To determine the nature and extent of the service proposed.
2. To determine the need for the proposed service in the area proposed to be served.

a. To determine the manner in which service is now being rendered in this area and the adequacy thereof.

3. To determine whether or not the frequency 2598 kilocycles is available under the Communications Act of 1934, as amended, treaty agreements of the United States, and the rules and regulations of the Commission for assignment as requested.

4. To determine whether or not interference would result to the service of any existing station or stations as a result of the use of this frequency as contemplated.

5. To determine what arrangements are to be made for coordination of the service of the two stations and the result thereof to subscribers.

6. To determine whether or not the frequency 2598 kilocycles may be used for both stations upon a shared basis as proposed or whether use of additional frequencies will be required.

7. To determine the classes of service to be rendered and the charge to be made for each.

8. To determine whether or not the granting of the applications would adversely affect the interests of any carrier or carriers subject to the Communications Act of 1934.

9. To determine whether or not the granting of the applications would serve public interest, convenience and necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Pacific Telephone and Telegraph Company, 140 New Montgomery Street, San Francisco, California.

Dated at Washington, D. C., September 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3475; Filed, September 20, 1939; 1:29 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

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

office in the City of Washington, D. C., on the 12th day of September, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER MODIFYING ORDER

Central States Power & Light Corporation having entered into an agreement with one F. B. McCurdy of Halifax, Nova Scotia for the sale to the said McCurdy of certain securities for a consideration consisting of cash and \$1,264,000 principal amount of the now outstanding First Mortgage and First Lien Gold Bonds of the said Central States Power & Light Corporation; and

An application having been filed with this Commission pursuant to Rule U-12C-1 for approval of the acquisition by said Central States Power & Light Corporation of said bonds; and

The Commission having on August 29, 1939 entered an order approving said acquisition on condition that the proposed transaction be executed for the purposes and in the manner represented by the application and amendments thereto; and

The applicants having thereafter represented to the Commission that at the closing of said sale said McCurdy made a claim for an allowance in the amount of approximately \$41,000 for alleged increased cost, in terms of Canadian currency, of United States currency on September 12, 1939 over and above the cost thereof on September 11, 1939 due to an alleged delay on the part of Central States Power & Light Corporation in completing the closing on September 11; that applicants' representatives attending the closing denied McCurdy's right to such allowance but advised applicants that in view of the existing war it would be to the best interest of said Central States Power & Light Corporation to perform its part of said agreement and accept said bonds and the cash called for by the contract minus approximately \$41,000 and seek later to recover such difference rather than risk complete nonperformance by McCurdy; and

The applicants having requested that the order of August 29, 1939 be modified so as to permit of the acquisition of such bonds by proceeding with the transaction in accordance with said advice of said representatives, such request, and, such modification if made, to be without prejudice to any right of Central States Power & Light Corporation to later recover all or any part of the amount of such claimed allowance from McCurdy or any other person, firm or corporation liable in respect thereof; and

It appearing to the Commission that such request should be granted;

It is ordered, That said order entered on August 29, 1939 be, and it hereby is, modified accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3477; Filed, September 21, 1939; 11:13 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 1-571]

IN THE MATTER OF THE LUCKY TIGER-COMBINATION GOLD MINING COMPANY COMMON STOCK, \$10 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Lucky Tiger-Combination Gold Mining Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$10 Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, October 16, 1939, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Pitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take

evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3479; Filed, September 21, 1939; 11:13 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 1-1533]

IN THE MATTER OF POSTAL TELEGRAPH & CABLE CORPORATION—7% NON-CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Non-Cumulative Preferred Stock, \$100 Par Value, of Postal Telegraph & Cable Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, October 17, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take

evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3478; Filed, September 21, 1939; 11:13 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 7-427]

IN THE MATTER OF THE SAFETY CAR HEATING AND LIGHTING COMPANY, INC. (DELAWARE) COMMON CAPITAL STOCK, PAR VALUE \$50

ORDER DENYING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Capital Stock, No Par Value, of The Safety Car Heating and Lighting Company (New Jersey Corporation), having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, That the determination sought by said application is not made and the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3480; Filed, September 21, 1939; 11:13 a. m.]