THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 4 NUMBER 38

Washington, Saturday, February 25, 1939

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

SUGAR DIVISION

[Part 802—Sugar Determinations—Chapter VIII]

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1938–1939 CROP OF PUERTO RICAN SUGARCANE, PURSUANT TO THE SUGAR ACT OF 1937

FEBRUARY 24, 1939.

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing;

and

Whereas, the Secretary of Agriculture, on December 6, 1938, held a public hearing[1] at San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1939 crop of Puerto Rican sugarcane:

Now, Therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of Section 301 (d) of the Sugar Act of 1937:

SECTION 802.42a *Determination of fair and reasonable prices for the 1938–1939 crop of Puerto Rican sugarcane.* Fair and reasonable prices for the 1938–1939 crop of Puerto Rican sugarcane to be paid by processors, who, as producers, apply for payments under the Sugar Act of 1937 shall be as follows:

(a) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer (colono) on the basis of a stated percentage of 96° raw sugar recoverable from the producer's sugarcane, such percentage shall be the same as for the 1937–1938 crop, except that in no event shall it be less than 63 percent of the recoverable sugar (packed in the customary bags) determined in accordance with either of the formulae given below, and except, further, that such recoverable sugar shall be calculated fortnightly or monthly as may be agreed upon between the producer and the producer-processor:

(1) $R=FS$

where:

R=Recoverable sugar, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer, during each fortnight or month.

F=Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer (colono) has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the fortnight or month in which the cane of the producer (colono) has been ground;

or

(2) $R=(S-0.3B)F$

where:

R=Recoverable sugar yield, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer.

B="Brix" of the crusher juice obtained from the sugarcane of each producer.

[1] 3 F. R. 2674 DI.

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FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1 per month or $10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

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F=Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer is ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the Brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the fortnight or month in which the cane of the producer has been ground:

Provided, however, That when through the delivery of unripe or burnt cane, or through any other cause, the recoverable sugar determined in accordance with either of the foregoing formulae amounts to nine pounds or less per 100 pounds of cane, or when sugarcane is delivered of the Japanese, Uba, Coimbatore, or other varieties of the Sacharum Spontaneum of Sachorum Sinensis type, the payment shall be on the basis of rates not less than those provided in the 1937–1938 cane grinding agreement between the producer-processor and the producer.

(b) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer on the basis of an amount of 96° raw sugar equal to a stated percentage of the weight of the sugarcane received from the producer (commonly referred to as the "flat rate" basis) the applicable percentage for the computation of the quantity of sugar deliverable to the producer shall be not less than the greater of either: (i) the percentage provided for in existing contracts (verbal or written) between the producer and the producer-processor or (ii) the product of the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane during the current crop or month (as may be agreed upon) at the mill where the sugarcane was ground, and .63. The figure for the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane shall be rounded to the nearest one-tenth of a pound. The product of such figure and .63 shall be rounded to the nearest one-hundredth of 1 percent. If payment is to be determined from the sugar recovery for the entire crop, as aforesaid, provisional liquidation shall be made fortnightly or monthly on such bases as may be agreed upon between the producer (colono) and the producer-processor.

(c) When settlement is not made by actual delivery of 96° raw sugar, as aforesaid, the money value of the sugar which would otherwise be delivered to the producer, as in (a) or (b) above (whichever is applicable), shall be paid to the grower on the basis of the average duty paid price for 96° sugar for the fortnight or month (or such other period as may be agreed upon between the producer and the producer-processor) during which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price by deducting selling and delivery expenses actually incurred by the producer-processor, provided that in no event shall such deduction amount to more than .27 cent per pound of sugar.

In addition to the foregoing, the following requirement shall be met:

When sugarcane is delivered to a producer-processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

(Sec. 301, 50 Stat. 909; 7 U. S. C., Sup. IV, 1131)

Done at Washington, D. C., this 24th day of February 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39-639; Filed, February 24, 1939; 12:26 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49803]

INVOICES—COTTON FABRICS

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON CUSTOMS INVOICES COVERING CERTAIN COTTON FABRICS

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 481 (a) (10) of the Tariff Act of 1930 (U. S. C. title 19, sec. 1481 (a) (10)), and with reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by (1938) T. D. 49426, customs invoices for cotton fabrics classifiable under paragraphs 903, 904, 905 or 918, or under paragraph 924 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1001, pars. 903, 904, 905, 918 and 924), are required to be accompanied by the following information in addition to all other information required by law and regulation:

(1) The marks shown on shipping packages.

(2) The numbers shown on shipping packages.

(3) The date of the acceptance of the order by the seller.

(4) The customer's call number (if any).

(5) The manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market.

(6) The exact width of the merchandise.

(7) A detailed description of the merchandise; trade name (if any); whether unbleached, bleached, printed, dyed, or colored; if composed of cotton and other materials, state chief value first and give percentage (value) of each component.

(8) The single threads per square inch. All ply yarns must be counted in accordance with the number of single threads contained in the yarn. To illustrate, a cloth containing 100 two-ply yarns in a square inch must be reported as 200 single threads.

(9) The exact weight per square yard, in ounces.

(10) The average yarn number. Formula for obtaining:

$$\frac{\text{No. of single threads per square inch} \times 24}{\text{No. of ounces per square yard} \times 35} = \text{Average number of yarn.}$$

(11) The yarn size or sizes in the warp.

(12) The length of staple of the cotton in the warp.

(13) The yarn size or sizes in the filling.

(14) The length of staple of the cotton in the filling.

(15) The number of colors or kinds (different yarn sizes or materials) in the filling.

(16) The net weight per square yard of the cotton contained therein having a staple 1⅛ inches or more in length.

(17) The net weight per square yard of the cotton contained therein having a staple less than 1⅛ inches in length.

(18) How the cloth was woven: If on plain loom without attachment, indicate (plain); if with eight or more harnesses (O/8H), if with Jacquard (Jacq), if with Swivel (Swiv), if with Lappet (Lpt).

Consular Form 300 is acceptable for furnishing the additional information required above.

JAMES H. MOYLE,
Commissioner of Customs.

Approved February 20, 1939.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39–642; Filed, February 24, 1939; 12:30 p. m.]

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

CHAPTER IV, AUTHORIZING GENERAL MANAGER TO APPROVE CERTAIN LEASES AND CONTRACTS

Parts 413 and 413.03 of the Code of Federal Regulations are amended, respectively to read as follows:

Be it resolved, That the regulations governing the Rental and Contracts sub-Section, Chapter XIII, of the Manual, are hereby amended as follows:

Section 1300 is amended to read as follows:

SEC. 1300 The Treasurer of the Corporation is responsible for the safekeeping of all leases and contracts made in behalf of the Corporation for office space and electric and telephone service used in connection with office space of the Corporation, while same are in his custody; and the Rental and Contracts Section, under his control and direction, shall maintain necessary records in connection therewith. The Treasurer is authorized to transmit to the General Accounting Office any and all papers and documents requested by that office pursuant to law.

Board approval shall be required prior to the execution of any lease or contract for the rental of office space where the monthly rental in the lease or contract exceeds $250.00. Where the monthly rental is $250.00 or less, the General Manager is authorized with the advice of the General Counsel to approve the lease or contract prior to its execution.

Prior to the execution of any contract for telephone service, and any contract for electric service except where payment for such service in accordance with the lease is included in the monthly rental or is to be made to the lessor based on meter readings (at approved rates of the Public Utilities Commission of the State), the approval of the General Manager, with advice of the General Counsel, is required.

Section 1302 is amended to read as follows:

SEC. 1302 The Treasurer shall notify the Auditor of the execution and cancelation of all leases and amendments thereto; and of all contracts and rent-free agreements.

Section 1303 is amended to read as follows:

SEC. 1303 When the rented office space for a Regional, State, Division, District, Field Station or Collection Office is released in whole or in part, written notice on forms provided therefor as required under the terms of the lease shall be given by the official directly supervising such office or station to the lessor or his agent, identifying the space to be released and designating the effective date for the operation of the release. The Treasurer shall submit a statement of the space to be released and the space retained and the cost thereof to the Board for approval of the space to be retained; provided that, when the monthly rental of the space to be retained does not exceed $250.00, the statement of release and of space retention shall be submitted to the General Manager, who is authorized to approve the same.

Be it further resolved, That the Treasurer is hereby authorized, with the approval of the General Manager, General Counsel, and Budget Director, to prescribe all necessary regulations to effectuate the provisions hereof.

Be it further resolved, That the provisions of this resolution shall be effective February 27, 1939.

(Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643–647) and particularly by sub-Sections a and k of Section 4 of said Act as amended.)

Certified to be a true copy of a resolution adopted by the Federal Home Loan Bank Board on February 20, 1939.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39–626; Filed, February 23, 1939; 1:39 p. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING LOANS TO INDIAN CHARTERED CORPORATIONS FROM THE FUND "REVOLVING FUND FOR LOANS TO INDIAN CORPORATIONS"

FEBRUARY 8, 1939.

Section 21.16 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Sub-Chapter E, Part 21, Loans to Indian Chartered Corporations, which reads:

SEC. 21.16 *Fund Programs.* The corporation must agree to advance funds only to borrowers and corporate enterprises following signed agricultural, industrial, or commercial plans as approved by the corporation and credit agent. No changes may be made in such plans unless such changes are approved by the corporation and the credit agent.

is amended to read:

SEC. 21.16 *Plans for Use of Funds.* The corporation must agree to advance funds only to borrowers and for corporate enterprises following signed agricultural, industrial, or commercial plans as approved by the corporation and the superintendent, unless otherwise instructed by the Commissioner of Indian Affairs. No changes may be made in such plans unless such changes are approved in writing by the corporation and the superintendent.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 39–629; Filed, February 24, 1939; 10:32 a. m.]

