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Rules, Regulations, Orders

TITLE 24—HOUSING CREDIT
CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

AMENDMENT TO THE RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

PROVIDING THAT THE CORPORATION MAY WAIVE CERTAIN REQUIREMENTS RESPECTING PROVISIONS APPEARING IN LONG-FORM MEMBERSHIP CERTIFICATES.

Be it resolved, That subsection (c) of § 301.8 of the Rules and Regulations for Insurance of Accounts is amended, effective February 19, 1940, to read as follows:

“(c) Long form of membership certificate. Every share or membership certificate, passbook, or other instrument certifying investment hereafter issued by an insured institution, which pays or proposes to pay a different rate of dividends or interest upon different classes of shares or securities, which prefers, or proposes to prefer, either as to time or amount of participation in earnings or assets (except by way of a bonus plan), any one or more classes of shares or securities, or which charges directly or indirectly any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be an investor in the institution, must, except by express permission of the Corporation, include in its provisions, and display the same in easily read type, a full and understandable statement of the method of maturing such contracts, the rate of interest paid, or the dividend provisions under which the institution operates, and the charge or charges, if any, for the privilege of becoming, remaining, or ceasing to be an investor in the institution.” (Secs. 402 (a), 403 (b) of N.H.A., 48 Stat 1256, 1257; 12 U.S.C. 1725 (a), 1726 (b))

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

section (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 February 14, 1940.

[SEAL] **J. FRANCIS MOORE,**
Acting Secretary.

[F. R. Doc. 40-722; Filed, February 17, 1940; 9:31 a. m.]

TITLE 29—LABOR
CHAPTER V—WAGE AND HOUR DIVISION

PART 526—REGULATIONS APPLICABLE TO INDUSTRIES OF A SEASONAL NATURE
AMENDMENT

The following amendment to Regulations—Part 526 (Regulations Applicable to Industries of a Seasonal Nature Issued Pursuant to Section 7 (b) (3) of the Fair Labor Standards Act) is hereby issued. This amendment amending Section 526.5¹ of Title 29, Chapter V, Part 526, shall become effective upon my signing the original and upon the publication thereof in the **FEDERAL REGISTER**, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 7th day of February 1940.

HAROLD D. JACOBS,
Administrator.

§ 526.5 *Procedure upon application for exemption.* (a) Upon consideration of the facts and reasons stated in an application, the Administrator may, without further proceedings, deny the application on the ground that it fails to allege facts entitling the industry to an exemption as a seasonal industry.

(b) Upon consideration of the facts and reasons stated in an application, and upon such further investigation as may appear appropriate, the Administrator may either (i) set the application for hearing before the Administrator or his authorized representatives; or (ii) notify the applicant of, and publish in the **FEDERAL REGISTER** and by general press re-

¹ 3 F.R. 2534.

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lease, a preliminary determination that a *prima facie* case for the granting of an exemption has been shown. In the event that the Administrator determines that a *prima facie* case for exemption has been shown, the Administrator for 15 days following the publication of his preliminary determination will receive objection to the granting of the exemption and request for hearing from any person interested, including but not limited to employees, employee groups, and employee labor organizations, within the industry claimed to be exempt. Upon receipt of objection and request for hearing, the Administrator will set the

application for hearing before the Administrator or an authorized representative. If no objection and request for hearing is received within 15 days, the Administrator will make a finding upon the *prima facie* case. The exemption shall become effective upon publication of the finding in the FEDERAL REGISTER.

[F. R. Doc. 40-721; Filed, February 16, 1940; 2:43 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER III—BUREAU OF MARINE INSPECTION AND NAVIGATION

REGULATIONS AMENDED

The document appearing under this title was submitted as part of a document appearing under Title 46—Shipping, this issue.

TITLE 45—PUBLIC WELFARE

FEDERAL WORKS AGENCY

[General Order No. 1. Amended.]

REGULATIONS GOVERNING THE DISCLOSURE OF OFFICIAL INFORMATION

Pursuant to authority conferred upon me by law, the following regulations are hereby prescribed and shall govern the release of official documents and the disclosure of official information in possession of the Federal Works Agency and each of its constituent units:

1. No record, claim, account, document or other official instrument in writing, or any exhibit attached or pertaining thereto, shall be withdrawn from the files of the Federal Works Agency or of any of its constituent units by, or be furnished to, any person who is not an official or employee thereof, unless such instrument or exhibit shall have been received by such Agency or unit for review or approval and return to the correspondent or transmission elsewhere.

2. No copy of, or information relative to, any such instrument or exhibit or to any other official business of the Federal Works Agency or any of its constituent units which is of a confidential nature, shall be given to any person unless (a) such person obtains an order of a court therefor, entered in pending litigation, or makes application therefor in the manner hereinafter prescribed in this paragraph, and (b) it appears to the Federal Works Administrator or the Commissioner or Administrator of a constituent unit having charge of the subject matter to which such copy or information relates or to their authorized representatives that the furnishing thereof would not be inimical to the public interest. The application mentioned above shall be addressed to the Federal Works Administrator or to the Commissioner or Administrator of a constituent unit thereof and must set forth under oath the interest of the applicant in the subject matter and

the purpose for which such copy or information is desired. Applications made hereunder by duly accredited officials of any State or political subdivision thereof need not be under oath.

