

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 5
NUMBER 194

Washington, Friday, October 4, 1940

The President

REGISTRATION DAY—HAWAII
BY THE PRESIDENT OF THE UNITED STATES
A PROCLAMATION

WHEREAS the Congress has enacted, and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the said Act contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of

foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

WHEREAS such proclamation provides that "The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

1. The first registration under the Selective Training and Service Act of 1940 for the Territory of Hawaii shall take place in such Territory on Saturday, the twenty-sixth day of October, 1940, be-

15 F.R. 3699.

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Published daily, except Sundays, Mondays, and days following legal holidays 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. 500), under regulations prescribed by the Administrative Committee, approved by 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 \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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tween the hours of 7:00 A. M. and 9:00 P. M.

2. Every male person (other than persons excepted by section 5 (a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940) who is a citizen of the United States residing in, or on October 26, 1940, is within, the Territory of Hawaii or who is an alien residing in such Territory, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in the Territory of Hawaii who is not within such Territory on the registration date fixed herein shall within five days after his return to such Territory present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545 of September 23, 1940, shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. I call upon the Governor of the Territory of Hawaii to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

5. I further call upon the Governor of the Territory of Hawaii and all officers and agents of the Territory of Hawaii and subdivisions thereof to do and perform all acts and services necessary to accom-

plish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal, Territorial, and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this first day of October in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.
[No. 2430]

[F. R. Doc. 40-4136; Filed, October 3, 1940; 10:29 a. m.]

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS TO THE SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT

WHEREAS I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof, the herein-after-described lands of the United States now under the supervision of the Secretary of Agriculture:

NOW, THEREFORE, by virtue of the authority vested in me by section 45 of the said Bankhead-Jones Farm Tenant Act, it is ordered that all the right, title, and interest of the United States in the following-described lands, comprising the Saluda Garden Homes Project of the Farm Security Administration of the Department of Agriculture, in Oconee County, South Carolina, be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Act and the related provisions of Title IV thereof:

Lands conveyed to the United States by Birdie L. Patterson et al. and by Wm. B. Earle, Master, under deeds dated June 7, 1939, and January 26, 1940, respectively, and recorded with the Register of Mesne Conveyance for Oconee County, South Carolina, on January 26, 1940, in Vol. 4-V of Deeds, at pages 518 and 520, respectively, and containing 85.67 acres, more or less.

Lands conveyed to the United States by Mrs. H. A. (Alice Hewell) Stephens, Emory P. Stephens, Ralph O. Stephens, Andrew J. Stephens, Gladys Stephens McNichols, Kitty Stephens Cravens, and Alicia Stephens Luetgens, under deeds dated July 12, 1938, and recorded with the Register of Mesne Conveyance for Oconee County, South Carolina, on October 12, 1938, in Vol. 4-R of Deeds, at pages 582 and 585, respectively, and containing 38.50 acres, more or less, and 43.00 acres, more or less, respectively.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
October 1st, 1940.

[No. 8558]

[F. R. Doc. 40-4127; Filed, October 2, 1940;
4:04 p. m.]

Rules, Regulations, Orders

TITLE 24—HOUSING CREDIT CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 362]

PART 403—PROPERTY MANAGEMENT REFUND OF SALES DEPOSITS

Section 403.10-15¹ is amended as follows:

The last sentence of the first paragraph is amended to read:

If the Regional Office directs rejection of the offer or if the offer is rejected by the State Manager, he shall promptly return such deposit item to the party or parties entitled thereto, either directly or through the Contract Sales Broker, and advise the broker and all interested parties of such rejection.

The second paragraph is amended by adding the following sentence at the end thereof:

Such refunds shall be made by check of the Corporation and shall be made to the party or parties entitled thereto, either directly or through the Contract Sales Broker, and the broker and all interested parties shall be advised of such rejection.

The last sentence of the third paragraph is amended to read:

Upon advice from the Regional Manager that the agreement for sale has been executed on behalf of the Corporation, the Regional Treasurer shall promptly deposit such item; upon advice from the Regional Manager that the agreement for sale has been rejected by the Corporation, the Regional Treasurer shall promptly transmit such safekeeping item

¹ Appears as § 403.10-14 at 4 F.R. 4435. Renumbered by Administrative Order 319, appearing at 4 F.R. 4434.

to the Regional or State Sales Section, from which he received it, and the Regional or State Sales Section shall thereupon promptly return such deposit to the party entitled thereto, either directly or through the Contract Sales Broker, and advise the broker and all other interested parties of such rejection.

