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Washington, Friday, August 16, 1940

The President

EXECUTIVE ORDER

AUTHORIZING THE CIVIL SERVICE COMMISSION TO PERMIT TRANSFERS DURING PROBATION TO APPROPRIATE POSITIONS DIRECTLY CONCERNED WITH THE NATIONAL DEFENSE PROGRAM

By virtue of the authority vested in me by section 1753 of the Revised Statutes (U.S.C., title 5, sec. 631), by the Civil Service Act (22 Stat. 403), and as President of the United States, the Civil Service Commission is hereby authorized to permit transfers during probation to appropriate positions directly concerned with the national defense program.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 13, 1940.

[No. 8514]

[F. R. Doc. 40-3394; Filed, August 14, 1940; 12:59 p. m.]

EXECUTIVE ORDER

SETTING ASIDE AN AREA WITHIN THE CANAL ZONE TO PRESERVE AND CONSERVE ITS NATURAL FEATURES FOR SCIENTIFIC OBSERVATION AND INVESTIGATION

WHEREAS sections 1 and 2 of the Act approved July 2, 1940 (Public No. 711, 76th Congress, Third Session), entitled "An Act to authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes," provide as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to set aside within the Canal Zone an area in Gatun Lake known as Barro Colorado Island in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

SEC. 2. The purpose of setting aside such an area is to preserve and conserve its natural features, including existing flora and fauna, in as nearly a natural condition as possible, thus providing a place where duly qualified students can make observations and scientific investigations for increase of knowledge, under such conditions and regulations as may be prescribed by the Board of Directors of the Canal Zone Biological Area.

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said Act of Congress, I hereby set aside within the Canal Zone for the purposes set forth in the said Act of Congress, and to be administered as therein provided, the area in Gatun Lake known as Barro Colorado Island, in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Aug. 13th, 1940.

[No. 8515]

[F. R. Doc. 40-3393; Filed, August 14, 1940; 12:59 p. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 14, 1940.

TO MITCHELL LIVESTOCK AUCTION COMPANY, INC., *Mitchell, S. Dak.*

Whereas, the Mitchell Live Stock Auction Company, at Mitchell, S. Dak., was posted on March 8, 1934, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

[1] (Modifies list posted stockyards 9 CFR 204.1)

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FEDERAL REGISTER

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Whereas, it now appears that the Mitchell Live Stock Auction Company is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Mitchell Live Stock Auction Company, at Mitchell, South Dakota, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] CLAUDE R. WICKARD,
Undersecretary of Agriculture.

[F. R. Doc. 40-3395; Filed, August 14, 1940; 3:43 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 77—MEDICAL AND DENTAL ATTENDANCE [1]

MEDICAL ATTENDANCE

§ 77.1 *General*—(a) *Definition.* The term "medical attendance" as used in these regulations embraces the treatment by a medical officer or contract surgeon in the Federal service, or by a civilian physician, of sick or injured persons, and advice and physical examination connected therewith. The term includes furnishing of medicine, nursing, hospital care, and ambulance service. For dental treatment, see § 77.40.

(b). *Agencies for providing medical attendance in the Army.* (1) The principal agencies maintained for providing medical attendance in the Army are—

(i) *At permanent stations.*
Hospitals.
Dispensaries.

(ii) *In the field.*
Aid stations.
Collecting stations.
Clearing stations.
Evacuation and surgical hospitals.
Hospitals (fixed).
Dispensaries.

(2) In general, patients proceed to these agencies for observation and treatment. Patients sick in quarters at a station or with a command which has a hospital or dispensary will, if their condition permits, report thereto for examination and treatment as required by the medical officer in attendance. Other patients sick in quarters will be visited by a medical officer as often as he may deem necessary.

(c) For provisions relating to the refusal of treatment, see AR 600-10.*† [Par. 1]

§ 77.2 *For whom authorized.* Under the conditions indicated herein the Army will, usually through its own facilities, provide medical attendance to the personnel enumerated in (a) (b) and (c) below. (a) *General.* Any person admitted to an Army hospital under the provisions of AR 40-590, 40-605, or 40-610,[2] while undergoing treatment in such hospital.

(b) *Military.* (1) Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) of the Army of the United States while in active Federal service; general prisoners, and prisoners of war.

(2) Persons who are on the retired list of the Regular Army and who report in person at any Army dispensary or hospital, provided sufficient accommodations are available for their treatment. Medical officers and contract surgeons will not be required to leave their stations to attend those on the retired list.

(3) Members of the National Guard not in Federal service while in attendance at a Federal training camp, and under certain other conditions as prescribed under appropriate headings in National Guard Regulations.

(4) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps as provided in (1) above.

(c) *Civilian.* (1) Members of the Reserve Officers' Training Corps, as prescribed in AR 145-10 and §§ 62.1 to 62.34, inclusive.

(2) Trainees at a Citizens' Military Training Camp, as prescribed in AR 350-2200 and §§ 41.1 to 41.40, inclusive.

(3) Persons in military custody or confinement and applicants for enlistment while under observation.

(4) Whenever practicable, the wife, dependent children, and servants of persons enumerated in (b) (1) above; also other dependent members of the family when residing with such persons provided they are not legally dependent upon an individual not in the military service.

(5) Civilian employees of the Army (including civilian employees of post exchanges) at stations or in the field, where other medical attendance cannot be procured.

(6) Civilian employees of the United States Government who receive personal injuries in the performance of official duty who may report for treatment at an Army dispensary or hospital upon request of the officer under whom they are employed, provided other Government hospitals for the treatment of such employees are not convenient of access.*† [Par. 2]

§ 77.3 *Civilian medical attendance for military patients at public expense*—(a) *General authorization.* Subject to the conditions and limitations specified herein, civilian medical attendance at public expense is authorized for personnel specified in (b) below, when the required attendance cannot be provided from available facilities of the Army or other Federal agency.

[1] §§ 77.1 to 77.8, inclusive, are added.

* §§ 77.1 to 77.8, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22.

† The source of §§ 77.1 to 77.8, inclusive, is Army Regulations No. 40-505, June 28, 1940.

[2] Administrative regulations of the War Department.

(b) *For whom authorized.* Civilian medical attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) of the Army of the United States in the Federal Service when on a duty status or when absent on authorized leave, sick leave, furlough, or pass, when such leave, sick leave, furlough, or pass is originally granted for a period not in excess of 24 hours. Civilian medical attendance is not authorized for the personnel enumerated when absent without leave or when absent on authorized leave, sick leave, furlough, or pass, when such leave, furlough, or pass is originally granted for a period in excess of 24 hours.

(2) A prisoner in military custody.

(3) An applicant for enlistment while under observation.

(c) *Ordinary medical attendance.* (1) An individual for whom civilian medical attendance is authorized under (b) above, and who is serving without an immediate local commanding officer, may engage civilian medical attendance without reference to higher authority when the urgency of the situation does not permit obtaining prior approval by higher authority or when he or she is serving beyond the continental limits of the United States, and not under the jurisdiction of a corps area commander. Under all other circumstances such an individual will obtain prior approval from higher authority. (See (3) below.)

(2) A local commanding officer may engage or authorize necessary civilian medical attendance for himself or for any person under his jurisdiction under any one of the following conditions:

(i) When the cost will not exceed $100, unless the individual for whom the medical attendance is required is serving beyond the continental limits of the United States and not under the jurisdiction of a corps area commander.

(ii) When the urgency of the situation does not permit obtaining prior approval by higher authority.

(3) Where prior approval by higher authority is required for civilian medical attendance, the authority to grant such approval is vested in the corps area commander for personnel under his jurisdiction. For all other personnel, prior approval by The Surgeon General is required. See (f) below.

(d) *Specialist service.* (1) Except as otherwise provided in (2) below, the engagement at public expense of a civilian specialist is subject to prior approval of The Surgeon General.

(2) When it is impracticable to obtain prior approval of The Surgeon General or when the services of a civilian specialist are immediately necessary to save life or prevent suffering or distress, such services may be authorized or engaged by the appropriate commanding officer, or by the individual concerned if there is no local commanding officer.

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases, and then only when recommended by The Surgeon General upon the express approval of the Secretary of War.

(f) *Requests for authority to engage civilian medical attendance.* When medical attendance is required, requests for authority to engage such attendance will normally be made in writing, transmitted through channels, but in emergency may be transmitted by telegraph or radio direct to the approving authority. (See (c) (3) and (d) above.) The request will include—

(1) *For ordinary medical attendance.*
(i) Character and extent of disability.
(ii) Statement whether disability is or is not chronic.
(iii) Place of duty and duties upon which the individual is engaged.
(iv) Status—duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(2) *For specialist service.* (i) Diagnosis in the case.
(ii) Professional procedure considered necessary and estimate of time required for treatment.
(iii) Statement of condition of patient and the practicability of his transfer to an Army or other Federal hospital for the necessary treatment.
(iv) Place of duty and duties upon which the individual is engaged.
(v) Status—duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.
(vi) Estimate of the cost.

(g) *The Surgeon General the final approving authority.* In all cases, both domestic and foreign, The Surgeon General, except as otherwise directed by him or as indicated in (e) above, will be the ment of civilian medical attendance, ment of civilian medical attendance, and his approval of vouchers for such service will indicate his authorization up to the amount approved by him.

(h) *Individual surgical and orthopedic appliances.* Surgical or orthopedic appliances for individual patients will be paid for from public funds only upon satisfactory evidence of their necessity and with the approval of The Surgeon General.

(i) *Allowances*—(1) *Compensation allowed to civilian physician.* (i) Ordinary medical attendance on public account at garrisoned stations or camps will not exceed the following rates, and if the local charge per visit is less than these rates the account will be rendered at the local rates: For attending station or sick call, five patients or fewer; $4; for each patient in excess of five, 50 cents; for each additional visit to station or sick call when necessary on the same day, $4.

(ii) Where there is a large sick report and the service may be required for an extended period, and the aggregate charge for a month is likely to exceed $150, application will be made to The Surgeon General for authority to employ a physician by the month.

(iii) Accounts arising at stations or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at reasonable rates approved by The Surgeon General.