3. Officers and employees of the Federal Works Agency and its constituent units are prohibited from testifying in court or otherwise, with respect to information obtained as a result of their official capacities, without the prior approval of the Federal Works Administrator or the Commissioner or Administrator of a constituent unit in which such officer or employee is employed or by their authorized representatives. An affidavit, by the litigant or his attorney, setting forth the interest of the litigant and the information with respect to which the testimony of such officer or employee is desired shall be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the subject matter set forth in the affidavit, or to such portions thereof as may be deemed proper. Whenever an official or employee is served with a subpoena or other process he shall immediately notify the Federal Works Administrator or the Commissioner or Administrator of any constituent unit, or their authorized representatives, furnishing at the same time such information as may be available as to the nature of the litigation and the character of the testimony or documents called for by the subpoena or other process.

4. A reasonable fee may be charged for furnishing copies of instruments or exhibits, or information.

5. These regulations shall not be applicable to official requests of other Federal agencies or officers thereof acting in their official capacities, unless it appears that compliance therewith would be in violation of law, or inimical to the public interest. Cases of doubt should be referred for decision to the Federal Works Administrator.

6. The provisions of these regulations may be waived in proper cases by the Federal Works Administrator.

7. This order supersedes General Order No. 1, dated August 15, 1939.

[SEAL]

JOHN M. CARMODY,

Federal Works Administrator.

JANUARY 2, 1940.

[F. R. Doc. 40-730; Filed, February 19, 1940; 11:27 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 19]

SUBCHAPTER G—OCEAN AND COASTWISE PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

FEBRUARY 19, 1940.

Part 62, Licensed Officers and Certificated Men, is hereby amended as follows:

Section 62.53 *Third Assistant Engineer of Ocean Steam Vessels*, the second proviso is amended to read as follows:

"Second. Three years' service as oiler, water-tender, or engine-room electrician, or combined service of three years in these positions, on ocean or coastwise steam vessels."

And by the addition of an eighth proviso to read as follows:

"Eighth. Any person who has completed the Maritime Commission's four-year course as an engineer cadet and has, during the course of his training, served two years on a steam vessel."

And by the addition of the following paragraph to immediately follow the eighth proviso:

"An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise steam vessels, may substitute service as engine-room watch electrician on electric drive ocean and coastwise steam vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, Local Inspectors shall place an appropriate tonnage upon the license."

Section 62.55 *Chief Engineer of Motor Vessels* is amended by the addition of a seventh proviso reading as follows:

"Seventh. Any person holding a license as chief engineer of steam vessels, who has served one year under a license, and who has graduated from the Maritime Commission's Maritime Service training school in marine Diesel engineering."

Section 62.56 *First Assistant Engineer of Motor Vessels* is amended by the addition of a seventh proviso reading as follows:

"Seventh. Any person holding a license as first assistant engineer of steam vessels, who has served one year under a license, and who has graduated from the Maritime Commission's Maritime Service training school in marine Diesel engineering."

Section 62.57 *Second Assistant Engineer of Motor Vessels* is amended by the addition of a seventh proviso reading as follows:

"Seventh. Any person holding a license as second assistant engineer of steam vessels, who has served one year under a license, and who has graduated from the Maritime Commission's Maritime Service training school in marine Diesel engineering."

Section 62.58. *Third Assistant Engineer of Motor Vessels* is amended by the addition of two provisos to be known as the sixth and seventh provisos reading as follows:

"Sixth. Any person holding a license as third assistant engineer of steam vessels, who has served one year under his license and who has graduated from the Maritime Commission's Maritime Service training school in marine Diesel engineering;

"Seventh. Any person who has completed the Maritime Commission's four year course as an engineer cadet and has, during the course of his training, served six months on a Diesel vessel."

And by the addition of the following paragraph to immediately follow the seventh proviso reading as follows:

"An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise motor vessels, may substitute service as engine-room watch electrician on electric drive ocean and coastwise motor vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, Local Inspectors shall place an appropriate tonnage upon the license."

(R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4438, 46 U.S.C. 224; R.S. 4441 as amended, 46 U.S.C. 229; R.S. 4426, 46 U.S.C. 404; and 44 Stat. 1544, 46 U.S.C. Sup. 367)

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER III—BUREAU OF MARINE INSPECTION AND NAVIGATION

REGULATIONS AMENDED

Sections 312.13 (b), 322.15 (b), and 332.13 (b) are amended by the addition of the following paragraph reading as follows:

"Nothing herein contained shall require Copies of the Pilot Rules to be carried on board any motorboat as defined by Section 1 of the act of June 9, 1910."

(Section 2 of Public #331, 76th Congress, 1st session, approved August 7, 1939)

The following miscellaneous items of equipment for the better security of life at sea are hereby approved:

BOILERS

60. Almy "Z" Type Boiler, manufactured by Almy Water Tube Boiler Co., Providence, Rhode Island. (Change of Design.)

SAFETY VALVES

4564. 2½-inch Gentzel Super Jet Flow Safety Valve, Superheater Outlet Safety Valve, and Loaded Superheater Outlet Valve Combination, manufactured by Foster Engineering Co., Newark, New Jersey.

