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# FEDERAL REGISTER

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*Washington, Tuesday, May 30, 1939*

## *The President*

### EXECUTIVE ORDER

ESTABLISHING A DEFENSIVE SEA AREA IN AND ABOUT PEARL HARBOR

HAWAII

By virtue of and pursuant to the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the area of water in Pearl Harbor, Island of Oahu, Territory of Hawaii, lying between extreme high-water mark and the sea and in and about the entrance channel to said harbor, within an area bounded by the extreme high-water mark, a line bearing south true from the southwestern corner of the Puuloa Naval Reservation, a line bearing south true from Ahua Point Lighthouse, and a line bearing west true from a point three nautical miles due south true from Ahua Point Lighthouse, is hereby established as a defensive sea area for purposes of national defense.

At no time shall any person (other than persons on public vessels of the United States) enter the defensive sea area above defined, nor shall any vessels or other craft (other than public vessels of the United States) be navigated within said defensive sea area, unless authorized by the Secretary of the Navy.

Any person violating the provisions of this order shall be subject to the penalties provided by law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE.
*May 26, 1939.*

[No. 8143]

[F. R. Doc. 39-1861; Filed, May 27, 1939; 11:30 a. m.]

### EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER OF JULY 2, 1910, CREATING PETROLEUM RESERVE NO. 7, UTAH NO. 1; PETROLEUM RESTORATION NO. 61

UTAH

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, the Executive Order of July 2, 1910, creating Petroleum Reserve No. 7, Utah No. 1, is hereby revoked as to the following-described lands:

*Salt Lake Meridian*

T. 41 S., R. 9 W.,
secs. 25 to 36, inclusive.
T. 42 S., R. 9 W.,
secs. 1 to 18, inclusive.
T. 40 S., R. 10 W.,
sec. 35, all.
T. 41 S., R. 10 W.,
secs. 2 and 3;
secs. 9 to 11, inclusive;
secs. 14 to 16, inclusive;
sec. 17, S½;
secs. 19 to 23, inclusive;
secs. 25 to 36, inclusive.
T. 42 S., R. 10 W.,
secs. 1 to 21, inclusive;
secs. 28 to 33, inclusive.
T. 40 S., R 11 W.,
secs. 19 to 21, inclusive;
secs. 28 to 33, inclusive.
T. 41 S., R. 11 W.,
secs. 4 to 9, inclusive;
secs. 16 to 36, inclusive.
T. 42 S., R. 11 W.,
secs. 1 to 3, inclusive;
sec. 4, lots 1, 2, 3, 4, 7, 8, 9, 14, and 15, and SE¼NE¼;
sec. 5, lots 1, 2, 3, and 4, S½NW¼, and SW¼;
secs. 6 and 7;
sec. 8, W½W½;
sec. 9, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
secs. 10 to 18, inclusive.
T. 38 S., R. 12 W.,
secs. 21 and 22;
secs. 27 and 28;
secs. 32 to 34, inclusive.
T. 39 S., R. 12 W.,
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secs. 8 to 10, inclusive;
secs. 15 to 17, inclusive;
secs. 19 to 22, inclusive;
secs. 25 to 36, inclusive.

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FEDERAL REGISTER

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sec. 13, lot 1, E½NE¼, and NE¼SE¼;
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sec. 23, S½N½ and S½;
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secs. 10 to 15, inclusive;
secs. 23 to 25, inclusive.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*May 26, 1939.*

[No. 8144]

[F. R. Doc. 39-1862; Filed May 27, 1939; 11:30 a. m.]

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 498 (supersedes B. P. Q. 352)]

SEC. 301.48-5A—ADMINISTRATIVE INSTRUCTIONS—DEFINING THE TERM "COMMERCIALLY PACKED" AS APPLIED TO SHIPMENTS OF APPLES OR PEACHES UNDER THE JAPANESE BEETLE QUARANTINE REGULATIONS

MAY 27, 1939.

Regulation 5 of the Japanese beetle quarantine regulations (Sec. 301.48-5)[1] exempts from certification "commercially packed apples or commercially packed peaches in any quantity" except those moving via refrigerator cars or motor-trucks from the special area listed in paragraph (1) of that regulation.

In interpreting this exemption the term "commercially packed" will include:

(a) All apples or peaches in closed barrels, boxes, baskets, or other closed containers.

(b) Apples or peaches in open packages when such fruits have been graded in accordance with the official standards for apples or peaches promulgated by the United States Department of Agriculture or in accordance with any official grades authorized by the State in which the apples or peaches were grown and when the containers are marked with such grade. The so-called Unclassified Grade is not, however, considered a grade within the meaning of this definition, and apples or peaches in open packages so marked are not considered commercially packed. (Sec. 301.48-5) [B. E. P. Q. 498, May 27th, 1939]

[SEAL] LEE A. STRONG,
*Chief.*

[F. R. Doc. 39-1867; Filed, May 29, 1939; 9:55 a. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Regulation 401-F-3]

SERVING OF "NOTICE OF NON-STOP SERVICE" OR "AIRPORT NOTICE"

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 19th day of May 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 401 (f) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act, and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) A copy of each "Notice of Non-Stop Service" filed with the Authority pursuant to Regulation 401-F-1, as amended,[1] by the holder of a certificate of public convenience and necessity, shall be served upon the following:

1. The Postmaster General, marked for the attention of the Division of Air Mail Service;

2. Each scheduled air carrier which regularly renders service to or from any point named in such certificate;

3. The chief executive of each point between which the proposed non-stop service is to be operated, as well as the chief executive of each point proposed to be omitted by reason of the non-stop service;

4. The chief executive of the state or states in which are situated the points between which the proposed non-stop service is to be operated, as well as the chief executive of the state or states in which are situated the points proposed to be omitted by reason of the non-stop service, or, if there exists in such state a commission or other agency of the state having jurisdiction of transportation by air, then upon such commission or agency; and

5. Such other persons as the Authority may specially designate in a particular case.

(b) A copy of each "Airport Notice" filed with the Authority, pursuant to Regulation 401-F-1, as amended, by the holder of a certificate of public convenience and necessity shall be served upon each of the following:

1. The Postmaster General, marked for the attention of the Division of Air Mail Service;

2. Each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

3. The chief executive of the point intended to be served through the proposed airport;

4. The chief executive of the city or other political subdivision in which is situated the airport theretofore regularly used;

5. The chief executive of the city or other political subdivision in which the proposed airport is situated;

6. The chief executive of the state in which is situated the point intended to be served through the proposed airport, or, if there exists in such state a commission or other agency of the state having jurisdiction of transportation by air, then upon such commission or agency;

7. The chief executive of the state in which is situated the airport theretofore regularly used, or, if there exists in such state a commission or other agency of the state having jurisdiction of transportation by air, then upon such commission or agency;

8. The chief executive of the state in which the proposed airport is situated, or, if there exists in such state a commission or other agency of the state having jurisdiction of transportation by air, then upon such commission or agency; and

9. Such other persons as the Authority may specially designate in a particular case.

(c) Service of a copy of a "Notice of Non-Stop Service" or an "Airport Notice" upon any person hereunder may be made by personal service, or by registered mail addressed to such person. Whenever service is made by registered mail, the date of mailing shall be considered as the time when service is made. Each copy of Notice served hereunder shall be accompanied by a letter of transmittal stating that such service is being made pursuant to Regulations 401-F-1, as amended, and 401-F-3 of the Authority.

