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Washington, Friday, April 26, 1940

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS IN AID OF LEGISLATION

IDAHO

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SEC. 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked so far as it affects the public lands within the following-described area:

Boise Meridian

- T. 46 N., R. 1 E.,
secs. 1 to 18, inclusive;
- sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1, 2, 3, and 4;
- sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$, lots 1, 2, 3, 4, 7, and 10;
- sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1, 2, 3, 4, and 5;
- sec. 22, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1, 2, 6, and 7;
- sec. 23, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, lots 1, 2, 3, 6, 8, and 9;
- sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$, lots 1, 2, 3, 7, and 8;
- sec. 25, NE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 4, 5, and 8.
- T. 47 N., R. 1 E.,
secs. 19 to 36, inclusive.
- T. 46 N., R. 2 E.,
secs. 1 to 30, inclusive;
- sec. 31, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, lots 1, 4, 5, and 9;
- secs. 32 to 36, inclusive.
- T. 47 N., R. 2 E.,
secs. 19 to 36, inclusive.
- T. 46 N., R. 1 W.,
secs. 1 to 6, inclusive;
- sec. 7, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 2, 3, 4, and 6;
- sec. 8, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 2, and 3;
- sec. 9, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1 and 2;
- secs. 10, 11, and 12;
- sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 2, and 3;
- sec. 14, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 2, 3, and 7;
- sec. 15, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, lots 1, 2, 5, and 6;
- sec. 16, lots 1, 5, 6, 7, 11, and 12;
- sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, lots 1, 2, 5, 6, 7, and 8;
- sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, lots 1, 2, and 7;
- sec. 22, lot 2;
- sec. 24, lot 1.

- T. 47 N., R. 1 W.,
sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, lots 5, 6, 7 and 8;
secs. 21 to 28, inclusive;
- sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, lot 2;
- sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$, lots 9, 10, and 11;
- sec. 31, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 5, 6, 7, 8, 9, 10, and 11;
- secs. 32 to 36, inclusive.
- T. 46 N., R. 2 W.,
sec. 1, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1, 2, 3, and 4;
- sec. 12, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, lots 1, 2, and 3;
- sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$, lots 2, 3, 4, 5, and 6.
- T. 47 N., R. 2 W.,
sec. 36, lot 2.

AGGREGATING 80,274.76 acres.

SEC. 2. Subject to valid existing rights, the public lands within the area described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, for classification and in aid of pending legislation to authorize the Secretary of the Interior to protect fully the watersheds or sources of water supply of cities or towns.

SEC. 3. The withdrawal made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 23, 1940.

[No. 8397]

[F. R. Doc. 40-1644; Filed, April 25, 1940; 10:11 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2445]

IN THE MATTER OF GENERAL DISTILLERIES CORPORATION

- § 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Distiller:*
- § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* § 3.96
- (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer*

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or seller. Representing, in connection with offer, etc., in commerce, of whiskies, gins, or other spirituous beverages (except brandies actually distilled by it, and except gins produced by it through a process of rectification whereby alcohol purchased but not produced by respondent is redistilled over juniper berries and other aromatics), through the use of the word "Distilleries" or any other word of like import, in respondent's corporate name, on its stationery, advertising, or labels attached to the bottles in which its said products are sold and shipped, or in any other way, (a) that the respondent is a distiller of the said whiskies, gins or other spirituous beverages; or (b) that the said whiskies, gins or other spirituous beverages were by it manufactured through a process of distillation; or (c) that respondent owns, operates or controls a place or places where any such products are by it manufactured by a

process of original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels until the manufacture thereof is completed, unless and until respondent shall actually own, operate or control such a place or places; 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, General Distilleries Corporation, Docket 2445, April 10, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of April, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John J. Keenan and W. W. Sheppard, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by DeWitt T. Puckett, counsel for the Commission, and by Joseph W. Ress and Briggs G. Simpich, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, General Distilleries Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of whiskies, gins, or other spirituous beverages (except brandies actually distilled by it, and except gins produced by it through a process of rectification whereby alcohol purchased but not produced by respondent is redistilled over juniper berries and other aromatics) in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, through the use of the word "Distilleries" or any other word of like import, in its corporate name, on its stationery, advertising, or labels attached to the bottles in which its said products are sold and shipped, or in any other way, (a) that the respondent is a distiller of the said whiskies, gins or other spirituous beverages; or (b) that the said whiskies, gins or other spirituous beverages were by it manufactured through a process of distillation; or (c) that respondent owns, operates or controls a place or places where any such products are by it manufactured by a process of original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels until the manufacture thereof is completed, unless and until respondent shall actually own, operate or control such a place or places.

¹ 3 F.R. 317.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1649; Filed, April 25, 1940; 11:32 a. m.]

