

reference

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# FEDERAL REGISTER

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Washington, Thursday, April 27, 1939

## The President

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5538 OF JANUARY 23, 1931, WITHDRAWING PUBLIC LANDS

#### COLORADO

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5538 of January 23, 1931, withdrawing public lands in Colorado, pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 24, 1939

[No. 80981]

[F. R. Doc. 39-1402; Filed, April 25, 1939; 3:27 p. m.]

## Rules, Regulations, Orders

### TITLE 14—CIVIL AVIATION

#### CIVIL AERONAUTICS AUTHORITY

[Amendment No. 11, Civil Air Regulations]

AIRWAY TRAFFIC CONTROL AREA DESIGNATIONS, NEW; AMBER CIVIL AIRWAY NO. 4; RED CIVIL AIRWAY NOS. 1, 8, 10, AND 11; BLUE CIVIL AIRWAY NOS. 2 AND 5, REVISED; GREEN CIVIL AIRWAY NOS. 2, 3, AND 4; AMBER CIVIL AIRWAY NOS. 2 AND 5

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C. on the 21st day of April 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the

provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective May 1, 1939, section 60.24 of Part 60 of the Civil Air Regulations, is amended as follows:

1. By inserting immediately following section 60.2414, a new section, section 60.2415, as follows:

"60.2415 Amber Civil Airway No. 4. From a point 25 miles northeast of Austin, Tex. (Robert Mueller Airport), to a point 25 miles south of the Oklahoma City, Okla., radio range station."

2. By inserting immediately following section 60.24210, four new sections, sections 60.24211, 60.24212, 60.24213 and 60.24214, as follows:

(a) "60.24211 Red Civil Airway No. 1. From Clearfield, Utah (Beacon Site No. 2) to a point 25 miles southeast of the Boise, Idaho, radio range station."

(b) "60.24212 Red Civil Airway No. 11. From a point 25 miles northeast of Tulsa, Okla., radio range station to the intersection of the center lines of the on-course signals of the northeast leg of the Spring Bluff, Mo., radio range and the west leg of the St. Louis, Mo., radio range (approximately St. Charles, Mo.)."

(c) "60.24213 Red Civil Airway No. 10. From the Fort Worth, Tex., radio range station to a point 25 miles west of the Shreveport, La., radio range station."

(d) "60.24214 Blue Civil Airway No. 8. From the Waco, Tex., radio range station to a point 25 miles northwest of the Navasota, Tex., radio range station."

3. By inserting immediately following section 60.2430, two new sections, sections 60.2431 and 60.2432, as follows:

(a) "60.2431 Blue Civil Airway No. 2. From the Idaho Falls, Idaho, radio range station to a point 25 miles southwest of the West Yellowstone, Idaho, Airport."

(b) "60.2432 Blue Civil Airway No. 5. From the Dallas, Tex., radio range station to the Ardmore, Okla., radio marker station."

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4. By amending section 60.2401 so as to read as follows:

"60.2401 *Green Civil Airway No. 2.* From the San Francisco, Calif., Municipal Airport to a point 25 miles west of the Cherokee, Wyo., radio range station; from a point 25 miles east of the Des Moines, Iowa, radio range station to the Floyd Bennett Field, New York, N. Y."

5. By amending section 60.2402 so as to read as follows:

"60.2402 *Green Civil Airway No. 3.* From the Burbank, Calif., Union Air Terminal to a point 25 miles west of the Ashfork, Ariz., radio range station; from

a point 25 miles west of the Columbia, Mo., radio range station to a point 25 miles southwest of the Terre Haute, Ind., radio range station; from a point 25 miles east of the Columbus, Ohio, radio range station to the Camden, N. J. Central Airport."

6. By amending section 60.2403 so as to read as follows:

"60.2403 *Green Civil Airway No. 4.* From the Glendale, Calif., Grand Central Air Terminal to a point 25 miles west of the Blythe, Calif., radio range station; from a point 25 miles east of the Big Spring, Tex., radio range station to a point 25 miles southwest of the Little Rock, Ark., radio range station; from a point 25 miles northeast of the Roanoke, Va., radio range station to the Washington, D. C. Washington Airport."

7. By amending section 60.2411 so as to read as follows:

"60.2411 *Amber Civil Airway No. 2.* From the Daggett, Calif., intermediate field to a point 25 miles south of the intersection of the center lines of the on-course signals of the northwest leg of the Idaho Falls, Idaho, radio range and the southwest leg of the Whitehall, Mont., radio range (Dillon, Mont., intermediate field)."

8. By amending section 60.2412 so as to read as follows:

"60.2412 *Amber Civil Airway No. 5.* From a point 25 miles north of the Memphis, Tenn., radio range station to a point 25 miles south of the Milwaukee, Wis., radio range station."

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1416; Filed, April 26, 1939; 11:48 a. m.]