(d) Ten copies of each "Notice of Non-Stop Service" or "Airport Notice" shall be filed with the Authority, and each such copy shall be accompanied by a statement to the effect that the air carrier has served copies thereof upon each person required to be served hereunder. Such statement shall include the names and addresses of the persons upon whom a copy of such Notice was served.

(e) This regulation shall become effective on and after June 1, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-1875; Filed, May 29, 1939; 12:41 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3686]

IN THE MATTER OF UNEEDA UNDERWEAR COMPANY

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of ladies' knitted undergarments and other similar apparel, the word "silk," or any other word of words of similar import or meaning, to designate or describe any fabric or other product not composed wholly of silk, product of cocoon of silkworm; or word "wool," or any other word or words of similar import or meaning, to designate or describe any fabric or other product not composed wholly of wool; or words "silk and wool," or any other words of similar import or meaning, to designate or describe any fabric or other product not composed wholly of silk,

[1] 4 F.R. 952 DI.

[1] 4 F.R. 1029 DI.

product of cocoon of silkworm, combined solely with wool; prohibited, subject to provision that, in case of fabric or product composed in part of silk or in part of wool, or in part of silk and in part of wool, and in part of material or materials other than silk and wool, such words may be used as descriptive of respective silk and wool content if there is used, in immediate connection therewith, in letters of equal size and conspicuousness, word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent; and subject to further provision that such order shall not be construed as permitting use of unqualified word "silk" to designate, describe or refer to weighted silk, or as permitting use of unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Uneeda Underwear Company, Docket 3686, May 20, 1939]

§ 3.66 (a) *Misbranding or mislabeling — Composition.* Representing, in connection with offer, etc., in commerce, of ladies' knitted undergarments and other similar apparel, that any fabric or other product has a stated percentage of silk and wool or silk or wool, unless in fact such fabric or product does contain silk and wool or silk or wool in the proportions stated, prohibited; subject to provision that such order shall not be construed as permitting use of unqualified word "silk" to designate, describe or refer to weighted silk, or as permitting use of unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Uneeda Underwear Company, Docket 3686, May 20, 1939]

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Advertising, offering for sale or selling, in connection with offer, etc., in commerce, of ladies' knitted undergarments and other similar apparel, fabrics or any other products composed in whole or in part of rayon, without clearly disclosing the fact that such fabrics or products are composed of rayon, prohibited; subject to provision that when such fabrics or products are composed in part of rayon and in part of other fibers and materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent, and subject to further provision that such order shall not be construed as permitting use of unqualified word "silk" to designate, describe or refer to weighted silk, or as permitting use of unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Uneeda Underwear Company, Docket 3686, May 20, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1939.

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

IN THE MATTER OF ABRAHAM TABACHNICK, AN INDIVIDUAL TRADING AS UNEEDA UNDERWEAR COMPANY

ORDER TO CEASE AND DESIST

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

*It is ordered,* That the respondent, Abraham Tabachnick, individually and trading as Uneeda Underwear Company, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of ladies' knitted undergarments and other similar apparel in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "silk" or any other word or words of similar import or meaning to designate or describe any fabric or other product which is not composed wholly of silk, the product of the cocoon of the silkworm; or from using the word "wool" or any other word or words of similar import or meaning to designate or describe any fabric or other product which is not composed wholly of wool; or from using the words "silk and wool" or any other words of similar import or meaning to designate or describe any fabric or other product which is not composed wholly of silk, the product of the cocoon of the silkworm, combined solely with wool, except that in the case of a fabric or product composed in part of silk or in part of wool, or in part of silk and in part of wool, and in part of a material or materials other than silk and wool, such words may be used as descriptive of the respective silk and wool content if there is used in immediate connection therewith in letters of equal size and conspicuousness a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent;

(2) Representing that any fabric or other product has a stated percentage of silk and wool or silk or wool unless in fact such fabric or product does contain silk and wool or silk or wool in the proportions stated;

(3) Advertising, offering for sale, or selling, fabrics or any other products composed in whole or in part of rayon, without clearly disclosing the fact that such fabrics or products are composed of rayon and when such fabrics or products are composed in part of rayon and in part of other fibers and materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

This order shall not be construed as permitting the use of the unqualified word "silk" to designate, describe or refer to weighted silk.

This order shall not be construed as permitting the use of the unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-1863; Filed May 27, 1939; 12:14 p. m.]

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## TITLE 18—CONSERVATION OF POWER

## FEDERAL POWER COMMISSION

[Order No. 62]

AMENDING THE "RULES OF PRACTICE AND REGULATIONS, WITH APPROVED FORMS, EFFECTIVE JUNE 1, 1938"

MAY 23, 1939.

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

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly Section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates and prescribes the following amendment to the "Rules of Practice and Regulations, With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50 of April 19, 1938;

Paragraph K, Section 34.2, Contents of application—Part 34, of said Rules of Practice and Regulations, is hereby amended so as to read as follows:

K. Statement as to underwriter's and finder's fees, if any, as follows:

(1) The respective name and address of each underwriter, the respective amount underwritten, and the amount of the underwriter's fee therefor;

(2) The respective name and address of each known person receiving or entitled to a fee (other than an underwriter's fee) paid for services (other than attorneys, accountants and similar technical services) in connection with the negotiation or consummation of an acquisition, issue or sale of securities, or for services in securing underwriters, sellers or purchasers of securities (which fee shall be referred to herein as a finder's fee) and the amount of such finder's fee;

(3) The affiliation, direct or indirect, through directors, officers, or stockholders, or through ownership of securities or otherwise, existing between applicant and any such underwriter or finder;

(4) Facts showing that the applicant has, in an adequate manner, publicly called for and has made appropriate and diligent effort to obtain competitive bids in connection with the underwriting and sale of the securities issued, which is the subject of the application, by publication or otherwise, and that the underwriter's bid accepted was not less favorable than that of any other bidder; or

(5) Facts showing that such effort was without results necessitating other methods of underwriting; and that

(a) The fee to be paid does not exceed the customary fee for similar services where the parties are dealing at arms' length;

(b) The service rendered is necessary;

(c) The remuneration is reasonable in view of the cost of rendering the service, the time spent thereon and any other relevant factors;

(6) In case a finder's fee is involved, the facts showing the necessity for the employment of the finder, the services rendered and the reasonableness of the fee.

The amendment to the "Rules of Practice and Regulations, With Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated and prescribed by this order shall become effective on the 1st day of July, 1939; and the Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-1835; Filed, May 26, 1939; 2:57 p. m.]

## TITLE 24—HOUSING CREDIT

## HOME OWNERS' LOAN CORPORATION

### PART 402—LOAN SERVICE

#### MISCELLANEOUS CREDITS

Amending Part 402 of Title 24 of the Code of Federal Regulations.