[Docket No. 3381]

IN THE MATTER OF CURTICE BROTHERS COMPANY

§ 3.45 (c) (1) *Discriminating in price—Direct discrimination—Charges and prices.* In connection with sale of canned fruits, vegetables and vegetable products sold for use, consumption or resale within the United States or any territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States where either or any of the sales thereof are in commerce, (1) selling such canned fruits, etc., to some customers at a price fixed by, or determined by the use of, one of the price lists designated by the letter "R", "A" or "S", while selling products of like grade and quality to other customers competitively engaged with such customers in the use, consumption or resale of such products at a price fixed by or determined by the use of either of the other of said price lists, or (2) continuing or resuming the discriminations in price referred to and described in Paragraph Four of the Commission's Findings as to the Facts [brought about, as there set forth, through (a) according some customers the progressively more favorable prices of the "A" or "S" price lists which (1) respectively, call for minimum orders of not less than 300 cases or 1,000 cases, and shipments in quantities of not less than 50 cases and 250 cases, and which (2) were and are respectively lower than the "R" list prices by percentages ranging from 2.5 to 8.3 in the case of the "A" list and by percentages ranging from 5.1 to 16.6 in the case of the "S" list, while not according such favorable lists and prices to other competitively engaged customers making purchases of like grade and quantity; and through (b) selling, at prices specified by the "S" price list, to some customers who did not take required minimum number of cases of respondent's products], or (3) otherwise discriminating in price between purchasers of such canned fruits, etc., of like grade and quality in a manner and degree substantially similar to the manner and degree of the discriminations referred to in said Paragraph Four of the Commission's Findings, and in any other manner resulting in price discriminations substantially equal in amount to such discriminations, except as permitted by Section 2 of the Clayton Act, as

amended, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Curtice Brothers Company, Docket 3381, April 15, 1940]

§ 3.45 (c) (2) *Discriminating in price—Direct discrimination—Compensatory payments.* In connection with sale of canned fruits, vegetables and vegetable products sold for use, consumption or resale within the United States or any territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States where either or any of the sales thereof are in commerce, paying, giving, allowing or contracting to pay, give or allow anything of value to or for the benefit of some of respondent's customers for advertising services furnished by such customers without making such payments or allowances available to all competing customers on proportionally equal terms, prohibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (d)) [Cease and desist order, Curtice Brothers Company, Docket 3381, April 15, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the stipulation as to certain facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, and the substitute answer filed herein on April 8, 1940, by the respondent, admitting all the material allegations of the complaint to be true and waiving the taking of further evidence and all other intervening procedure, and the Commission having made its Findings as to the Facts and Conclusions herein, which findings and conclusions are hereby made a part hereof, and the Commission having concluded that said respondent has violated the provisions of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended;

It is ordered, That the respondent, Curtice Brothers Company, its officers, representatives, agents and employees, in connection with the sale of canned fruits, vegetables and vegetable products sold for use, consumption or resale within the United States or any territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States where either or any of the sales thereof are in commerce, do forthwith cease and desist:

(1) from selling canned fruits, vegetables and vegetable products to some customers at a price fixed by, or deter-

mined by the use of, one of the price lists designated by the letter "R", "A" or "S", referred to in Paragraph Four of the Findings as to the Facts herein, while selling products of like grade and quality to other customers competitively engaged with such customers in the use, consumption or resale of such products at a price fixed by or determined by the use of either of the other of said price lists;

(2) from continuing or resuming the discriminations in price referred to and described in Paragraph Four of the Commission's Findings as to the Facts herein;

(3) from otherwise discriminating in price between purchasers of canned fruits, vegetables and vegetable products of like grade and quality in a manner and degree substantially similar to the manner and degree of the discriminations referred to in Paragraph Four of the Commission's Findings as to the Facts herein, and in any other manner resulting in price discriminations substantially equal in amount to such discriminations, except as permitted by Section 2 of the Clayton Act, as amended;

(4) from paying, giving, allowing or contracting to pay, give or allow anything of value to or for the benefit of some of its customers for advertising services furnished by such customers without making such payments or allowances available to all competing customers on proportionally equal terms.

It is further ordered, That the said respondent Curtice Brothers Company, within sixty days after service upon it of this order, shall file with the Commission a report in writing setting forth in detail the manner and form in which it is complying, and has complied, with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1650; Filed, April 25, 1940; 11:32 a. m.]

[Docket No. 3893]

IN THE MATTER OF HEIFLER AND JACKSON

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 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 in commerce, etc., of respondents' "Morgan's Pomade" or other similar preparation, which advertisements represent, directly or through implication, that said product is not a tint or dye, that its application causes the hair to change its color without

dyeing, that use thereof will restore the original color to gray hair, that its application supplies to the hair shaft the materials in which gray hair is deficient, that use thereof prevents the hair from falling out, that, when applied to the hair and scalp, it penetrates into the roots of the hair and enriches the hair, and that it is a competent and effective cure or remedy for dandruff; or which advertisements fail to reveal that the application of "Morgan's Pomade" to tender, injured or broken skin may result in serious 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, Heifler and Jackson, Docket 3893, April 15, 1940]

IN THE MATTER OF ROSE HEIFLER AND FRED JACKSON, INDIVIDUALS, DOING BUSINESS UNDER THE FIRM NAME OF HEIFLER & JACKSON

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of the complaint set forth in said complaint and state that they waive 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 respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Rose Heifler and Fred Jackson, or either of them, their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisements 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 a preparation containing drugs now designated by the name "Morgan's Pomade," or any other preparation, composed of substantially similar ingredients, or possessing substantially similar properties, whether sold under the same name or any other name, or disseminating, or causing to be disseminated, any advertisements by any means for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or through implication, that said preparation is not a tint or dye; that its application causes

¹ 3 FR. 942.