(iv) The compensation allowed to each civilian physician for the physical examination of applicants for enlistment in the Regular Army and the Regular Army Reserve, when such examinations are authorized by regulations or orders, will not exceed the following rates: For a single examination $2 and $1 for each additional examination made on the same day. Applicants for the Regular Army and the Regular Army Reserve will be counted together in the total examined for the day at any particular station, as prescribed in AR 155–5 and §§ 63.1 to 63.16, inclusive. A physician employed at different stations on the same day will be allowed these rates in full for the examinations made at each station. He will be allowed in the case of authorized vaccinations 50 cents for administration of each dose of vaccine (such as smallpox or typhoid vaccine). See AR 600–750 and §§ 71.6 to 71.21, inclusive.

(v) Civilian physicians employed, in the absence of a medical officer or contract surgeon, for the physical examination or vaccination of officers, enlisted men, or other persons under the provisions of regulations or orders from competent authority, will, except as otherwise provided by competent orders and regulations or directed by The Surgeon General, be paid at the rates prescribed above for the examination and vaccination of applicants for enlistment.

(2) *Charges for other civilian attendance.* Accounts for civilian hospital service, for special nursing, for medicines, for ambulance, and for sundry items of civilian medical service may be allowed at reasonable rates approved by The Surgeon General.*† [Par. 3]

§ 77.4 *Treatment in hospitals of other Government services*—(a) *For whom authorized.* When Army hospitals are not available, treatment in other Federal hospitals at public expense is authorized for the following personnel, and none other:

(1) Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) of the Army of the United States in the Federal service when on a duty status or while absent from duty on authorized leave or absent without leave.

(2) A prisoner in military custody.

(3) An applicant for enlistment while under observation.

(b) *Subsistence.* Subsistence charges will be at the rate prescribed by the individual hospital. Payment for subsistence

will not be made to the hospital by the individual concerned. The Surgeon General will collect the subsistence charges from any officer, Army nurse, warrant officer, or contract surgeon (full time), so hospitalized, and deposit it to the proper appropriation.*† [Par. 4]

§ 77.5 *Sick call*—(a) *Purposes.* Ordinarily sick call is not a suitable time for the careful examination and definitive treatment of the sick and wounded. Its main purposes are—

(1) To provide medical attendance at a certain hour each day for persons on a duty status who may report at the hospital or dispensary.

(2) To provide for the admission to hospital or quarters for further examination and treatment of each person found to be physically unfit to perform full duty.

(3) To record in official documents any changes of status of patients.

(b) *How conducted.* At sick call the enlisted men of each organization or detachment who require medical attention will be conducted to the hospital or dispensary by a noncommissioned officer of the unit concerned, who will give to the medical officer in attendance the organization or detachment daily sick report containing the names of the sick and injured. The medical officer will determine as expeditiously as possible the number of men physically unfit for duty and will admit them to hospital or quarters as circumstances may warrant. He will give such advice and treatment to the men reporting as he may deem necessary. Notwithstanding the cursory character of the examination given at sick call, the medical officer will exercise particular care to recognize early signs and symptoms of acute communicable diseases and serious affections of internal organs. Doubtful cases will be held for further examination and observation. See AR 345-415.* [Par. 5]

§ 77.6 *Physical examination of civilians by medical officer.* In addition to making physical examinations of civilians who are applicants for admission to the Army or who are applicants for admission to or members of Reserve Officers' Training Corps units or Citizen's Military Training Camps, medical officers will, without charge, conduct physical examinations of civilians as follows:

(a) *Upon request of the Civil Service Commission.* (1) In the operation of the civil retirement law, provided that a medical officer will not be required to leave his proper station for this purpose.

(2) Applicants for annuity who are being hospitalized in Army hospitals. Such reports of these examinations will be made as the Civil Service Commission may indicate, and forwarded direct.

(b) Candidates for foreign service appointments under the Department of State who may report for such examination under proper authorization from that Department.

(c) Medical officers on duty at military stations will conduct physical examinations of candidates for assignment in the Federal classified Civil Service Commission after selection by that agency, provided that the examinations can be conducted without interference with the military duties of medical officers. Hospitalization in military hospitals for the purpose of examination is not authorized.

(d) (1) Medical officers will conduct without charge, except for materials used, the following examinations, and reports will be forwarded direct to the United States Veterans' Administration. (i) Former members of the military establishment who are applicants for pensions, provided that a medical officer will not be required to leave his proper station for this purpose.

(ii) Beneficiaries of the United States Veterans' Administration who are patients in Army hospitals, when such examinations are necessary in connection with the establishment of claims for compensation or with the reinstatement of Government insurance.

(2) Medical officers stationed in Alaska will in addition to their other duties act as medical examiners in that territory for the United States Veterans' Administration.

(e) Medical officers on duty at military stations will make such physical examinations of personnel of the Coast Guard, active and retired, as may be requested by the proper authorities of that service in the operation of the act of March 4, 1925 (43 Stat. 1261), or laws that may be enacted supplemental thereto, concerning retirement on account of disability, and will make such reports thereof as the said authorities may desire, provided that no medical officer will be required to leave his proper station for this purpose, except with his own consent and the approval of his commanding officer, in which case it must be established that the person to be examined is substantially unable to report at the military station for the required examination and that public funds have been set aside by the Coast Guard for the traveling expenses and transportation of the medical officer.

(f) Civilian employees of the United States Government who have received injuries in the performance of official duty will, upon request of the officer under whom they are employed and provided that other Government medical officers are not convenient of access, be examined by medical officers to determine the degree and extent of the injury. Report will be made to the officer requesting the examination, provided that a medical officer will not be required to leave his proper station for this purpose.

(g) Honorably discharged soldiers, sailors, and marines applying under the act of Congress, approved July 11, 1919, for positions under the War Department requiring a medical certificate.

(h) Civilian aviators who have been specifically authorized by the Department of Commerce to appear for physical examination for flying by qualified flight surgeons, provided that such examinations will not interfere with the performance of their military duties.* † [Par. 6.]

§ 77.7 *Civilian physicians practicing upon military reservations, posts, or camps.* Regularly licensed civilian physicians may be authorized by the commanding officer to practice medicine upon military reservations, posts, or camps, other than as prescribed in § 77.3, under the following regulations:

(a) The civilian physician will, before entering upon such practice, register over his signature with the commanding officer his name, address, fact of State licensure, agreement to ascertain and observe current rules and regulations relative to the protection of the command against communicable diseases, and his agreement to conform to the established ethics of the civil medical profession. Until such agreement has been made he will not, except in case of emergency, be allowed to practice within the station or command.

(b) When a civilian physician in his practice within a military reservation, post, or camp discovers a case of disease which is or may be communicable, he will promptly report the facts to the commanding officer, who will advise the surgeon and take proper measures for the protection of the command and of other persons.

(c) When a civilian physician is summoned to treat a patient belonging to or present with any command, the patient or the person acting in his or her behalf will at the same time inform the commanding officer, who will notify the surgeon that a civilian physician has been summoned. The surgeon will thereupon ascertain from civilian physician, or by personal examination of the patient if deemed necessary, the nature of the disease and whether it is communicable or is a source of danger to others. In the event that the disease is communicable or is considered by the surgeon to be a source of danger to others, the surgeon will so inform the commanding officer, and will exercise such supervision over the case as he may deem necessary to prevent its spread.

(d) If the patient is an officer, Army nurse, warrant officer, or an enlisted man, the civilian physician or the patient in case the medical attendance is obtained other than as provided in this paragraph or in § 77.3 (a), will report the diagnosis of the disease or injury and the attending circumstances to the commanding officer, who will transmit the information to the surgeon—

(1) To enable the Medical Department to have knowledge of communicable diseases for which the patient might consult the civilan physician;

(2) To complete the health records of the individual in the sick and wounded records;

(3) To carry out the scheme of health conservation prescribed in AR 605–110; [1]

(4) To have the information available for promotion and retirement boards;

and the patient will not be relieved from the consequences of a failure to report such diagnosis unless he states that the same would tend to incriminate him.

(e) Violation of these regulations by a civilian resident or by a civilian physician will render him liable to exclusion from the military reservation, post, or camp, and by any member of the military forces to appropriate disciplinary action.

(f) Each civilian physician registered to practice within a military reservation, post, or camp will be furnished with a copy of these regulations and also with a copy of any other rules and regulations in force relative to the protection of the command against communicable disease.*† [Par. 7]

§ 77.8 *Private practice by medical officers.* If a citizen residing in the neighborhood of a military station or the residence of an Army medical officer desires the professional services of such officer, and the services of a private practitioner acceptable to him cannot conveniently be obtained, it is regarded as not inconsistent with the regulations governing the Army for such officer to tender his services when this does not interfere with the proper performance of his official duties. Private or civil practice by Army medical officers in civilian communities the needs of which are being satisfactorily met by civilian practitioners will ordinarily be restricted to consultation practice with such civilian practitioners, and to emergency medical or surgical work necessary to save life or limb or prevent great suffering for which civilian practitioners are not immediately available. The establishment by a medical officer of an office for the purpose of engaging in civil practice is prohibited.*† [Par. 8]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3404; Filed, August 15, 1940; 9:43 a. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE [2]

DENTAL ATTENDANCE

§ 77.40 *General*—(a) *Definition.* The term "dental attendance" as used in these regulations embraces the medical, surgical, and mechanical treatment of oral diseases, injuries, and deficiencies that come within the field of dental and oral surgery as commonly practiced by the dental profession, the advice relating thereto, and the oral examinations connected therewith given to persons by a dental officer or a civilian dentist. It is that phase of medical attendance which, on account of its technical nature, requires the services of a dentist.

(b) *Agencies for providing dental attendance in the Army.* Dental clinics established in or in connection with agencies provided for medical atendance at permanent stations or in the field are maintained to provide dental attendance.

(c) *Precedence in treatment.* Persons requiring emergency treatment will receive first consideration. Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) will receive precedence over all others for dental attendance.

(d) *Selection of professional procedures.* Except as otherwise prescribed herein, the selection of professional procedures to be followed in each case, including the use of special dental materials, will be left to the judgment of the dental officer concerned.

(e) *By whom rendered.* While it is intended that dental attendance will ordinarily be rendered by persons in the Dental Corps of the Medical Department or by civilian dentists, medical officers will, in the absence of a dental officer, render dental attendance to the extent that their training and skill justify.

(f) *Other regulations governing dental attendance.* In general sections 77.1 to 77.8, inclusive, relating to medical attendance, will govern dental attendance except as otherwise provided in these regulations *† [Par. 1]

§ 77.41 *For whom authorized.* Dental attendance is authorized for the same persons and under the same conditions as medical attendance (see §§ 77.1 to 77.8, inclusive), subject to the provisions of § 77.43 respecting civilian dental attendance.*† [Par. 2]

§ 77.42 *Dental materials*—(a) *General.* Dental materials whether special or otherwise are authorized for use in rendering dental treatment to those entitled to dental attendance.