Section 402.15 is amended to read as follows:

Upon the written request of the home owner, where necessary, the General Manager, with the advice of the General Counsel, may permit the payment of taxes, assessments, other governmental levies and charges, ground rents, attorneys' fees, cost of reconditioning from, or make such other disposition as he deems proper of, funds received by the home owner, or by the Corporation as mortgagee or assignee, in connection with transactions involving partial releases, grants of easements and flowage rights, insurance losses, mineral deeds, oil, gas or mineral interests, sales of timber, condemnation awards under decree or judgment of a court or by agreement, substitution of security, additional security, other transactions which otherwise reduce or diminish the security held by the Corporation or the property sold by it, and from funds received as other credits to home owners' accounts, except repayments, before directing that the net amount received by the Corporation be applied to the appropriate account, as provided in Section 408.00 (1).

The authority vested in the General Manager by this Section may also be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel. (Effective June 1, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on May 12, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1841; Filed, May 26, 1939; 3:40 p. m.]

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[Administrative Order No. 282]

### PART 402, LOAN SERVICE

#### APPLICATION OF MISCELLANEOUS CREDITS

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.15-1 is amended to read as follows:

The Regional Manager, with the advice of Regional Counsel, may permit the payment of taxes, assessments, other governmental levies and charges and ground rents, attorneys' fees, surveys, appraisal fees, cost of reconditioning and charges or expenses necessary in connection with the consummation of the particular transaction before directing the application of any part of the funds referred to in the foregoing Section.

In cases where the consideration (whether land, interests therein, enhancement of the value thereof, or funds) exceeds the amount by which the value of the Corporation's security is reduced or diminished and the home owner has requested that such excess be turned over to him for his own use and in cases where such excess does not exist or where it is less than the amount the home owner has requested be turned over to him and the Regional Manager recommends that the request of the home owner be allowed, he shall forward the file, together with a summary of the case and his recommendation, to the General Manager for direction.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)). (Effective June 1, 1939)

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1840; Filed, May 26, 1939; 3:40 p. m.]

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[Administrative Order No. 510]

### PART 405.—RECONDITIONING

#### ADVANCES FOR RECONDITIONING

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Part 405 is amended as follows:

Section 405.01-8 is amended by changing "Form R-1B" to "Form R-7AB (529A)".

Section 405.02-3.2 is repealed.

Section 405.02-8 is amended by deleting the words "or District".

The phrases before the colon in the first paragraph of Section 405.02-12 are amended to read as follows:

"In cases in which the Regional Manager is of the opinion that it is to the Corporation's interest to make an advance in the following situations, he may forward the file to Washington for the consideration and recommendation of the Chief, Reconditioning Section and the Deputy General Manager in Charge of Loan Service, and the advice of the General Counsel, and for consideration

and approval by the General Manager, in any case where:"

The second paragraph of Section 405.02–12 is repealed and the following is substituted therefor as subparagraph (e) of the first paragraph of this section:

"(e) In exceptional cases where it is impracticable or impossible to obtain the execution of the approved forms of debt and lien instruments by all parties in interest and title because of disabilities, excessive expense or legal or other exigencies, and the advance would not be secured as a lien under the original mortgage or otherwise."

Section 405.02–13 is amended by changing the words "District Manager" to "State Manager", and the words "Form R–7A" to "Form R–7AB (529A)".

Section 405.02–14 is amended by changing the words "District Manager" to "State Manager".

Section 405.02–15 is amended by changing the words "District Manager" to "State Manager" and the words "Form R–7A" to "Form R–7AB (529A)".

Section 405.02–18 is amended by changing the words "District Reconditioning Supervisor" to "State Reconditioning Supervisor", and the words "District Manager" to "State Manager".

Section 405.02–22 is amended by changing the words "District Manager" to "State Manager", and the figure "$50.00" to $150.00".

Section 405.02–23 is amended by changing the words "District Manager", "District Reconditioning Supervisor", and "District Counsel", respectively, to "State Manager", "State Reconditioning Supervisor", and "State Counsel", respectively.

Sections 405.02–2, 405.02–3, 405.02–4, 405.02–10, 405.02–11, 405.02–24, and 405.03–2, respectively, are amended to read as follows: (Effective June 1, 1939)

§ 405.02–2 When the State Manager receives Form R–7AB (529A), indicating that the property securing the Corporation's mortgage or sales instrument is in need of repairs which, if not made, would imperil the interests of the Corporation, he shall, if he considers the application warrants further consideration, refer the case to the State Reconditioning Supervisor. The State Reconditioning Supervisor shall either cause a reconditioning inspection to be made by a salaried or fee reconditioning inspector and a cost estimate prepared on Form R–4D of the necessary repairs, or he shall make his recommendation of the necessary repairs based upon any other information satisfactory to him in lieu of such inspection. In all cases of emergency and necessary repairs it shall be the responsibility of the Reconditioning Section to determine the necessity, extent, appropriateness and the architectural and structural soundness of repairs, and if any advance is authorized, to direct and supervise such repairs.

§ 405.02–3 The State Reconditioning Supervisor shall indicate on Form R–7AB (529A) the necessity and justification of the repairs, the estimated cost thereof, including inspection fees, and other information pertinent to the technical elements involved. One copy of Form R–4D shall be attached to each copy of Form R–7AB (529A) and forwarded to the State Manager. If an appraisal of the property is to be made, the State Manager shall refer the case to the State Appraiser in conformity with the provisions of Part 404.

§ 405.02–4 In cases where inspection fees, appraisal fees, or other costs have been incurred prior to the execution of security instruments by borrowers, vouchers in payment of such fees or costs shall be drawn and forwarded to the Regional Office for disbursement from the Regional Working Fund and charged to Suspended Debits—General (133–2). Charges to this account shall be cleared to the borrower's account if the advance is approved or there exists an executed Form R–7AB (529A). If the advance is not approved and Form R–7AB (529A) has not been executed, appropriate notice shall be made to the Regional Office to enable it to make disposition of such charge.

§ 405.02–10 Expenses for inspection, architectural, or appraisal fees, title examination, recording, fees for legal services, and all other incidental expenses advanced by the Corporation for the borrower, shall be included in the accepted and approved form of the debt or lien instrument, pursuant to the provisions of Form R–7AB (529A).

§ 405.02–11 Any case where the estimated cost of reconditioning exceeds $500.00 shall be forwarded by the Regional Manager to the General Manager, who, with the concurring approval of the Chief, Reconditioning Section and the Deputy General Manager in Charge of Loan Service, and with the advice of the General Counsel, may authorize an advance where the estimated cost exceeds $500.00. When forwarding the file, the Regional Manager shall include his recommendation, together with the opinion and recommendation of the Regional Counsel regarding title examination and forms of security instruments to be taken and the recordation thereof.

§ 405.02–24 Repairs to abandoned properties are emergency repairs and may be authorized and contracted for by the State Manager, in accordance with the procedure for making emergency repairs, provided, however, that in abandoned property cases exceeding $150.00 approval shall be obtained as required for other emergency or necessary repairs.