#### TITLE 20—EMPLOYEES' BENEFITS

##### UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

##### PART 41—GENERAL ADMINISTRATIVE PROVISIONS

##### ADMINISTRATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The regulations adopted by the United States Employees' Compensation Commission and made effective as of May 31, 1938, governing the administration of the Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, as amended, are hereby amended and shall hereafter read and provide as follows:

"Sec. 31.23 *Transfer of cases.* (a) At any time after a claim has been filed with him, the deputy commissioner may, with the approval of the Commission, transfer such case to any other deputy commissioner for the purpose of making investigation, taking testimony, making

physical examinations or taking such other necessary action therein as may be directed.

"(b) Request for approval of such a transfer of a case may be made by letter to the Commission in which the deputy commissioner shall set forth fully the purpose of such transfer. If such transfer should be approved by the Commission, the deputy commissioner making the transfer shall by letter to the deputy commissioner to whom the case is transferred give such advice, comments, suggestions or directions as may be needed under the circumstances of the particular case, transmitting to the Commission a copy of such letter. The file of the deputy commissioner, including transcripts of testimony, may be sent to the deputy commissioner to whom the case is transferred, if necessary, for proper action by him. All official papers should be sent by registered mail.

"Sec. 31.25 *Agreed settlements.* (a) In cases under section 8 (c) (21) and section 8 (e) of said Act, whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation, he may, with the approval of the Commission, approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15 (b) and section 16 of said Act: *Provided*, That the sum so agreed upon shall be payable in instalments as provided in section 14 (b) of said Act, which instalments shall be subject to commutation under section 14 (j) of said Act: *And provided further*, That if the employee should die from causes other than the injury after the Commission has approved an agreed settlement, the sum so approved shall be payable, in the manner herein prescribed, to and for the benefit of the persons enumerated in section 8 (d) of said Act.

"(b) Application for approval of an agreed settlement under section 8 (i) of the said Act shall be made in writing to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement under said section, as well as the specific terms of such agreed settlement, and shall be accompanied by a report of examination of the employee, if a recent report is not of record in the office of the deputy commissioner. Such application, including all supporting papers, shall be submitted in duplicate.

"(c) If the case is one coming within the purview of section 8 (c) (21) of section 8 (e) of said Act, and the deputy commissioner should determine that the proposed agreed settlement according to such application is for the best interests of the injured employee, the deputy commissioner shall transmit to the Commission a copy of the proposed agreed settlement, together with a statement of his recommendation to such effect. The

deputy commissioner shall transmit to the Commission his complete file in the case. All papers shall be sent by registered mail. If the disability as found in the last compensation order filed in the case is not of such character and quality as to bring the case within the purview of section 8 (c) (21) or section 8 (e), the deputy commissioner shall file a compensation order making necessary findings of fact relative to the character and quality of disability and to the current wage-earning capacity of the employee. If such course is not practical, the deputy commissioner may in his communication advise the Commission with respect to the probable character and quality of disability according to the most recent evidence received and shall inform the Commission of the probable current wage-earning capacity of the employee. With such recommendation the deputy commissioner shall submit such other information as may bear upon the advisability of approving the agreed settlement.

"(d) Section 8 (i) was intended to furnish a legal basis for agreement as to the payment of compensation for probable future disability, principally in cases in which the symptoms of disability are largely subjective, the extent of loss of wage-earning capacity due to such disability is difficult to determine, and where the compensation rate is likely to fluctuate and be subject to change over long periods of time. This section was not intended to furnish generally a basis for the settlement of claims or as a mere convenience in disposing of cases."

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. McCAULEY,  
Secretary.

APRIL 20, 1939.

[F. R. Doc. 39-1406; Filed, April 26, 1939; 9:52 a. m.]

PART 43—AUTHORIZATION OF SELF-INSURERS

ADMINISTRATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The regulations adopted by the United States Employees' Compensation Commission and made effective as of May 31, 1938, governing the administration of the Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, as amended, are hereby amended and shall hereafter read and provide as follows:

"SEC. 33.5 *Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.* The applicant for the privilege of self-insurance, as a condition precedent to receiving authorization to

act as a self-insurer, shall give security for the payment of compensation and the discharge of all other obligations under the said Act, in the amount fixed by the Commission, which may be in the form of an indemnity bond with sureties satisfactory to the Commission, or of a deposit of negotiable securities as provided in these regulations. The amount of such security so to be fixed and required by the Commission shall be such as the Commission shall deem to be necessary and sufficient to secure the performance by the applicant of all obligations by the said Act imposed upon him as an employer, but shall not be less than \$10,000 in the case of any one employer. In fixing the amount of such security the Commission will take into account the financial standing of the employer, the nature of the work in which he is engaged, the hazard of the work in which the employees are employed, the pay-roll exposure, and the accident experience as shown in the application and the Commission's records, and any other facts which it may deem pertinent. Additional security may be required at any time in the discretion of the Commission. The indemnity bond which is required by these regulations shall be in such form, and shall contain such provisions, as the Commission may prescribe: *Provided*, That only corporations may act as sureties on such indemnity bonds. In each case in which the surety on any such bond is a surety company, such company must be one approved by the United States Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies."