¹ 5 FR. 874.

the hair to change its color without dyeing; that the use of said preparation will restore the original color to gray hair; that its application supplies to the hair shaft the materials in which gray hair is deficient; that the use of said preparation prevents the hair from falling out; that said preparation, when applied to the hair and scalp, penetrates into the roots of the hair and enriches the hair; that said preparation is a competent and effective cure or remedy for dandruff; or which advertisements fail to reveal that the application of "Morgan's Pomade" to tender, injured or broken skin may result in serious injury to the health of the user.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1651; Filed, April 25, 1940;
11:32 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER I—FEDERAL HOME LOAN BANK BOARD

PART 8—MISCELLANEOUS

AMENDMENT PROVIDING FOR THE PROCEDURE TO BE FOLLOWED IN AMENDING RULES AND REGULATIONS, AND PROVIDING FOR THE EFFECTIVE DATE OF SUCH AMENDMENTS

Be it resolved, That § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended to read as follows:

§ 8.3 *Amendments*—(a) *Reservation of right to amend.* The Board expressly reserves the right to amend (including the right to alter or repeal) these rules and regulations in whole or in part.

(b) *Minor, procedural or emergency amendments.* Any amendment deemed to be of a minor, procedural, or emergency character may be adopted by the Board without complying with the requirements of paragraphs (c) and (d) hereof.

(c) *Thirty-day notice of major amendments not of an emergency character.* No amendment deemed to be major affecting a matter of general principle or policy and not of an emergency character, will be adopted by the Board until at least thirty days have elapsed after the proposed amendment has been mailed to each member of the Federal Savings and Loan Advisory Council and to the president of each Bank. A copy of each such proposed amendment shall be filed with the Federal Home Loan Bank Review and shall be published in the next available issue of such Review.

(d) *Hearings on regulations.* After receipt of the written requests therefor to the Secretary to the Board of at least seven members of the Federal Savings and Loan Advisory Council, or of at least four of the Banks (accompanied by certified resolutions of the boards of directors thereof), or of at least twenty-five members of the Federal Home Loan Bank System (accompanied by certified resolutions of the boards of directors thereof), the Board will fix a time and place for a hearing on a proposed amendment or upon an existing regulation to which petitioners object. The Secretary to the Board will give written notice of the time and place of such hearing to all the members of the Federal Savings and Loan Advisory Council, to the president of each of the Banks, and to each of the members of the Federal Home Loan Bank System which requested such hearing. If such requests for such hearing have been received before thirty days have elapsed from the date such proposed amendment was mailed to each member of the Federal Savings and Loan Advisory Council and to the president of each of the Banks, the Board will not take final action upon the proposed amendment prior to such hearing. The filing of a request for a hearing upon an existing regulation to which petitioners object shall not suspend the operation of such regulation. Any member of the Federal Savings and Loan Advisory Council, any Bank, or any member of the Federal Home Loan Bank System may, prior to the date of such hearing, file with the Secretary to the Board a written brief regarding the proposed amendment or existing regulation involved; in addition thereto, such member of the Federal Savings and Loan Advisory Council, such Bank, or such member of the Federal Home Loan Bank System may appear in person at such hearing before the Board or may be represented at such hearing by any of its directors, officers, employees, agents, or attorneys-at-law; and may offer evidence and examine witnesses.

(e) *Recommendations and representations at hearings by persons other than those requesting hearing.* No hearing upon a proposed amendment or existing regulation to which the petitioners object will be confined to persons requesting such hearing; but each such hearing will be open to any interested persons or to representatives of any Bank or member of the Federal Home Loan Bank System. Recommendations of other persons or institutions that may be affected, or from an organized trade association, may be filed with the Secretary to the Board either prior to or during any hearing, and such persons, institutions or associations may appear in person at such hearing before the Board or may be represented at such hearing by any of their directors, officers, employees, agents, or attorneys-at-law; and be entitled to be heard.

(f) *Effective date.* Every amendment of these rules and regulations shall be effective as soon as it has been filed with the Division of the Federal Register and a copy made available for public inspection as provided in the Federal Register Act (49 Stat. 500, 44 U.S.C. Sup. Ch. 8A) unless a later effective date shall be expressed in the resolution adopting such amendment. (Sec. 17 of F.H.L.B.A., 47 Stat. 736, sec. 8a, as added by sec. 4, 49 Stat. 294, 12 U.S.C. 1437 and Sup. 1428a).

(Effective date April 22, 1940)

Adopted by the Federal Home Loan Bank Board on April 22, 1940.

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-1640; Filed, April 24, 1940;
2:35 p. m.]

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

PART 201—PROMULGATION, AMENDMENT, AND REPEAL OF RULES AND REGULATIONS

AMENDMENT PROVIDING FOR EFFECTIVE DATE OF AMENDMENTS TO RULES AND REGULATIONS

Be it resolved, That § 201.2 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective April 24, 1940, as follows:

(a) Paragraph (a) of said section is amended to read as follows:

(a) *Reservation of right to amend.* The Board expressly reserves the right to amend (including the right to alter or repeal) these rules and regulations in whole or in part.

(b) Paragraph (c) of said section is amended to read as follows:

(c) *Minor, procedural or emergency amendments.* Any amendment deemed to be of a minor, procedural, or emergency character may be adopted by the Board without complying with the requirements of paragraphs (b) and (d) hereof.

(c) A new paragraph (f) is added to said section reading as follows:

(f) *Effective date.* Every amendment of these rules and regulations shall be effective as soon as it has been filed with the Division of the Federal Register and a copy made available for public inspection as provided in the Federal Register Act (49 Stat. 500, 44 U.S.C. Sup. Ch. 8A) unless a later effective date shall be expressed in the resolution adopting such amendment.

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, sec. 8a of F.H.L.B.A. as added by sec. 4, 49 Stat. 294; 12 U.S.C. 1464 (a) and Sup. 1428a).