§ 405.03–2 When the State Manager receives Form R–7AB (529A) requesting an advance for income-producing reconditioning to properties securing mortgages or sales instruments held by the Corporation, he shall, if he considers the case eligible under Section 405.03, refer it to the State Reconditioning Supervisor. The State Reconditioning Supervisor shall cause a reconditioning inspection to be made by a salaried or fee inspector and an estimate of the cost of the proposed reconditioning prepared on Form R–4D, or, in lieu of such inspection shall make his recommendation of the proposed reconditioning based on any other information satisfactory to him. The State Reconditioning Supervisor shall indicate on Form R–7AB (529A) the necessity and justification of the reconditioning, the estimated cost thereof, including inspection fees, and other information pertinent to the technical elements involved.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39–1846; Filed, May 26, 1939; 3:41 p. m.]

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[Administrative Order No. 514]

## PART 405—RECONDITIONING

### LEGAL REVIEW, BORROWER CASES

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 405.01–13 is amended to read as follows:

When the estimated cost of necessary repairs or income producing reconditioning exceeds $300. the case shall be referred to the Legal Department prior to the award of contract. Where the estimated cost does not exceed $300., such case shall not be referred to the Legal Department unless directed by the Regional or State Manager. (Effective June 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Onwers' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39–1844; Filed, May 26, 1939; 3:41 p. m.]

PART 405—RECONDITIONING

RECONDITIONING ADVANCES, AUTHORITY

Amending Part 405 of Title 24 of the Code of Federal Regulations.

Section 405.02 is amended to read as follows:

The General Manager may authorize advances for the account of borrowers, vendees, and transferees to accomplish income producing reconditioning as provided in Section 405.03 and to accomplish other reconditioning necessary to protect the Corporation's interest including the paving of streets and sidewalks and the installation of sewers and similar improvements upon or contiguous to the security property. Advances shall be on such terms and conditions, and shall be repaid in such manner, as the General Manager with the advice of the General Counsel shall prescribe. The General Manager is authorized to execute on behalf of the Corporation contracts or other instruments relating to reconditioning and, except as otherwise expressly provided by the Board, may incur and approve the amount and payment of fees and expenses in connection with any such advances. Legal fees and expenses in connection with any such advances shall be incurred, approved, and paid as provided in Chapter VI of the Manual. The authority herein conferred upon the General Manager may be exercised also by Regional or State Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel. (Effective June 1, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on May 15, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1842; Filed, May 26, 1939; 3:40 p. m.]

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[Administrative Order No. 512]

PART 405—RECONDITIONING

WAIVER OF TITLE EXAMINATION; REGIONAL COUNSEL CERTIFIES

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 405.02–8 and 405.02–9 are amended as follows:

§ 405.02–8 (a) Where the estimated cost of the work does not exceed $300.00 in which instance title examination is not required; or

§ 405.02–9 When the estimated cost of the necessary repairs or income-producing reconditioning does not exceed $300.00, title examination shall not be required. When the estimated cost exceeds $300.00, title examination shall be required, except where the Regional Counsel waives title examination and certifies as his opinion that the advance will be secured as a lien under the Corporation's original mortgage priming encumbrances, except taxes and assessments, which intervened or may intervene between the date of the Corporation's original mortgage and the date of the additional lien to be obtained. Regional Counsel shall prescribe on Form R–7AB (529A), or other officially approved form: (a) certification of his opinion, in appropriate cases over $300.00, as to waiving title examination; (b) the approved forms of debt and lien instruments to be executed by the borrower; (c) whether the applicable instruments shall be recorded; (d) other necessary or appropriate legal advice. (Effective June 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1838; Filed, May 26, 1939; 3:39 p. m.]

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[Administrative Order No. 511]

PART 405—RECONDITIONING

ADVANCES FOR IMPROVEMENTS

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

A new section, numbered 405.02–26, is added to read as follows:

§ 405.02–26. In a case where an advance is requested for the paving of streets and sidewalks and the installation of sewers and similar improvements of property upon which the Corporation holds a mortgage or other lien, the procedure shall be the same as that followed in necessary repair cases insofar as it is applicable in the State and Regional Offices prior to authorization of the advance.

In a case in which the Regional Manager is of the opinion that it is for the best interest of the Corporation to make an advance for such improvements, he shall forward the file to Washington for the consideration and recommendation of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, and the advice of the General Counsel, and for consideration and approval by the General Manager.

When forwarding the file, the Regional Manager shall include a brief analysis of the case, together with his recommendation and the opinion of the Regional Counsel as to the legal aspects of the proposed advance. (Effective June 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1836; Filed, May 26, 1939; 3:39 p. m.]

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[Administrative Order No. 513]

PART 405—RECONDITIONING

ADVANCES TO VENDEES

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

A new section, numbered 405.02–27, is added to read as follows:

The regulations governing reconditioning advances to borrowers shall also govern reconditioning advances to vendees under sales contracts or other title retaining instruments, and the forms prescribed for use in effecting advances to borrowers shall be used with such adaptations or variations as may in the opinion of the Regional Manager with the advice of the Regional Counsel be advisable, in effecting such reconditioning advances to such vendees. If the Regional Counsel is of opinion that the installment contract or other title retaining instrument does not adequately secure the reconditioning advance to the vendee, then the vendee shall execute and deliver to the Corporation such evidence of debt and security therefor as the Regional Counsel may prescribe for the purpose of evidencing and securing such advance. Where the estimated cost of the reconditioning exceeds $300.00, title examination shall be required where the Regional Counsel advises that such examination is necessary for the protection of the interest of the Corporation. (Effective June 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of the Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-1845; Filed, May 26, 1939; 3:41 p. m.]

PART 405—RECONDITIONING

INCOME PRODUCING RECONDITIONING, GENERAL

Amending Part 405 of Title 24 of the Code of Federal Regulations.

Section 405.03 is amended to read as follows:

The Reconditioning Section shall direct and supervise all reconditioning authorized in cases where the repayment of the Corporation's loan is dependent or reasonably dependent upon reconditioning which cannot be identified as necessary repairs to protect the Corporation's security, which type of reconditioning shall be known as Income Producing Reconditioning. Funds may be advanced to provide for Income Producing Reconditioning, plus all costs properly incident thereto, if, in the exercise of sound judgment, it is determined that: (1) The borrower is unable to make payments according to the contract; (2) foreclosure will be inevitable under existing conditions; (3) the borrower is unable to finance the costs of such reconditioning otherwise; (4) such reconditioning will enable the borrower to make payment of his indebtedness to the Corporation; and (5) the reconditioning is necessary to the best interest of the Corporation, all things considered; provided, that any case involving an advance in excess of $500.00 shall be forwarded to Washington by the Regional Manager, together with his recommendation and the opinion and recommendation of the Regional Counsel as to examination of title and form of security instrument to be taken, for the concurring recommendation of the Director of Reconditioning and the Deputy General Manager in Charge of Loan Service, and the approval of the General Manager. There should be a strong showing that the proposed reconditioning will place the borrower in a position to pay his debt and thereby retain his home. Liens for taxes and assessments need not be discharged as a condition for making advances for Income Producing Reconditioning, nor shall any provision be made to pay any taxes or assessments from any such funds advanced. Income Producing Reconditioning may be authorized only under proper legal advice, and questions of waiver of examination of title, or the form of note and mortgage or other security instrument that should be taken to secure such advance, shall be determined by the Legal Department. Income Producing Reconditioning, advances for same, and repayment to the Corporation therefor, shall be effected in such manner, on such terms, and under such conditions and procedure as the General Manager and the General Counsel shall prescribe. (Effective June 1, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on May 15, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-1837; Filed, May 26, 1939; 3:39 p. m.]