(b) *Use.* In all cases of common dental disability the Government supplies plastic materials—amalgam and cement—for filling operations; porcelain crowns for tooth crown replacement and vulcanite dentures, with clasps and bars as required, for the replacement of lost teeth. In routine practice these materials will ordinarily be used. All central, lateral, and cuspid teeth will ordinarily be filled with silicate cement. All bicuspid and molar teeth will ordinarily be filled with amalgam.*† [Par. 4]

§ 77.43 *Civilian dental attendance*—(a) *Emergency dental attendance.* When a dental officer is not available, and the required service cannot be rendered by the medical officer, one being available (see § 77.40 (e)), civilian dental service for the relief of pain or acute septic conditions or for first-aid treatment of dental injuries due to direct violence suffered by one of the personnel enumerated in § 77.40 (e), may, if he is on a duty status, be obtained on Government account in the same manner as civilian medical attendance is obtained. (See § 77.3.) Such service will be confined to the relief of the immediate emergency only. Follow-up procedures are subject to the provisions of (b) below.

(b) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at Government expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific authority for such employment has been received from The Surgeon General. Except that in the case of military personnel on duty without troops in foreign countries, dental service of this character which is urgently necessary may be procured without awaiting advance authority from The Surgeon General, his authority to be applied for in submitting the dentist's account in each case (see (2) below). The approval of the account by The Surgeon General will operate as authority for the employment only up to the amount approved for payment. In such cases, whenever practicable, the patient should pay the dentist's charges and present account for reimbursement.

(2) In requesting authority to employ a civilian dentist, information will be given as follows:

(i) The character and extent of the disability.

(ii) Its origin or causation, and, if due to external violence, what the violence was, when it occurred, and whether it was suffered in the actual performance of duty.

(iii) The professional procedures considered necessary to correct it.

(iv) What measures of relief have been taken by the medical officer, or, if no measures have been taken, the reasons therefor.

(v) An estimate of the time required for its correction and the probable cost thereof.

(vi) A statement of the duties upon which the patient is engaged and how his absence therefrom, should dental treatment require it, would affect the public interest.

(vii) When last on duty at a station where the services of a dental officer were available.

(viii) The probable length of tour of duty at their present station.

(ix) Present status, whether duty, leave, or furlough.

(x) The probability of their attendance at one of the next summer train-

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[1] Administrative regulations of the War Department relative to the physical fitness of commissioned officers.

[2] §§ 77.40 to 77.46, inclusive, are added.

* §§ 77.40 to 77.46, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22.

† The source of §§ 77.40 to 77.46, inclusive, is Army Regulations No. 40–510, Feb. 19, 1940.

ing camps, and the camp they will attend, if known.

(3) Application for authority to employ civilian dental service having been made as above, The Surgeon General may, as he considers proper, grant or deny the request or recommend that the patient be ordered to a station where he can receive treatment from a dental officer.*† [Par. 5]

§ 77.44 *Compensation for civilian dental attendance.* Accounts for civilian dental services arising at stations or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at reasonable rates approved by The Surgeon General.*† [Par. 6]

§ 77.45 *Persons ordered on detached service.* When ordered to permanent detached service from a station where a dental officer is on duty, military personnel will report at once to the dental surgeon for dental examination and necessary treatment. Also, persons who may be performing detached service will, while attending summer training camps and at such other times as they may be where the services of a dental officer are available, report to such officer for examination and necessary treatment. Dental officers will give preference to the care and treatment of such persons.*† [Par. 7]

§ 77.46 *Private practice by dental officers.* The general provisions of § 77.8, relating to private practice of medical officers will govern private practice of dental officers.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3405; Filed, August 15, 1940; 9:43 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 522—REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS

The following Regulations—Part 522 (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938) is hereby issued. These regulations repeal and supersede[1] all regulations previously issued applicable to the employment of learners and 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 2nd day of August 1940.

BAIRD SNYDER,
Acting Administrator.

§ 522.1 *Application for learners.* Application may be made by any employer to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. to employ learners in a specified plant at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act, whenever employment of learners at such lower rate is believed necessary to prevent curtailment of employment opportunities in such plant. Separate applications must be made with respect to each plant in which the applicant desires to employ learners at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act.

§ 522.2 *Applications on official forms.* All applications must be made upon official forms furnished on request by the Wage and Hour Division and must contain all information required by such forms. Any application which fails to present the information required by the form will not be considered by the Administrator or his authorized representative but will be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new application. Any applicant may also submit such additional information as he may believe to be pertinent.

§ 522.3 *Posting notice of application in plant.* At the time of filing an application, the applicant must post a notice thereof on a form supplied by the Wage and Hour Division in a conspicuous place in each department of his plant where he proposes to employ learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act. Such notice must contain all the information required therein and shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative.

§ 522.4 *Industry hearing.* Upon receipt of one or more applications for exemption in an industry for which no regulation has been issued, or upon request of any person or group of persons representing an industry or branch thereof, the Administrator may, if he deems it advisable, cause a hearing to be held for an industry or branch thereof to determine the need for the employment of learners at subminimum wage rates in order to prevent curtailment of opportunities for employment within the industry, to determine the occupation or occupations which require a learning period, and to determine under what limitations as to wages, time, number, proportion and length of service, special certificates authorizing the employment of learners at subminimum rates may be issued to employers for any such occupation or occupations in the industry. The hearing shall be held before the Administrator or an authorized representative. Following such hearing, the Administrator shall, by regulations, prescribe the conditions and limitations under which special certificates shall be issued for the employment of learners in such industry or branch thereof, if he determines that there is need therefor to prevent curtailment of opportunities for employment in such industry or branch.

§ 522.5 *Procedure upon application for special certificate*—(a) *Pursuant to the terms of industry regulations.* Any application for the employment of learners in any industry or branch pursuant to the terms of regulations (or orders heretofore issued) governing the employment of learners in such industry or branch shall, if complete and sufficient on its face, be granted forthwith by the Administrator or his authorized representative to the extent necessary to prevent curtailment of opportunities for employment subject to the conditions of the industry regulations in question; otherwise, such application shall be denied without prejudice to the renewal thereof in complete and sufficient form.

(b) *Procedure to be followed where no industry regulations apply.* Upon receipt of any application for exemption in any industry or branch for which no industry regulation is in effect (unless the Administrator causes an industry hearing to be held), or upon receipt of any application for the employment of learners in excess of the number or percentage allowed by an industry regulation, the Administrator or his authorized representative shall:

(1) Deny the application on the ground that it fails to show:

(i) that the occupation or occupations specified therein require such skill as to necessitate a learning period; *or*

(ii) that such denial will result in the curtailment of opportunities for employment; *or*

(2) Issue immediately a Special Certificate upon the facts shown in the application and publish in the FEDERAL REGISTER and by general press release a statement of the terms of the Special Certificate and a notice that for fifteen days following such publication the Administrator will receive written objections to such Special Certificate and requests for hearing from any persons interested, including but not limited to, employees, employee groups, and labor organizations. Upon receipt of written objection and request for hearing, if adequate and detailed grounds for objection are set forth, the Administrator or his authorized representative will set the question of the affirmance or the cancellation of the Special Certificate for hearing, or will make other provisions affording the applicant and any other interested persons an opportunity to present evidence or argument and, as a result thereof, shall either affirm or cancel the Special Certificate; *or*

(3) Hold a hearing or make other provision affording interested parties an opportunity to present evidence or argument upon the application or upon a group of applications filed by persons in the same industry presenting related issues of law or fact, and as a result

[1] 4 F.R. 2088, 4226.

thereof issue or deny Special Certificate to any or all of the applicants involved.

§ 522.6 *Procedure for hearings; industry; individual certificate.* Any hearing held pursuant to these regulations will be conducted by the Administrator or an authorized representative. A notice of the time, place and scope of such a hearing will be published in the FEDERAL REGISTER and made public by a general press release at least five days before the date of the hearing. The applicant shall in all cases be given notice by registered mail of any hearing to be held for the purpose of determining whether any Special Certificate shall be cancelled. All persons interested, including employees, employee groups, labor organizations, employers, employer groups and trade associations will be afforded an opportunity to present evidence and to be heard. The Administrator or his authorized representative may cause to be brought before him at such hearing any witness whose testimony he deems material to the matters in issue.

§ 522.7 *Designation of learners in employer's records.* Each worker employed as a learner under a Special Certificate shall be designated as such in the payroll records kept by the employer. All persons so employed shall be listed together in a separate group in the payroll records kept by such employer.

§ 522.8 *Prohibition; false evidence; procedure for cancellation.* (1) Any Special Certificate shall be cancelled if it is found that it is not necessary to prevent curtailment of opportunities for employment. However, in the absence of fraud, learners already hired under a Special Certificate may be retained under the terms of the certificate if the learning period extends beyond the date on which the certificate has been cancelled.

(2) Any Special Certificate shall be cancelled as of the date of issue if it is found that fraud has been exercised in obtaining the certificate or in hiring workers thereunder.

(3) Any Special Certificate shall be cancelled as of the date of violation if it is found that any of its terms have been violated.

(4) If it appears upon investigation or complaint that there is reasonable cause to cancel any Special Certificate, the Administrator or his authorized representative shall, after due notice, afford all interested parties an opportunity to be heard. After such hearing, the Administrator or his authorized representative shall issue a determination as to whether the certificate shall be affirmed or cancelled.

(5) No order cancelling any Special Certificate shall take effect until the expiration of the time allowed for the filing of a petition for review under Section 522.13, and, if a petition for review is filed thereunder, the effective date of the cancellation shall be postponed until final action is taken on such petition: *Provided however,* That if the cancellation order is affirmed on review, the employer shall reimburse any person employed under the Special Certificate in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such person subsequent to the date as of which date the Special Certificate was cancelled as provided in this section.

§ 522.9 *Terms of special certificates.* No Special Certificate shall be applicable to more than one plant. Each Special Certificate shall specify the number or percentage of learners who may be employed under the certificate, the learning period, the time when and the wage rate at which such persons may be employed.