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. McCAULEY,  
Secretary.

APRIL 20, 1939.

[F. R. Doc. 39-1405; Filed, April 26, 1939; 9:52 a. m.]

PART 61—GENERAL ADMINISTRATIVE PROVISIONS

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION LAW

The regulations adopted by the United States Employees' Compensation Commission and made effective as of May 31, 1938, governing the administration of the District of Columbia Workmen's Compensation Law, as amended, are hereby amended and shall hereafter read and provide as follows:

"SEC. 41.1 *General administrative provisions; definitions; interpretation of statute.* (a) Every person subject to, claiming benefits under, or acting under, the provisions of the Longshoremen's and

Harbor Workers' Compensation Act as made applicable to the District of Columbia by the Act of Congress approved May 17, 1928, shall conform to the procedure prescribed therein and in the regulations under this Chapter. Except where otherwise indicated, the references in these regulations to sections of the Act will be to sections of the Longshoremen's and Harbor Workers' Compensation Act. The term 'Commission' as used in this Chapter means the United States Employees' Compensation Commission. The other definitions appearing in section 2 of the Longshoremen's Act, except the definitions of 'employer' and 'employee,' shall be applicable with respect to the regulations promulgated under this Chapter. The responsibility for the administration of the said Act is committed therein to the Commission, which administers the Act through a deputy commissioner appointed by it for the District of Columbia. Except in cases in which the said Act otherwise requires, action upon claims shall be taken by the said deputy commissioner in conformity with law and these regulations. In the absence of controlling court decisions, the said deputy commissioner shall conform with the interpretation of the said Act by the Commission by regulation or otherwise, and such interpretation shall be binding upon him until held invalid by controlling judicial authority.

"(b) The said Act applied in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs. The term 'employer' means every person carrying on any employment in the District of Columbia, and the term 'employee' means every employee of any such person.

"(c) The said Act does not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended; (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer; and (5) any secretary, stenographer, or other person performing any services in the office of any Member of Congress or under the direction, employment, or at the request of any Member of Congress, within the scope of the duties performed by secretaries, stenographers, or such employees of Members of Congress.

"SEC. 41.22 *Transfer of cases.* (a) At any time after a claim has been filed with him, the deputy commissioner may,

with the approval of the Commission, transfer such case to any other deputy commissioner for the purpose of making investigation, taking testimony, making physical examinations or taking such other necessary action therein as may be directed.

"(b) Request for approval of such a transfer of a case may be made by letter to the Commission in which the deputy commissioner shall set forth fully the purpose of such transfer. If such transfer should be approved by the Commission, the deputy commissioner making the transfer shall by letter to the deputy commissioner to whom the case is transferred, give such advice, comments, suggestions or directions as may be needed under the circumstances of the particular case, transmitting to the Commission a copy of such letter. The file of the deputy commissioner, including transcripts of testimony, may be sent to the deputy commissioner to whom the case is transferred, if necessary, for proper action by him. All official papers should be sent by registered mail.

"SEC. 41.24 *Agreed settlements.* (a) In cases under section 8 (c) (21) and section 8 (e) of said Act, whenever the deputy commissioner determines that it is for the best interests of an injured employee entitled to compensation, he may, with the approval of the Commission, approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15 (b) and section 16 of said Act: *Provided*, That the sum so agreed upon shall be payable in instalments as provided in section 14 (b) of said Act, which instalments shall be subject to commutation under section 14 (j) of said Act: *And provided further*, That if the employee should die from causes other than the injury after the Commission has approved an agreed settlement, the sum so approved shall be payable, in the manner herein prescribed, to and for the benefit of the persons enumerated in section 8 (d) of said Act.

"(b) Application for approval of an agreed settlement under section 8 (i) of the said Act shall be made in writing to the deputy commissioner by the parties in interest. The application shall set forth fully all facts necessary to disclose the status of the case and the reason for seeking approval of an agreed settlement under said section, as well as the specific terms of such agreed settlement, and shall be accompanied by a report of examination of the employee, if a recent report is not of record in the office of the deputy commissioner. Such application, including all supporting papers, shall be submitted in duplicate.

"(c) If the case is one coming within the purview of section 8 (c) (21) or section 8 (e) of said Act, and the deputy commissioner should determine that the proposed agreed settlement according to such application is for the best interests

of the injured employee, the deputy commissioner shall transmit to the Commission a copy of the proposed agreed settlement, together with a statement of his recommendation to such effect. The deputy commissioner shall transmit to the Commission his complete file in the case. If the disability as found in the last compensation order filed in the case is not of such character and quality as to bring the case within the purview of section 8 (c) (21) or section 8 (e), the deputy commissioner shall file a compensation order making necessary findings of fact relative to the character and quality of disability and to the current wage-earning capacity of the employee. If such course is not practical, the deputy commissioner may in his communication advise the Commission with respect to the probable character and quality of disability according to the most recent evidence received and shall inform the Commission of the probable current wage-earning capacity of the employee. With such recommendation the deputy commissioner shall submit such other information as may bear upon the advisability of approving the agreed settlement.