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[Administrative Order No. 410]

PART 404—APPRAISAL

APPRAISAL FOR INCOME-PRODUCING RECONDITIONING; APPRAISAL INFORMATION AND REVIEW; FORMS 618 AND 529-A (R-7AB)

Amending Part 404 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 404.03-5 is repealed and Section 404.03-4 is amended to read as follows (Effective June 1, 1939):

When an advance for income-producing reconditioning or for necessary repairs has been requested pursuant to the provisions of Part 405, the State Manager may, in the exercise of sound discretion, authorize an appraisal if the advance for such reconditioning exceeds $500 or if the nature of the work and other factors justify.

Together with the information prescribed in the fifth paragraph of Section 404.03-1, the State Appraisal shall issue Form 600 ordering a fee or salaried appraisal on Form 611, to be prepared and distributed in accordance with Manual of Approved Forms instructions. The completed appraisal report shall establish the estimated present fair market values and rentals "as is" and "as reconditioned".

In calculating the present fair market value "as reconditioned" the Reconditioning Section's cost estimates shall be accepted as substantially correct and the plan of conversion or alteration assumed to be feasible from an architectural standpoint. The appraisal shall, however, reflect any condition of non-conformity, super-adequacy or over-improvement which may result from the contemplated changes in the structure.

In each instance the State Appraiser shall review the appraisal file and make recommendation in the space provided on Forms 618 and 529-A (R-7AB) and distribute them in accordance with Manual of Approved Forms instructions.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-1839; Filed, May 26, 1939; 3:39 p. m.]

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[Administrative Order No. 927]

PART 409—INSURANCE

DISBURSEMENT AND REIMBURSEMENT FOR REPAIRS

Amending Part 409 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 409.03-7 is amended to read as follows:

When restoration work involves insurance losses in excess of $100, the mortgagor or vendee must execute Form 115 as a prerequisite to disbursement of loss funds which shall be made as follows upon procurement of lien waivers as required under the provisions of Section 406.18 et seq.:

a. To individual material men or laborers, contractors, firms or corporations for amounts indicated by certified statements of amounts due.

b. To the mortgagor or vendee for any amount certified by him to have been paid by him for materials or labor.

c. Any balance remaining after disbursements of insurance loss proceeds in connection with restoration of properties shall be handled in accordance with the provisions of Section 402.15 of the Manual and administrative orders thereunder. (Effective June 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-1843; Filed, May 26, 1939; 3:41 p. m.]

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## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

PART 524—REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations—Part 524 (Regulations applicable

to employment of handicapped persons pursuant to Section 14 of the Fair Labor Standards Act) is hereby issued. This amendment amends Section 524.91 as amended,[1] by extending the duration of said Section 524.91 from June 1, 1939, to September 1, 1939. Said amendment shall become effective upon my signing the original and upon 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 27th day of May 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 524.91 *Temporary certificate of exemption for handicapped individuals employed by certain charitable nonprofit institutions and organizations during period before normal procedure is in full operation.* Notwithstanding any provision in Section 524.90 of Part 524 (providing a temporary certificate of exemption during period before normal procedure is in full operation), from October 24, 1938, to September 1, 1939, or such earlier date as the Administrator may after notice determine, this regulation shall be deemed to be a certificate authorizing charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped individuals and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature, to employ (or suffer or permit to work) handicapped individuals for such purposes at wage rates less than the minimum rate applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) The earning capacity of the employee for the particular position held by him, or for the work which he is suffered or permitted to do must be, or must be honestly believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury;

(b) In no event shall the minimum wage paid any such handicapped individual during this period of temporary exemption be less than that proportion of the minimum wage applicable under Section 6 which the handicapped individual's earning capacity bears to the earning capacity of a non-handicapped worker.*

[F. R. Doc. 39-1873; Filed, May 29, 1939; 11:23 a. m.]

[1] 4 F.R. 1343 DI.

*Issued under the authority contained in Section 14, 52 Stat. 1060.

## TITLE 32—NATIONAL DEFENSE

## NATIONAL MUNITIONS CONTROL BOARD, DEPARTMENT OF STATE

### PART 2—EXPORTATION OF HELIUM GAS

### REGULATIONS GOVERNING THE EXPORTATION OF HELIUM GAS [1]

Section 3 of the Act of September 1, 1937 ( Public No. 411—75th Congress—First Session), entitled "AN ACT authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes", provides in part as follows:

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States: * * *.

Section 4 of the Act provides as follows:

SEC. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State, and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That, under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress) while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

Any person violating any of the provisions of this section or of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The National Munitions Control Board shall include in its Annual Report to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

In view of the aforementioned provisions of law and under the authority of and pursuant to the proviso in Section 4 thereof, the Secretary of State hereby prescribes and promulgates, with the approval of the National Munitions Control Board and the Secretary of the Interior, the following regulations governing the export of helium gas.

§ 2.1 Wherever the word helium is used in these regulations, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "contained helium" means the actual quantity of the element helium (i. e., 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

§ 2.2 Applications for license to export helium gas shall be submitted to the Secretary of State on forms similar to that printed below,[2] copies of which will be furnished by the Secretary of State on request. Each application must be signed and sworn to (or affirmed) in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

§ 2.3 Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use will be issued by the Secretary of State for quantities not to exceed, during any one year, to the ultimate consignees or purchasers within any one country, 500,000 cubic feet.

§ 2.4 Quantities of helium gas that are not of military importance, within the meaning of the term as used in Section 4 of the Act of September 1, 1937 (50 Stat. 885), are defined to be quantities of helium gas not exceeding 500,000 cubic feet.

§ 2.5 Applicants for license to export helium gas under paragraph 2.3 hereof may be required to submit with their applications evidence to show that the helium gas to be exported will be used for only the purposes indicated therein and that subsequent disposition of the helium gas will not in any way violate provisions of the Act of September 1, 1937 (50 Stat. 885), or regulations promulgated thereunder. The Secretary of State may refuse to issue a license if such evidence is not deemed sufficient.

[1] Superseding all other regulations (2 F.R. 1807) governing the exportation of helium gas.

[2] Filed as a part of the original document.