§ 522.10 *Notice of issuance or cancellation of special certificates.* Notice of the issuance or cancellation of each Special Certificate pursuant to these regulations shall be published in the FEDERAL REGISTER.

§ 522.11 *Posting of special certificate or cancellation thereof.* The employer shall post a copy of any Special Certificate issued to him in a conspicuous place in each department of the plant where learners are to be employed and shall also post a copy of any cancellation thereof.

§ 522.12 *Amendment and revocation of industry learner regulations.* The Administrator may at any time, upon his own motion or upon written request of any interested party setting forth reasonable grounds therefor, and after a hearing or other opportunity to interested persons to present their views, amend or revoke any industry regulation issued pursuant to § 522.4 hereof.

§ 522.13 *Application for reconsideration and petition for review.* Any person aggrieved by the action of an authorized representative denying, granting, confirming, cancelling or revoking any Special Certificate

(1) may, within fifteen days after publication of the action (a) make application for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance if it can be shown that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings, or (b) file a petition for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review. The petition will be examined by the Administrator or an authorized representative who has taken no part in the action which is sought to be reviewed.

(2) if an application for reconsideration is denied any person aggrieved by such action may, within fifteen days after publication thereof, file a petition for review.

(3) if an application for reconsideration is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the application for reconsideration. Upon publication of the reconsidered determination, all interested persons may, within fifteen days thereafter, file a petition for review.

(4) if a petition for review is granted, all interested persons will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in such petition. Action taken upon a petition for review shall be final and, except as provided in § 522.8, shall take effect immediately upon publication.

[F. R. Doc. 40-3416; Filed, August 15, 1940; 11:52 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 160—GENERAL LICENSE NO. 30 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

A general license is hereby granted authorizing any bank or trust company incorporated under the laws of the United States or of any state, territory or district of the United States, or any private bank subject to supervision and examination under the banking laws of any state of the United States, acting as trustee of any trust administered in the United States or as legal representative of any estate administered in the United States, in which trust or estate one or more persons who are nationals of one of the foreign countries designated in Executive Order No. 8389, as amended, have an interest, beneficial or otherwise, or are co-trustees or co-representatives, to engage in the following transactions:

(a) payments of distributive shares of principal or income to all persons legally entitled thereto who are not nationals of any of the foreign countries designated in such Executive Order, as amended; and

(b) other transactions arising in the administration of such trust or estate which might be engaged in if no national of any of the foreign countries designated in such Executive Order, as amended, were a beneficiary, co-trustee or co-representative of such trust or estate;

Provided, however, That this general license shall not be deemed to authorize such trustee or legal representative to engage in any transaction at the request, or upon the instructions, of any beneficiary, co-trustee or co-representative of such trust or estate or other person who is a national of any of the foreign

countries designated in such Executive Order, as amended.*

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

AUGUST 14, 1940.

[F. R. Doc. 40-3408; Filed, August 15, 1940; 11:11 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

§ 204.95 *Waters of Pacific Ocean adjacent to San Francisco, Calif.; U. S. Military Reservations.*

THE DANGER ZONE

(a) (1) The area in the Pacific Ocean, located between an east-west line through Point Reyes on the north, and an east-west line through Pillar Point on the south, and extending from shore (including a line across the Golden Gate between Point Bonita and Point Lobos) to a north-and-south line through the lighthouse on the Southeast Farallon Island, is designated as a danger zone and divided into four firing ranges, as follows:

(2) North long range: So much of the above danger zone as lies north of the center line of the main ship channel across the San Francisco bar prolonged easterly and westerly.

(3) North short range: The area lying north of the center line of the main ship channel prolonged and shoreward of a north-and-south line through Double Point.

(4) South long range: All of the danger zone south of the center line of the main ship channel prolonged.

(5) South short range: The area lying south of the center line of the main ship channel prolonged, north of an east-and-west line through Point San Pedro, and east of a north-and-south line through Double Point.

THE REGULATIONS

(b) (1) Any vessel propelled by mechanical power at a speed greater than 5 miles per hour may proceed through the above areas to and from points beyond (but not from one point in the above danger zone to another) without restriction, except when notified to the contrary.

(2) Fishermen desiring to fish in the above danger zone will be required to have written permits which will be issued by the Commanding Officer, Harbor Defenses of San Francisco. Applications for permits may be made direct to the Commanding Officer, Fort Winfield Scott, San Francisco, or may be made at the office of the California State Fish and Game Commission, Ferry Building, San Francisco.

(3) On days and nights when firing is in progress, no boat or vessel shall enter or remain in the danger zone, except vessels of the United States, or vessels proceeding across the zone as provided in regulation (b) (1) above.

(4) Notice of target practice within any of the firing ranges will be given by the Commanding Officer by one or more of the following methods:

(i) Notice published in a San Francisco daily paper.

(ii) A display of a red flag at Point Cavallo from daylight of the day of firing until the firings for that day are over.

(iii) Radio broadcast.

(iv) Telephone advice to such fishermen's organizations as may request, in writing, that such direct advice be given.

(v) Notice to individual craft by a visit of a United States vessel.

(5) These regulations shall be enforced by the Commanding Officer, Harbor Defenses of San Francisco, through such officers, enlisted men, and employees of his command as he may designate, using all such agencies as Government vessels, aircraft, and other suitable equipment as may be necessary. (Chapter XIX, Army Act July 9, 1918, 40 Stat. 892; 33 U.S.C. 3) [Regs. July 23, 1940 (E.D. 7195 (San Francisco Harbor, Calif.) 1/8)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3403; Filed, August 15, 1940; 9:42 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1475]

REGULATIONS GOVERNING RENTALS AMENDED

Pursuant to the provisions of the act of July 8, 1940 (Public No. 726), entitled "An Act Relating to rentals in certain oil and gas leases issued under authority of the Act of February 25, 1920, as amended, and for other purposes", paragraph 15 of Circular No. 1386, approved May 7, 1936 (55 I.D. 520; § 192.52, Code of Federal Regulations), as amended April 3, 1940, by Circular No. 1468,[1] is hereby further amended to read as follows:

§ 192.52 *Rentals.* A lessee shall pay an annual rental of 50 cents per acre or fraction thereof for the first year of the lease, and shall pay an annual rental of 25 cents per acre or fraction thereof for the second and each succeeding lease year until oil or gas in commercial quantities is discovered, except that where a lease is granted under section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935, for lands not within any known geologic structure of a productive oil or gas field, no rental is required for the second and third lease years, unless a valuable deposit of oil or gas is sooner discovered, and except that where a lease is granted in exchange for an existing permit or pursuant to an application for permit filed after May 23, 1935, and before August 21, 1935, no rental is required for the first two lease years unless valuable deposits of oil or gas are sooner discovered within the boundaries of the lease. Beginning with the first lease year succeeding discovery, the annual rental shall be $1.00 per acre or fraction thereof, any rental paid for any one year to be credited against the royalties as they accrue for that year. In all instances, the rental shall be paid in advance, the first payment being due prior to the execution and delivery of the lease. While the term of a lease runs from the date thereof, the rental shall be due and payable each year on the first day of the month in which the lease was dated. However, with respect to exchange leases dated December 31, 1938, after the two-year free rental period, the due date for the payment of annual rental shall be January 1 of each year.

These regulations shall be applicable to all leases heretofore or hereafter issued under the provisions of the act of August 21, 1935 (49 Stat. 674).*

FRED W. JOHNSON,
Commissioner.

Approved, August 6, 1940.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 40-3402; Filed, August 15, 1940; 9:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 15]

PRICES AND MARKETING RULES AND REGULATIONS AS COORDINATED FOR DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

ORDER EXTENDING TIME FOR FILING OF EXCEPTIONS TO FINDINGS, CONCLUSIONS AND ORDER OF THE DIRECTOR

The Order of the Director in the above-entitled proceeding, dated December 8, 1939,[1] and approved by me, amending an Order dated July 19, 1939,[2] having provided that any party to any phase of the proceeding in General Docket No. 15 may file exceptions to the Find-

*Part 160; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 45 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; Ex. Order 6560, Jan. 15, 1934; Ex. Order 8389, April 10, 1940; Ex. Order 8405, May 10, 1940; Ex. Order 8446, June 17, 1940; Ex. Order 8484, July 15, 1940; Ex. Order 8493, July 25, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940 and July 15, 1940.

[1] § 204.95 is added.

[1] 5 F.R. 1446.

* Issued under the authority contained in sec. 32, 41 Stat. 450; 30 U.S.C. 189.

[1] 4 F.R. 4851.

[2] 4 F.R. 3386.

ings, Conclusions and the Order of the Director in the above-entitled matter with me within 10 days following the issuance of such Findings, Conclusions, and Order; and

It appearing that the foregoing period of time should be extended to August 30, 1940, for the reasons stated in my "Memorandum Concerning Extension of Time to File Exceptions to Findings, Conclusions, and Order of the Director, and Briefs in Support Thereof," dated August 13, 1940:

It is ordered, That exceptions to the Findings, Conclusions, and Order of the Director upon any phase of the matters included in General Docket No. 15, and briefs in support of such exceptions, may be filed on or before August 30, 1940; and

It is further ordered, That except and as hereinabove provided, all the provisions of the Order dated December 8, 1939, shall continue in full force and effect; and

It is further ordered, That the motion of Carter Coal Company, of August 2, 1940, requesting that a period of 30 days be allowed from the date of issuance of the Findings, Conclusions, and Order of the Director within which to file exceptions thereto, is granted in part to the extent hereinabove indicated.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

Dated August 13, 1940.

[F. R. Doc. 40-3397; Filed, August 14, 1940; 4:07 p. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Board.

[Docket No. 269]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

[Docket No. 449]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicants, hearing in the above-entitled proceeding, being the application of United Air Lines Transport Corporation for amendment to its certificate of public convenience and necessity for route No. 1 to include Youngstown, Ohio, as an intermediate point; and the application of Pennsylvania-Central Airlines Corporation for an amendment to its certificate of public convenience and necessity for route No. 14 to include Youngstown, Ohio, as an intermediate point, now assigned for September 6, 1940, is hereby postponed to September 26, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Willard Hotel, 14th Street and Pennsylvania Ave., NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., August 14, 1940.

By the Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc 40-3396; Filed, August 14, 1940; 3:49 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

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 § 522.5 of Regulations Part 522, as amended, to the employers listed below effective August 16, 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 22, 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), as amended, April 27, 1940 (5 F.R. 1586).