"(d) Section 8 (i) was intended to furnish a legal basis for agreement as to the payment of compensation for probable future disability, principally in cases in which the symptoms of disability are largely subjective, the extent of loss of wage-earning capacity due to such disability is difficult to determine, and where the compensation rate is likely to fluctuate and be subject to change over long periods of time. This section was not intended to furnish generally a basis for the settlement of claims or as a mere convenience in disposing of cases."

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. McCauley,  
Secretary.

APRIL 20, 1939.

[F. R. Doc. 39-1403; Filed, April 26, 1939; 9:52 a. m.]

#### PART 63—AUTHORIZATION OF SELF-INSURERS

##### DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION LAW

The regulations adopted by the United States Employees' Compensation Commission and made effective as of May 31, 1938, governing the administration of the District of Columbia Workmen's compensation law, as amended, are hereby amended and shall hereafter read and provide as follows:

"SEC. 43.5 *Decision upon application of employer; furnishing of indemnity bond or deposit of negotiable securities required.* The applicant for the privi-

lege of self-insurance, as a condition precedent to receiving authorization to act as a self-insurer, shall give security for the payment of compensation and the discharge of all other obligations under the said law, in the amount fixed by the Commission, which may be in the form of an indemnity bond with sureties satisfactory to the Commission, or of a deposit of negotiable securities as provided in these regulations. The amount of such security so to be fixed and required by the Commission shall be such as the Commission shall deem to be necessary and sufficient to secure the performance by the applicant of all obligations by the said law imposed upon him as an employer, but shall not be less than \$15,000, if an indemnity bond is filed, or \$10,000, if negotiable securities are deposited, in the case of any one employer. In fixing the amount of such security the Commission will take into account the financial standing of the employer, the nature of the work in which he is engaged, the hazard of the work in which the employees are employed, the pay-roll exposure, and the accident experience as shown in the application and the Commission's records, and any other facts which it may deem pertinent. Additional security may be required at any time in the discretion of the Commission. The indemnity bond which is required by these regulations shall be in such form, and shall contain such provisions, as the Commission may prescribe: *Provided*, That only corporations may act as sureties on such indemnity bonds. In each case in which the surety on any such bond is a surety company, such company must be one approved by the United States Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies."

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. McCAULEY,  
Secretary.

APRIL 20, 1939.

[F. R. Doc. 39-1404; Filed, April 26, 1939; 9:52 a. m.]

#### TITLE 29—LABOR

##### WAGE AND HOUR DIVISION

#### PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS PURSUANT TO SECTION 11 (C) OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations, Part 516 (Regulations on Records To Be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act of 1938),<sup>1</sup> is hereby issued. Said amendment amends Section 516.1,

<sup>1</sup> 3 F. R. 2533 DI; 4 F. R. 1211 DI.

by adding thereto a new paragraph which relates to certain additional records and reports with respect to employees employed by an employer in pursuance of the provisions of Section 7 (b) (1) or Section 7 (b) (2) of the Fair Labor Standards Act. Said amendment shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed or modified by regulations hereafter made and published by me.

Signed at Washington, D. C., this 25th day of April 1939.

ELMER F. ANDREWS,  
Administrator.

**SECTION 516.1 Records required.** Every employer subject to any provisions of the Fair Labor Standards Act or any order issued under this act shall make and preserve records containing the following information with respect to each person employed by him, with the exception of those specified in sections 13 (a) (3), 13 (a) (4), 13 (a) (5), 13 (a) (6), 13 (a) (8), 13 (a) (9), and 13 (a) (10) of the act:

- (a) Name in full.
- (b) Home address.
- (c) Date of birth if under 19.
- (d) Hours worked each workday and each workweek.
- (e) Regular rate of pay and basis upon which wages are paid.<sup>1</sup>
- (f) Wages at regular rate of pay for each workweek, excluding extra compensation attributable to the excess of the overtime rate over the regular rate.<sup>1</sup>
- (g) Extra wages for each workweek attributable to the excess of the overtime rate over the regular rate.<sup>1</sup>
- (h) Additions to cash wages at cost, or deductions from stipulated wages in the amount deducted or at the cost of the item for which deduction is made, whichever is less.<sup>2</sup>
- (i) Total wages paid for each workweek.
- (j) Date of payment.

*Provided, however,* That with respect to employees specified in section 13 (b) of the act, records referred to in paragraphs (f) and (g) of this section shall not be required; and

<sup>1</sup>These three items of information are only required when overtime is worked by the employee.

<sup>2</sup>This information is required only where the cash wage actually paid is less than the minimum wage required by the act. The reasonable cost of board, lodging, and other facilities as part of wages, is defined and delimited by regulations of the Wage and Hour Division: Part 531 (Regulations determining the reasonable cost of board, lodging, and other facilities pursuant to sec. 3 (m) of the Fair Labor Standards Act). This matter is dealt with further in Interpretative Bulletin No. 3 of the Wage and Hour Division.