LIFEBOAT HAND-PROPELLING GEAR

4460. Fleming hand-propelling gear (modified), manufactured by Fleming Oarless Lifeboat Corporation, New York, N. Y.

LIFEBOAT-DISENGAGING APPARATUS

4467. Release Hook, manufactured by Welin Davit & Boat Corporation, Newark, New Jersey.

LIFEBOAT DAVITS

3214. Sheath screw davit, submitted by The Landley Company, Inc., New York, N. Y.

LIFE PRESERVERS

4347. Adult's kapok, and child's kapok life preservers, manufactured by the Rose Company, 1413 Flatbush Avenue, Brooklyn, New York.

FLASHLIGHTS

2700—III. Eveready Flashlight No. 1359 and Eveready Flashlight No. 1351, manufactured by National Carbon Company, Cleveland Ohio.

EMBARKATION LADDERS

4470. Myerstuen Safety Lifeboat and Jacob's Ladder, submitted by Hamilton Engineering Company, Boston, Massachusetts.

FIRE EXTINGUISHERS

3366. Foamite Crusader 2½-gallon foam fire extinguisher, manufactured by the American-La France-Foamite Corporation, Elmira, New York.

3366. Childs D. S. 2½-gallon soda-and-acid fire extinguisher, manufactured by the American-La France-Foamite Corporation, Elmira, New York.

3834. Red Star, Model 303, 2½-gallon soda-and-acid fire extinguisher, manufactured by General Fire Truck Corporation, Detroit, Michigan.

FIRE-INDICATING AND ALARM SYSTEMS

4563. Visual Smoke Detecting System, and Combined Smoke Detecting and Carbon Dioxide Extinguishing System, manufactured by The C-O-Two Fire Equipment Company, Newark, New Jersey.

FIRE-DETECTING THERMOSTATS

2593—I. Fixed Temperature Automatic Fire Detecting Thermostat, Type No. 666, manufactured by American District Telegraph Company, New York, N. Y.

(R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4433 as amended, 46 U.S.C. 411; R.S. 4472 as amended, 46 U.S.C. 465; R.S. 4479 as amended, 46 U.S.C. 472; R.S. 4481 as amended, 46 U.S.C. 474; R.S. 4488 as amended, 46 U.S.C. 481; and R.S. 4491 as amended, 46 U.S.C. 489)

The Rules and Regulations adopted by Executive Committees of the Board of Supervising Inspectors during the sessions held on March 29 to March 30, 1939 inclusive, August 4 to August 8,

1939 inclusive, and October 10 to October 11, 1939 inclusive, and approved by the Secretary of Commerce, have been adopted by said Board.

[SEAL] R. S. FIELD, *Director.*
CHARLES M. LYONS,
Supervising Inspector, 1st District.
GEORGE FRIED,
Supervising Inspector, 2nd District.
EUGENE CARLSON,
Supervising Inspector, 3d District.
JOHN F. OETTL,
Supervising Inspector, 4th District.
HARRY LAYFIELD,
Supervising Inspector, 5th District.
CHESTER W. WILLETT,
Supervising Inspector, 6th District.
WILLIAM FISHER,
Supervising Inspector, 7th District.

Approved:

J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 40-734; Filed, February 19, 1940;
12:14 p. m.]

[Order No. 18]

SUBCHAPTER K—SEAMEN

FEBRUARY 19, 1940.

Subsection (d) of § 138.5 *Qualified member of Engine Department* is amended by the addition of a new paragraph at the end thereof, reading as follows:

Electrician. The applicant shall be examined as to his knowledge of the latest approved methods of electrical installations on board ship, the requirements of the General Rules and Regulations with reference to electrical equipment, the operation and maintenance of the telephone, fire detecting, smoke detecting, and alarm systems, general knowledge of electric generators and electric motors.

(Sections 1 and 7, Act of June 25, 1936; 46 U.S.C., Sup. 672 and 689).

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 40-733; Filed, February 19, 1940;
12:14 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-126 O-126]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 27 AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as

amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 27¹ regulating the handling of milk in the New York metropolitan marketing area, effective 12:01 a. m., e. s. t., September 1, 1938; and

Whereas, the Secretary issued, effective October 1, 1939, amendment No. 1² to said order; and

Whereas, the Secretary on September 12, 1939, tentatively approved a marketing agreement regulating the handling of milk in the New York metropolitan marketing area; and

Whereas, the Secretary held public hearings³ on a proposal to amend Order No. 27, as amended, and the tentatively approved marketing agreement regulating the handling of milk in the New York metropolitan marketing area beginning on October 10, 1939, at Albany, New York, and beginning on October 16, 1939, at New York City; and

Whereas, after said last mentioned hearings, representatives of the Secretary heard oral arguments at New York City on a proposed order, as amended, regulating the handling of milk in the New York metropolitan marketing area, which order was prepared by representatives of the Dairy Section, Division of Marketing and Marketing Agreements, United States Department of Agriculture, for the purpose of such oral arguments; and

Whereas, after hearing said oral arguments, the Dairy Section has further revised the provisions of said proposed order, as amended; and

Whereas, the Metropolitan Cooperative Milk Producers' Bargaining Agency has petitioned the Secretary to hold a public hearing on certain other amendments to said order, as amended, and to said tentatively approved marketing agreement; and

Whereas, the Secretary has reason to believe that the declared policy of the act will be effectuated by the holding of a hearing to receive evidence concerning said revised proposed order and certain of said proposed amendments, and to review present marketing conditions surrounding milk produced for sale in the New York metropolitan marketing area in order to determine what amendments, if any, should be made to said order, as amended, and to said tentatively approved marketing agreement:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held beginning at 10:00 a. m., e. s. t., February 29, 1940, at the Hotel McAlpin, New York City. At the hearing, evidence will be received concerning said revised proposed order and certain of said proposals to amend said order, as amended, and said tentatively approved marketing agreement, and evi-

¹ 3 F.R. 1945.