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

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

B. F. Moore & Company, 4 Eastern Avenue, Newport, Vermont; Apparel; Work and Sport Clothing; 5 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

Barco Garment Company, 1024 South Santee Street, Los Angeles, California; Apparel; Uniform; 3 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Berman Sportswear, Inc., 21 East Main Street, Johnstown, New York; Apparel; Leather & Sheep-lined Clothing; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Central Wash Suit Company, Inc., 116 North Broad Street, Peekskill, New York; Apparel; Dresses; 5 percent (75% of the applicable hourly minimum wage); October 24, 1940.

Kings Dresses, Inc., 519 Broadway, Kingston, New York; Apparel; Dresses; 5 percent; (75% of the applicable hourly minimum wage); October 24, 1940.

Missouri Embroidery Works, 1111 Grand Street, Kansas City, Missouri; Apparel; Embroidery Buttons, covered pleating; 1 learner (75% of the applicable hourly minimum wage); October 24, 1940.

Neptune Garment Company, 120 Harrison Avenue, Boston, Massachusetts; Apparel; Weatherproof Garments; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Niagara Apparel Company, Inc., 273 South Division Street, Buffalo, New York; Apparel; Jackets, Mackinaws, single pants, skisuits; 19 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Patsy Lee Manufacturing Company, 412 South 41st Street, Birmingham, Alabama; Apparel; Dresses; 5 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

Pyramid Clothing Manufacturing Company, 2211 Pine Street, Saint Louis, Missouri; Apparel; Overalls, Work Shirts and Pants; 5 learners; (75% of the applicable hourly minimum wage); October 24, 1940.

Rough Rider Manufacturing Company, 501 Lawrence Avenue, Napa, California; Apparel; Trousers and Sport Coats; 5 percent; (75% of the applicable hourly minimum wage); October 24, 1940.

Stacny-Nachtman Tailoring Company, 420 Southeast Alder Street; Portland, Oregon; Apparel; Coats and Trousers; 3 learners (75% of the applicable hourly minimum wage); October 24, 1940.

The "Linda" Company, 1336 South Westlake, Los Angeles, California; Apparel; Ladies' Robes, Negligees and Pajamas; 2 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Ray Bros. Glove Company, Inc., 1701-13 North Ashland Avenue, Chicago, Illinois; Glove; Leather Dress; 5 learners; October 24, 1940.

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

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-3417; Filed, August 15, 1940; 11:52 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 rate applicable under Section 6 of the Fair Labor Standards Act of 1938 as issued pursuant to Section 14 of the said Act and § 522.5 (b) of Reg-

ulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective August 16, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on 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 § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Parker Lamp Shade Corporation, 1550 Dayton Street, Chicago, Illinois; Lamp Shades; 5 learners; 8 weeks for any one learner; 25¢ per hour; Hand Sewer; December 20, 1940.

Richmond Dry Goods Co., Inc., 11 South 7th Street, Richmond, Virginia; Wholesale Dry Goods and Notions; 2 learners; 6 weeks for any one learner; 22½¢ per hour; General Helper; September 27, 1940.

Ring Optical Company, 14 Franklin Street, Rochester, New York; Prescription Eye Glasses; 1 learner; 12 weeks for any one learner; 25¢ per hour; Lens Grinder; December 3, 1940. (Note: This Certificate inadvertently omitted in FEDERAL REGISTER for August 13, 1940).

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

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-3418; Filed, August 15, 1940; 11:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5779]

IN RE APPLICATION OF HOBART STEPHENSON, MILTON EDGE, EDGAR J. KORSMEYER D/B AS STEPHENSON, EDGE & KORSMEYER (NEW)

Dated August 28, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Ill.; operating assignment specified: frequency, 1150 kc.; power, 250 watts day; hours of operation, daytime

[File No. B4-P-2465]

AMENDED NOTICE OF HEARING

You are hereby notified that the Commission, on its own motion, has *amended* the issues in the notice of designation of hearing dated June 6, 1940,[1] on the above-entitled application. The hearing date will remain as scheduled for September 4, 1940.

1. To determine whether public interest, convenience or necessity would be better served by the granting of the instant application or that of Walton and Bellatti (B4-P-2623).

2. To determine the area and population which would be expected to receive interference-free primary service both day and night, should the applicant be authorized to operate as proposed.

3. To determine the financial qualifications of the applicants to construct and operate the proposed station.

4. To determine whether or not an operating assignment upon a local frequency may be made for a station in applicant's area for operation unlimited hours.

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 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 § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer,
c/o Hobart Stephenson,
140 Spaulding Place,
Jacksonville, Illinois.

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

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3407; Filed, August 15, 1940; 10:58 a. m.]

[Docket No. 5870]

IN RE APPLICATION OF HELEN L. WALTON AND WALTER BELLATTI (NEW)

Dated November 11, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Illinois; operating assignment specified: Frequency, 1150 kc.; power, 250 w. day; hours of operation, daytime

[File No. B4-P-2623]

AMENDED NOTICE OF HEARING

You are hereby notified that the Commission, on its own motion, has *amended* the issues in the notice of designation of hearing dated June 6, 1940 [1] on the above-entitled application. The hearing date will remain as scheduled for September 4, 1940.

1. To determine whether public interest, convenience, or necessity would be better served by the granting of the instant application or that of Stephenson, Edge and Korsmeyer (B4-P-2465).

2. To determine the area and population which would be expected to receive interference-free primary service both day and night, should the applicants be authorized to operate as proposed.

3. To determine the financial qualifications of the applicants to construct and operate the proposed station.

4. To determine whether or not an operating assignment upon a local frequency may be made for a station in applicant's area for operation unlimited hours.

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

The applicants are 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 Practice and Procedure. Persons other than the applicants 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 applicants' address is as follows:

Helen L. Walton and Walter Bellatti,
c/o Walter Bellatti,
607 Ayers Bank Building,
Jacksonville, Illinois.

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

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. D. Doc. 40-3406; Filed, August 15, 1940; 10:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-144]

UNITED GAS PIPE LINE COMPANY

ORDER REOPENING PROCEEDINGS AND FIXING DATE FOR FURTHER HEARING

AUGUST 8, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey, not participating.

Upon reconsideration of the Commission's orders of April 20, 1940, and June 12, 1940, disallowing proposed increased rates or charges for the sale of natural

[1] 5 F.R. 2200.

[1] 5 F.R. 2201.

gas by the United Gas Pipe Line Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use;

It appearing to the Commission that:

(a) United Gas Corporation owns 100 per cent of the voting stock of United Gas Pipe Line Company;

(b) As disclosed by reports of the Federal Trade Commission (Vol. 82, pages 847–851), pursuant to Senate Resolution 83, 70th Congress—1st Session, Standard Oil Company (New Jersey), Columbian Carbon Company, United Carbon Company, Electric Power & Light Corporation, Moody Seagraves Company, and Palmer Corporation of Louisiana, formed a syndicate for the purpose of cooperating with each other in the construction and operation of an interstate transmission natural-gas pipe line through the agency of the Mississippi River Fuel Corporation which had been incorporated for this purpose by certain members of said syndicate, and the furnishing of natural gas for the entire requirements of said pipe line;

(c) According to said Federal Trade Commission reports (Vol. No. 82, page 769), on August 19, 1929, at the time of the original issuance of stock by said Mississippi River Fuel Corporation, "United Gas Co., a subsidiary of United Gas Corporation, took the proportion allotted to Moody Seagraves Co., and Louisiana Gas & Fuel Co. took the combined allotments of Electric Power & Light Corporation and Palmer Corporation of Louisiana. Palmer Corporation of Louisiana was a subsidiary of Louisiana Gas & Fuel Co., and the latter company was controlled by Electric Power & Light Corporation." Said reports state that the United Gas Corporation, Louisiana Gas & Fuel Co., and Electric Power & Light Corporation were members of the Electric Bond & Share Company group (Vol. No. 83, pages 1777–1779); and that the interests of United Gas Co. and Louisiana Gas & Fuel Co. in the Mississippi River Fuel Corporation were subsequently acquired by said United Gas Corporation (Vol. No. 82, page 102);

(d) The present percentages of ownership of the voting stock of said Mississippi River Fuel Corporation are: United Gas Corporation, 46.65 per cent; Standard Oil Company (New Jersey), 22.39 per cent; Columbia Carbon Company, 17.02 per cent, and United Carbon Company, 13.43 per cent;

(e) The agreement between the original members of the said syndicate, dated June 26, 1928, states in paragraph 5, as follows: "The syndicate shall cause the pipe-line corporation (Mississippi River Fuel Corporation) to enter into contracts and supplemental contracts with the members of the syndicate, respectively, or their respective nominees, to furnish to the pipe-line corporation such natural gas as may be required by the pipe-line corporation, * * *," and in paragraph 9, that "Subject to the provisions of this agreement, members of the syndicate agree to be bound by the action of a majority of the whole number of the board of directors of the pipe-line corporation, provided that such majority shall include the director designated by Standard (Standard Oil Company [New Jersey]), as to * * * the prices and terms of proposed contracts for the sale of gas." (Federal Trade Commission reports, Volume No. 82, pages 848–849);

(f) The said stockholders of Mississippi River Fuel Corporation control by stock ownership and otherwise the United Gas Pipe Line Company, Southern Carbon Company, Interstate Natural Gas Company, Incorporated, and Hope Producing Company, which companies together with the United Carbon Company furnish natural gas for the entire requirements of said Mississippi River Fuel Corporation;

(g) The Mississippi River Fuel Corporation has constructed a natural gas pipe line for the corporations controlling it, as above stated, and said corporation has acted as their agent in the transportation and sale of natural gas in interstate commerce; and the contracts between the Mississippi River Fuel Corporation and the companies named in paragraph (f) above for said Corporation's entire requirements of natural gas are identical in their terms, conditions, rates and charges;

The Commission finds that:

It is necessary, desirable and in the public interest that this proceeding be reopened, and that, among other things, further evidence be taken concerning the formation, continuance, and purposes of such syndicate which created, owns, and controls the Mississippi River Fuel Corporation, the extent of the affiliation between said Corporation and those companies from which said Corporation purchases its entire supply of natural gas (which companies are also controlled by the said stockholders of Mississippi River Fuel Corporation), and the effect of such affiliation or common control upon the rates or charges provided in the contracts for the sale of natural gas to the Mississippi River Fuel Corporation;

The Commission orders that:

(A) The orders of April 20, 1940, and June 12, 1940, disallowing proposed increased rates or charges for the sale of natural gas by the United Gas Pipe Line Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use, be and they are hereby set aside;

(B) Further public hearing in this proceeding be held on October 7, 1940, at 10 o'clock, a. m., E. S. T., in the Hearing Room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.:

(C) For the purposes of hearing only, this proceeding shall be consolidated with similar hearings, to be held at the same time and place, in the matters of: Interstate Natural Gas Company, Incorporated, and Hope Producing Company, Docket No. G–146; Southern Carbon Company, Docket No. G–145; and, United Carbon Company, Docket No. G–147;

(D) Nothing contained in this order shall be construed as authority to make effective the proposed increased rates or charges for the sale of natural gas by the United Gas Pipe Line Company to the Mississippi River Fuel Corporation, which rates and charges were suspended by the Commission's order of November 20, 1939.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 40–3401; Filed, August 15, 1940; 9:42 a. m.]