*Provided further,* That with respect to employees who are specified in section 13 (a) (2) of the act and employees who are defined in regulations of the Wage and Hour Division: Part 541—(Regulations defining and delimiting the terms "any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman" pursuant to sec. 13 (a) (1) of the Fair Labor Standards Act)—employers need make and preserve records containing the following information only:

- (a) Name in full.
- (b) Home address.
- (c) Occupations.

*Provided further,* That with respect to employees employed or purported to be employed by an employer in pursuance of the provisions of Section 7 (b) (1) or Section 7 (b) (2) of the Fair Labor Standards Act, employers shall comply with each of the following additional requirements:

(a) Keep and preserve a copy of each collective bargaining agreement which entitles or purports to entitle an employer to employ any of his employees in pursuance of the provisions of Section 7 (b) (1) or Section 7 (b) (2) of the Fair Labor Standards Act.

(b) Report and file with the Administrator at Washington, D. C., within thirty days after such collective bargaining agreement has been made, a copy of each such collective bargaining agreement. Likewise, a copy of each amendment or addition thereto shall be reported and filed with the Administrator at Washington, D. C. within thirty days after such amendment or addition has been agreed upon. If any such collective bargaining agreement, or amendment or addition thereto, was made prior to the 25th day of April 1939, a copy thereof shall be reported and filed with the Administrator at Washington, D. C. on or before the 26th day of May, 1939. The reporting and filing of any collective bargaining agreement or amendment or addition thereto shall not be construed to mean that such collective bargaining agreement or amendment or addition thereto is a collective bargaining agreement within the meaning of the provisions of Section 7 (b) (1) or Section 7 (b) (2).

(c) Make and preserve a record designating each employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.\*

[F. R. Doc. 39-1414; Filed, April 26, 1939; 11:47 a. m.]

\*This Section 516.1 as amended April 25, 1939, issued under the authority contained in section 11 (c), 52 Stat. 1060.

TITLE 43—PUBLIC LANDS  
DIVISION OF GRAZING  
NEW MEXICO GRAZING DISTRICT No. 6  
MODIFICATION

MARCH 28, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 6, is hereby revoked so far as it affects any public land within the following-described area, effective upon its inclusion in the Hope Land Use Adjustment Project:

*New Mexico Principal Meridian.*

T. 17 S., R. 21 E., W $\frac{1}{2}$  sec. 1, secs. 2, 11 to 15 inclusive, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 22, secs. 23, 24, 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  sec. 26, sec. 36;  
T. 18 S., R. 21 E., N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec. 1, E $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 12;  
T. 17 S., R. 23 E., secs. 7, 8, 17 to 22 inclusive, 27 to 33 inclusive, NE $\frac{1}{4}$ , W $\frac{1}{2}$  sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 35;  
T. 18 S., R. 23 E., NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 3, secs. 4, 5, and 6, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 7, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 8, NW $\frac{1}{4}$  sec. 9.

HARRY SLATTERY,  
Acting Secretary of the Interior.

[F. R. Doc. 39-1407; Filed, April 26, 1939; 10:52 a. m.]

TITLE 46—SHIPPING  
BUREAU OF MARINE INSPECTION  
AND NAVIGATION  
ELECTRICAL EQUIPMENT, ETC., VESSELS  
CONSTRUCTED AFTER JANUARY 1, 1939

EQUIPMENT APPROVED

Pursuant to the authority of Section 4405 of the Revised Statutes, the Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, Department of Commerce, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District, and Chester W. Willett, Supervising Inspector of the Sixth District, met in the office of the Supervising Inspector of the Second District, 45 Broadway, New York City, on March 29-30, 1939, the following resolutions were adopted by the Executive Committee and were approved by the Secretary of Commerce:

The amendment to Sections 663.9, 679.9, 697.11 and 716.16 as published in 4 F. R. 1016 DI of February 25, 1939 is hereby amended by deleting the last paragraph and by inserting the following two paragraphs in its stead:

The type of electrical equipment and the types of electric cables to be used in the various parts of all vessels constructed after January 1, 1939, shall be in accordance with the "Recommended

Practice for Electrical Installations on Shipboard," A. I. E. E. Standard No. 45, December 1938, 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 two paragraphs 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)

The following equipment was approved for use on vessels subject to inspection:

#### Life Preservers

4347. Adult cork life preserver, manufactured by the Rose Company, 1413 Flatbush Avenue, Brooklyn, New York.

4347. Adult Balsa wood life preserver, manufactured by the Rose Company, 1413 Flatbush Avenue, Brooklyn, New York.

4449. Adult and child balsa wood life preserver, manufactured by the Acme Products, Inc., 152-155 Brewery Street, New Haven, Connecticut.

4431. Adult combination balsa wood and kapok life preserver and child combination balsa wood and kapok life preserver manufactured by The American Pad and Textile Company, Greenfield, Ohio.