² 4 F.R. 3901.

³ 4 F.R. 4039.

dence will also be received concerning marketing conditions surrounding milk produced for sale in the New York metropolitan marketing area, in order that a determination may be made as to what further amendments, if any, should be made to said order and to said tentatively approved marketing agreement.

The major revisions and amendments relate to (a) the addition of other counties to "the New York milk shed" or "special cream area"; (b) the revision of the prices for the various classes of milk; (c) the addition of a skim differential; and (d) changes in the provisions relating to Grade A premiums, payments to cooperative associations, payments for market services and payments to and from the producers' settlement fund.

Copies of a proposed order, as amended, prepared as a basis for the public hearing and containing the revised provisions prepared by the Dairy Section after hearing the aforementioned oral arguments and containing certain of the amendments proposed by said Producers' Bargaining Agency may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310 South Building, Washington, D. C., or may be there inspected.

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

Dated, February 16, 1940.

[F. R. Doc. 40-724; Filed, February 17, 1940;
10:05 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION AND ORDER RE EMPLOYMENT OF LEARNERS IN THE GLOVE BRANCH OF THE APPAREL INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

Whereas, the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, and sundry other parties, made application under section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations applicable to the Employment of Learners pursuant to section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the glove branch of the apparel industry at wages less than the applicable minimum wage specified in section 6 of the Act; and

Whereas, a public hearing¹ on said applications was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Di-

¹ 4 F.R. 4544.

vision duly authorized to conduct the hearing and to determine both under the minimum wage rates applicable October 24, 1939, and under such higher minimum wage rates as have been recommended by Industry Committee No. 2 for the apparel industry:

(a) What, if any, occupation or occupations in the glove branch of the apparel industry require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the glove branch of the apparel industry, and

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

As used in the notice of hearing the term "glove branch of the apparel industry" was defined as: "The manufacture of all gloves and mittens (except athletic), other than work gloves and mittens, from leather, woven or knitted fabrics, or from any combinations of these materials, and the manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials," and

Whereas, following said hearing the said Merle D. Vincent duly made his findings and determination and filed same with the Administrator on February 8, 1940. Said findings and determination which are now on file in Room 5144, U. S. Department of Labor Building, Washington, D. C., and are there available for examination by all interested parties, contain the following determination and order:

"Upon the whole record of evidence, I determine and order:

"1. Effective on or after February 20, 1940, Special Certificates permitting the employment of learners, at subminimum rates may be issued under the conditions set forth below to all plants in the Glove Branch of the Apparel Industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available.

"(a) Learners employed under the certificate shall not exceed 5 percent of the total number of workers in the plant engaged in hand and machine stitching operations on leather dress gloves; and in machine stitching operations on knit fabric and work gloves; and in finger knitting and finger closing operations on knit wool gloves, provided that as many as 5 learners may be authorized in any certificate.

"(b) No person shall be employed as a learner under the certificate longer than 480 hours.

"(c) Learners employed under the certificate shall be paid not less than 25 cents per hour. In plants where experienced operators are paid on a piece-work rate, learners shall be paid at least the same piece work rate and shall receive earnings paid on this rate if they earn in excess of 25 cents per hour.

"(d) Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

"(e) No learners shall be employed at a subminimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

"2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available or if the applicant knowingly made false or misleading statements in his application, and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, unless extended by order or otherwise.

"3. In this order, the term "learner" means:

"(a) In the leather dress branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in hand or machine stitching operations on leather dress gloves.

"(b) In the knit fabric branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations on leather dress or knit fabric gloves.

"(c) In the work glove branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations in any type of glove manufacture.

"(d) In the knit wool branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate on finger knitting and finger closing operations; and the term "Glove Branch of the Apparel Industry" includes leather dress gloves, knit fabric gloves, work gloves, and knit wool gloves.

"I further order that the record be kept open to receive additional testimony on the possible need for and terms of the employment of learners at subminimum rates in the cutting occupation in the leather dress branch of the Glove Branch of the Apparel Industry."

Now, therefore, notice is hereby given that pursuant to § 522.13 of the Regulations of the Wage and Hour Division, as

amended, petitions for review of the action of the said representative may be filed by interested parties within fifteen days after the publication of this notice in the FEDERAL REGISTER. Said petitions should be filed in triplicate and should state reasons for the requested review.

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

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-720; Filed, February 16, 1940; 2:43 p. m.]

[Administrative Order No. 40]

APPOINTMENT OF INDUSTRY COMMITTEE
No. 10 FOR THE LEATHER INDUSTRY

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

For the Public:

Msgr. Francis J. Haas, Chairman,
Washington, D. C.