TITLE 29—LABOR

WAGE AND HOUR DIVISION

NOTICE OF DETERMINATION BY ADMINISTRATOR ON PETITION BY CIGAR MANUFACTURERS' ASSOCIATION OF AMERICA, INC., AND SUNDRY OTHER PARTIES FOR AMENDMENT (IN RESPECT TO PUERTO RICO CIGAR LEAF TOBACCO) OF THE FAIR LABOR STANDARDS ACT

Whereas pursuant to Section 536.3 as amended of Regulations, Part 536[1]—

[1] 3 F. R. 2536. 3072 DI.

(regulations defining the term "area of production" as used in Section 7 (c) and in Section 13 (a) (10) of the Fair Labor Standards Act), petitions were filed with the Administrator by Cigar Manufacturers' Association of America, Inc., and sundry other parties to amend Section 536.2 as amended, of said regulations; and

Whereas pursuant to notice a hearing on such petitions was held [2] on December 9 and 10, 1938, in Washington, D. C. on the following question:

"What, if any, amendment should be be made of Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 in respect to employees employed in packing establishments located in the area in which Puerto Rican tobacco is grown and engaged in handling, receiving, bulking, sorting, stripping, grading, and packing, or any other services in connection with preparing for market, cigar leaf tobacco grown on the Island of Puerto Rico."

and

Whereas it appeared in the course of such hearing that employees in such establishments are engaged in a continuous series of operations of which the end product is cured stripped tobacco and that such tobacco as prepared is not tobacco in its raw or natural state, and therefore that such employees are not engaged in preparing tobacco in its raw or natural state for market, within the meaning of Section 13 (a) (10) of the Fair Labor Standards Act; but

Whereas it appears that among the above mentioned operations occurring in the preparation of Puerto Rican tobacco for market are certain operations specified in Section 13 (a) (10) of the said Act, namely, handling, packing, storing, and drying, and thereby entitled to the exemption therein set forth, and

Whereas it appears that it would be impracticable to separate from the operations specified in Section 13 (a) (10) the other operations which are a part of the continuous process above mentioned, and, therefore, that handling, packing, storing, and drying must be construed as embracing the above mentioned continuous series of operations, and

Whereas it appears that some of the establishments for which application is made are operated by tobacco manufacturers who prepare the tobacco for their own use and not for market, but

Whereas it appears that the majority of the establishments for which application is made prepare the tobacco for market, and

Whereas it appears that the typical establishment wherein said operations are performed is located within the producing area or so near to the farms where such tobacco is grown as to cause the majority of said establishments to be the first practical concentration points for the performance of said operations,

Now therefore, in view of the foregoing, Section 536.2, as amended, of the said regulations is hereby amended by adding thereto an alternative paragraph numbered (d) so as to read as follows:

SECTION 536.2 *"Area of production" as used in section 13 (a) (10) of the Fair Labor Standards Act.* An individual shall be regarded as employed in the "area of production" within the meaning of Section 13 (a) (10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products—

(a) if he is engaged in such work on a farm and on agricultural or horticultural commodities produced exclusively on such farm, or

(b) if the agricultural or horticultural commodities are obtained by the establishment where he is employed from farms in the immediate locality and the number of employees in such establishment does not exceed seven, or

(c) with respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this subsection (c), "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(d) with respect to Puerto Rican leaf tobacco, if he is engaged in handling, packing, storing, and drying such tobacco for market in an establishment which is a first concentration point for such tobacco. As used in this subsection (d), "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing.

Signed at Washington, D. C., this 23rd day of February, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-635; Filed, February 24, 1939; 12:23 p. m.]

[2] 3 F. R. 2778 DI.

TITLE 30—MINERAL RESOURCES

NATIONAL BITUMINOUS COAL COMMISSION

[Order No. 264]

AN ORDER DIRECTING THE DISTRICT BOARDS FOR DISTRICTS NOS. 9, 10, 11, 12 AND 13 TO COORDINATE THE MINIMUM PRICES AND MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL APPROVED BY THE NATIONAL BITUMINOUS COAL COMMISSION TO SERVE AS THE BASIS FOR COORDINATION BY SAID DISTRICT BOARDS: AND DIRECTING SAID DISTRICT BOARDS TO SUBMIT TO SAID COMMISSION SUCH COORDINATED PRICES AND RULES AND REGULATIONS TOGETHER WITH THE DATA UPON WHICH THEY ARE PREDICATED; AND ESTABLISHING AND PROMULGATING RULES AND REGULATIONS UNDER WHICH SUCH COORDINATION SHALL BE ACCOMPLISHED

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48,[1] 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the District Boards for Districts Nos. 9, 10, 11, 12 and 13 shall forthwith proceed to coordinate the minimum prices and rules and regulations incident to the sale and distribution of coal, approved by the Commission to serve as a basis for coordination within and among the said districts, under authority of and in accordance with Section 4, Part II, of the Bituminous Coal Act of 1937, and the rules and regulations established and promulgated by this order. When said coordination shall have been accomplished, said District Boards shall submit said coordinated minimum prices and marketing rules and regulations to the Commission together with the data upon which they are predicated, as hereinafter provided.

2. That said District Boards shall coordinate in common consuming market areas upan a fair competitive basis said minimum prices and marketing rules and regulations. Such coordination of the minimum prices, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities,

[1] 50 Stat. 72; 15 N. S. C., sup. IV, Secs. 828-851.

and sizes of coal produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities. The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton on all the coal produced therein below or above the minimum return as provided in subsection (a) of Section 4, Part II, of the Act by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

3. That the rules and regulations incidental to the sale and distribution of coal by code members shall be so coordinated as to be reasonable and shall not be inconsistent with the requirements of the Act and shall conform to the standards of fair competition as set forth and established in Section 4, Part II, of the Bituminous Coal Act of 1937.

4. That the Commission hereby establishes and promulgates the following rules and regulations under which the minimum prices and rules and regulations incident to the sale and distribution of coal shall be coordinated:

I. Each District Board shall by appropriate resolution, designate and appoint one or more persons with power of delegation and substitution to represent the District Board in the work of coordination and fully empower such person or persons to act for the District Board in a meeting with other representatives from the other District Boards named in this Order, and with the representatives of such other District Boards as will be, during the course of the meeting herein provided for, directed by the Commission to participate in such coordination meeting.

II. Said representatives of the District Boards shall convene at the Offices of the Commission in the City of Washington, D. C., at 10:00 o'clock a. m on the 27th day of February, 1939, and begin the work of coordination as ordered and directed herein. Said meeting shall continue in session daily (Sundays and holidays excepted), and shall be completed on or before the 15th day of March, 1939.

III. The presiding officer or the secretary of the meeting shall report daily to the Commission the progress of the work. In the event the representatives of the District Boards cannot agree upon all or any part of the work of coordination, they shall certify the fact to the Commission and to the District Boards represented together with a detailed statement covering points upon which agreements have failed.

IV. When the representatives of said District Boards shall have finished the work of coordination assigned to them, and coordination has been fully or partially accomplished by agreement, and not later than the 17th day of March, 1939, a full report thereof shall be made to the Commission and to each of the Boards represented, together with the data upon which such prices and rules and regulations are predicated.

V. On receipt of the report made as provided in paragraph IV hereof, a meeting of the respective District Boards shall be called and held and said report of the coordination provided for in Section 4, Part II, of the Act shall be fully considered by said Boards, and said report shall, by appropriate resolution of the Board, be approved and adopted, modified and adopted, or disapproved. The action of the District Boards, respectively, shall be reported to the Commission. When each of the District Boards named in this order agree and coordination is reached and accomplished, the same shall be submitted to the Commission as provided in Section 4, Part II, (b), of the Act. If coordination is not agreed upon and accomplished, and in the opinion of any one or more of said District Boards, cannot be agreed upon and accomplished, said fact shall be shown by appropriate resolution of such Board or Boards and duly certified to the Commission.

VI. At said coordination meeting the representatives of the several District Boards shall determine the consuming market areas into which each District ships, and shall define the same in the most practical way by map or by geographic or territorial description in writing.

Common consuming market areas shall then be ascertained, determined, and identified, on the basis of the determination made pursuant to the next succeeding section.

VII. The representatives shall then ascertain and compute the total tonnage of each District moving into each consuming market area in 1937 as taken from the Commission D–1 and D–2 reports and other competent data, broken down by use, size, and quality classifications, seasonal demand, and transportation methods. The representatives of the Boards shall determine the competing coals in each consuming market area by size, quality, use, and seasonal demand, and by transportation methods. The size groupings by quality classification, use, and seasonal demand, shall be coordinated in each consuming market.

The shipment of any size and grade of coal into a consuming market area in the calendar year 1937, as reflected in such Commission D–1 and D–2 Forms and in the other competent data shall prima facie establish that such coal is a competitive coal in such consuming market area: *Provided, however,* That if the District Boards shall determine that any tonnage of any size and grade of coal shipped into any consuming market area in 1937 from a particular district is of such an unsubstantial amount as to indicate that such coal is in fact not a competitive coal in said market, no proposal of a coordinated minimum price shall be made therefor for shipment into such market. *Provided, further,* If the District Boards shall determine from competent data with respect to tonnage distribution for any year or from any other competent data that any size and grade of coal, not reflected in the 1937 tonnage distribution, is actually competitive in a consuming market area, the Boards shall propose a coordinated minimum price for such coal and shall determine the tonnage of such coal for inclusion in the calculation of the price area return from such competent evidence as may be available.