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 502-FD]

APPLICATION OF THE FEDERAL CLAY PRODUCT COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Federal Clay Product Company, of Mineral City, Ohio, applicant herein, having on September 10, 1938 filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the applicant at its mine located at Mineral City, Ohio, and transported by the applicant to itself for consumption by it, in its manufacture of brick and clay products;

The Commission having on February 8, 1939, entered an order pursuant to such application, in Docket No. 502-FD, ordering that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the applicant at its mine located at Mineral City, Ohio, and consumed by it in its plant located at Mineral City, Ohio, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937, and further ordering the applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist;

Applicant, on April 3, 1940, having filed with the Bituminous Coal Division an application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant for the period of one year preceding the date of the application for renewal, at its mine located at Mineral City, Ohio, and that the facts upon which the order of February 8, 1939 was predicated, remain unchanged;

The Director having determined that the conditions supporting the exemption granted by the order of February 8, 1939 continue to exist:

It is ordered, That the application filed by the applicant for renewal of said order dated February 8, 1939, be and the same is hereby granted;

Provided, however, That the said order dated February 8, 1939, shall automatically terminate and expire:

(1) Unless the applicant, on or before March 24, 1941, files an application for renewal of said order;

(2) Unless the applicant, on or before November 24, 1940, files with the Director a verified report for the six months period ending October 24, 1940, containing

the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of the applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by the applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption;

(3) Unless the applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director at any time, upon his own motion or upon the petition of interested persons, may direct the applicant to show cause why the exemption granted by the order of February 8, 1939 should not be terminated. Any person filing such a petition shall serve a copy thereof upon the applicant herein.

Dated April 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1646; Filed, April 25, 1940; 11:10 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CRUSHED STONE, SAND AND GRAVEL, AND SLAG INDUSTRIES

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m. on Friday, May 24, 1940, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Crushed Stone, Sand and Gravel, and Slag Industries. The Crushed Stone, Sand and Gravel, and Slag Industries are those industries engaged in the production and preparation for sale of crushed and broken stone (including riprap), building and construction sand and gravel (but not including Industrial

of subsection (c) of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on April 22, 1940.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-1641; Filed, April 24, 1940; 2:35 p. m.]

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 301—INSURANCE OF ACCOUNTS

AMENDMENT PROVIDING FOR EFFECTIVE DATE OF AMENDMENTS TO RULES AND REGULATIONS

Be it resolved, That § 301.22 of the Rules and Regulations for Insurance of Accounts is amended, effective April 24, 1940, as follows:

(a) Paragraph (a) of said section is amended to read as follows:

(a) *Reservation of right to amend.* The Board expressly reserves the right to amend (including the right to alter or repeal) these rules and regulations in whole or in part.

(b) Paragraph (c) of said section is amended to read as follows:

(c) *Minor, procedural or emergency amendments.* Any amendment deemed to be of a minor, procedural, or emergency character may be adopted by the Board without complying with the requirements of paragraphs (b) and (d) hereof.

(c) A new paragraph (f) is added to said section reading as follows:

(f) *Effective date.* Every amendment of these rules and regulations shall be effective as soon as it has been filed with the Division of the Federal Register and a copy made available for public inspection as provided in the Federal Register Act (49 Stat. 500, 44 U.S.C. Sup. Ch. 8A) unless a later effective date shall be expressed in the resolution adopting such amendment.

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, sec. 8a of F.H.L.B.A. as added by sec. 4, 49 Stat. 294; 12 U.S.C. 1725 (a) and Sup. 1428a).

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions of subsection (c) of § 301.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on April 22, 1940.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-1642; Filed, April 24, 1940; 2:35 p. m.]

Sands, such as glass and other melting sands, bonded or unbonded foundry sand, blast sand, ground sand, traction sand and grinding sand), and slag. This definition shall be construed to include any stripping, quarrying, recovering, crushing, screening, washing, loading, handling, or other activities connected with the production and preparation for sale of the products of these industries. Phosphate rock, in either lump or crushed form, and naturally impregnated asphaltic rock are not construed to be products of these industries.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives will be given to persons engaged in the above-named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

- (1) Name of firm.
- (2) Plant address.
- (3) Total number of employees in plant.
- (4) Number of male employees.
- (5) Number of female employees.
- (6) Classification of employees by occupations, including number engaged in each operation.
- (7) Hourly wages in each operation with designation of applicable time period.
- (8) If paid on piece work basis, weekly earnings in each class of employees.
- (9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industries.

Dated, April 25, 1940.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 40-1658; Filed, April 25, 1940;
11:51 a. m.]

Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF TIMBER OPERATIONS INVOLVING LODGEPOLE PINE, ENGLEMANN SPRUCE, AND COMMONLY ASSOCIATED SPECIES OF TIMBER IN THE STATES OF COLORADO, WYOMING, UTAH AND IDAHO FROM THE MAXIMUM HOURS PROVISIONS

Whereas an application has been filed by the Rocky Mountain Timber Producers Association for exemption from the maximum hours provisions of the

Fair Labor Standards Act of 1938 of timber operations, involving Lodgepole Pine, Englemann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah and Idaho, as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Now, therefore, notice is hereby given of a public hearing to be held at the Albany Hotel, Denver, Colorado to commence at ten o'clock a. m. on May 14, 1940 before Mr. Burton D. Seeley, an authorized representative of the Administrator, who shall take testimony, hear argument and determine:

Whether timber operations involving Lodgepole Pine, Englemann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah and Idaho, as defined herein, or any subdivision thereof, is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

The term "timber operations, involving Lodgepole Pine, Englemann Spruce, and commonly associated species of timber" as used in this Notice of Hearing, means the logging and reduction to usable form in the woods of Lodgepole Pine, Englemann Spruce, and commonly associated species of timber in the aforementioned states, and may include the hauling of the logs from the woods to the saw mill and the delivery of the logs or rough manufactured products to local markets or shipping points. It shall not include the treating or further processing of such logs or rough manufactured products.