Edgar M. Hoover, Jr., Ann Arbor,
Michigan

Miss Elizabeth S. Magee, Cleveland,
Ohio

Miss Elizabeth Morrissy, Baltimore,
Maryland

John J. Murray, Boston, Massachusetts
Harry W. Newburger, New York, New
York

Thomas L. Norton, Buffalo, New York
Tipton R. Snavely, Charlottesville,
Virginia

For the Employees:

Daniel J. Boyle, Boston, Massachusetts
James J. Chenery, Boston, Massa-
chusetts

Joseph F. Cunningham, Philadelphia,
Pennsylvania

William Oaksford, Johnstown, New
York

Thomas Galanos, Newark, New Jersey
Bernard G. Quinn, Philadelphia, Penn-
sylvania

Boris Shishkin, Washington, D. C.
Augustus J. Tomlinson, Girard, Ohio

For the Employers:

H. N. Goodspeed, Peabody, Massa-
chusetts

Ernest Lyndon McKee, Sylva, North
Carolina

Silas Foot, Red Wing, Minnesota
William Hunneman, Jr., Philadelphia,
Pennsylvania

A. J. Swedenborg, Ashtabula, Ohio
George J. Harrington, Peabody, Mas-
sachusetts

John Mahoney, Gloversville, New York
Edward H. Ball, Chicago, Illinois

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

2. As used in this order the term "Leather Industry" means:

(a) The manufacture of leather (including rawhide) from any type of hide or skin; the currying and finishing of leather and

(b) The manufacture of wetting and power transmission belting when made wholly or principally of leather.

3. The definition of the leather 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.

4. 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 16th day of February, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc 40-725; Filed, February 17, 1940; 10:27 a. m.]

NOTICE OF REVIEW OF FINDINGS AND DETERMINATION DENYING APPLICATION OF SALANT & SALANT, INC., FOR A SPECIAL CERTIFICATE TO PERMIT THE EMPLOYMENT OF ADDITIONAL LEARNERS AT WAGE RATES LESS THAN THE MINIMUM FOR PLANT EXPANSION AT LAWRENCEBURG, TENNESSEE

Whereas application having been made by Salant & Salant, Inc., 56 Worth Street, New York, New York, for a Special Certificate to permit the employment at wage rates less than the minimum provided by Section 6 of the Fair Labor Standards Act of 1938, of 108 additional learners for plant expansion at Lawrenceburg, Tennessee, and

Whereas on December 11, 1939, following a protest against the issuance of such Special Certificate duly filed by the Amalgamated Clothing Workers Union, Merle D. Vincent duly authorized by the Administrator of the Wage and Hour Division to issue or deny Special Certificates for the employment of learners at sub-minimum rates, held an informal conference hearing to determine whether said requested Special Certificate should be issued, and

Whereas on the basis of said conference the aforementioned Merle D. Vin-

cent duly made findings and determination and on January 16, 1940, filed same with the Administrator in Room 5144, United States Department of Labor Building, where copies of said findings and determination are available for examination by interested parties and which contain the following determination:

"Therefore, I find from the evidence and testimony relating to this application for a Special Certificate to employ learners in the Lawrenceburg, Tennessee, plant of Salant & Salant, Inc., First, that the evidence fails to show that a reasonable employer in the circumstances of the applicant would refrain from hiring learners to carry out the contemplated plant expansion without authority to hire such workers at substandard wage rates; Second, that the community should be protected against wage standards which are socially and economically harmful and against possible future unemployment, which would be unfair in the light of the investment which the community has made in the factory in so far as the standards established by the Fair Labor Standards Act will not impose such hardship upon the employer as will curtail opportunities for employment; Third, that the testimony and other evidence offered by the applicant does not indicate that the applicant is unable to pay the minimum rate or that he is unable to train needed new employees, but does indicate that the reason for the application is to prevent disturbance of a wage structure; Fourth, that a minimum rate of 30 cents per hour would not adversely affect the applicant's Lawrenceburg operations provided its competitors were not exempt from the same labor costs; and that a denial of the application will not result in curtailment of opportunities for employment." and

Whereas an opportunity was furnished to interested parties to petition for a review of the aforementioned findings and determination, and

Whereas Salant & Salant, Inc., 56 Worth Street, New York, New York, has petitioned for a review of said findings and determination,

Now, therefore, the petition is hereby granted and notice is hereby given that the Administrator for the purpose of reviewing the findings and determination of the said Merle D. Vincent and to make a final determination in the matter of the application filed by Salant & Salant, Inc., 56 Worth Street, New York, New York, for a Special Certificate to permit the employment at wage rates less than the minimum provided by Section 6 of the Fair Labor Standards Act of 1938, of 108 additional learners for plant expansion at Lawrenceburg, Tennessee, will receive briefs from interested parties, either in support of or in opposition to the aforementioned findings and determination, provided that original briefs are filed with the Administrator, Wage and Hour

Division, prior to close of business March 8, 1940, and provided that rebuttal briefs are filed with the Administrator prior to the close of business March 20, 1940. All briefs should be filed in triplicate and will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 19th day of February 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-729; Filed, February 19, 1940; 11:21 a. m.]

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

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 20, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

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

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

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

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

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

NUMBER OF LEARNERS

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

NAME AND ADDRESS OF FIRM AND PRODUCT

Anthracite Overall Mfg. Co., Scranton, Pennsylvania, overalls and trousers.
J. A. Lamy Mfg. Company, 108 West Pacific Street, Sedalia, Missouri, pants and overalls.