§ 2.6 All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

§ 2.7 No license will be issued under these regulations to authorize the exportation of helium gas to a foreign country if it appears that the issuance of such a license would permit the accumulation in that country of helium gas in quantities of military importance. The Secretary of State may, in the case of applicants who have already obtained one license, require that succeeding applications for license to export helium gas be accompanied by information indicating the manner of disposal of the helium gas exported under licenses preceding that applied for. No license will be issued under these regulations if the amount of helium gas authorized for export under such license, taken in conjunction with the amount of helium gas already accumulated within the country of destination and any further amount already licensed for export to such country but not actually delivered would be in excess of 500,000 cubic feet.

§ 2.8 No licenses will be issued by the Secretary of State for the exportation of helium gas to any country named in a proclamation issued by the President pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (50 Stat. 121), while such proclamation is in effect.

§ 2.9 Licenses which have been issued under these regulations authorizing the exportation of helium gas to a country which is subsequently named in a proclamation issued by the President pursuant to the provisions of law referred to in paragraph 2.8 hereof, shall automatically become null and void and further shipment thereunder shall be considered in violation of these regulations.

§ 2.10 Licenses authorizing the exportation of helium gas are not transferable and are subject to revocation without notice. If not revoked, such licenses are valid until the date of expiration indicated on the face thereof.

§ 2.11 No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in licenses which have been issued under the seal of the Secretary of State.

§ 2.12 Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 2.13 The country of destination and the consignee named in the application for license to export helium gas must, in each case, be the country of ultimate destination and the ultimate consignee, respectively.

§ 2.14 The shipper's export declaration (customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 2.15 The originals of licenses authorizing the exportation of helium gas must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

§ 2.16 Licenses authorizing the exportation of helium gas which is being shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

§ 2.17 Helium gas leaving the United States when used for or intended for the inflation of an aircraft under American registry will not be considered as exported within the meaning of section 4 of the Act when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certificated United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-1858; Filed, May 27, 1939; 9:37 a. m.]

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## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

### CHAPTER I—RULES OF PRACTICE AND PROCEDURE

#### PART 12—HEARINGS

*Conduct of Hearings*

The Commission amended Section 12.80 (f) to read:

(f) *Proposed decision of Commission.* The Commission will thereafter enter its proposed report or findings of fact and conclusions: *Provided, however,* that if the Proposed Findings of Fact and Conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without findings of fact and conclusions in lieu of issuing its Proposed Findings of Fact and Conclusions in accordance with this paragraph. (Sec. 4 (i) 48 Stat. 1066; 47 U.S.C. 154 (i)) [Sec. 12.80 (f), as amended by the FCC on May 23, 1939, to become effective immediately]

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-1869; Filed, May 29, 1939; 10:47 a. m.]

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### CHAPTER IV—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

#### PART 42—INTERNATIONAL BROADCAST STATIONS

The Commission, on May 23, 1939, repealed the following rules, to become effective immediately:

| *Rule Nos.* | *C. F. R. Section Nos.* |
|---|---|
| 1010 | 42.01 |
| 1011 | 42.02 |
| 1012 (a) | 42.03 |
| 1012 (b) | 42.04 |
| 1012 (c) | 42.05 |
| 1013 | 42.06 |
| 1014 | 42.07 |
| 1015 | 42.08 |

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-1870; Filed, May 29, 1939; 10:47 a. m.]

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### CHAPTER IV—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

#### PART 42—INTERNATIONAL BROADCAST STATIONS

Sec.
42.01 Defined.
42.02 Licensing requirements; necessary showing.
42.03 Service; commercial or sponsored programs.
42.04 Frequency assignment.
42.05 Power requirement.
42.06 Supplemental report with renewal application.
42.07 Frequency control.

§ 42.01 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned [between 6,000 and 26,600 kilocycles] for broadcasting by International Agreement).*†

*Promulgated under the authority contained in Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (b), 48 Stat. 1082; 47 U.S.C. 303 (b)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c)—Sec. 303 (j), 48 Stat. 1082; 47 U.S.C. 303 (j).

†Adopted by the FCC on May 23, 1939, to become effective immediately.

§ 42.02 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That there is a need for the international broadcast service proposed to be rendered.

2. That the necessary program sources are available to the applicant to render an effective international service.

3. That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.[1]

4. That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

5. That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

6. That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

7. That the public interest, convenience and necessity will be served through the operation of the proposed station.*†

§ 42.03 *Service; commercial or sponsored programs.* (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs provided that,

1. Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

2. In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with subsection (c) of this section.

3. In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with subsection (c) of this section.

4. In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

5. In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with subsection (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries. The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

(d) An international broadcast station may transmit the program of a standard broadcast station or network system provided the conditions in subsection (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency, and provided further that in the case of chain broadcasting,[2] the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

(e) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.*†

§ 42.04 *Frequency assignment.* (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

| *Group A* | *Group B* | *Group C* | *Group D* |
|---|---|---|---|
| 6020 kc | 9510 kc | 11,710 kc | 15,110 kc |
| 6040 | 9530 | 11,750 | 15,150 |
| 6060 | 9570 | 11,770 | 15,170 |
| 6080 | 9590 | 11,790 | 15,190 |
| 6100 | 9650 [3] | 11,810 | 15,210 |
| 6140 | 9670 [3] | 11,830 | 15,230 |
| 6170 [3] | | 11,850 | |
| 6190 [3] | | 11,870 | |
| | | 11,890 | |

| *Group E* | *Group F* | *Group G* | *Group H* |
|---|---|---|---|
| 15,250 kc | 17,706 kc | 21,460 kc | 25,600 kc |
| 15,270 | 17,780 | 21,480 | 25,625 |
| 15,290 | 17,800 | 21,520 | 25,650 |
| 15,310 | 17,830 [3] | 21,540 | 25,675 |
| 15,330 | | 21,570 [3] | 25,700 |
| | | 21,590 [3] | 25,725 |
| | | 21,610 [3] | 25,750 |
| | | 21,630 [3] | 25,775 |
| | | 21,650 [3] | 25,800 |
| | | | 25,825 |
| | | | 25,850 |

(b) A separate license and call letter designation will be issued for each frequency except that where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required may be authorized by one license and one call letter designation. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.

(c) Not more than one frequency in any one group in subsection (a) of this section will be assigned to a station.*†

§ 42.05 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts [4].*†

§ 42.06 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.

2. A list of programs transmitted of special international interest.

3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.*†

§ 42.07 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating fre-

[1] See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, Article 7. Prior to September 1, 1939 and thereafter see Cairo General Radio Regulations, Article 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

[2] See Section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

[3] Any operation on this frequency prior to September 1, 1939, shall be in compliance with Article 7, Cairo General Radio Regulations as adopted at the International Telecommunications Conferences, Cairo, Egypt, 1938.

[4] This provision shall become effective as applying to existing stations July 1, 1940.

quency within plus or minus 0.005 percent of the assigned frequency[5].*†

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-1871; Filed, May 29, 1939; 10:47 a. m.]

## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

### PART 24—INDIVIDUAL NATIONAL WILDLIFE REFUGES: WEST CENTRAL REGION

### SECTION 24.768—ORDER PERMITTING FISHING WITHIN THE RICE LAKE MIGRATORY WATERFOWL REFUGE, MINNESOTA

Pursuant to regulations 2 and 3 of the regulations of the Secretary of Agriculture, dated November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, it is hereby ordered that until further notice, in accordance with the provisions of said regulations, fishes may be taken for noncommercial purposes when and as permitted by the laws and regulations of the State of Minnesota from certain waters within the Rice Lake Migratory Waterfowl Refuge, Minnesota, subject to the following conditions and restrictions:

§ 24.768 (a) *Waters open to fishing.* Only the waters of Rice River within the refuge shall be open to noncommercial fishing when and as permitted by State laws and regulations, except that no fishing of any kind will be permitted within waters of the refuge during the migratory-waterfowl hunting season. No other waters of the refuge are open to fishing.

§ 24.768 (b) *State fishing laws.* Every person who fishes in any of the aforesaid waters and under the aforesaid conditions must comply with applicable fishing laws and regulations of the State of Minnesota, and in the absence of any State law or regulation in respect to the fishing season and the number and size of fishes that may be taken, the Chief of the Bureau of Biological Survey may fix such seasons and limits; and in the event he shall find that fishing in any of the aforesaid waters is unduly depleting any species of fishes therein, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of Agriculture.

§ 24.768 (c) *Fishing permits.* Any person exercising the privilege of fishing within the refuge shall be in possession of a valid State fishing license issued by the State of Minnesota, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit the license to any representative of the Minnesota Department of Conservation authorized to enforce the game and fish laws of the State, or to any representative of the Bureau of Biological Survey; *Provided,* That fishing shall be done in such manner as will not interfere with the objects for which the refuge was established.

§ 24.768 (d) *Routes of travel.* Persons entering the refuge for the purpose of reaching waters thereof open to fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge and shall not enter upon any other part of the refuge other than said open waters and areas immediately adjacent thereto.

§ 24.768 (e) *Use of motor boats.* Motor boats, both outboard and inboard, are not permitted on any waters of the refuge except for administrative purposes by employees of the Bureau of Biological Survey and of the Minnesota State Department of Conservation.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington this 26th day of May 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-1859; Filed, May 27, 1939; 9:42 a. m.]

[5] See Section 40.01 page 1. This provision shall become effective as applying to existing stations January 1, 1941.

[1] 2 F.R. 2537.

## *Notices*

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 14-401(E)-1]

PAN AMERICAN AIRWAYS, INC.

*Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of Passengers, Property and Mail, over routes between:*

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

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

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

*Miami, Florida, and Havana, Cuba.*

*Miami, Florida, and the Bahama Islands.*

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

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

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

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

*Haiti and Jamaica; with an intermediate stop in Cuba, (except that authorization for the transportation of United States mail on this route is not included in this application).*

*Miami, Florida, and Venezuela; via Cuba and Haiti; or any one or more of said countries (except that authorization for the transportation of United States mail on the sector of this route between Haiti and Venezuela is not included in this application).*

[Docket No. 27-401 (E)-1]

PANAMA AIRWAYS, INC.

*Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of passengers and property over a route between Cristobal, Canal Zone, and Balboa, Canal Zone.*

[Docket No. 28-401 (E)-1]

URABA, MEDELLIN AND CENTRAL AIRWAYS, INC.

*Application for a permanent certificate of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, to engage in scheduled air transportation in the carriage of passengers, property and mail, over a route between Cristobal, Canal Zone, and Medelin, Colombia, with intermediate stops at Balboa, Canal Zone and at Turbo, Colombia.*

NOTICE OF POSTPONEMENT OF HEARING

MAY 26, 1939.

Public hearing in the above-entitled proceedings now assigned on June 1, 1939,[1] is hereby postponed to June 7, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority (Conference Room "A," Departmental Auditorium) in Washington, D. C. before Examiner F. A. Law, Jr.

F. A. LAW, Jr.
*Examiner.*

[F. R. Doc. 39-1874; Filed, May 29, 1939; 12:41 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE COMPANIES

### EXTENSION OF DATE FOR COMPLETION OF RECORDS

At a meeting of the Federal Communications Commission held at the offices of

[1] 4 F.R. 1987 DI.

the Commission in Washington, D. C., on the 23rd day of May 1939;

The Commission having under consideration Telephone Division Order No. 7–C, promulgating the Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, as amended by Telephone Division Order No. 7–D, effective January 1, 1937,[1] and instruction 26, "Telephone plant continuing property record required," as amended by Commission Order No. 31: [2]

Whereas, in view of the recent undertaking by the National Association of Railroad and Utilities Commissioners to draft proposed rules to govern the establishment of continuing property records to be recommended for adoption by Federal and State regulatory authorities with respect to various classes of public utilities, it is desired to extend the date for completion of records required under said instruction 26 of the system of accounts under consideration;

*It is ordered*, That Telephone Division Order No. 7–C be amended further so that said instruction 26, paragraph (A), in the second sentence thereof, shall read as follows:

"The record shall be completed not later than June 30, 1940, with respect to telephone plant as at December 31, 1936, and with respect to the changes effected therein between the dates of January 1, 1937, and December 31, 1939, both inclusive."

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–1868; Filed, May 29, 1939; 10:47 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3538]

IN THE MATTER OF BETTY WELLS FOWLER, AN INDIVIDUAL, TRADING AS BETTY WELLS COSMETIC CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, July 7, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1847; Filed, May 27, 1939; 9:16 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3595]

IN THE MATTER OF GARDNER REMEDIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, June 21, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 801, Federal Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1848; Filed, May 27, 1939; 9:16 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3637]

IN THE MATTER OF ANN W. CARTER, AN INDIVIDUAL, TRADING UNDER THE FIRM NAME AND STYLE OF PROCESS ENGRAVING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, that the taking of testimony in this proceeding begin on Wednesday, July 5, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1849; Filed, May 27, 1939; 9:16 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3660]

IN THE MATTER OF FREDERICK A. CLARKE, AN INDIVIDUAL, TRADING AS BONCQUET LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursu-

[1] 2 F.R. 81.
[2] 3 F.R. 232 DI.

ant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S.C.A., Section 41),

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Thursday, July 20, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1850; Filed, May 27, 1939; 9:16 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3664]

IN THE MATTER OF E. W. KNOWLTON, AN INDIVIDUAL, TRADING AS OLD MISSION TABLET COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Wednesday, August 2, 1939, at nine o'clock in the forenoon of that day (Pacific standard time), in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1851; Filed, May 27, 1939; 9:17 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1939.