Any person interested in supporting or opposing the application for exemption may appear on his own behalf or on the behalf of any other person provided that he shall file with the Administrator at his office in Washington, D. C., prior to Noon on May 11, 1940, a Notice of Intention to Appear which shall contain the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) Whether he is appearing in support of or in opposition to the application for exemption.
- (4) The approximate length of time which his presentation will consume.
- (5) A detailed description of the specific operations with respect to which the appearance is made.

Signed at Washington, D. C., this 20th day of April 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1643; Filed, April 24, 1940;
3:34 p. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 11 FOR THE PULP AND PRIMARY PAPER INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on February 16, 1940, by Administrative Order No. 41, appointed Industry Committee No. 11 for the Pulp and Primary Paper Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 11, on March 22, 1940, recommended a minimum wage rate for the Pulp and Primary Paper Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on April 11, 1940, pursuant to Section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 11 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 11 is as follows:

"Wages at a rate of not less than forty (40) cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Pulp and Primary Paper Industry who is engaged in commerce or in the production of goods for commerce."

II. The definition of the Pulp and Primary Paper Industry, as set forth in Administrative Order No. 41, issued February 16, 1940, is as follows:

"For the purpose of this order the term 'pulp and primary paper industry' means the manufacture of pulp, for any purpose, from fibrous material capable of yielding cellulose fibre and the manufacture of Paper and of Board from such pulp and from such fibrous material or either of them with or without addition of any non-cellulose fibre, colorant or filler.

"The term 'manufacture' as used in this order means all operations involved in the production of pulp, paper, and board, starting with the unloading of raw materials at the mill site and ending with the delivery of the finished paper or board to carriers for sale as such or to converting departments within the same mill or company. It includes finishing operations normally performed in the paper or board mill, such as packing, trimming, cutting to size, sorting, plating, sizing, super-calendering, and other processing, but does not include any treating, processing or refabrication of finished paper or board to produce converted paper or board products."

The definition of the pulp and primary paper industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations.

III. The full text of the report and recommendation of Industry Committee No. 11, together with dissenting statements filed by certain members thereof are available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, 412 Federal Building, 641 Washington Street.

Buffalo, New York, 500 Gerrans Building.

Philadelphia, Pennsylvania, 1630 Widener Building.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Detroit, Michigan, 358 Federal Building.

Chicago, Illinois, 955 Merchandise Mart.

Indianapolis, Indiana, 708 Railway Exchange Building.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.

Washington, District of Columbia, Department of Labor, 5th Floor.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Birmingham, Alabama, 318 Comer Building.

Jacksonville, Florida, 225 Post Office Building.

Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.

Nashville, Tennessee, 119 Seventh Avenue North.

St. Louis, Missouri, 100 Old Custom House, 815 Olive Street.

Kansas City, Missouri, 504 Title & Trust Building.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Denver, Colorado, 106 Old Custom House Building.

Dallas, Texas, 618-621 Wilson Building.

San Antonio, Texas, 716 Maverick Building.

New Orleans, Louisiana, 516 Carondelet Building.

San Francisco, California, 785 Market Street.

Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.

Seattle, Washington, 206 Hartford Building.

San Juan, Puerto Rico, Box 112, Post Office.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation, together with the dissenting statements filed by certain members thereof, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 11 shall be approved or disapproved pursuant to Section 8 of the Act will be held on May 20, 1940, at 10:00 a. m. in Room 208, 939 D St. NW., Washington, D. C. before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 11, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than May 15, 1940, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 11.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 11 may secure further information concerning the aforesaid hearing by inquiry directed to

the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Pulp and Primary Paper Industry will be available for inspection by any interested person between the hours of 9 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division listed in paragraph III above:

U. S. Department of Commerce, Bureau of Foreign and Domestic Commerce, *United States Pulp and Paper Industry, 1938.*

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Hourly Earnings in the Paperboard Industry, November-December 1939.*

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Pulp and Primary Paper Industry.*

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Ward & Paul, 1706 L St. NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon

the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 24 day of April, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1648; Filed, April 25, 1940; 11:27 a. m.]

SUPPLEMENTARY DETERMINATION NO. 1, IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE DREDGING AND EXCAVATING OF SAND AND GRAVEL FROM SURFACE OR OPEN CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, PURSUANT TO SECTION 7 (b) (3), PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER AND PARAGRAPH (8) OF THE ORIGINAL DETERMINATION MADE IN THE MATTER OF THE SAND AND GRAVEL INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

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

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

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the in-

dustry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen sand and gravel, because of climatic factors; and

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

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

Whereas the National Sand and Gravel Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the Portland Sand and Gravel Company of Portland, Pennsylvania, pursuant to Paragraph (8) of the above cited original determination in the matter of the sand and gravel industry, for a supplementary determination enlarging the scope of the Northern branch of the sand and gravel industry to include the dredging and excavating of sand and gravel by the Portland Sand and Gravel Company of Portland, Northampton County, Pennsylvania; and

Whereas it appears from the application filed by the National Sand and Gravel Association on behalf of the Portland Sand and Gravel Company of Portland, Pennsylvania, that the sand and gravel plant of the aforesaid company in Northampton County, Pennsylvania, operates in the same manner and for the same reason as the plants in the Northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii), as amended, of the Regulations, that a *prima facie* case has been shown for enlarging the scope of the Northern branch of the sand and gravel industry, in accordance with Paragraph (8) of the original determination and pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder to include the sand and gravel plant of the Portland Sand and Gravel Company in Northampton County, Pennsylvania.