Signed at Washington, D. C., this 19th day of February 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-735; Filed, February 19, 1940; 12:45 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective February 20, 1940, until June 18, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

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

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a

conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the administrator will receive detailed written objections as provided for in said section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
Anthracite Overall Mfg. Co., Scranton, Pennsylvania.	Overalls and trousers.	10
Cohoes Silk Undergarment Co., 31 Ontario Street, Cohoes, New York.	Pajamas, night-gowns, and slips.	20
J. A. Lamy Mfg. Company, 108 West Pacific Street, Sedalia, Missouri.	Pants and overalls.	45

Signed at Washington, D. C., this 19th day of February 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-736; Filed, February 19, 1940; 12:45 p. m.]

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

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective February 20, 1940, to September 18, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

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

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

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided

for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Palmetto Full Fashioned Hosiery Mill, Inc., Main Street, Saluda, South Carolina (30 learners).

Signed at Washington, D. C., this 19th day of February 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-737; Filed, February 19, 1940; 12:45 p. m.]

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

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 20, 1940 until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

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

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

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

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

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

NUMBER OF LEARNERS

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

NAME AND ADDRESS OF FIRM AND PRODUCT

A. Schottland, Inc., South Grace Street, Rocky Mount, North Carolina, (2 learners), acetate and rayon fabrics.

Signed at Washington, D. C., this 19th day of February 1940.

GUSTAVE PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-738; Filed, February 19, 1940; 12:45 p. m.]

CIVIL AERONAUTICS AUTHORITY.

Air Safety Board.

[Docket No. 10]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT NC 22890, WHICH OCCURRED NEAR PITTSBURG, KANSAS, ON WEDNESDAY, FEBRUARY 14, 1940

NOTICE OF HEARING

An accident involving aircraft of United States registry NC 22890 having occurred near Pittsburg, Kansas, on Wednesday, February 14, 1940, it is hereby ordered by the Air Safety Board, pursuant to the provisions of section 702 (a) (2) and 702 (c) of the Civil Aeronautics Act of 1938, that a public hearing be held in connection with the

investigation of said accident before Examiner Fred M. Glass, at such time and place as shall be hereafter designated by the said Examiner.

Dated, Washington, D. C., February 16, 1940.

By the Board.

[SEAL]

R. D. HOYT,
Executive Officer.

[F. R. Doc. 40-731; Filed, February 19, 1940; 11:35 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 64]

FILING OF CERTAIN INTERNATIONAL TELEGRAPH INFORMATION

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1940,

Pursuant to Section 218 of the Communications Act of 1934, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created,

It is ordered, That each common carrier subject to the Communications Act engaged in international telegraph communication shall file with the Commission not later than April 1, 1940, in quadruplicate, under oath, the following information:

(1) The present normal routing of telegraph traffic between the continental United States and each of the countries named below, in each direction, giving the names of all connecting carriers or administrations handling the traffic, the points at which traffic is transferred, and the countries through which the traffic is routed to reach its ultimate destination.

EUROPE, AFRICA AND THE NEAR EAST

Albania, Austria, Azores, Belgium, Bulgaria, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Free State (Eire), Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, U. S. S. R., United Kingdom, Yugoslavia, British East Africa, British West Africa, South Africa, Belgian Congo, Egypt, Ethiopia, French Africa, Italian Africa, Liberia, Portuguese Africa, Spanish Africa, Arabia, Iran, Iraq, Palestine, Syria, Turkey.

THE WEST INDIES, CENTRAL AND SOUTH AMERICA

British West Indies; Cuba; Dominican Republic; French West Indies; Haiti; Netherlands West Indies; Puerto Rico; Virgin Islands; British Honduras; Costa Rica; Guatemala; Honduras; Nicaragua; Panama; Panama Canal Zone; Salvador; Argentina; Bolivia; Brazil; Chile; Colombia; Ecuador; Guiana--British, French, Netherlands; Paraguay; Peru; Uruguay; Venezuela.

ASIA AND OCEANIA

British India, British Malaya, Ceylon, China, French Indo-China, Hongkong, Japan and Kwangtung, Macao, Manchuria, Netherlands East Indies, Thailand (Siam), Australia, British Oceania, French Oceania, Guam, Hawaii, Midway Islands, New Zealand, Philippine Islands, Samoa (American), Wake Island.

(2) At least two practical alternate routes for telegraph traffic between the continental United States and each of the above-named countries giving the same information as specified in (1) above.

(3) The number of paid messages and paid words in each direction, separately, handled over respondent's facilities between the continental United States and (a) Europe, Africa and the Near East; (b) the West Indies, Central and South America; and (c) Asia and Oceania, respectively, on March 6, 1940. (For example, a message between the United States and China handled over facilities in the Pacific shall be reported under (c); if it is handled over facilities via London, it shall be reported under (a).)

(4) Information similar to that specified in (1) above with respect to the present normal routing of traffic between each territory and possession of the United States and each of the above-named countries: *Provided, however,* That this information shall be furnished only where such normal routing differs from the routing of traffic between the continental United States and such countries.