VIII. Minimum prices reflecting destination differentials shall then be ascertained and determined on all coals competing in each consuming market area according to the standards set forth in Section 4, Part II, of the Act. The representatives of the District Boards shall thereupon determine minimum prices, free on board transportation facilities at the mines for shipment into each consuming market area for each kind, quality and size of coal competing in said area or areas in accordance with the provisions of Section 4, Part II, of the Act.

IX. When the representatives have completed their work of coordination of minimum prices in all consuming market areas and reported the same to the Commission and to the District Boards, each District Board shall immediately convene for consideration and determination, and shall determine the minimum prices for all coal free on board transportation facilities at the mine for shipment into consuming market areas, according to the provisions of Section 4, Part II, of the Act.

X. When all minimum prices have been determined as provided in Section 4, Part II of the Act and these rules and regulations, a schedule of such prices shall be prepared by the District Boards and submitted to the Commission together with the data upon which they are predicated including a statement showing the calculated returns for the coals of the Price Area, based upon the tonnages of the several Districts, determined as in paragraph VII herein provided. At the time of the submission of the schedule of minimum prices and the data upon which they are predicated, each District Board shall furnish a copy of the proposed price schedule to each code member within its District, and shall file with the Commission 250 copies of the proposed price schedule, and with each other District Board coordinating, 20 copies thereof. In addition thereto, each District Board shall file with the Commission 50 copies of the data upon

which the proposed price schedule is predicated.

XI. The District Board representatives shall also, at the meetings in Washington provided for herein, coordinate the rules and regulations for the sale and distribution of coal for code members, called Marketing Rules and Regulations, as directed in paragraph 3 hereof.

XII. When coordination of the marketing rules and regulations is accomplished, either in whole or in part, as provided in paragraph III hereof, the same shall be reported to the Commission and to the District Boards, as provided in paragraph IV hereof, and considered and acted upon by the District Boards as provided in paragraph V hereof.

XIII. When all coordinated marketing rules and regulations have been determined, a schedule of such marketing rules and regulations shall be prepared by the District Boards and a copy shall be furnished to each code member, and 250 copies thereof shall be furnished to the Commission, and 20 copies to each other District Board coordinating. In addition thereto, each District Board shall file 50 copies of the data upon which such marketing rules and regulations are predicated with the Commission.

XIV. These rules and regulations are subject to modification or amendment, or may be supplemented by further order of the Commission.

5. The Secretary of the Commission is directed to cause a copy of this order, together with the rules and regulations contained therein, to be published forthwith in the FEDERAL REGISTER, and shall cause copies hereof to be mailed to each code member within the named districts, to the Consumers' Counsel, and to the Secretary of each District Board, and shall cause copies hereof to be made available for inspection by interested parties in each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 20th day of February 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–625; Filed, February 23, 1939; 12:57 p. m.]

[Order No. 265]

AN ORDER DIRECTING ALL DISTRICT BOARDS TO SEND TO ALL CODE MEMBERS IN THEIR RESPECTIVE DISTRICTS WHO ARE IN ARREARS IN DISTRICT BOARD ASSESSMENTS A DEMAND FOR PAYMENT THEREOF AND TO REPORT TO THE COMMISSION ANY AND ALL FAILURES TO PAY SUCH ASSESSMENTS WITHIN TEN DAYS FROM THE DATE OF SUCH DEMAND; AND REQUESTING EACH DISTRICT BOARD TO FILE WITH THE COMMISSION WRITTEN COMPLAINTS IN ALL CASES OF WILLFUL FAILURE, PURSUANT TO SECTION 5 (B) OF THE ACT, TO PAY SUCH ASSESSMENTS

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48,[1] 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That District Boards Nos. 1 to 20, inclusive, and District Boards Nos. 22 and 23, forthwith send, by registered mail with return receipt requested, to all code members who are in arrears in District Board assessments, a demand for payment thereof within ten days.

2. That each of the aforesaid District Boards on the tenth day after the mailing of such demands shall report to the Commission any and all failures to pay District Board assessments as follows:

(a) Name and address of code member.

(b) Total amount of assessment in arrears.

(c) Date or dates of levies and amount of each levy.

3. That each of the aforesaid District Boards is requested to file with the Commission, within five (5) days from the date of filing the aforesaid report, a written complaint, pursuant to Section 5 (b) of the Act, against any code member who has willfully refused to pay the District Board assessment levied against him, which section provides:

> The membership of any such coal producer in such code and his right to an exemption from the taxes imposed by section 3 (b) of this Act, may be revoked by the Commission upon written complaint by any code member or district board, or any State or political subdivision of a State, or the consumers' counsel, after a hearing, with thirty days' written notice to the member, upon proof that such member has willfully violated any provision of the code or any regulation made thereunder; and in such a hearing any code member or district board, or any State or political subdivision of a State, or the consumers' counsel, or any consumer or employee, and the Commisisoner of Internal Revenue, shall be entitled to present evidence and be heard: *Provided*, That the Commission, in its discretion, may in such case make an order directing the code member to cease and desist from violations of the code and regulations made thereunder and upon failure of the code member to comply with such order the Commission may apply to a circuit court of appeals to enforce such order in accordance with the provisions of subsection (c) of section 6 or may reopen the case upon ten days' notice to the code member affected and proceed in the hearing thereof as above provided.

4. The Secretary of the Commission is hereby directed to cause a copy of this Order to be published forthwith in the FEDERAL REGISTER, and shall cause a copy hereof to be mailed to each code member within the aforesaid Districts, to the Consumers' Counsel, and to the Secretary of each District Board.

By order of the Commission.

Dated this 20th day of February, 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–624: Filed, February 23, 1939; 12:55 p. m.]

[1] 50 Stat. 72; 15 U. S. C., Sup. IV, secs. 828–851.

TITLE 43—PUBLIC LANDS

GENERAL LAND OFFICE

SUSPENSION OF GRANTING OF OIL AND GAS LEASES

FEBRUARY 6, 1939.

For the purpose of protecting and conserving the potash deposits belonging to the United States, it is hereby ordered that, until further notice, no lease under the oil and gas provisions of the Act of February 25, 1920 (41 Stat. 437), as amended by the Act of August 21, 1935 (49 Stat. 674), will be issued for the following-described lands, and no application for oil and gas lease will be accepted, nor will any rights be acquired by the filing of an application therefor, but existing rights are not affected hereby:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 30 E.:
Sec. 22—S½;
23—S½N½, S½;
24—All;
25—NE¼, S½, NE¼NW¼, S½NW¼;
26 and 27—All;
28—SE¼;
33, 34, 35—All;
T. 19 S., R. 31 E.:
Secs. 19, 30, 31—All;
T. 20 S., R. 29 E.:
Sec. 12—SE¼SE¼;
13—E½E½, NW¼NE¼;
24—E½E½;
25—E½E½, W½SE¼, S½SW¼;
36—All;
T. 20 S., R. 30 E.:
Sec. 3—Lots 2, 3, 4, S½N½, S½;
4—All;
5—Lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
6—E½SE¼;
7—NE¼NE¼, S½NE¼, SE¼NW¼, S½;
8, 9, 10—All;
13—SE¼;
14—NW¼NE¼, S½NE¼, NW¼, S½;
15—All;
21—N½NE¼;
22 and 23—N½;
24—NW¼;
25—E½, SW¼;
31—E½W½, Lots 1, 2, 3, 4;
35—S½;
T. 20 S., R. 31 E.:
Secs. 28, 29, 30, 31, 33—All;
T. 21 S., R. 29 E.:
Sec. 1—All;
11—E½, E½NW¼, NW¼NW¼;
12—All;
13—E½, S½SW¼;
14—SW¼NE¼, S½SE¼, SW¼;
15—NE¼, E½NW¼, SW¼NW¼, S½;
22—N½N½;
23—N½N½;
24—NE¼, N½NW¼;
T. 21 S., R. 30 E.:
Sec. 3—Lots 3, 4, 5, 6, 11, 12, 13, 14, SW¼;
4, 5, 6, 7—All;
8—E½, E½W½, SW¼NW¼, W½SW¼;
9—All;
10—W½;
17 and 18—All;
19—Lots 1, 2, 3, 4, E½NW¼, NE¼;
20—N½N½;
31—All;
T. 22 S., R. 29 E.:
Sec. 1—All;
11—N½N½, S½NE¼, N½SE¼, S½S½;
12, 13, 14, 23, 24—All;
25—NE¼, NE¼NW¼, S½NW¼, S½;
26—W½NW¼, S½;
35—NE¼;
T. 22 S., R. 30 E.:
Secs. 6, 7, 18—All;
19 and 20—All;

21—W½E½, W½;
28 and 29—All;
30—Lots 1, 2, 3, 4, E½W½, SE¼, N½NE¼, SE¼NE¼;
31—Lot 1;
42,685.18 acres.

HARRY SLATTERY,
Acting Secretary of the Interior.

[F. R. Doc. 39–627; Filed, February 24, 1939; 10:31 a. m.]

[Circular No. 1454]

DREDGING AND MINING FOR GOLD AND OTHER PRECIOUS METALS BELOW LOW TIDE ALONG THE SHORES, BAYS AND INLETS OF ALASKA

FEBRUARY 17, 1939.