(Effective date October 15, 1940)

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

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-4126; Filed, October 2, 1940;
2:48 p. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. FD. A-4]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

PETITION OF PENNSYLVANIA COAL & COKE CORPORATION, A PRODUCER IN DISTRICT NO. 1, FOR ESTABLISHMENT OF MINIMUM PRICES FOR ADDITIONAL SIZE GROUPS

Order Granting Temporary Relief and Conditionally Providing for Final Relief

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by the Pennsylvania Coal & Coke Corporation, a Code Member in District No. 1, with the Bituminous Coal Division of the Department of the Interior, requesting the establishment of an "E" classification in Size Groups 1, 2, 4 and 5 for coal produced at its Pennsylvania No. 55 mine for preparation and shipment over the tippie of its Pennsylvania No. 21-22 mine pending disposition of the original petition herein; and

The Acting Director having fully considered said petition and the views expressed in support thereof, and there having been no opposition thereto,

Now, therefore, it is ordered, That the petition for a preliminary or temporary order is granted; and

It is further ordered, That pending the final disposition of the original petition herein, this section (the schedule of effective minimum prices for District No. 1 for all shipments except truck, § 327.1, *Alphabetical list of code members*), be and the same hereby is amended by adding the following:

Mine Index No. 378-379-382.

Code member—Pennsylvania Coal & Coke Corporation.

Mine name—Penna. #55-21-22 Mixed.
Subdist. No. 16.
Seam D.
Freight origin group No. 60.
Classifications and size group Nos. 1, E; 2, E; 4, E; 5, E.

It is further ordered, That pending the final disposition of the original petition herein, this section (the schedule of effective minimum prices for District No. 1 for all shipments except truck, § 321.24, *General prices*), be and the same hereby is amended by adding the following:

Name—Pennsylvania Coal & Coke Corporation.
Mine index No. 378-379-382.
Mine—Penna. #55-21-22 mixed.
Subdist. No. 16.
Seam D.
Size group Nos. 1, 250; 2, 225; 4, 215; 5, 205.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within 45 days hereof, pursuant to the rules and regulations governing practice and procedure before the Division in proceedings instituted pursuant to section 4 II (d) of the Act, and that this order and the relief herein granted shall become final 60 days from the date hereof unless the Director shall otherwise order.

Dated, October 1, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4124; Filed, October 2, 1940;
12:37 p. m.]

TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

AMENDMENT

The Commission on October 1, 1940, effective immediately, amended § 5.21 (d) (5) to read as follows:

(5) In any case where there is a possibility of interference with the regular service of existing licensees on the frequencies sought to be used experimentally (under provisions of § 5.21 (d)) the applicant may submit a statement from the licensees of stations on such frequency, or in a case of a frequency on which transmissions are received in the United States, a statement from the person receiving signals on that frequency, that no interference will be caused by the experimental use of the frequency as requested which will adversely affect the use of the frequency by such licensee. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4145; Filed, October 3, 1940;
11:28 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER RESCINDING FOREIGN COMMERCE ORDERS NOS. 3, 4, AND 5 RELATING TO WATER CARRIERS, RAIL CARRIERS, AND RAIL STATIONS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of September, A. D. 1940

It appearing, That, pursuant to the provisions of section 25 of the Interstate Commerce Act, the Commission on May 13, 1922, issued Foreign Commerce Order No. 3, promulgating regulations for water carriers in foreign commerce, and Foreign Commerce Order No. 4, promulgating regulations for rail carriers in connection with such commerce, and that on August 7, 1922, the Commission issued Foreign Commerce Order No. 5, designating the rail stations at which information relative to the handling of export shipments shall be maintained and from which rail carriers shall issue through bills of lading to the foreign destination;

It further appearing, That by section 14 (a) of Title I of the Transportation Act of 1940, section 25 of the Interstate Commerce Act, as amended, has been repealed;

It is ordered, That said Foreign Commerce Orders Nos. 3 and 4 of May 13, 1922 and said Foreign Commerce Order No. 5 of August 7, 1922 be, and they are hereby rescinded.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-4142; Filed, October 3, 1940; 11:26 a. m.]

[Ex Parte No. MC-3]

IN THE MATTER OF NEED FOR ESTABLISHING REASONABLE REQUIREMENTS TO PROMOTE SAFETY OF OPERATION OF MOTOR VEHICLES USED IN TRANSPORTING PROPERTY BY PRIVATE CARRIERS

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of September, A. D. 1940.