[Docket No. G–145]

SOUTHERN CARBON COMPANY

ORDER REOPENING PROCEEDING AND FIXING DATE FOR FURTHER HEARING

AUGUST 8, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly. John W. Scott and Clyde L. Seavey, not participating.

Upon reconsideration of the Commission's order of April 20, 1940, disallowing proposed increased rates or charges for the sale of natural gas by the Southern Carbon Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use;

It appearing to the Commission that:

(a) Columbian Carbon Company owns 100 per cent. of the voting stock of Southern Carbon Company;

(b) As disclosed by reports of the Federal Trade Commission (Vol. 82, pages 847–851), pursuant to Senate Resolution 83, 70th Congress—1st Session, Standard Oil Company (New Jersey), Columbian Carbon Company, United Carbon Company, Electric Power & Light Corporation, Moody Seagraves Company, and Palmer Corporation of Louisiana, formed a syndicate for the purpose of cooperating with each other in the construction and operation of an interstate transmission natural-gas pipe line through the agency of the Mississippi River Fuel Corporation which had been incorporated for this purpose by certain members of said syndicate, and the furnishing of natural gas for the entire requirements of said pipe line;

(c) According to said Federal Trade Commission reports (Vol. No. 82, page 769), on August 19, 1929, at the time of the original issuance of stock by said Mississippi River Fuel Corporation, "United Gas Co., a subsidiary of United

Gas Corporation, took the proportion allotted to Moody Seagraves Co., and Louisiana Gas & Fuel Co. took the combined allotments of Electric Power & Light Corporation and Palmer Corporation of Louisiana. Palmer Corporation of Louisiana was a subsidiary of Louisiana Gas & Fuel Co., and the latter Company was controlled by Electric Power & Light Corporation." Said reports state that the United Gas Corporation, Louisiana Gas & Fuel Co., and Electric Power & Light Corporation were members of the Electric Bond & Share Company group (Vol. No. 83, pages 1777–1779); and that the interests of United Gas Co. and Louisiana Gas & Fuel Co. in the Mississippi River Fuel Corporation were subsequently acquired by said United Gas Corporation (Vol. No. 82, page 102);

(d) The present percentages of ownership of the voting stock of said Mississippi River Fuel Corporation are: United Gas Corporation, 46.65 per cent.; Standard Oil Company (New Jersey), 22.39 per cent.; Columbian Carbon Company, 17.02 per cent.; and United Carbon Company, 13.43 per cent.;

(e) The agreement between the original members of the said syndicate, dated June 26, 1928, states in paragraph 5 as follows: "The syndicate shall cause the pipe-line corporation (Mississippi River Fuel Corporation) to enter into contracts and supplemental contracts with the members of the syndicate, respectively, or their respective nominees, to furnish to the pipe-line corporation such natural gas as may be required by the pipe-line corporation, * * *", and in paragraph 9, that, "Subject to the provisions of this agreement, members of the syndicate agree to be bound by the action of a majority of the whole number of the board of directors of the pipe-line corporation, provided that such majority shall include the director designated by Standard (Standard Oil Company [New Jersey]), as to * * * the prices and terms of proposed contracts for the sale of gas." (Federal Trade Commission reports, Vol. No. 82, pages 848–849);

(f) The said stockholders of Mississippi River Fuel Corporation control by stock ownership and otherwise the United Gas Pipe Line Company, Southern Carbon Company, Interstate Natural Gas Company, Incorporated, and Hope Producing Company, which companies together with the United Carbon Company furnish natural gas for the entire requirements of said Mississippi River Fuel Corporation;

(g) The Mississippi River Fuel Corporation has constructed a natural-gas pipe line for the corporations controlling it, as above stated, and said corporation has acted as their agent in the transportation and sale of natural gas in interstate commerce; and the contracts between the Mississippi River Fuel Corporation and the companies named in paragraph (f) above for said Corporation's entire requirements of natural gas are identical in their terms, conditions, rates and charges;

The Commission finds that:

It is necessary, desirable and in the public interest that this proceeding be reopened, and that, among other things, further evidence be taken concerning the formation, continuance, and purposes of such syndicate which created, owns, and controls the Mississippi River Fuel Corporation, the extent of the affiliation between said Corporation and those companies from which said Corporation purchases its entire supply of natural gas (which companies are also controlled by the said stockholders of Mississippi River Fuel Corporation); and the effect of such affiliation or common control upon the rates or charges provided in the contracts for the sale of natural gas to the Mississippi River Fuel Corporation;

The Commission orders that:

(A) The order of April 20, 1940, disallowing proposed increased rates or charges for the sale of natural gas by the Southern Carbon Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use, be and it is hereby set aside;

(B) Further public hearing in this proceeding be held on October 7, 1940, at 10 o'clock, a. m., E. S. T. in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) For the purposes of hearing only, this proceeding shall be consolidated with similar hearings, to be held at the same time and place, in the matters of: United Gas Pipe Line Company, Docket No. G–144; Interstate Natural Gas Company, Incorporated, and Hope Producing Company, Docket No. G–146; and, United Carbon Company, Docket No. G–147;

(D) Nothing contained in this order shall be construed as authority to make effective the proposed increased rates or charges for the sale of natural gas by the Southern Carbon Company to the Mississippi River Fuel Corporation, which rates and charges were suspended by the Commission's order of November 20, 1939.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 40–3398; Filed, August 15, 1940; 9:41 a. m.]

[Docket No. G–146]

INTERSTATE NATURAL GAS COMPANY, INCORPORATED, AND HOPE PRODUCING COMPANY

ORDER REOPENING PROCEEDING AND FIXING DATE FOR FURTHER HEARING

AUGUST 8, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey, not participating.

Upon reconsideration of the Commission's orders of April 29, 1940, and June 14, 1940,[1] disallowing proposed increased rates or charges for the sale of natural gas by the Interstate Natural Gas Company, Incorporated, and Hope Producing Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use;

It appearing to the Commission that:

(a) Standard Oil Company (New Jersey) owns 53.97 per cent of the voting stock of Interstate Natural Gas Company, Incorporated, and 100 per cent of the voting stock of Hope Producing Company; and said Standard Oil Company (New Jersey) has control of the management of each of said companies;

(b) Columbian Carbon Company owns 17.29 per cent of the voting stock of Interstate Natural Gas Company, Incorporated;

(c) As disclosed by reports of the Federal Trade Commission (Vol. 82, pages 847–851), pursuant to Senate Resolution 83, 70th Congress, 1st Session, Standard Oil Company (New Jersey), Columbian Carbon Company, United Carbon Company, Electric Power & Light Corporation, Moody Seagraves Company, and Palmer Corporation of Louisiana, formed a syndicate for the purpose of cooperating with each other in the construction and operation of an interstate transmission natural-gas pipe line through the agency of the Mississippi River Fuel Corporation which had been incorporated for this purpose by certain members of said syndicate, and the furnishing of natural gas for the entire requirements of said pipe line;

(d) According to said Federal Trade Commission reports (Vol. No. 82, page 769), on August 19, 1929, at the time of the original issuance of stock by said Mississippi River Fuel Corporation, "United Gas Co., a subsidiary of United Gas Corporation, took the proportion allotted to Moody Seagraves Co., and Louisiana Gas & Fuel Co. took the combined allotments of Electric Power & Light Corporation and Palmer Corporation of Louisiana. Palmer Corporation of Louisiana was a subsidiary of Louisiana Gas & Fuel Co., and the latter company was controlled by Electric Power & Light Corporation." Said reports state that the United Gas Corporation, Louisiana Gas & Fuel Co., and Electric Power & Light Corporation were members of the Electric Bond & Share Company group (Vol. No. 83, pages 1777–1779); and that the interests of United Gas Co. and Louisiana Gas & Fuel Co. in the Mississippi River Fuel Corporation were subsequently acquired by said United Gas Corporation (Vol. No. 82, page 102);

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[1] 5 F.R. 2276.