SEC. 69.12 (1) *Statutory authority.* The provisions of the act of June 6, 1900,[1] made subject to exploration and mining for gold and other precious metals the lands and shoal waters between low and mean high tide on the shores, bays and inlets in Bering Sea and authorized the dredging and mining for gold and other precious metals in said waters below low tide, subject to rules and regulations of the Secretary of War. These provisions were extended by the act of May 31, 1938[2] (Public No. 362), to all shores, bays and inlets in Alaska within the jurisdiction of the United States, subject to such general rules and regulations as the Secretary of the Interior may prescribe for the preservation of order. The Act provides that exploration and mining between low and mean high tide shall be done under such reasonable rules and regulations as the miners in organized mining districts may have theretofore made or may thereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law, such rules and regulations not to be in conflict with the mining laws of the United States. No provision is made for the location and holding of claims or acquiring title to the lands below mean high tide, but only temporary possession during exploration and mining is authorized.

SEC. 69.13 (2) *Dredging and mining below low tide along the shores of Alaska.* Any citizen of the United States or person who has legally declared his intention to become such, or any association thereof, desiring to dredge and mine for gold and other precious metals in the waters below low tide along the shores, bays and inlets in Alaska shall, before commencing any actual operations, file with the district land office having jurisdiction over the adjacent shore lands a notice of intention to carry on such dredging and mining operations. Such notice should give the names and addresses and citizenship of each, a description of the place where the dredge will be initially located or the mining operations commenced, such place to be connected where practicable by course and distance to a corner of the public land survey on the shore, or if there are no surveyed lands in the vicinity, with some geographical or topographical point which can easily be found.*

SEC. 69.14 (3) *Priority of location.* Priority of location must be respected as a matter of equal right to all, and to prevent possible conflict or interference, any dredge having located in accordance with the privilege conferred shall not be interfered with by other offshore dredging or mining operations within a space of 200 feet in all directions. The 200-foot limit shall be indicated by buoys properly placed.*

SEC. 69.15 (4) *Location of dredge.* No dredge or other structure shall be placed in a position so as to interfere with the free passage of small boats along the shore line, or interfere with the landing at any public wharf, or with other authorized means for the landing of stores and supplies, nor nearer to the shore than 100 feet below low tide within the limits of frontage lawfully occupied by any town, mission or trading company. No dredge will be permitted to connect lines or cables with the shore or to place other obstructions within the 100-foot limit along the frontage named above in such manner as to interfere with the passage of small boats along the shore line. Such dredge and structure shall be lighted at the expense of the operator thereof for the safety of navigation as may be required by the regulations of any department of the Government having jurisdiction in such matters.*

SEC. 69.16 (5) *Private rights protected.* Nothing herein contained shall be construed to authorize any injury to private property or invasion of private rights or any infringement of Federal, Territorial or local laws or regulations for the protection and preservation of the shores, bays and inlets.*

SEC. 69.17 (6) *Laws for the protection of navigable waters to be observed.* Nothing in these regulations shall authorize any infringement of the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, and miners in such waters must conform to any applicable requirements of the War Department.*

SEC. 69.18 (7) *Prior rights protected.* These regulations are made subject to any valid existing rights heretofore acquired, but any persons claiming such rights shall comply herewith within 90 days from date hereof.*

FRED W. JOHNSON,
Commissioner.

Approved: February 17, 1939.

HARRY SLATTERY,
Under Secretary.

[F. R. Doc. 39–628; Filed, February 24, 1939; 10:32 a. m.]

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[1] 31 Stat. 321.
[2] 52 Stat. 588.

*Issued under authority of the act of May 31, 1938, 52 Stat. 588; 48 U. S. C., Sup. IV 381.

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION AND NAVIGATION

RESOLUTIONS ADOPTED AT 1939 ANNUAL MEETING

Pursuant to the authority of Section 4405 of the Revised Statutes, the Annual Meeting of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; Charles Lyons, Supervising Inspector First District; George Fried, Supervising Inspector Second District; Eugene Carlson, Supervising Inspector Third District; Cecil Bean, Supervising Inspector Fourth District; Harry Layfield, Supervising Inspector Fifth District; Chester Willett, Supervising Inspector Sixth District; and William Fisher, Supervising Inspector Seventh District, was held in the hearing room of the auditorium, Department of Commerce, Washington, D. C., from January 18 to February 4, inclusive, 1939.

The following business was transacted by the Board and was approved by the Secretary of Commerce:

Adopted amendments made by an Executive Committee of the Board at its meeting on March 15, 1938, which amendments were published[1] in the FEDERAL REGISTER, Volume 3, Number 63, dated March 31, 1938.

Adopted amendments made by an Executive Committee of the Board at its meeting held on May 24, 1938, which amendments were published[2] in the FEDERAL REGISTER, Volume 3, Number 106, dated June 1, 1938.

Adopted amendments made by an Executive Committee of the Board at its meeting held on July 26, 1938, which amendments were published[3] in the FEDERAL REGISTER, Volume 3, Number 152, dated August 5, 1938.

The following amendments were unanimosly adopted:

TITLE 10—C. F. R.*

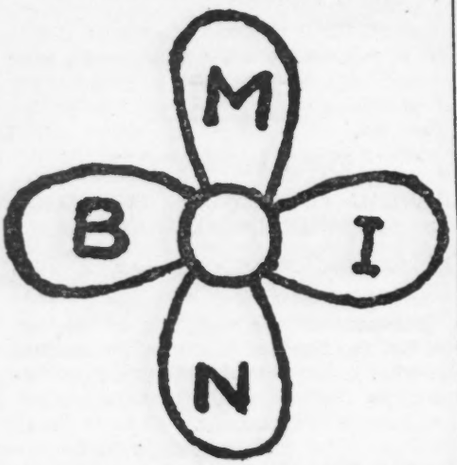
Chapter VIII. Bureau of Marine Inspection and Navigation

Section 652.M–1–13 is hereby amended by making the present single paragraph

[1] 3 F. R. 779 DI.
[2] 3 F. R. 1243–49 DI.
[3] 3 F. R. 1934 DI.

(constituting said section) subsection (a) and by the addition of the following subsection (b):

(b) The impression of the official stamp of the Bureau for stamping plates and specimens shall be as shown below:



(R. S. 4405, as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4430 as amended, 46 U. S. C. 408)

Section 652.M–2–1 is hereby amended to read as follows:

652.M–2–1 *Materials and Purposes.* (a) There shall be four grades of marine boiler steel plate, designated as Grades A, B, C, and D, any one of which may be used for shells or other structural parts of boilers or pressure vessels which are not subject to flanging or forge welding, but where flanging or forge welding is necessary, Grades B or C must be used. This applies to all flanged or forge welded parts, such as boiler heads, tube sheets, combustion chambers, etc. However, boiler shells made of Grades A or D steel may be flanged inwards as specified in section 653.C–6–3 (g) to provide a reinforcement for a manhole opening. Grades A, B, C, and D steel are required to be used on all boilers or pressure vessels where the maximum allowable working pressure exceeds 100 pounds per square inch. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4431 as amended, 46 U. S. C. 409: R. S. 4433 as amended, 46 U. S. C. 411)

Subsection (e) of section 653.C–14–3 is hereby amended by adding the following to the end of said subsection:

When superheaters are located on the boilers so that there would be the possibility of the heat destroying the superheater under an accumulation test with the outlet closed, the accumulation test may be waived. In such cases it is required that the blow-down as well as the adjusting screw shall be sealed by an inspector. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4433 as amended, 46 U. S. C. 411: R. S. 4434 as amended, 46 U. S. C. 412)

Section 653.C–15–4 is hereby amended as follows:

In subsection (c) delete the dimension "6 inches" and insert "4 inches" in its stead, so that the amended subsection shall read:

(c) Where the diameter of stop valves exceeds 4 inches, they shall be fitted with by-pass valves for the purpose of heating the line and equalizing the pressure before opening the valves. (Effective only on new installations, March 1, 1939.)

Add a new subsection (d) immediately following subsection (c) reading as follows:

(d) Inspectors are required to carefully examine all steam lines to satisfy themselves that adequate and dependable drainage is provided to prevent an accumulation of water in the piping. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4433 as amended, 46 U. S. C. 411: R. S. 4434 as amended, 46 U. S. C. 412)

Section 653.C–16–1 is hereby amended by the addition of the following subsection (c):

(c) Ordinary symmetrical pressure vessels constructed of plate material do not require the approval of the Director. The rules governing the design and construction of boilers or pressure vessels shall be applied, and the maximum allowable pressure shall be computed by the local inspectors in the district where it is to be installed. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4430 as amended, 46 U. S. C. 408: R. S. 4433 as amended, 46 U. S. C. 411)

Subsection (c) of Sec. 653.1–18–2 is hereby amended by substituting the letters "B. M. I. N." for "B. N. and S. I." in the inspector's stamp for use on boilers and equipment. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4430 as amended, 46 U. S. C. 408)

Section 653.1–18–14 *Inspection of Steam Vessels Subject to the Provisions of the Motor Boat Act of June 9, 1910,* is hereby rescinded and deleted. (R. S. 4405 as amended, 46 U. S. C. 375)

The first paragraph of Sections 659.10 and 660.8 reading "The lifeboats required on seagoing barges of 100 gross tons or over shall be of an approved type of at least 125 cubic feet capacity and equipped as follows:" is hereby amended to read as follows:

The lifeboats required on seagoing barges of 100 gross tons or over shall be of an approved type of at least 80 cubic feet capacity and equipped as follows: (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: C. 212, Sec. 11, 35 Stat. 428, 46 U. S. C. 396)

The 19th paragraph of Section 676.14 *Equipment for Lifeboats* reading "A mast with one good sail at least and proper gear (this does not apply to motor lifeboats), the sail and gear to be protected by a suitable canvas cover: Provided, however, that lifeboats of less than 125 cubic feet capacity are exempt from this requirement" is hereby rescinded and deleted.