It is further ordered, That each common carrier operating international cable telegraph circuits shall file with the Commission, at the same time and in the same manner, the following information:

(1) A list of all of respondent's cables showing the percentage of original cable in circuit and the average age of each cable.

(2) A list of all channels¹ operated by the respondent in each direction on March 6, 1940 showing:

- (a) The routing of each channel;
- (b) The actual times (Local Standard Time) at which each channel was opened and closed for traffic;
- (c) The estimated portion of such open periods during which traffic was actually handled;
- (d) The times (Local Standard Time) at which peak loads occurred at each transmitting point;
- (e) The capacity of each channel in words per minute (six characters—five characters and a space—per word).

(3) The number of additional channels which were not operated on March

¹ A telegraph channel is a path which is suitable for the transmission of telegraph signals between two telegraph stations in one direction.

6, 1940 but were immediately available for traffic, showing the routing of each channel and its capacity in words per minute.

(4) A list of all interruptions of respondent's cables during the period 1934 to 1939, inclusive, showing the date of interruption, the location of the interruption, the cause of the interruption, the capacity lost by the interruption, and the date of restoration of service. In the event that the interruption required the rerouting of respondent's traffic, show the rerouting of traffic during such periods.

(5) A list of all interruptions of respondent's foreign correspondents' cables during the period 1934 to 1939, inclusive, necessitating rerouting respondent's traffic, showing the cables interrupted, the date of interruption, the date of restoration of service, and the rerouting of respondent's traffic during the interruption.

It is further ordered. That each common carrier operating international radiotelegraph circuits shall file with the Commission, at the same time and in the same manner, the following information:

(1) The number of radiotelegraph circuits operated by respondent between the continental United States and each of the above-named countries with which direct radio circuits are established, in each direction, on March 6, 1940 showing:

- (a) The transmitting point.
- (b) The country or countries with which each circuit was operated.
- (c) The complement of frequencies used for each circuit (for multiplex circuits show the number of channels obtained in each direction).
- (d) The actual times (Local Standard Time) at which each circuit was opened and closed for traffic.
- (e) The estimated portion of such open periods during which traffic was actually handled. (Transmission of Addressed Program Material to be reported separately.)
- (f) The times (Local Standard Time) at which peak loads occurred on each circuit.
- (g) The capacity of each circuit and the actual operating-speed of each circuit in words per minute (six characters—five characters and a space—per word).

(2) In addition to the circuits reported under (1) above, information similar to that required in (1), (a), (b), (c), and (g) concerning the number of radiotelegraph circuits which were not operated on March 6, 1940, but were immediately available for traffic between the Continental United States and each of the above-named countries with which direct radiotelegraph circuits are established, taking into consideration the ability of the foreign correspondents to

receive or transmit on additional circuits simultaneously, and all other factors which would limit the operation or capacities of the circuits.

(3) A list of all interruptions of respondent's direct international radiotelegraph circuits between the continental United States and any point which required the rerouting of traffic between the United States and that point in either direction for more than one day during the period 1934 to 1939, inclusive, showing the date of interruption, the cause of interruption, the rerouting of respondent's traffic during the interruption, and the date of restoration of the service.

(4) Information similar to that specified in (1), (2), and (3) above with respect to facilities operated by respondent between each territory and possession of the United States and each of the above-named countries with which direct radiotelegraph circuits are established.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-718; Filed, February 16, 1940; 1:08 p. m.]

[Docket No. 5815]

IN RE APPLICATION OF WEST VIRGINIA NEWSPAPER PUBLISHING Co. (NEW)

Dated October 24, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Morgantown, W. Va.; operating assignment specified: frequency, 1200 kc.; power, 250 w. night; 250 w. day; hours of operation, unlimited

[File No. B2-P-2595]

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, technical, financial and other qualifications of the applicant to construct and operate the proposed station.
2. To determine whether the granting of the application will tend toward a fair, efficient and equitable distribution of radio service.

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 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:

West Virginia Newspaper Publishing Co.,
% H. C. Greer, Box 870,
Morgantown, W. Va.

Dated at Washington, D. C., February 13, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-719; Filed, February 16, 1940; 1:08 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

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

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

[Docket No. 3555]

IN THE MATTER OF UNITED STATES MALTS-TERS ASSOCIATION, CHILTON MALTING COMPANY, THE COLUMBIA MALTING COMPANY, FROEDTERT GRAIN & MALTING Co., WM. E. KREINER & SONS, INC., THE KURTH MALTING COMPANY, INTERIOR MALT & GRAIN Co., THE LADISH-STOPPENBACH COMPANY, GEORGE J. MEYER MALT & GRAIN CORP., MILWAUKEE WESTERN MALT COMPANY, NORTHWESTERN MALT & GRAIN COMPANY, THE FRANCIS PEROT'S SONS MALTING Co., RAHR MALTING Co., H. W. RICKEL & COMPANY, L. ROSENHEIMER MALT & GRAIN Co., THE KONRAD SCHREIER COMPANY, ALBERT SCHWILL & COMPANY, DANIEL D. WESCHLER & SONS, INC., WEST BEND MALTING COMPANY, WISCONSIN MALTING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered. That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered. That the taking of testimony in this proceeding begin on Tuesday, February 27, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 325, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the ex-

aminer is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-723; Filed, February 17, 1940;
9:41 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1940.