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

[Docket No. 3722]

IN THE MATTER OF WHOLESALE RADIO SERVICE COMPANY, INC., OF NEW YORK, WHOLESALE RADIO SERVICE COMPANY, INC., OF MASSACHUSETTS, WHOLESALE RADIO SERVICE COMPANY, INC., OF ILLINOIS, WHOLESALE RADIO SERVICE COMPANY, INC., OF GEORGIA, AND WHOLESALE RADIO SERVICE COMPANY, INC., OF NEW JERSEY, AND ABRAHAM W. PLETMAN, SAMUEL J. NOVICH, AND MAX H. KRANZBURG, INDIVIDUALLY AND OPERATING UNDER THE TRADE NAME WHOLESALE RADIO SERVICE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, June 2, 1939, at one o'clock in the afternoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1852; Filed, May 27, 1939; 9:17 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3750]

IN THE MATTER OF AERO INDUSTRIES TECHNICAL INSTITUTE, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, July 10, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1853; Filed, May 27, 1939; 9:17 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3752]

IN THE MATTER OF DAN M. THOMPSON, AN INDIVIDUAL DOING BUSINESS AS DANSON LABORATORIES AND THOMPSON LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade

Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, June 2, 1939, at one o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1854; Filed, May 27, 1939; 9:17 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May A. D. 1939.

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

[Docket No. 3758]

IN THE MATTER OF PAUL S. HERVEY, INDIVIDUALLY AND TRADING AS ALDINE DENTAL STATIONERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, June 6, 1939, at nine o'clock in the forenoon of that day (central standard time) in Grand Jury Room, U. S. Court House, Des Moines, Iowa.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1855; Filed, May 27, 1939; 9:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3761]

IN THE MATTER OF NORMAN D. LOUGHLIN, L. E. RUPPE, BERNAL H. DYAS, RUTH C. HEMSTREET, VOLNEY T. JAMES, AND PAGE H. LAMOREAUX, INDIVIDUALLY, AND TRADING AS RULO COMPANY, AND RULO CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Wednesday, July 26, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1856; Filed, May 27, 1939; 9:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3770]

IN THE MATTER OF LOU STERLING AND WALTER FEHR GARDNER, COPARTNERS TRADING AS KIRK MEDICINE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, July 24, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1857; Filed, May 27, 1939; 9:18 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3605]

IN THE MATTER OF INSTITUTE OF MENTAL-PHYSICS, A CORPORATION, AND EDWIN J. DINGLE, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

*It is ordered,* That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to

take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Tuesday, July 18, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-1864; Filed, May 27, 1939; 12:14 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3735]

IN THE MATTER OF WESTERN CHEMICALS, INC., A CORPORATION; MAFFETT SALES CORPORATION, A CORPORATION; BARTELL DRUG COMPANY, A CORPORATION; AND FRANK L. WILSON, N. B. WILSON, AND REUEL K. YOUNT, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, June 23, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 801, Federal Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-1865; Filed, May 27, 1939; 12:15 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

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

[Docket No. 3768]

IN THE MATTER OF PASCAL COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, June 19, 1939, at two o'clock in the afternoon of that day (Pacific standard time) in Room 801, Federal Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-1866; Filed, May 27, 1939; 12:15 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of May A. D. 1939.

[File No. 31-418]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

ORDER GRANTING EXEMPTION

Consolidated Electric and Gas Company, having made application pursuant to Section 3 (b) of the Public Utility Holding Company Act of 1935 for an order exempting its subsidiaries, Carlton Electric Company, Ltd., and Woodstock Electric Railway, Light and Power Company, Ltd., corporations of the Province of New Brunswick, Canada, from the provisions of the Act applicable to them as such subsidiaries; the record of this matter having been duly considered;[1] and the Commission having made appropriate findings of fact;

*It is ordered,* That the said Carlton Electric Company, Ltd., and Woodstock Electric Railway, Light and Power Company, Ltd., be and they are hereby exempted, to the extent specified, from certain provisions of the Act applicable to them as subsidiary companies of Consolidated Electric and Gas Company, a registered holding company, as follows:

(a) Section 6 of the Act, except that this exemption shall not extend to any issue or sale of securities which are to be publicly offered for sale within the United States or to any exercise of a privilege or right to alter the priorities, preferences, voting power, or any other right of the holders of any security which, prior to the exercise of such privilege or right shall have been publicly offered for sale within the United States;

(b) Section 9 of the Act, except that this exemption shall not apply to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by any public utility or holding company which, directly or indirectly, owns or controls utility assets located within the United States;

(c) Sections 11 (g) and 12 (e), provided, however, that such exemption shall not be applicable to any solicitation regarding any securities, other than securities owned by Consolidated Electric and Gas Company, or other associates of the issuer;

(d) Subdivision (2) of subsection (h) of Section 12 of the Act, except with reference to a contribution to, or in support of any political party in the United States or any committee or agency thereof;

(e) Section 13 of the Act with respect to any transactions, except the performing of services or construction for, or the sale of goods to any public utility holding company, or subsidiary thereof which is a public utility company, operating within the United States;

(f) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions of such section shall by their terms be made expressly applicable to a company which is not, and which has no subsidiary company which is, a public utility company operating in the United States; and

(g) Section 17 (c) of the Act.

*It is further ordered,* That the exemption herein granted shall expire on December 31, 1941, without prejudice to the right of Consolidated Electric and Gas Company or either of the companies here exempted to apply for an extension of the time during which such order

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[1] 4 F.R. 1712 DI.

shall be effective, and also without prejudice to the right of any of said companies to apply at any time for such enlargement of any of the provisions of this order as may be deemed appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-1860; Filed, May 27, 1939; 10:53 a. m.]

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1939.

[File No. 32-130]

IN THE MATTER OF CENTRAL ILLINOIS ELECTRIC AND GAS CO.

ORDER EXEMPTING ISSUE AND SALE OF NOTES AND ISSUE AND PLEDGE OF BONDS PREVIOUSLY AUTHORIZED BY A STATE COMMISSION

Central Illinois Electric and Gas Co., a direct subsidiary of Consolidated Electric and Gas Company, and an indirect subsidiary of Central Public Utility Corporation, both registered holding companies, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of that Act of the issue and sale by it of two secured promissory notes in the principal amount of $1,000,000 each, and First and Refunding Mortgage Bonds, 5% Series, due February 1, 1951, in the principal amount of $3,000,000; said notes to be collaterally secured by a pledge of the bonds, and to be sold at a private sale; the proceeds of the said sale to be used, together with cash in the amount of $35,000 from applicant's treasury, solely to retire at maturity an issue of $2,035,000 principal amount of First and Refunding Mortgage, 5%, Thirty Year Gold Bonds, due March 1, 1939, of Rockford Electric Company, assumed by the applicant on February 28, 1931;

A hearing on said application, as amended, having been duly held before a trial examiner after appropriate notice; [1] the record in this matter having been examined and the Commission having made and filed its findings herein;

*It is ordered,* That the issue and sale of the said notes and the issue and pledge of the said bonds be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; subject, however, to the following conditions:

(1) That the issue and sale of the notes and the issue and pledge of the bonds shall be in compliance with the terms and conditions of, and for the purposes represented by said application, as amended, and in compliance with the terms and conditions imposed by the order of the Illinois Commerce Commission;

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by the Illinois Commerce Commission shall be revoked or shall otherwise terminate; and

(3) That within ten days after the issue and sale of the notes and the issue and pledge of the bonds the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-1872; Filed, May 29, 1939; 10:50 a. m.]

[1] 4 F.R. 510 DI.