(R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4488 as amended, 46 U. S. C. 481)

The subsection of Section 659.11A *Motor Lifeboat Equipment* bearing and under the caption *Searchlight* is hereby amended by the addition of the following paragraph at the end of said subsection:

Searchlights installed on new motor lifeboats or installed as replacements on existing motor lifeboats shall be of an approved type. (This paragraph effective on and after July 1, 1939.) (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4488 as amended, 46 U. S. C. 481)

The first paragraph of Section 659.53 is hereby deleted and the following inserted in its stead:

There shall be for each boat or liferaft a number of lifeboatmen at least equal to that specified in the following table:

If the Prescribed Complement is—	*The minimum number of certificated lifeboatmen shall be—*
Less than 41 persons	2
From 41 to 61 persons	3
From 62 to 85 persons	4
Above 85 persons	5

(R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4463 as amended, 46 U. S. C. 222: R. S. 4488 as amended, 46 U. S. C. 481)

The first paragraph of Section 660.46 is hereby deleted and the following inserted in its stead:

There shall be for each boat or liferaft a number of lifeboatmen at least equal to that specified in the following table:

If the Prescribed Complement is—	*The minimum number of certificated lifeboatmen shall be—*
Less than 26 persons	1
From 26 to 40 persons	2
From 41 to 61 persons	3
From 62 to 85 persons	4
Above 85 persons	5

*Title, chapter, and section numbers used herein correspond to those used in the codified regulations of the Bureau of Marine Inspection and Navigation, Department of Commerce, filed with the Codification Board June 30, 1938.

(R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4463 as amended, 46 U. S. C. 222: R. S. 4488 as amended, 46 U. S. C. 481)

Section 661.15 is hereby amended as follows:

By deleting subsection 5 (a) and inserting the following in its stead:

(5) (a) Steam-propelled passenger vessels burning oil for fuel shall be fitted with an approved fixed carbon dioxide, foam, or water spray system for extinguishing fire in the bilges of each fire room. If engine and boiler rooms are not entirely separate, or if fuel oil can drain from the boiler room bilge into the engine room, the combined engine and boiler rooms shall be considered one compartment. The system shall be capable of being operated from a convenient and accessible point outside of space protected.

By adding a new subsection 10, immediately following subsection 9 (b), reading as follows:

(10) Fixed Water Spray System.

(a) When a fixed system is fitted for spraying water on oil in bilges, its capacity shall be such as to blanket the entire area of the bilge (tank top) of the largest boiler room with an adequate supply of water.

(b) The arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected. The piping system for each space protected shall be in one unit, unless otherwise specifically approved by the Director.

(c) All valves by which the system is operated shall be located outside of the space protected and shall be easily accessible. Suitable means shall be provided to prevent the passage of foreign substances into the spray nozzles.

(d) The primary source of supply for the system shall be from a pump or pumps of suitable capacity and pressure. The pump or pumps shall be reserved for this purpose only. This pump or pumps shall be located outside of space protected. (R. S. 4405 as amended, 46 U. S. C. 375; R. S. 4470 as amended, 46 U. S. C. 463; R. S. 4472 as amended, 46 U. S. C. 465)

Sections 661.16, 677.16, 695.15, and 714.16 captioned and entitled "*Fire-Detecting and Sprinkler System*" together with the footnote thereto are hereby deleted and the following, bearing and having the caption "*Fire Detecting, Alarm, and Patrol Systems*" are inserted in their stead:

FIRE DETECTING, ALARM, AND PATROL SYSTEMS

New and Existing Vessels

1 (A) All passenger vessels with berthed or stateroom accommodations for fifty or more passengers shall be fitted, unless deemed unnecessary by the Director for the proper protection of life, with an automatic water sprinkling system of a type approved by the Board of Supervising Inspectors, which system shall be so installed as to protect all enclosed parts of the vessel accessible to passengers or crew while the vessel is being navigated, except cargo holds, machinery spaces, and when of fire-resisting construction, toilets, bath rooms, and spaces of similar construction.

Where, in the case of a particular vessel, the Director does not consider the installation of an automatic water sprinkling system necessary, such vessel shall be protected in such enclosed parts of the vessel as the Director shall deem necessary, with an automatic electric or pneumatic fire-detecting and alarm system, used singly or in combination, of a type approved by the Board of Supervising Inspectors.

(B) All passenger vessels of more than 150 feet in length having berthed or stateroom accommodations for less than fifty passengers, shall be fitted with an automatic fire detecting and alarm system of a type approved by the Board of Supervising Inspectors. Such system may be electric, pneumatic, automatic sprinkler or a combination of each.

2 (A) All passenger vessels having berthed or stateroom accommodations for passengers shall be provided with an efficient supervised fire patrol system of an approved type which will record the time of each visit to each recording station, unless the stations are so inter-related as to require operation of all stations of a route in a fixed order, in which case the record shall show the time of start and finish of each tour.

(B) The date of both the night and morning portions of the patrol shall be entered on the record. The records shall be available for review by inspectors of this Bureau for a period of six months after the date to which such records refer.

(C) The station boxes shall have seals placed over the securing screws in order to leave evidence of removal or tampering. The number and location of recording stations, the order in which they are visited, and the number undertaken by one patrolman shall be approved by the Director.

(D) Where the system is not equipped with a recording apparatus in the control station* the patrolman shall report to the bridge every hour.

3. All passenger vessels of more than 150 feet in length having berthed or stateroom accommodations for passengers which are not equipped with a fire-detecting system in cargo spaces, shall be equipped with an approved smoke detecting system in all cargo spaces which are inaccessible to passengers or crew while the vessel is being navigated. Cargo spaces which are accessible to passengers or crew while the vessel is being navigated shall be equipped with a water sprinkling system.

4. All passenger vessels with sleeping quarters for passengers shall be provided with an approved manual fire alarm system which operates alarm bells in the pilot house, engine room, and emergency squad quarters where provided. The manual fire alarm system shall be installed in accordance with the plans approved by the Director and shall have a suitable number of stations on all decks so as to enable the patrolman to give the alarm immediately in case of fire. (R. S. 4405 as amended, 46 U. S. C. 375; R. S. 4417 as amended, 46 U. S. C. 391; R. S. 4471 as amended, 46 U. S. C. Sup. III 464; R. S. 4472 as amended, 46 U. S. C. 465; R. S. 447, 46 U. S. C. 470)

Subsection 14 of sections 661.17, 677.17, 714.17, and 635.16 is hereby amended by the addition of the following new paragraph at the end of the said subsection:

All tanks installed on or after January 1, 1939, for use in connection with sprinkler systems shall be constructed, tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 652 and 653. All such tanks which were installed prior to January 1, 1939, shall be tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 652 and 653. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4470 as amended, 46 U. S. C. 463: R. S. 4472 as amended, 46 U. S. C. 465)

The 10th paragraph of Section 661.23 is hereby amended to read as follows:

The piping between the service pumps and the stop valve at the burners, when the pressure exceeds 15 pounds per square inch, shall be extra heavy seamless piping and shall be in sight above the floor or platform. The connections on such piping shall be made with extra heavy flanges or extra heavy fittings of forged or cast steel, bronze, or malleable iron. Valves on pipe lines conveying hot oil shall be extra heavy and shall be of the locked-bonnet, bolted-bonnet, or union-nut-bonnet type. The piping, including connections, shall be tested in place to a hydrostatic test pressure equal to three times the designed maximum working pressure, but in no case less than 150 pounds. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4472 as amended, 46 U. S. C. 465)

The 8th paragraph of Sections 677.22, 695.22 and 714.23 is hereby amended to read as follows:

The piping between the service pumps and the stop valve at the burners, when

* Those stations in which a 24-hour watch is maintained and in which, (1) navigating equipment is located, or (2) radio equipment is located, or (3) central fire station where fire recording instruments are located.

the pressure exceeds 15 pounds per square inch, shall be extra heavy seamless piping and shall be in sight above the floor or platform. The connections on such piping shall be made with extra heavy flanges or extra heavy fittings of forged or cast steel, bronze, or malleable iron. Valves on pipe lines conveying hot oil shall be extra heavy and shall be of the locked-bonnet, bolted-bonnet, or union-nut-bonnet type. The piping, including connections, shall be tested in place to a hydrostatic test pressure equal to three times the designed maximum working pressure, but in no case less than 150 pounds. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 48 U. S. C. 392: R. S. 4472 as amended, 46 U. S. C. 465: R. S. 4474 as amended, 46 U. S. C. 467)

Section 678.19 *Cable and Lanyard* is amended to read as follows:

On all vessels where the distance is more than 150 feet between deck houses, a wire cable shall be stretched between the deck houses at all times when the vessel is loaded and being navigated, this cable to be not less than 5 feet from the deck; and there shall be attached at all times to the cable a traveler with a line of sufficient continuous length to insure its operation, in order that communication between both ends of the vessel may be facilitated at all times: *Provided*, That a number of metal rings with suitable lanyards attached, equaling in number the total number of persons carried, may be attached to the cable in lieu of the traveler and endless whip, and that suitable manila lines of sufficient length shall be kept dry and coiled at each end of the vessel ready for immediate use in order that communication between both ends of the vessel may be facilitated at all times. Failure to have such cable stretched and traveler, or rings with lanyards, attached at all times when the vessel is loaded and being navigated, may be sufficient cause for instituting procedure under Section 4450, R. S., looking to a suspension or revocation of the license of the master or officer in charge. Provided, That a fore and aft raised bridge or other equivalent means of access as determined by the Supervising Inspector, such as a passage below deck, may be accepted in lieu of the wire cable and its equipment. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391)

The 5th paragraph of Section 662.25 is hereby rescinded and deleted.