4431. Adult Type A, Adult Type B, Adult Type AAA, Child Type AA, and Child Type BB kapok life preservers, manufactured by The American Pad and Textile Company, Greenfield, Ohio.

4449. Child kapok life preserver manufactured by the Acme Products, Inc., 152-155 Brewery Street, New Haven, Connecticut.

#### Searchlights

3738. One-Mile-Ray, Type N, searchlight of the Portable Light Company, Inc., 23 Warren Street, New York, New York.

#### Lifeboat Winches

3214. Barclay Lifeboat winch of the Landley Co., Inc., 15 Park Row, New York, New York (approved for loads not exceeding 18,000 lbs. direct pull at the drum).

#### Lifeboat Davits

3214. Barclay Gravity davit of the Landley Co., Inc., 15 Park Row, New York, N. Y.

#### Fire Detecting Thermostats

3254. Improved fire-detecting thermostat, 140° F. and 160° F. types of the

Improved Fire Detector Corp., 422 Equitable Bldg., Baltimore, Md.

#### Fire Extinguishers

3232. Stop-Fire 1-quart carbon tetrachloride fire extinguisher of the Empire Fire Equipment Manufacturing Company, 2207 41st Avenue, L. I. C., New York, New York.

#### Self-Igniting Water Light

3788. Electric water light of the Sculler Safety Corp., 112 Mercer Street, New York, New York.

[SEAL] R. S. FIELD, *Director.*

GEORGE FRIED,

*Supervising Inspector, 2nd District.*

CHESTER W. WILLETT,

*Supervising Inspector, 6th District.*

April 25, 1939.

Approved:

J. M. JOHNSON,

*Acting Secretary of Commerce.*

[F. R. Doc. 39-1417; Filed, April 26, 1939; 11:56 a. m.]

#### Notices

#### DEPARTMENT OF AGRICULTURE.

##### Agricultural Adjustment Administration.

##### ORDER TERMINATING LICENSE FOR MILK, LINCOLN, NEBRASKA, SALES AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of Public Act No. 10, 73d Congress, as amended, issued on the 16th day of March 1934, a license for milk—Lincoln, Nebraska, sales area, effective the 17th day of March 1934, which license has since been amended; and

Whereas, the Secretary of Agriculture has determined to terminate said license;

Now, therefore, F. W. Reichelderfer, Acting Secretary of Agriculture, acting under the authority vested in him by the terms and provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and pursuant to the terms and provisions of said license, as amended, hereby terminates said license, effective as of the 30th day of April 1939.

None of the obligations which have arisen or which may hereafter arise in connection with, by virtue of, or pursuant to the operation of said license prior to the effective date of this termination shall be affected, waived, or terminated hereby.

In witness whereof, I, F. W. Reichelderfer, Acting Secretary of Agriculture of the United States of America, have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city

of Washington, District of Columbia, this 25th day of April 1939.

[SEAL] F. W. REICHELDERFER,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-1419; Filed, April 26, 1939; 12:14 p. m.]

#### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 215]

IN THE MATTER OF AN APPLICATION BY UNITED AIR LINES TRANSPORT CORPORATION AND WESTERN AIR EXPRESS CORPORATION UNDER SECTION 408 (B) AND/OR 412 (B), FOR APPROVAL OF AN AGREEMENT, C. A. A. No. 102, RELATING TO THE INTERCHANGE OF SLEEPER AIRPLANES AT SALT LAKE CITY, UTAH

NOTICE OF POSTPONEMENT OF HEARING

APRIL 24, 1939.

Public hearing in the above-entitled matter now assigned for May 1, 1939, at 10:00 o'clock a. m. (Eastern Standard Time),<sup>1</sup> is hereby postponed to May 8, 1939, at 10:00 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St., N. W., Washington, D. C. before Examiner F. W. Brown.

F. W. BROWN,  
*Examiner.*

[F. R. Doc. 39-1415; Filed, April 26, 1939; 11:48 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. DI-134]

IN THE MATTER OF WISCONSIN PUBLIC SERVICE CORPORATION

ORDER CHANGING PLACE OF HEARING

APRIL 25, 1939.

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

It appearing to the Commission that:

(a) By order adopted March 7, 1939,<sup>1</sup> a public hearing in the above cause was set for May 10, 1939, to be held in Washington, D. C.;

(b) The convenience of the interested parties will be better served if the place of the hearing is changed to Chicago, Illinois;

The Commission orders that:

The place of hearing be changed to Room 988, Merchandise Mart, Chicago, Illinois, and that said hearing be held on May 10, 1939, beginning at 10 o'clock a. m.

By the Commission.

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

[F. R. Doc. 39-1418; Filed, April 26, 1939; 11:58 a. m.]

<sup>1</sup> 4 F. R. 1593 DL

<sup>2</sup> 4 F. R. 1187 DL

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC 29]

SPECIAL OR CHARTERED PARTY SERVICE

ORDER

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of April, A. D. 1939.