(e) The present percentages of ownership of the voting stock of said Mississippi River Fuel Corporation are: United Gas Corporation, 46.65 percent; Standard Oil Company (New Jersey), 22.39 percent; Columbian Carbon Company, 17.02 percent; and United Carbon Company, 13.43 percent;

(f) The agreement between the original members of the said syndicate, dated June 26, 1928, states in paragraph 5, as follows: "The syndicate shall cause the pipe-line corporation (Mississippi River Fuel Corporation) to enter into contracts and supplemental contracts with the members of the syndicate, respectively, or their respective nominees, to furnish to the pipe-line corporation such natural gas as may be required by the pipe-line corporation, * * *", and in paragraph 9, that "Subject to the provisions of this agreement, members of the syndicate agree to be bound by the action of a majority of the whole number of the board of directors of the pipe-line corporation, provided that such majority shall include the director designated by Standard (Standard Oil Company [New Jersey]), as to * * * the prices and terms of proposed contracts for the sale of gas." (Federal Trade Commission reports, Volume No. 82, pages 848–849);

(g) The said stockholders of Mississippi River Fuel Corporation control by stock ownership and otherwise the United Gas Pipe Line Company, Southern Carbon Company, Interstate Natural Gas Company, Incorporated, and Hope Producing Company, which companies together with the United Carbon Company furnish natural gas for the entire requirements of said Mississippi River Fuel Corporation;

(h) The Mississippi River Fuel Corporation has constructed a natural gas pipe line for the corporations controlling it, as above stated, and said corporation has acted as their agent in the transportation and sale of natural gas in interstate commerce; and the contracts between the Mississippi River Fuel Corporation and the companies named in paragraph (g) above for said Corporation's entire requirements of natural gas are identical in their terms, conditions, rates and charges;

The Commission *finds* that:

It is necessary, desirable and in the public interest that this proceeding be reopened, and that among other things, further evidence be taken concerning the formation, continuance, and purposes of such syndicate which created, owns, and controls the Mississippi River Fuel Corporation, the extent of the affiliation between said Corporation and those companies from which said Corporation purchases its entire supply of natural gas (which companies are also controlled by the said stockholders of Mississippi River Fuel Corporation), and the effect of such affiliation or common control upon the rates or charges provided in the contracts for the sale of natural gas to the Mississippi River Fuel Corporation;

The Commission *orders* that:

(A) The orders of April 20, 1940, and June 14, 1940, disallowing proposed increased rates or charges for the sale of natural gas by the Interstate Natural Gas Company, Incorporated, and Hope Producing Company to the Mississippi River Fuel Corporation for resale for ultimate public consumption for domestic or commercial use, be and they are hereby set aside:

(B) Further public hearing in this proceeding be held on October 7, 1940, at 10 o'clock, a. m., E. S. T., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) For the purposes of hearing only, this proceeding shall be consolidated with similar hearings, to be held at the same time and place, in the matters of: United Gas Pipe Line Company, Docket No. G–144; Southern Carbon Company, Docket No. G–145; and United Carbon Company, Docket No. G–147;

(D) Nothing contained in this order shall be construed as authority to make effective the proposed increased rates or charges for the sale of natural gas by the Interstate Natural Gas Company, Incorporated, and Hope Producing Company to the Mississippi River Fuel Corporation, which rates and charges were suspended by the Commission's order of November 20, 1939.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 40–3399; Filed, August 15, 1940; 9:41 a. m.]

[Docket No. G–131]

MISSISSIPPI RIVER FUEL CORPORATION

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly. John W. Scott and Clyde L. Seavey, not participating.

AUGUST 8, 1940.

It appearing to the Commission that:

(a) As disclosed by reports of the Federal Trade Commission (Vol. 82, pages 847–851), pursuant to Senate Resolution 83, 70th Congress—1st Session, Standard Oil Company (New Jersey), Columbian Carbon Company, United Carbon Company, Electric Power & Light Corporation, Moody Seagraves Company, and Palmer Corporation of Louisiana, formed a syndicate for the purpose of cooperating with each other in the construction and operation of an interstate transmission natural-gas pipe line through the agency of the Mississippi River Fuel Corporation which had been incorporated for this purpose by certain members of said syndicate, and the furnishing of natural gas for the entire requirements of said pipe line;

(b) According to said Federal Trade Commission reports (Vol. No. 82, page 769), on August 19, 1929, at the time of the original issuance of stock by said Mississippi River Fuel Corporation, "United Gas Co., a subsidiary of United Gas Corporation, took the proportion allotted to Moody Seagraves Co., and Louisiana Gas & Fuel Co. took the combined allotments of Electric Power & Light Corporation and Palmer Corporation of Louisiana. Palmer Corporation of Louisiana was a subsidiary of Louisiana Gas & Fuel Co., and the latter company was controlled by Electric Power & Light Corporation." Said reports state that the United Gas Corporation, Louisiana Gas & Fuel Co., and Electric Power & Light Corporation were members of the Electric Bond & Share Co. group (Vol. No. 83, pages 1777–1779); and that the interests of United Gas Co. and Louisiana Gas & Fuel Co. in the Mississippi River Fuel Corporation were subsequently acquired by said United Gas Corporation (Vol. No. 82, page 102);

(c) The present percentages of ownership of the voting stock of said Mississippi River Fuel Corporation are: United Gas Corporation, 46.65 percent; Standard Oil Company (New Jersey), 22.39 percent; Columbian Carbon Company, 17.02 percent; and United Carbon Company, 13.43 percent;

(d) The agreement between the original members of the said syndicate, dated June 26, 1928, states in paragraph 5 as follows:

"The syndicate shall cause the pipe-line corporation (Mississippi River Fuel Corporation) to enter into contracts and supplemental contracts with the members of the syndicate, respectively, or their respective nominees, to furnish to the pipe-line corporation such natural gas as may be required by the pipe-line corporation, * * *.", and in paragraph 9 that "Subject to the provisions of this agreement, members of the syndicate agree to be bound by the action of a majority of the whole number of the board of directors of the pipe-line corporation, provided that such majority shall include the director designated by Standard (Standard Oil Company [New Jersey]) as to * * * the prices and terms of proposed contracts for the sale of gas". (Federal Trade Commission Reports, Vol. No. 82, pages 848–849):

(e) Four pending proceedings before this Commission involve rates or charges for the sale of natural gas to the Mississippi River Fuel Corporation. These proceedings are in the matters of: United Gas Pipe Line Company, Docket No. G–144; Southern Carbon Company, Docket No. G–145; Interstate Natural Gas Company, Incorporated, and Hope Producing Company, Docket No. G–146; and United Carbon Company, Docket No. G–147;

(f) United Gas Corporation controls all of the voting stock of the United Gas Pipe Line Company, and 46.65 per cent of the voting stock of the Mississippi River Fuel Corporation;

(g) Colombian Carbon Company owns 100 percent of the voting stock of the Southern Carbon Company and 17.02 percent of the voting stock of the Mississippi River Fuel Corporation;

(h) Standard Oil Company (New Jersey) owns 53.97 percent of the voting stock of the Interstate Natural Gas Company, Incorporated; 100 percent of the voting stock of the Hope Producing Company; and 22.39 percent of the voting stock of the Mississippi River Fuel Corporation;

(i) United Carbon Company controls 13.43 percent of the voting stock of the Mississippi River Fuel Corporation;

(j) The companies named in paragraph (e) hereof furnish natural gas for the entire requirements of said Mississippi River Fuel Corporation;

(k) The Mississippi River Fuel Corporation has constructed a natural-gas pipe line for the corporations controlling it, as above stated, and said corporation has acted as their agent in the transportation and sale of natural gas in interstate commerce; and the contracts between the Mississippi River Fuel Corporation and the companies named in paragraph (e) above for said corporation's entire requirements of natural gas are identical in their terms, conditions, rates and charges;

The Commission *finds* that:

It is necessary, desirable and in the public interest that an investigation be made of the circumstances and conditions concerning the formation, continuance, and purposes of such syndicate which created, owns and controls the Mississippi River Fuel Corporation, the extent of the affiliation between said Corporation and those companies from which said Corporation purchases its entire supply of natural gas (which companies are also controlled by said stockholders of the Mississippi River Fuel Corporation), and the effect of such affiliation or common control upon the rates or charges provided in the contracts for the sale of natural gas to the Mississippi River Fuel Corporation, and that a hearing be held herein;

The Commission *orders* that:

(A) A public hearing in this proceeding be held on October 7, 1940, at 10 o'clock a. m., E. S. T., in the Hearing Room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the formation, continuance, and purposes of such syndicate which created, owns and controls the Mississippi River Fuel Corporation; the extent of the affiliation between said Corporation and those companies from which said Corporation purchases its entire supply of natural gas (which companies are also controlled by said stockholders of the Mississippi River Fuel Corporation), and the effect of such affiliation or common control upon the rates or charges provided in the contracts for the sale of natural gas to the Mississippi River Fuel Corporation;

(B) For the purposes of hearing only, this proceeding shall be consolidated with similar hearings, to be held at the same time and place, in the matters of: United Gas Pipe Line Company, Docket No. G–144; Southern Carbon Company, Docket No. G–145; Interstate Natural Gas Company, Incorporated, and Hope Producing Company, Docket No. G–146; United Carbon Company, Docket No. G–147.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 40–3400; Filed, August 15, 1940; 9:41 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4231]

IN THE MATTER OF ISAAC S. DICKLER

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, Isaac S. Dickler, is a commission resident buyer with offices located at 370 Seventh Avenue, New York, New York. Said respondent, in the course of his business as a commission resident buyer, acts as buying agent in the purchase of fur garments for and in behalf of approximately seventeen fur garment retailers located in the several states of the United States and in the District of Columbia. The manner of operation of respondent's business is that of receiving from various retail fur stores for whom he acts as agent requests, orders, or requisitions to purchase fur garments upon general specifications as to size, style, quality and price. When such orders are received by respondent he contacts various fur garment manufacturers and places the order at the most advantageous price from the standpoint of the buyer. Generally the manufacturer ships the fur garments so purchased direct to the retailer-purchaser, although in some instances delivery is arrested to permit inspection of the garments by respondent at respondent's place of business.

On such orders respondent generally receives from the sellers a commission of 5% on occasions when retailers whom this respondent has represented subsequently place orders directly with fur garment manufacturers. The respondent seeks to, and on occasion does, secure commissions from the sellers on such orders.

New York City is the center of the fur garment industry in the United States, and fur garment retailers located in states of the United States other than the State of New York undergo expenditure in purchasing fur garments in the New York market. Many of such retail buyers maintain in New York City buying offices. Such buying offices are maintained and the personnel compensated by such retail purchasers and not by the fur garment manufacturers. Retailers purchasing through commission buyers are generally competitively engaged with retailers who purchase through buyers who are compensated by the retailers employing them.

PAR. 2. In the course and conduct of his business, respondent places orders for fur garments with manufacturers located in New York City on behalf of retailers located in Washington, D. C., Baltimore, Maryland, San Francisco, California, and elsewhere throughout the United States, pursuant to which fur garments are shipped and caused to be transported by said sellers from New York, New York, into and through various states of the United States to their respective customers.

PAR. 3. In the course of the purchasing transactions by the respondent, as set forth herein, sellers have, since June 19, 1936, transmitted, paid and delivered, and do transmit, pay and deliver, to said respondent commissions, the same being a certain percentage of the sales price agreed upon between each of such sellers and the respondent on the orders for merchandise placed by the respondent for his principals; and said respondent, since June 19, 1936, has received and accepted, and is receiving and accepting, such commissions on purchases of merchandising by retail buyers in whose behalf said respondent has been and is, in fact, acting.