(R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4472 as amended, 46 U. S. C. 465: R. S. 4477, 46 U. S. C. 470)

Sections 662.25, 678.22, 696.23, and 715.23 are hereby amended by changing the caption of Section 662.25 from *"Lookouts and Watchmen"* to *Lookouts, Cabin Watchmen, and Fire Patrolmen* and by changing the caption of Sections 678.22, 696.23 and 715.23 from *"Cabin Watchmen"* to *Cabin Watchmen and Fire Patrolmen* and by adding after the last paragraph of said sections reading "Watchmen or patrolmen shall not be required to perform any other duty while on watch" the following paragraphs:

On all passenger vessels having berthed or stateroom accommodations for passengers there shall be maintained while passengers are on board an efficient fire patrol so as to completely cover all parts of the vessel accessible to passengers or crew, at 20-minute intervals between the hours of 10 P. M. and 6 A. M., except machinery spaces, occupied by passenger or crew sleeping accommodations, and cargo compartments which are inaccessible to passengers or crew while the vessel is being navigated.

Failure of a patrolman to follow a prescribed route, or to record each station within a definite time shall be entered on the record, along with the reason for the irregularity.

The patrolman shall report to the bridge every hour on vessels where the fire patrol system is not equipped with a recording apparatus in the control stations. In vessels requiring more than one patrol route, one patrolman may contact the others and make the joint report to the bridge.

A patrolman while on duty shall have no other tasks assigned to him. He shall be provided with a flashlight and shall wear a distinctive uniform or badge.

In the case of vessels of non-inflammable construction which are fitted with an approved automatic fire detecting and alarm system in public spaces, the patrol throughout the entire patrolled area may be at one-hour intervals (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4472 as amended, 46 U. S. C. 465: R. S. 4477, 46 U. S. C. 470)

Section 662.29 is hereby amended by the addition of a new paragraph reading as follows:

Except as hereinafter provided, service as a licensed officer in charge of a watch shall count as full time for raise of grade to second mate or second assistant engineer. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4438 as amended, 46 U. S. C. 224: R. S. 4440 as amended, 46 U. S. C. 228: R. S. 4463 as amended, 46 U. S. C. 222)

Sections 663.9, 679.9, 697.11, and 716.16 are hereby amended by the addition of the following paragraphs to follow the last paragraphs of said sections:

The type of electrical equipment and the types of electric cables to be used in the various parts of vessels constructed after July 1, 1937, shall be in accordance with the "Recommended Practice for Electrical Installations on Shipboard," A. I. E. E. Standard No. 45, October, 1930 as published by "The American Institute of Electrical Engineers."

The electrical installation on all existing vessels shall be maintained in good electrical and mechanical condition at all times. Minor replacements of cable and equipment may be made with the same type that was permitted by the regulations at the time the vessel was constructed. Major alterations or major extensions to the electrical installation on existing vessels shall be made in accordance with these rules for new vessels as specified in the paragraph immediately above. (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4418 as amended, 46 U. S. C. 392: R. S. 4472 as amended, 46 U. S. C. 465)

Sections 679.11, 697.16, and 716.9 are hereby amended to read as follows:

Auxiliary Lighting System. All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units located below the deep-load line of the vessel, shall have on board an auxiliary electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in the event of failure of the main lighting system. The auxiliary lighting system shall at all times be ready for immediate use, and shall be installed and arranged so that all auxiliary lights may be switched on from the pilot house, navigation bridge, or a central station. (Effective July 1, 1939) (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4484, 46 U. S. C. 477: R. S. 4488, as amended, 46 U. S. C. 481)

The last paragraph of Sections 680.2, 698.2, and 717.2 is hereby amended to read as follows:

Existing mechanically propelled ferry vessels carrying passengers for hire shall comply with the above requirements for new vessels unless it can be shown by the owner to the satisfaction of the Director that the application of the requirements is impracticable and unreasonable. (Where the length of trip between terminals is 10 minutes or less the last paragraph is effective January 1, 1940.) (R. S. 4405 as amended, 46 U. S. C. 375: R. S. 4417 as amended, 46 U. S. C. 391: R. S. 4426 as amended, 46 U. S. C. 404: R. S. 4490 as amended, 46 U. S. C. 482)

Section 623.16 is hereby amended by the addition of the following new paragraph to be inserted between the present fifth and sixth paragraphs:

Barges or canal boats shall, when being propelled by pushing ahead of a steam vessel, display a red light on the port bow and a green light on the starboard bow of the head barge or canal boat, carried at a height sufficiently above the superstructure of the barge or canal boat as to permit said side lights to be visible; and if there is more than one barge or canal boat abreast, the colored lights shall be displayed from the outer side of the outside barges or canal boats. (Sec. 2, 30 Stat. 102 as amended, by 38 Stat. 381; 33 U. S. C. 157)

Resolution No. 1511–95 In Re:

APPROVAL OF MISCELLANEOUS ITEMS

DEPARTMENT OF COMMERCE

BUREAU OF MARINE INSPECTION AND NAVIGATION

Resolved, That under the authority of Sections 4405 and 4491, R. S., the following equipment be and hereby is approved for use on vessels subject to inspection:

Lifeboats

4050. Aluminum alloy, 36 person motor-lifeboat, manufactured by the Lane Lifeboat and Davit Corporation, 518 Gardner Avenue, Brooklyn, New York. (Subject to final tests.)

Life Preserver Thread

4349. #10/3 Bond, L. H. T., Natural Soft Finish Life Preserver thread, manufactured by the Groves Thread Company, Inc., Gastoria, North Carolina.

4360. #10/4 Soft Finish, and #10/4 Silk Finish life preserver thread, manufactured by the Gardiner Hall, Jr., Company, 29 West 36th Street, New York, New York.

Apparatus for Extinguishment of Fire in Compartments of Vessels

3826–1. National Foam Generator, Model S–7, manufactured by the National Foam System, Inc., 1632 Sansom Street, Philadelphia, Pennsylvania. (For use on tank vessels only.)

Sprinkler System

4136. Reliable Automatic Sprinkler System, manufactured by Reliable Automatic Sprinkler Company, 250 West 27th Street, New York, New York.

All classes of the General Rules and Regulations shall be amended so that all plans, equipment, etc., requiring the approval of the Bureau will now be worded to require the approval of the Director.

[SEAL] H. C. SHEPHEARD,
Acting Director Chairman.
CHARLES M. LYONS,
Supervising Inspector First District.
GEORGE FRIED,
Supervising Inspector Second District.
EUGENE CARLSON,
Supervising Inspector Third District.
CECIL N. BEAN,
Supervising Inspector Fourth District.
HARRY LAYFIELD,
Supervising Inspector Fifth District.
C. W. WILLETT,
Supervising Inspector Sixth District.
WILLIAM FISHER,
Supervising Inspector Seventh District.

Approved:

J. M. JOHNSON,
Acting Secretary of Commerce.

FEBRUARY 21, 1939.

[F. R. Doc. 39–620; Filed, February 23, 1939; 10:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Order No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

And it appearing, That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon full investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of May 12, 1930, April 8, 1933, January 13, 1934, and November 1, 1934, be and they are hereby superseded and/or amended as follows, effective May 15, 1939:

PART I—FREIGHT REGULATIONS

Superseding and amending paragraph 69E, order January 13, 1934, to read as follows (*under heading diazodinitrophenol*):

69E. *Packing and weight.* Diazodinitrophenol in bulk form must be packed wet with not less than 30 percent by weight of water, or wet with not less than 25 percent by weight of alcohol. When packed with water, the packing must be as described in paragraph 68 for fulminate of mercury. When wet with alcohol, it must be packed in a waterproof bag made of rubber cloth. There must be a cap of the same fabric and of the same diameter as the bag over the diazodinitrophenol and inside the bag. The dry weight of diazodinitrophenol in one container must not exceed 150 pounds. The bag holding the diazodinitrophenol, wet with either water or alcohol, must be packed as described in paragraph 68 for fulminate of mercury.

Superseding and amending paragraph 71, order May 12, 1930, to read as follows (*packing ammunition for cannon with explosive projectiles, etc.*):

71. *Packing.* Ammunition for cannon with explosive projectiles, or with gas, smoke, or incendiary projectiles, must be well packed and properly secured in strong wooden or metal containers. Except when shipped by, for, or to the War and Navy Departments of the United States Government, or unless of a type approved by the Bureau of Explosives, detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein, must not be assembled in the explosive projectile, gas, smoke, or incendiary projectile, or included in the same outside package.

Superseding and amending paragraphs 75 (a) and (c), order April 8, 1933, to read as follows (*packing explosive projectiles, etc.*):

75 (a) *Packing.* Explosive projectiles, explosive torpedoes, explosive mines, explosive bombs, or explosive grenades, except as provided herein, must be packed and properly secured in strong wooden or metal boxes. Except when shipped by, for, or to the War and Navy Departments of the United States Government, or unless of a type approved by the Bureau of Explosives, detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein, must not be assembled or included in the same outside package.