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

the hearing before himself or an authorized representative.

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

The application may be examined in Room 5144, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 25 day of April 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1647; Filed, April 25, 1940; 11:27 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and Section 522.5 of Regulations, Part 522, as amended, to the employers listed below effective April 26, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.13 or § 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Bernstein & Sons Shirt Corp., Allentown, Pennsylvania; Apparel; Boys' Shirts; 5 percent; October 24, 1940.

Mr. Louis Edelstein, 1427-33 Vine Street, Philadelphia, Pennsylvania; Apparel; Ladies' Slips, Gowns, Pajamas; 2 learners; October 24, 1940.

International Knitting Mills, 53 Parker Street, Wallingford, Connecticut; Knitted Wear; Knitted Outerwear; 5 learners; October 24, 1940.

Wells Lamont Smith Corporation, Beardstown, Illinois; Glove; Work Gloves; 4 learners; October 24, 1940.

Signed at Washington, D. C., this 25th day of April 1940.

HAROLD STEIN,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-1659; Filed, April 25, 1940; 11:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5857]

IN RE APPLICATION OF THE KAW VALLEY BROADCASTING CO. INC. (NEW)

Dated, November 20, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Topeka, Kans.; operating assignment specified: frequency, 1500 kc.; power, 250 w.; hours of operation, unlimited

[File No. B4-P-2643]

NOTICE OF HEARING

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

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the type of program and technical service the applicant proposes to render.
3. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with the station proposed in the pending application of MSB Broadcast Company (B4-P-2697).
4. To determine whether public interest, convenience, and necessity will be served by the granting of this application or the application of MSB Broadcast Company (B4-P-2697), or both applications.
5. To determine whether the operation of the proposed local (Class IV) station, in the same city where the applicant is the licensee of an existing regional (Class III) station, would serve public interest, convenience or necessity.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Prac-

tice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Kaw Valley Broadcasting Company, Inc.,
% H. S. Blake,
Eighth & Jackson Streets,
Topeka, Kansas.

Dated at Washington, D. C. April 23, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1645; Filed, April 25, 1940; 10:41 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5634]

IN THE MATTER OF PENNSYLVANIA WATER & POWER COMPANY

NOTICE OF APPLICATION

APRIL 18, 1940.

Notice is hereby given that on April 17, 1940, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said Commonwealth, with its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing the acquisition from Safe Harbor Water Power Corporation of 1,988 shares of its Class B stock at One Hundred Thirty-five Dollars (\$135.00) per share; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of May 1940, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1657; Filed, April 25, 1940; 11:48 a. m.]

[Docket No. IT-5589]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

ORDER VACATING SUSPENSION OF RATE SCHEDULE, DISPENSING WITH HEARING, AND ALLOWING RATE SCHEDULE TO TAKE EFFECT

APRIL 23, 1940.

It appearing to the Commission that:

- (a) On November 24, 1939, Arkansas-Missouri Power Corporation filed with the Federal Power Commission a rate schedule designated in the files of the

Commission as Arkansas-Missouri Power Corporation Rate Schedule F.P.C. No. 8 and Exhibit A thereto, purporting to provide for an increased rate for electric energy sold and delivered to Arkansas Utilities Company;

(b) No adequate justification for said increased rate was then submitted to the Commission for consideration, and said schedule being about to become effective by operation of law, the Commission, on December 7, 1939, adopted an order suspending Arkansas-Missouri Power Corporation Rate Schedule F.P.C. No. 8 and Exhibit A thereto, and fixing a date for a public hearing concerning the lawfulness of the rates or charges contained in the said rate schedule;

(c) Subsequently, for the purpose of having sufficient time in advance of hearing to study and consider various data later submitted by Arkansas-Missouri Power Corporation in purported justification of the said rate schedule, the Commission adjourned the said hearing to April 29, 1940;

(d) The said data submitted in justification of said rate schedule has the effect of providing a reasonable justification for the vacation of the Commission's order of suspension of December 7, 1939;

(e) On March 21, 1940, Arkansas-Missouri Power Corporation filed with the Commission a petition praying that the Commission dispense with a formal hearing herein;

The Commission orders that:

(A) The order of suspension contained in the Commission's order of December 7, 1939, relating to the rate schedule filed by Arkansas-Missouri Power Corporation with this Commission on November 24, 1939, designated in the files of the Commission as Arkansas-Missouri Power Corporation Rate Schedule F.P.C. No. 8 and Exhibit A thereto, be and it is hereby vacated, and said rate schedule be and it is hereby permitted to take effect as of August 8, 1939, the effective date proposed therein;

(B) The public hearing concerning the lawfulness of the rates or charges contained in said Arkansas-Missouri Power Corporation Rate Schedule F.P.C. No. 8 and Exhibit A thereto, heretofore fixed for February 26, 1940, and subsequently adjourned to April 29, 1940, be and it hereby is dispensed with and cancelled;

(C) Said rate schedule shall be deemed to have been filed and published in compliance with the Federal Power Act;

(D) Nothing contained in this order shall be construed as constituting approval by this Commission of any rate, provision, or condition contained in the contract referred to herein.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1654; Filed, April 25, 1940;
11:48 a. m.]