The matter of rules and regulations governing special or chartered party service subject to the Motor Carrier Act, 1935, being under consideration; and good cause therefor appearing:

*It is ordered,* That an investigation be, and it is hereby, instituted into the matter of rules and regulations governing transportation by motor vehicle in interstate or foreign commerce of special or chartered parties.

*It is further ordered,* That said proceeding be, and it is hereby, assigned for hearing before Examiner F. W. McM. Woodrow at the office of the Interstate Commerce Commission, Washington, D. C., on the 23rd day of May, A. D. 1939, at 10 o'clock a. m. (standard time).

*It is further ordered,* That notice of this proceeding be duly given.

*And it is further ordered,* That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within ten days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 39-1413; Filed, April 26, 1939; 11:14 a. m.]

[Ex Parte No. MC 29]

SPECIAL OR CHARTERED PARTY SERVICE

NOTICE

APRIL 7, 1939.

On April 7, 1939, Division 5 of the Commission instituted a general investigation into the matter of the rules and regulations governing special or chartered party service subject to the Motor Carrier Act, 1935.

The following draft of proposed rules has been prepared as a basis for discussion of rules on that subject to be adopted by the Commission, and it is suggested that all interested parties direct their efforts principally toward preparing evidence which will bear spe-

cifically on the reasonableness or unreasonableness of these proposed rules.

[SEAL] W. P. BARTEL,  
Secretary.

PROPOSED DRAFT OF REGULATIONS ISSUED PURSUANT TO SECTION 208 (C) OF THE MOTOR CARRIER ACT, 1935, GOVERNING THE TRANSPORTATION OF SPECIAL OR CHARTERED PARTIES BY COMMON CARRIERS BY MOTOR VEHICLE

Rule 1

*Applicability of rules.* These rules shall apply to all common carriers of passengers by motor vehicle lawfully engaged in the transportation of passengers in interstate or foreign commerce over a regular route or routes and between fixed termini, whether so authorized by virtue of a certificate of public convenience and necessity issued by the Commission or by reason of the terms of and compliance with the first proviso of Section 206 (a) of the Motor Carrier Act, 1935. They shall not be applicable to common carriers of passengers authorized under said Act to engage solely in special or charter operations, whose right to conduct such operations shall be limited strictly to the specific authority granted them in their respective certificates issued by the Commission or held by them by reason of the terms of and compliance with the first proviso of said Section 206 (a).

Rule 2

*Definitions.* The term "special or chartered party", as used in these regulations, means a group of persons who, pursuant to a common purpose and under a single contract have acquired the exclusive use of a passenger carrying motor vehicle to travel together as a group for a particular itinerary.

The term "regular route or routes" as used herein, means the specific highway or highways over which a motor carrier of passengers is authorized to operate between fixed termini.

Where any other terms used in these regulations are defined in section 203 (a) of the Motor Carrier Act, 1935, such definitions shall be controlling. Where terms are used in the regulations which are neither defined herein nor in said Section 203 (a) they shall have their ordinary and usual meaning.

Rule 3

*Points of origin.* A common carrier of passengers by motor vehicle subject to these rules may transport special or chartered parties.

(1) which originate at any point on the regular route or routes authorized to be served by such carrier, or

(2) which originate at any place within a radius of ten miles of a point on such regular route or routes if such place of origin is not served by another

common carrier of passengers subject to these rules.

Rule 4

*Points of destination.* Common carriers of passengers by motor vehicle subject to these rules may transport special or chartered parties in interstate or foreign commerce to any place in the United States.

Rule 5

No common carrier of passengers by motor vehicle subject to these rules shall transport passengers to whom individual tickets have been sold or with whom separate and individual transportation arrangements have been made (1) to any destination except those upon the regular route or routes authorized to be served by such carrier, or (2) over any route or routes other than those so authorized to be served by such carrier. The transportation of passengers by any such carrier to any point or points not on such regular route or routes or over any route or routes other than those authorized to be served by such carrier, except as special or chartered parties as herein defined, is not authorized and is hereby forbidden.

Rule 6

No common carrier of passengers by motor vehicle subject to these rules shall transport special or chartered parties as a continuous practice or as a scheduled or periodically repeated service over any regular route or part thereof authorized to be served by another such common carrier but not authorized to be served as a regular route by the carrier performing such transportation.

[F. R. Doc. 39-1412; Filed, April 26, 1939; 11:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of April, 1939.

[File No. 1-1019]

IN THE MATTER OF THE CUBA COMPANY COMMON STOCK NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York 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 Common Stock, No Par Value, of The Cuba Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on May 2, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1410; Filed, April 26, 1939;  
11:08 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 24th day of April, A. D. 1939.