(c) Explosive articles as follows: Gas projectiles, smoke projectiles, incendiary projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, and incendiary grenades must be packed and properly secured in strong wooden boxes. Except when shipped by, for, or to the War and Navy Departments of the United States Government, or unless of a type approved by the Bureau of Explosives, detonating fuzes, bouchons, or ignition elements must not be assembled therein. (See paragraphs 473 and 474 for nonexplosive chemical or poisonous ammunition.)

Superseding and amending third subparagraph of paragraph 468, order May 12, 1930, to read as follows (*packing chlorpicrin, bromacetone, and acrolein*):

Or in wooden boxes, specification 15A, 15B, 15C, or 16A, with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, specification 2C. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely

closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gage U. S. standard. Total amount of liquid in outside box must not exceed 24 pounds.

PART II—EXPRESS REGULATIONS

Amending paragraph 244 (c), order November 1, 1934, as follows (*packing chlorpicrin*):

(Add) Chlorpicrin may also be packed in wooden boxes, specification 15A, 15B, 15C, or 16A, with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, specification 2C. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gage U. S. standard. Total amount of liquid in ouside box must not exceed 24 pounds.

PART IV—SHIPPING CONTAINER SPECIFICATIONS

Superseding and amending paragraph 2 (a), *specification 36A*, order May 12, 1930, to read as follows:

(a) Osnaburg cotton cloth weighing at least 8½ ounces per square yard, lined with two sheets, each of No. 1 kraft creped paper weighing 35 pounds or more per ream, cemented together with asphaltum and cemented to Osnaburg bag. Bags must be securely sewn or cemented, dust-tight, at bottom and side seams. Complete bag must have tensile strength not less than warp 100 pounds, fill 100 pounds. After filling, bag must be securely fastened by double tying with steel wires of No. 16 Birmingham wire gage, or heavier.

Superseding and amending paragraph 2 (e), *specification 36B*, order November 1, 1934, to read as follows:

(e) All seams must be pasted with curing rubber latex and must overlap 1 inch; or, if taped, the tape must overlap at least 1 inch on both sides of the abutted edges. All seams and taped or pasted closures shall be jointed so as to cause the burlap faces of the bag material to be cemented to each other. The taped top and bottom closures must overhang ½ inch beyond each side of the bag mouth and be securely cemented together to eliminate any sifting. All tape must be of the same construction as the bag body material, or of a type at least equal in strength and stretch. The strength of all seams must be at least equal to the strength of the bag material.

Superseding and amending paragraph 4, *specification 36B*, order November 1, 1934, to read as follows:

4. Bags are to be closed with tape at least 2¾ inches wide, of type described in paragraph 2 (e), and cemented with curing rubber latex in the manner described in paragraph 2 (e). Bags may be cement-closed by any other method or by the use of any other adhesive, which can be demonstrated by tests to be equally effective. Bags may also be closed by double tying with steel wires of No. 16 Birmingham wire gage, or heavier. Tensile strength of closure must be at least equal to tensile strength of bag material.

Superseding and amending paragraphs 8 (d), 9 (d), 10 (c), 10 (d), and 11 (c), *specification 14*, order May 12, 1930, to read as follows:

8 (d) Nails must be fourpenny and cement coated; plain nails driven through and clinched are permitted for cleats.

9 (d) Nails must be fivepenny and cement coated. When gross weight is not over 65 pounds, fourpenny nails are authorized.

10 (c) Nails must be fourpenny cement coated.

10 (d) Tops and bottoms must be fastened to ends with nails as follows: To determine the minimum number of nails to be used for fastening top and bottom to ends, divide the width of the top and bottom in inches by 1¾. Fractions greater than ¼ inch in the result shall be considered whole numbers.

Tops and bottoms must be fastened to sides with nails spaced approximately 6 to 8 inches apart.

11 (c) Nails must be fourpenny cement coated.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after May 15, 1939, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 13th day of February, 1939.

By the Commission, Commissioner McManamy.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-636; Filed, February 24, 1939; 12:24 p. m.]

[Ex Parte No. MC-2]

IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of February, A. D. 1939.

It appearing, That by order dated January 27, 1939,[1] in the above-entitled matter, rules and regulations, in lieu of those prescribed by order of July 12, 1938,[2] in said matter, were prescribed, effective March 1, 1939, for common and contract carriers by motor vehicle engaged in the transportation of passengers or property in interstate or foreign commerce;

It further appearing, That by rule 5 of such rules and regulations each carrier subject thereto, except as therein otherwise provided, shall require that a driver's log in duplicate shall be kept by every driver in his employ who operates a motor vehicle engaged in transportation in interstate or foreign commerce, or the carrier himself, if an owner-driver, shall keep such log; and that each such carrier shall make monthly reports of every instance where a driver has been required or permitted to be on duty or to drive or operate for hours in excess of those prescribed by the rules and regulations;

It further appearing, That by rule 6 (b) of such rules and regulations each carrier subject thereto shall make a report immediately to the Commission of instances in which use is made of the provision of rule 6 (a), such report to contain a full and correct statement of the conditions which necessitated the longer period of driving;

And it further appearing, That it is desirable to modify the forms prescribed by order of July 15, 1938,[3] in said proceeding, and to prescribe a form for reporting instances in which use is made of the provision of rule 6 (a);

It is ordered, That said order of July 15, 1938, be, and it is hereby, vacated and set aside, effective March 1, 1939.

It is further ordered, That, subject to the proviso of rule 5, each carrier subject to said rules and regulations be, and it is hereby, required, commencing March 1, 1939, to keep, or require to be kept, the said driver's log and to make the monthly report required by said rule 5 in accordance with forms 1, 2, and 3, and the instructions accompanying them, which said forms and instructions are attached hereto and made a part hereof; provided, however, that, until January 1, 1940, such carriers shall be permitted to use the forms prescribed by said order of July 15, 1938, in lieu of Forms 1, 2, and 3 hereby prescribed.

And it is further ordered, That each carrier subject to said rules and regulations be, and it is hereby, required, commencing March 1, 1939, to make re-

[1] 3 F. R. 475 (DI).
[2] 3 F. R. 1875 (DI).
[3] 3 F. R. 1876 DI.

ports in accordance with form 4, which also is attached hereto and made a part hereof.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-637; Filed, February 24, 1939; 12:24 p. m.]

[Ex Parte No. MC-2]

IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

NOTICE TO CARRIERS SUBJECT TO MOTOR CARRIER ACT, 1935

FEBRUARY 24, 1939.

By orders dated January 27, 1939, and February 8, 1939, rules and regulations, effective March 1, 1939, were prescribed under authority of section 204 (a), (1) and (2) of the Motor Carrier Act, 1935, with respect to maximum hours of service of drivers of motor vehicles operated in interstate or foreign commerce by all common and contract carriers.

It is to be noted that these rules and regulations apply not only to common and contract carriers subject to the general provisions of the act but also to common and contract carriers and any motor vehicle or vehicles operated by them which, because of the terms of section 203 (b) of the act, are subject only to section 204 of the act, except as otherwise specified in rule 5 (a) of the regulations.

In other words, the rules and regulations apply to all so-called exempt carriers and vehicles with the exception of motor vehicles controlled and operated by any farmer and used in the private transportation of his agricultural commodities and products thereof, or of supplies to his farm, and with the further exception that drivers engaged in the transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities shall not be required to keep a driver's log.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-638; Filed, February 24, 1939; 12:25 p. m.]

Notices

FEDERAL POWER COMMISSION.

United States of America—Federal Power Commission

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

[Docket No. G-123]

IN THE MATTER OF GENERAL GAS PIPE LINE CORPORATION

ORDER FIXING DATE OF HEARING

FEBRUARY 23, 1939.

Upon application filed on January 21, 1939, by the General Gas Pipe Line Corporation, an Indiana corporation, for a certificate of public convenience and necessity to authorize the construction of a natural gas pipe line from a point in Hart County, Kentucky, to a point in Hamilton County, Indiana;

The Commission orders that:

A public hearing on said application be held on March 27, 1939, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

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

[F. R. Doc. 39-632; Filed, February 24, 1939; 12:23 p. m.]

United States of America—Federal Power Commission

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

[Project No. 943]

IN THE MATTER OF PUGET SOUND POWER & LIGHT COMPANY, LICENSEE

ORDER POSTPONING HEARING

FEBRUARY 23, 1939.

It appearing to the Commission that:

(a) By order adopted January 11, 1939, a public hearing in the above cause was set [1] for March 13, 1939;

(b) Preparation of data and reports essential to the disposition of the case cannot be completed prior to March 13, 1939, due to the serious illness of a member of the Commission's staff;

The Commission on its own motion orders that:

The public hearing in the above cause now set for March 13, 1939, be and the same is hereby postponed to April 11, 1939, at 10 a. m., in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

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

[F. R. Doc. 39-633; Filed, February 24, 1939; 12:33 p. m.]

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[1] 4 F. R. 227 DI.

United States of America—Federal Power Commission

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

FEBRUARY 23, 1939.