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

[File No. 21-319]

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

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

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

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, organizations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Automobile Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, or such amendments or additions thereto, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than March 20, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., March 20, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, organizations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-728; Filed, February 19, 1940;
9:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1940.

[File No. 43-285]

IN THE MATTER OF SOUTHWESTERN GAS AND ELECTRIC COMPANY
ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Southwestern Gas and Electric Company, a subsidiary of a registered holding company, having filed a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the change in the rights and preferences of outstanding shares of common stock and the issue and sale of the following securities:

- (1) \$16,000,000 principal amount of First Mortgage Bonds, Series A, 3¼%, due February 1, 1970;
- (2) 75,000 shares of 5% preferred stock, cumulative, \$100 par value; and
- (3) Such number of shares of common stock for a cash consideration of \$1,300,000 as the Commission may permit to be sold either to The Middle West Corporation or to Central and South West Utilities Company;

A public hearing¹ having been held on said declaration, as amended, after appropriate notice; the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That said declaration be, and the same hereby is, permitted to become effective, subject to the following conditions:

- (a) That in connection with the offer to existing preferred stockholders to exchange their stock for shares of the new preferred stock, the company shall reserve for such exchanges sufficient shares of new preferred stock to take care of all requests to exchange made known to exchange agents by telegrams received prior to the expiration of the specified exchange period, in addition to requests to exchange which shall be accompanied by the deposit with exchange agents of the requisite documents therefor.
- (b) That the transactions set forth in the declaration, as amended, be carried out in all other respects in accordance with and for the purposes represented by said amended declaration:
- (c) That the transactions set forth in the declaration, as amended, be consummated within sixty (60) days after the date of this order;
- (d) That within ten (10) days after the consummation of the transactions set forth in the declaration, as amended, declarant shall file with the Commission

¹ 5 F.R. 191.

a certificate of notification showing that such transactions have been effected in accordance with the terms and conditions of and for the purposes represented by said declaration, as amended; and

(e) That the Commission reserves jurisdiction to determine the number of shares of common stock to be issued under the declaration as amended and in addition reserves jurisdiction with respect to any acquisition of such shares by Central and South West Utilities Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-726; Filed, February 17, 1940;
11:06 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 19th day of February, A. D. 1940.

[File No. 32-195]

IN THE MATTER OF CENTRAL ILLINOIS LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 6, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 1, 1940.

The matter concerned herewith is in regard to the issue and private sale by

Central Illinois Light Company of \$9,-376,300 principal amount of First and Consolidated Mortgage Bonds, 3 1/4% Series due April 1, 1963, which issue will, by agreement with the holders, replace the presently outstanding 4 1/4% Series due April 1, 1963. The applicant has designated Section 6 (b) as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-732; Filed, February 19, 1940; 12:10 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, FEBRUARY 15, 1940

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of

original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands.....	9	0
2. Puerto Rico.....	632	45
3. Hawaii.....	151	16
4. California.....	2,324	818
5. Alaska.....	24	9
6. Texas.....	2,384	969
7. Louisiana.....	860	408
8. Michigan.....	1,982	946
9. Arizona.....	178	95
10. South Carolina.....	712	406
11. New Jersey.....	1,654	957
12. Ohio.....	2,720	1,649
13. Mississippi.....	823	503
14. Alabama.....	1,083	668
15. Oklahoma.....	981	616
16. Arkansas.....	759	477
17. Georgia.....	1,190	778
18. Kentucky.....	1,070	716
19. New Mexico.....	173	117
20. North Carolina.....	1,298	900
21. Tennessee.....	1,071	826
22. Illinois.....	3,123	2,434
23. Wisconsin.....	1,203	969
24. Connecticut.....	658	562
25. Indiana.....	1,325	1,162
26. Delaware.....	98	86
27. Nevada.....	37	33
28. Florida.....	601	557
29. Oregon.....	390	362
30. Idaho.....	182	170
31. New Hampshire.....	190	185
32. Washington.....	640	629
33. Pennsylvania.....	3,942	3,884
34. Wyoming.....	92	91
35. New York.....	5,152	5,124
36. Missouri.....	1,485	1,478
QUOTA FILLED		
37. Maine.....	326	326
38. Vermont.....	147	147

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN EXCESS			
39. West Virginia.....	708	710	+3
40. Massachusetts.....	1,739	1,744	+15
41. Montana.....	220	221	+15
42. Colorado.....	424	428	0
43. Kansas.....	770	798	-34
44. North Dakota.....	279	294	-21
45. Rhode Island.....	281	297	-13
46. Utah.....	208	222	+15
47. South Dakota.....	284	311	-6
48. Minnesota.....	1,049	1,153	-41
49. Iowa.....	1,011	1,120	-34
50. Nebraska.....	564	697	+3
51. Virginia.....	991	2,035	-20
52. Maryland.....	668	2,072	+13
53. Dist. of Col.....	199	8,846	-42
GAINS			
By appointment.....			762
By transfer.....			34
By reinstatement.....			2
By correction.....			1
Total.....			799
LOSSES			
By separation.....			95
By transfer.....			60
By correction.....			1
Total.....			156
Total appointments.....			51,066

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,281.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director,
and Chief Examiner.

[F. R. Doc. 40-727; Filed, February 19, 1940; 9:42 a. m.]