[Docket No. IT-5590]

IN THE MATTER OF ARKANSAS UTILITIES
COMPANY

ORDER VACATING SUSPENSION OF RATE
SCHEDULE, DISPENSING WITH HEARING,
AND ALLOWING RATE SCHEDULE TO TAKE
EFFECT

APRIL 23, 1940.

It appearing to the Commission that:

(a) On November 8, 1939, Arkansas Utilities Company filed with the Federal Power Commission a rate schedule designated in the files of the Commission as Arkansas Utilities Company Rate Schedule F.P.C. No. 2, purporting to provide for an increased rate for electric energy sold and delivered to Missouri Utilities Company;

(b) No adequate justification for said increased rate was then submitted to the Commission for consideration, and said schedule being about to become effective by operation of law, the Commission, on December 7, 1939, adopted an order suspending Arkansas Utilities Company Rate Schedule F.P.C. No. 2, and fixing a date for a public hearing concerning the lawfulness of the rates or charges contained in the said rate schedule;

(c) Subsequently, for the purpose of having sufficient time in advance of hearing to study and consider various data later submitted by Arkansas Utilities Company in purported justification of the said rate schedule, the Commission adjourned the said hearing to April 29, 1940;

(d) The said data submitted in justification of said rate schedule has the effect of providing a reasonable justification for the vacation of the Commission's order of suspension of December 7, 1939;

The Commission orders that:

(A) The order of suspension contained in the Commission's order of December 7, 1939, relating to the rate schedule filed by Arkansas Utilities Company with this Commission on November 8, 1939, designated in the files of the Commission as Arkansas Utilities Company Rate Schedule F.P.C. No. 2, be and it is hereby vacated, and said rate schedule be and it is hereby permitted to take effect as of September 25, 1939, the effective date proposed therein;

(B) The public hearing concerning the lawfulness of the rates or charges contained in said Arkansas Utilities Company Rate Schedule F.P.C. No. 2, heretofore fixed for February 26, 1940, and subsequently adjourned to April 29, 1940, be and it hereby is dispensed with and cancelled;

(C) Said rate schedule shall be deemed to have been filed and published in compliance with the Federal Power Act;

(D) Nothing contained in this order shall be construed as constituting approval by this Commission of any rate,

provision, or condition contained in the contract referred to herein.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1655; Filed, April 25, 1940;
11:48 a. m.]

[Docket No. IT-5636]

IN THE MATTER OF CONSOLIDATED GAS
ELECTRIC LIGHT AND POWER COMPANY
OF BALTIMORE

NOTICE OF APPLICATION

APRIL 23, 1940.

Notice is hereby given that on April 23, 1940, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Consolidated Gas Electric Light and Power Company of Baltimore, a corporation organized under the laws of the State of Maryland and doing business in said State, with its principal office at Baltimore, Maryland, seeking an order authorizing the acquisition from Safe Harbor Water Power Corporation, a corporation organized under the laws of the Commonwealth of Pennsylvania, of 1989 shares of its non-voting Class A stock, and 1988 shares of its voting Class B stock for a total subscription price of \$536,895.00; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of May 1940, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1656; Filed, April 25, 1940;
11:48 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 67-17]

IN THE MATTER OF NORTHEASTERN WATER
AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1940.

1. Northeastern Water and Electric Corporation, a registered holding company, having filed with this Commission an application and a declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, regarding the acquisition by Northeastern Water and Electric Corporation of notes of twenty-two subsidiary com-

panies in a maximum aggregate amount of \$295,500, for the stated purpose of enabling such subsidiaries to finance additions to their plant and property during the year 1940. The names of the borrowing companies and the maximum amount of the loan proposed to be made to each are:

Names of borrowing company:	Max. amt. of loan
Consumers Water Company of Montrose, Pa.-----	\$3,000
Dawson Springs Water Works Company-----	4,000
Edwardsville Water Company-----	20,000
Guilford Water Company-----	1,000
Hampton Water-Works Company--	10,000
Hartland Water Company-----	2,000
Hazleton Water Company-----	50,000
Latrobe Water Company-----	25,000
Limestone Water and Sewer Company-----	7,000
Louisa Water Company-----	2,500
Mars Hill & Blaine Water Company-----	3,000
Maryland Water Works Company--	20,000
Massachusetts Water Works Company-----	5,000
Norway Water Company-----	5,000
Oxford Water Company-----	4,000
Penobscot County Water Company--	5,000
Presque Isle Water Company-----	58,000
Riverton Consolidated Water Company-----	25,000
Skowhegan Water Company-----	12,000
Southwest Harbor Water Company--	14,000
West Helena Water Works Company-----	10,000
West Penn Water Company-----	10,000
Total-----	295,500

2. The declaration stating that said credit extensions are to be evidenced by promissory notes bearing 5% interest per annum, said notes being demand notes except for the note to be issued by The Maryland Water Works Company which is to mature in eleven months and the notes to be issued by Dawson Springs Waterworks Company, The Hampton Water Works Company and Mars Hill & Blaine Water Company, which are to mature by March 1, 1941;