APPLICATIONS OF NELSON J. AMBROSE, ID-127; HARVEY FRANK PINTSCH, ID-106; LARS N. BOISEN, ID-262; HENRY G. BRADLEE, ID-783; GEORGE EDMUND KEHOE, ID-494; PHILLIP MONTGOMERY WENTWORTH, DI-667; WHITNEY STONE, ID-740; DONALD CARTER BARNES, ID-248; HARRY A. ARTHUR, ID-697; RICHARD N. BENJAMIN, ID-841; ED. C. BREWSTER, ID-807; ANDREW FLETCHER, ID-713; THOMAS J. HANLON, JR., ID-397; ALAN W. HASTINGS, ID-719; LEON E. JORDAN, ID-722; CHAS. W. KELLOGG, ID-723; JASON C. LEIGHTON, ID-727; EDWARD J. MURPHY, ID-733; SAMUEL E. RATCLIFFE, ID-738; THOMAS W. STREETER, ID-768; SAMUEL B. TUELL, ID-746; WILLIAM ELLIOTT WOOD, ID-751; ERNEST I. DOE, ID-706; DONALD C. JEWETT, ID-486.

ORDER FIXING DATE OF HEARING

It appearing to the Commission that:

(a) Upon applications separately filed by the above named applicants pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said section 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions, subject either, to the further consideration of the Commission, or to the reservation of the right of the Commission to require the applicant to make further showing that neither public nor private interests will be adversely affected by the reason of the applicant holding said positions;

(b) On March 30, 1936, a hearing was held before the Commission on the applications of the following:

Nelson J. Ambrose, ID-127.
Harvey Frank Pintsch, ID-106.
Lars N. Boisen, ID-262.
Henry G. Bradlee, ID-783.
George Edmund Kehoe, ID-494.
Phillip Montgomery Wentworth, ID-667.
Whitney Stone, ID-740.
Donald Carter Barnes, ID-248.

and on that day the hearing was adjourned, to a date in the future for further consideration of the Commission;

(c) On July 14, 1936, Whitney Stone ID-740, and on March 29, 1938, Nelson J. Ambrose ID-127, on those respective dates, informed the Commission that they had resigned from all of the positions for which they had sought authori-

zation theretofore, under Section 305 (b) of the Federal Power Act;

(d) It is in the public interest that each of the following applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding the positions which he has heretofore been authorized to hold, and that the hearing, mentioned in Paragraph (b), for that purpose, be resumed:

Harvey Frank Pintsch, ID–106.
Lars N. Boisen, ID–262.
Henry G. Bradlee, ID–783.
George Edmund Kehoe, ID–494.
Phillip Montgomery Wentworth, ID–667.
Donald Carter Barnes, ID–248.

(e) It is in the public interest that each of the following applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding the positions which he has heretofore been authorized to hold, or which he now seeks authorization to hold:

Harry A. Arthur, ID–697.
Richard N. Benjamin, ID–841.
Ed. C. Brewster, ID–807.
Andrew Fletcher, ID–713.
Thomas J. Hanlon, Jr., ID–397.
Alan W. Hastings, ID–719.
Leon E. Jordan, ID–722.
Chas. W. Kellogg, ID–723.
Jason C. Leighton, ID–727.
Edward J. Murphy, ID–733.
Samuel E. Ratcliffe, ID–738.
Thomas W. Streeter, ID–768.
Samuel B. Tuell, ID–746.
William Elliott Wood, ID–751.
Ernest I. Doe, ID–706.
Donald C. Jewett, ID–486.

and such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

The hearing, adjourned on March 30, 1936, on the applications specified in Paragraph (d) above, be and it is hereby resumed beginning March 30, 1939, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.; and that at the same time and place a public hearing be held on the applications mentioned in Paragraph (e); and that each of the applicants specified in Paragraphs (d) and (e) make further showing, at said hearings, that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39–634; Filed, February 24, 1939; 12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of February, A. D. 1939.

[File No. 1–609]

IN THE MATTER OF CALLAHAN ZINC-LEAD COMPANY COMMON STOCK, $1 PAR VALUE

ORDER CHANGING TIME OF HEARING AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on February 13, 1939, ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held[1] in this matter on February 27, 1939; and

Counsel for the registrant having requested a postponement of such hearing,

It is ordered, That such hearing be convened on Monday, March 13, 1939, at 10 o'clock in the forenoon, in Room 1102A, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, That for the purpose of such proceeding Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–630; Filed, February 24, 1939; 11: 11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 23rd day of February 1939.

[File No. 1–2283]

IN THE MATTER OF HALIFAX TONOPAH MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER DESIGNATING TRIAL EXAMINER

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Halifax Tonopah Mining Company; and

The Commission having ordered[1] that the matter be set down for hearing before John G. Clarkson, an officer of the Commission, at 10 A. M. on Thursday, March 9, 1939, at the office of the Securities and Exchange Commission, 1706 Welton Street, Denver, Colorado; and

It appearing that said John G. Clarkson will not be available to preside at said hearing;

It is ordered, That the designation of said John G. Clarkson to preside at said hearing be and the same is hereby revoked and that Gilbert C. Maxwell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–631; Filed, February 24, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of February, A. D. 1939.

[File No. 32–118]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

(Public Utility Holding Company Act of 1935)

ORDER

Central Maine Power Company, a Maine corporation, and a subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of the issue and sale by it of:

(1) First and General Mortgage Bonds, Series J, 3½%, due 1968, dated December 1, 1938, and maturing December 1, 1968, in the principal amount of $4,500,000; and

(2) 5,000 shares of Common Stock No Par Value at the price of $100 per share.

[1] 4 F. R. 950 DI.

[1] 4 F. R. 795 DI.

A public hearing on said application, as amended, having been held after appropriate notice; Russell B. Stearns having intervened in these proceedings and participated in said public hearing and having urged that said application be denied, that certain terms and conditions be imposed or that the proceedings be continued pending action relative to the redistribution of voting power within New England Public Service Company in accordance with the provisions of Section 11 (b) (2) of said Act; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That the issue and sale of the aforesaid securities in accordance with the terms and conditions set forth in, and for the purposes represented by said application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; upon the conditions, however:

(1) that within ten days after the issuance of the aforesaid securities 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 of, and for the purposes represented by said amended application; and

(2) that this exemption shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the aforesaid securities by the Public Utilities Commission of the State of Maine shall be revoked or otherwise terminate.

It is further ordered, That the aforesaid prayer of the intervening petitioner be, and it hereby is, denied without prejudice as to the Commission's jurisdiction under Section 11 (b) (2) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-640; Filed, February 24, 1939; 12:29 p. m.]

United States of America—Before the Securities and Exchange Commission

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

[File No. 32-132]

IN THE MATTER OF NORTHERN STATES POWER COMPANY, A WISCONSIN CORPORATION; NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION; CHIPPEWA POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

The applications pursuant to sections 6 (b) and 12 (c), and 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on March 14, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 9, 1939.

The matter concerned herewith is in regard to the application by Northern States Power Company (a Wisconsin corporation) for an order exempting from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, of the issuance and sale of the First Mortgage Bonds of said corporation, 3½% Series, due March 1, 1964, in the principal amount of $17,500,000, the issuance and sale of common stock of said corporation, of the par value of $100 per share, in the aggregate par value of $2,532,700 and the assumption by said company of certain First Mortgage Gold Bonds, Series A, 6%, due June 1, 1947, of Chippewa Power Company in the aggregate amount of $1,703,000, such exemption being prayed under section 6 (b) of said Act which provides for the exemption of the issue and sale of securities of subsidiary companies of registered holding companies when such issue and sale are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the state commission of the state in which such subsidiary company is organized and doing business; the application of Northern States Power Company (a Minnesota corporation), a registered holding company of which said Wisconsin corporation is a subsidiary, under section 12 (d) of said Act for approval of the sale by said applicant to Northern States Power Company (a Wisconsin corporation) of certain mortgage bonds of the Wisconsin corporation, now owned by the Minnesota corporation, in exchange for the common stock of the Wisconsin corporation so proposed to be issued and the sum of $20,794.75 in cash, said bonds being as follows:

$194,500 principal amount, First and Refunding 5% Thirty Year Gold Bonds, due May 1, 1944, $2,500 principal amount of which are accompanied by additional interest notes to increase the rate of interest on such bonds from 5% to 8% per annum.

$248,200 principal amount, General and Refunding Mortgage Gold Bonds, Series A, 7%, due January 1, 1947.

$450,000 principal amount, General and Refunding Mortgage Gold Bonds, Series B, 5%, due January 1, 1947.

$1,640,000 principal amount, General Mortgage Gold Bonds, 5½%, due December 1, 1950;

and the application of Chippewa Power Company, pursuant to sections 12 (d) and 12 (f) of said Act, for approval of the sale of all utility assets now owned by that company to Northern States Power Company (a Wisconsin corporation), of which latter company the former company is a subsidiary, said assets and all other assets of said Chippewa Power Company to be sold to the Wisconsin corporation in consideration of the assumption by the latter of the liabilities of the selling company and a credit against certain indebtedness of the selling company to the Wisconsin corporation.

From the proceeds of the sale of the mortgage bonds first above mentioned, Northern States Power Company (a Wisconsin corporation) proposes to redeem its presently outstanding bonds and presently outstanding bonds of Chippewa Power Company (to be assumed) as follows:

Issue:	*Principal, Premium and Interest*
First and Refunding Mortgage Five Per Cent Thirty-Year Gold Bonds, due May 1, 1944	$11,131,087.50
General and Refunding Mortgage Gold Bonds, Series A, 7% due January 1, 1947	3,061,385.00
Chippewa Power Company First Mortgage Gold Bonds, Series A, 6% due June 1, 1947	1,822,210.00
	$16,014,682.00

The balance of the proceeds of such sale, the last named applicant proposes to apply (1) upon construction costs of certain improvements, (2) to reimburse itself for certain expenses for betterments and additions and (3) for other corporate purposes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-641; Filed, February 24, 1939; 12:29 p. m.]