[File No. 43-187]

IN THE MATTER OF AMERICAN WATER WORKS AND ELECTRIC COMPANY, INCORPORATED

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

American Water Works and Electric Company, Incorporated, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of \$8,000,000 aggregate principal amount of its promissory notes, to be secured by certain collateral, to bear interest at 3% per annum and to be payable as follows: \$160,000 semi-annually from the date of issue and the remaining balance five years from such date of issue;

A public hearing having been held on the declaration, as amended, after appropriate notice; the declarant having waived such rights as it might have to a trial examiner's report, to submit proposed findings of fact or to have submitted to it proposed findings by counsel to the Commission, to argue the matter orally before the Commission and the right to file a brief; the Commission having considered the record in this matter, and having made and filed its findings herein:

*It is ordered*, That said declaration, as amended, be and become effective forthwith, subject, however, to the following conditions:

(1) That within ten days after the issuance of all or any of said notes, the declarant shall file with this Commission a certificate or certificates of notification showing that the notes have been issued in the manner represented by the declaration, as amended, and that the proceeds have been expended for the purposes specified;

(2) That within forty days after the entry of the order herein, declarant shall file conformed copies of all remaining

legal documents considered necessary to make effective the resignation of The Chase National Bank of the City of New York, Chemical Bank & Trust Company, and City Bank Farmers Trust Company and the appointment of their respective successor trustees.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1411; Filed, April 26, 1939;  
11:08 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 24th day of April, A. D. 1939.

[File No. 57-5]

IN THE MATTER OF MERRIMAC VALLEY POWER AND BUILDINGS COMPANY

ORDER GRANTING AMENDED APPLICATION

Merrimac Valley Power and Buildings Company, a subsidiary of Massachusetts Utilities Associates which in turn is a subsidiary of New England Power Association, a registered holding company, having filed an amended application pursuant to Rule U-12F-1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 for the approval of the sale of certain utility assets to Amesbury Electric Light Company, also a subsidiary of Massachusetts Utilities Associates for the sum of \$215,751 in cash;

A hearing on such applications as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That said amended application be, and the same hereby is, granted, subject however, to the following terms and conditions:

1. That the sale of the aforesaid utility assets shall be effected in accordance with the terms and conditions of, and for the purposes represented by, said application as amended, and in compliance with the terms and conditions imposed by the order of the Department of Public Utilities of the Commonwealth of Massachusetts.

2. That such approval shall immediately terminate without further order of this Commission in the event that the express authorization of the Department of Public Utilities of the Commonwealth of Massachusetts of the sale of the aforesaid utility assets shall be revoked or shall otherwise terminate.

3. That within ten days after such sale, the applicant shall file with this Commission a certificate of notification showing that such sale has been effected in accordance with the terms and conditions

of, and for the purposes represented by said application as amended, and in compliance with the terms and conditions imposed by the order of the Department of Public Utilities of the Commonwealth of Massachusetts.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1409; Filed, April 26, 1939;  
11:08 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 25th day of April, A. D. 1939.

[File No. 32-136]

IN THE MATTER OF MONTAUP ELECTRIC COMPANY, BLACKSTONE VALLEY GAS AND ELECTRIC COMPANY, AND EASTERN UTILITIES ASSOCIATES

ORDER RELATIVE TO ISSUE AND SALE OF NOTE

Montaup Electric Company, a subsidiary of Eastern Utilities Associates, a registered holding company, having filed an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issue and sale of a 5 Year Non-Interest Bearing Promissory Note in the principal amount of \$3,000,000 to be dated as of the 25th day of March, 1939;

Blackstone Valley Gas and Electric Company, also a subsidiary of Eastern Utilities Associates, having filed an application pursuant to Section 10 of the Act for the approval of the acquisition by it of the aforesaid promissory note;

Eastern Utilities Associates having filed an application pursuant to Rule U-12D-1 of the General Rules and Regulations under the Act for the approval of the pledge of the aforesaid promissory note;

A joint hearing having been held on said applications as amended, after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings herein;

*It is ordered*, That the issue and sale of the 5 Year Non-Interest Bearing Promissory Note by Montaup Electric Company be and the same hereby is exempted from the provisions of Section 6 (a) of the Act;

*It is further ordered*, That the acquisition of the aforesaid note by Blackstone Valley Gas and Electric Company be and the same hereby is approved;

*It is further ordered*, That the pledge of such note be and the same hereby is approved;

*It is further ordered*, That this order be subject to the following terms and conditions:

(1) That all acts in connection with said applications shall be performed in



all respects as set forth in, and for the purposes represented by, said applications; and

(2) That in the event that the order of the Department of Public Utilities of the Commonwealth of Massachusetts authorizing the issuance of the note shall be revoked, rescinded, or otherwise terminated the exemption granted herein shall immediately terminate without

further notice or order of this Commission; and

(3) That within ten days after the issuance of the securities referred to herein and the acquisition of the note by Blackstone and the pledge of such note the applicants shall respectively file with this Commission certificates of notification showing that such issuance and sale and acquisition and pledge have

been effected in accordance with the terms and conditions of, and for the purposes represented by, said applications.

By the Commission.

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

[F. R. Doc. 39-1408; Filed, April 26, 1939;  
11:08 a. m.]