3. Northeastern Water and Electric Corporation having requested, by telegraphic amendment, that said declaration become effective forthwith with respect to temporary advances on open account for the purpose of enabling certain of said subsidiaries to meet emergencies, said open account advances to be thereafter evidenced by notes of such maturity date and subject to such terms and conditions as the Commission may require or permit in connection with said application, the proposed open account advances being as follows:

Name of borrowing company:	Amount of open account advance
Maryland Waterworks Company--	\$6,000
Mars Hill & Blaine Water Company-----	2,000
Edwardsville Water Company-----	2,000
Hampton Waterworks Company--	5,000
Southwest Harbor Water Company-----	3,000
Dawson Springs Waterworks Company-----	1,000
Norway Water Company-----	2,500

4. Applicant having requested an order exempting, pursuant to section 9 (c) (3)

of the Act, or in the alternative an order approving, pursuant to section 10 (a) (1) of the Act, the acquisition of the notes specified in paragraphs 1, 2, and 3 above:

It is ordered, That said declaration shall become effective forthwith with respect to said open account advances described in paragraph 3 above, provided that said advances are made subject to the condition that such subsidiaries will execute and Northeastern Water and Electric Corporation will accept, as evidencing the terms and conditions of such advances, promissory notes of such maturity date and at such interest rate, and subject to such other terms and conditions as the Commission, after hearing, may require or permit;

It is further ordered, That a hearing with respect to the acquisition of said notes, specified in paragraphs 1, 2, and 3 above, under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 6, 1940, at 10 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.

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 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 said proceedings shall file a notice to that effect with the Commission on or before May 1, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1653; Filed, April 25, 1940; 11:38 a. m.]

[File No. 60-13]

IN THE MATTER OF SHINN & CO., THE RAILWAY AND BUS ASSOCIATES, TRIPLE CITIES COACH COMPANY, INC., TRIPLE CITIES TRACTION CORPORATION, RICHMOND RAILWAYS, INC., STATEN ISLAND COACH CO., INC., GAS AND ELECTRIC ASSOCIATES, THE GENERAL FINANCE CORPORATION, METROPOLITAN INVESTING COMPANY, NEW HAMPSHIRE ELECTRIC RAILWAYS, OLEY VALLEY RAILWAY COMPANY, ROCHESTER TRANSIT CORPORATION

NOTICE OF AND ORDER FOR HEARING TO DETERMINE WHETHER SUCH COMPANIES SHOULD BE DECLARED TO BE SUBSIDIARY COMPANIES OF OTHER SPECIFIED COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of April, A. D. 1940.

The Commission having reasonable cause to believe that Shinn & Co. is subject to a controlling influence, directly or indirectly, by Associated Gas and Electric Corporation and Associated Gas and Electric Company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary and appropriate in the public interest and for the protection of investors and consumers that Shinn & Co. be subject to the obligations, duties, and liabilities imposed upon subsidiary companies of holding companies by the Public Utility Holding Company Act of 1935;

The Commission having reasonable cause to believe that Shinn & Co. directly or indirectly, owns, controls and holds with power to vote 10 per centum or more of the outstanding voting securities of The General Finance Corporation, Metropolitan Investing Company, New Hampshire Electric Railways, The Railway and Bus Associates, Gas and Electric Associates, Triple Cities Coach Co., Triple Cities Traction Co., Oley Valley Railway Co., Reading Transit Company, Richmond Railways, Inc., Staten Island Coach Co. and Rochester Transit Corporation, and that as a result of such stock ownership by Shinn & Co., said companies and each of them is a subsidiary company, as that term is defined in said Act, of Shinn & Co., Associated Gas and Electric Corporation and Associated Gas and Electric Company;

It is ordered, Pursuant to section 2 (a) (8) (B) of said Act that a hearing be held to determine whether such controlling influence by Associated Gas and Electric Company and Associated Gas and Electric Corporation over Shinn & Co. exists, and if such controlling influence is found to exist to declare Shinn & Co. to be a subsidiary of Associated Gas and Electric Corporation and Associated Gas and Electric Company;

It is further ordered, Pursuant to section 2 (a) (8) (A) of said Act that a hearing be held to determine whether Shinn & Co. directly or indirectly owns, controls and holds with power to vote 10 per centum or more of the outstanding voting securities of the General Finance Corporation, Metropolitan Investing Company, New Hampshire Electric Railways, The Railway and Bus Associates, Gas and Electric Associates, Triple Cities Coach Co., Triple Cities Traction Co., Oley Valley Railway Co., Reading Transit Company, Richmond Railways, Inc., Staten Island Coach Co., and Rochester Transit Corporation, and each of

them, and if such ownership is found to exist to declare said companies and each of them to be subsidiaries of Shinn & Co., Associated Gas and Electric Corporation, and Associated Gas and Electric Company;

It is further ordered, That such hearing be held on May 7, 1940 at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Commission, 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.

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 continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to Shinn & Co., The Railway and Bus Associates, The General Finance Corporation, Triple Cities Traction Corporation, Triple Cities Coach Company, Inc., Richmond Railways, Inc., Staten Island Coach Co., Inc., Gas and Electric Associates, Metropolitan Investing Company, New Hampshire Electric Railways, Oley

Valley Railway Co., Rochester Transit Corporation, Associated Gas and Electric Corporation and Associated Gas and Electric Company, 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 May 1, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1652; Filed, April 25, 1940;
11:38 a. m.]