PAR. 4. The foregoing acts and practices are in violation of subsection (c) of Section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 10th day of August, A. D., 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Isaac S. Dickler, respondent herein, that the 13th day of September, A. D., 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade

Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 10th day of August, A. D. 1940.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–3409; Filed, August 15, 1940; 11:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30–18]

IN THE MATTER OF LEE BARROLL, HENRY A. ERHARD, GERALD P. KYNETT, HERBERT L. NICHOLS, BASIL GAVIN, VOTING TRUSTEES UNDER VOTING TRUST AGREEMENT DATED JANUARY 1, 1935, FOR CLASS A COMMON STOCK OF UNITED PUBLIC UTILITIES CORPORATION

ORDER RELATING TO HOLDING COMPANY STATUS

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 August, A. D. 1940.

Lee Barroll, Henry A. Erhard, Gerald P. Kynett, Herbert L Nichols, and Basil Gavin, Voting Trustees under Voting Trust Agreement dated January 1, 1935, for Class A Common Stock of United Public Utilities Corporation, a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting withdrawal of the registration of said Voting Trustees;

A public hearing[1] having been held after appropriate notice; the Commission having examined the record and made and filed its findings in which it found that said applicants have ceased to be a holding company;

It is hereby declared by this order, That said applicants have ceased to be a holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3411; Filed, August 15, 1940; 11:41 a. m.]

[File No. 70–42]

IN THE MATTER OF CENTRAL STATES EDISON, INC., THE SEDAN GAS COMPANY

SUPPLEMENTAL ORDER PURSUANT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, SECTIONS 7 AND 10 AND RULE U-12B–1

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 August, A. D. 1940.

The Commission having on May 17, 1940, issued an Order[2] in the above-entitled proceeding in which inter alia a declaration concerning the issuance and sale of 85 shares of common stock by The Sedan Gas Company to Central States Edison, Inc. was permitted to become effective, and an application concerning the acquisition of said common stock by Central States Edison, Inc. was approved;

The Commission having reserved jurisdiction in said Order to consider all matters not specifically covered by the declaration and application concerning the issuance of common stock by The Sedan Gas Company and its acquisition by Central States Edison, Inc.;

It appearing to the Commission that the purpose of the issuance and sale of the common stock was payment of an open account advance made by Central States Edison, Inc., a registered holding company to The Sedan Gas Company, its wholly owned subsidiary and it further appearing to the Commission that such payment can be effected by a capital contribution in the amount of $8,500 to The Sedan Gas Company by Central States Edison, Inc. without incurring the expenses involved in the issuance and sale of the said common stock; and no action having been taken as yet by The Sedan Gas Company with regard to issuing said common stock;

An amendment having been filed to said declaration and application requesting that the previous Order be amended to permit payment of the open account by means of a capital contribution from Central States Edison, Inc. to The Sedan Gas Company;

It is ordered, That said Order of May 17, 1940, be and is hereby amended to authorize, in lieu of the issuance of said common stock by The Sedan Gas Company and the acquistion thereof by Central States Edison, Inc., the making of a capital contribution in the amount of $8,500 by Central States Edison, Inc. to The Sedan Gas Company, subject to the condition that such capital contribution be effected in accordance with the representations of and for the purposes stated in said application and declaration as amended;

It is further ordered, That said order of May 17, 1940, be and hereby is amended to vacate the action therein taken permitting the said declaration for the issuance of said common stock of The Sedan Gas Company to become effective, and to vacate the approval therein contained for the acquisition of said common stock by Central States Edison, Inc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3410; Filed, August 15, 1940; 11:41 a. m.]

[File No. 31–468]

IN THE MATTER OF BEEBEE ISLAND CORPORATION

ORDER RELATING TO SUBSIDIARY COMPANY STATUS

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

[1] 5 F.R. 2464.
[2] 5 F.R. 1941.

office in the City of Washington, D. C., on the 14th day of August, A. D. 1940.

Beebee Island Corporation, a New York corporation, having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it not to be a subsidiary company of Central New York Power Corporation, Niagara Hudson Power Corporation, The United Corporation, and Knowlton Brothers, Inc.;

A public hearing[1] having been duly held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That said Beebee Island Corporation be, and it hereby is, declared not to be a subsidiary company, within the meaning and for the purposes of the Public Utility Holding Company Act of 1935, of Central New York Power Corporation, Niagara Hudson Power Corporation, The United Corporation, or of Knowlton Brothers, Inc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3414; Filed, August 15, 1940; 11:42 a. m.]

[File No. 70-69]

IN THE MATTER OF WASHINGTON RAILWAY AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING PURSUANT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, SECTION 7

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1940.

The Commission having heretofore by an order entered June 27, 1940, permitted the declaration of Washington Railway and Electric Company in the above entitled proceeding to become effective, said declaration being in regard to the guarantee by said Washington Railway and Electric Company of an assumption by its subsidiary, Capital Transit Company, of certain First Mortgage Bonds in the maximum aggregate principal amount of $3,439,000, originally issued, in part, by The Anacostia and Potomac River Rail Road Company of Washington, D. C. and, in part, by City and Suburban Railway of Washington, which bonds are secured by liens upon properties presently owned by said Capital Transit Company;

Said declaration, as amended at the time of the entry of said order, indicating that no compensation would be paid to brokers or other agents in connection with the solicitation of assents of bondholders to said Plan of assumption and guarantee, and said order containing a condition that said proposed transaction be effected in all respects in accordance with the terms and conditions of said declaration;

Said Washington Railway and Electric Company having now filed an amendment to said declaration representing that in connection with the solicitation above mentioned, Capital Transit Company proposes to pay to certain brokers or investment bankers a commission of one-half of one percent of the principal amount of each bond, the holder of which deposits the same upon the procurement of such broker or investment banker, after a date to be hereafter designated, which additional expense said declarant estimates will not exceed $5,000, and by said amendment praying that said order of June 27, 1940, be so amended as to permit said transaction to be carried out in accordance with said declaration as now amended;

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 August 21, 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.

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.

Notice of such hearing is hereby given to such declarant 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 August 19, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3415; Filed, August 15, 1940; 11:42 a. m.]

[File No. 70-119]

IN THE MATTER OF DELAWARE ELECTRIC POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION FILED UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1940.

Delaware Electric Power Company having filed with this Commission a request for the withdrawal of the following described declaration;

A declaration by Delaware Electric Power Company filed pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-1 promulgated thereunder, concerning the redemption on October 1, 1940 of $200,000 principal amount of Delaware Electric Power Company's Gold Debentures, 5½% Series due 1959 at 102 percent and accrued interest, such redemption to be effected in accordance with the provisions of a Trust Agreement dated January 1, 1929 between Delaware Electric Power Company and The Chase National Bank, Trustee;

The Commission consents to the withdrawal of such declaration and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3412; Filed, August 15, 1940; 11:41 a. m.]

[File No. 70-126]

IN THE MATTER OF LONE STAR GAS CORPORATION, TEXAS CITIES GAS COMPANY, COMMUNITY NATURAL GAS COMPANY

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 14th day of August, A. D. 1940.

Declarations and applications having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named persons, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-8 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declarations and applications and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

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 September 4, 1940, at 10:00 A. M. at the offices of 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.

[1] 5 F.R. 2656.

At such hearing, if in respect of any declaration, cause shall be shown why such declarations shall become effective.

It is further ordered, That Charles S. Moore 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.

It is further ordered, That without limiting the scope of issues presented by said applications or declarations particular attention will be directed at said hearing to the following matters and questions:

1. The existence and amounts of write-up in the property accounts of Texas Cities Gas Company, or in the values of the securities of that company on the books of Lone Star Gas Corporation, and the extent to which the Commission, pursuant to Section 15 (f) of the Act, may require that the accounting entries of such companies should be modified or supplemented so as properly to show the cost of the assets.

2. Whether the Commission shall take action under Section 15 (f) of the Act to prescribe the accounting entries to be made by Lone Star Gas Corporation, Community Natural Gas Company, or Texas Cities Gas Company, so as properly to show the cost of the assets involved.

3. Whether the consideration to be paid for the assets is reasonable, and bears a fair relation to the sums invested in such assets, or to the earning power of the assets.

4. Whether the terms and conditions of the sale of assets are detrimental to the public interest or the interest of investors or consumers, or will tend to circumvent the provisions of the Act, or any rules, regulations or orders of the Commission thereunder.

5. Whether the acquisition of the assets will be detrimental to the public interest, or the interest of investors or consumers.

6. Whether all proposed actions to be taken comply with the requirements of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3413; Filed, August 15, 1940; 11:42 a. m.]

[File No. 70-104]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

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 15th day of August, A. D. 1940.

An application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 having been filed with this Commission by the above named party; and this Commission having ordered on July 3, 1940 that a hearing on the above entitled matter be held on July 22, 1940 and such hearing having been continued, at the request of said party, subject to the call of the Trial Examiner;

An application having been filed by said party with the Public Utilities Commission of the District of Columbia which ordered on July 1, 1940 that an investigation be made relative to said application and which gave notice of said Commission's intention to hold a public hearing on the subject matter; and this Commission having been informed that the Public Utilities Commission of the District of Columbia will set such hearing at the same time and place as is hereinafter ordered to enable both Commissions to sit together in the consideration of the matter;

This Commission and the Public Utilities Commission of the District of Columbia being of the opinion that a hearing before both Commissions, sitting together, will facilitate the consideration of the matter and will be in the public interest, and in the interest of consumers and investors; and

Potomac Electric Power Company having indicated through its counsel that it has no objection to this procedure;

It is ordered, That the hearing on the matter be reconvened, before this Commission, on August 28, 1940, at 10 o'clock in the forenoon of that day, in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

Notice of such hearing is hereby given said party 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 August 23, 1940.

The matter concerned herewith is in regard to a proposal by Potomac Electric Power Company seeking an exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of the issuance and private sale to the Metropolitan Life Insurance Company and Mutual Life Insurance Company of $10,000,000 principal amount of First Mortgage Bonds of said Company, 3½% Series, due 1975 under said Company's Mortgage and Deed of Trust dated July 1, 1936 and indentures supplemental thereto.

It is stated that the proceeds of the financing, together with other funds of the Company, will be used to maintain its normal working capital requirements and to meet its normal construction expenditures during the remainder of 1940 and during 1941 and those incident to the installation of two 50,000 kilowatt turbo-generator units and related equipment and facilities; one to be completed in the latter part of 1940 and estimated to cost approximately $4,075,000 and the other to be begun in 1941 and estimated to cost approximately $8,985,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3419; Filed, August 15, 1940; 11:57 a. m.]