It appearing, That by order entered July 30, 1936, as amended by order entered October 31, 1938, the Commission entered into an investigation in and concerning the matter of establishing for private carriers of property engaged in interstate or foreign commerce, if need therefor is found, reasonable requirements to promote safety of operation and to that end prescribe qualifications and maximum hours of service of employees and standards of equipment;

It further appearing, That a full investigation of the matters and things

involved was had and that the Commission, by Division 5, on May 1, 1940,¹ made and filed a report containing its findings of fact and conclusions thereon and on the same date entered an order prescribing regulations to promote the safety of operation by private carriers of property engaged in interstate or foreign commerce effective August 1, 1940;

It further appearing, That the Commission, Division 5, by order of July 19, 1940, postponed the effective date of said regulations to October 1, 1940, and by order of September 21, 1940,² further postponed the effective date to October 15, 1940;

And it further appearing, That the National Council of Private Motor Truck Owners, Inc., filed a petition requesting modification of certain of the rules so prescribed, and that on the date hereof the Commission, by Division 5, has made and filed a report granting said petition in part, which report and the said report of May 1, 1940, containing its findings of fact and conclusions thereon, are hereby referred to and made a part hereof;

It is ordered, That the order of the Commission, Division 5, entered May 1, 1940, in the above entitled proceedings be, and it is hereby, vacated and set aside;

It is further ordered, That Parts 1, 2, 3, and 6 of the motor carrier safety regulations prescribed by the Commission in Ex Parte No. MC-4, by order entered May 27, 1939,³ 14 M.C.C. 669, and the hours of service regulations prescribed by the Commission in Ex Parte No. MC-2, by order entered February 8, 1939,⁴ 11 M.C.C. 203, and designated as Part 5 of said safety regulations, which said regulations are hereby referred to, adopted and incorporated in this order as fully as if they were herein repeated, and as hereinafter amended, be, and they are hereby, prescribed for private carriers engaged in the transportation of property in interstate or foreign commerce, including the operations of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm (section 203 (b) (4a)), except that:

1. Part 4 of said safety regulations shall not apply to any private carrier of property;

2. Rules 5 (b) and 6 (b) of Part 5 of said regulations shall not apply to any private carrier of property;

3. Parts 1, 2, 3, and 6 of said safety regulations shall not apply to motor vehicles of private carriers of property and the drivers thereof while such vehicles are used in the transportation of property in interstate or foreign commerce wholly within a municipality or

between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

It is further ordered, That Rule 1.28 of said safety regulations be, and it is hereby, amended by adding at the end thereof the following:

Provided, however, That a person between the ages of eighteen and twenty-one may be permitted to drive a motor vehicle controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof or in the transportation of supplies to his farm, if such vehicle does not exceed a gross weight, including the load, of 10,000 pounds.

It is further ordered, That Rules 1.31 and 3.4 of the motor carrier safety regulations insofar as they apply to private carriers of property, be, and they are hereby, amended by eliminating the date of January 1, 1940, and substituting in lieu thereof, October 15, 1940;

It is further ordered, That Rules 1.31 and 2.36 of the said safety regulations be, and they are hereby, amended by adding at the end of each rule the following:

Provided, however, That this rule shall not apply to the operation of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm.

It is further ordered, That Rule 1 (d) of said hours of service regulations be, and it is hereby, amended by inserting the following after the first sentence thereof:

For the purpose of computing an interval in excess of 10 minutes, all stops made in any one village, town or city by a driver of a motor vehicle operated by a private carrier of property may be computed as one if the driver has not driven or operated the motor vehicle more than 10 miles in such village, town or city.

It is further ordered, That Rule 3 (a) of said hours of service regulations be, and it is hereby, amended by adding at the end thereof the following:

Provided, however, That this rule shall not apply with respect to drivers of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; nor shall it apply with respect to driver-salesmen employed by private carriers of property who devote more than 50 percent of their time to selling and less than 50 percent to such work as driving, loading, unloading, and the like.

It is further ordered, That Rule 3 (b) of said hours of service regulations be, and it is hereby, amended by adding at the end of said rule the following:

¹ 5 F.R. 1672.

² 5 F.R. 3812.

³ 4 F.R. 2294.

⁴ 4 F.R. 1018.

Provided, however, That no driver of a motor vehicle controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm, shall be permitted or required to drive such motor vehicle for more than an aggregate of 50 hours in any week, as defined in paragraph (e) of Rule 1 of said regulations: *Provided further, however, That no driver-salesman employed by a private carrier of property who devotes more than 50 percent of his time to selling and less than 50 percent to such work as driving, loading, unloading, and the like, shall be permitted or required to drive or operate a motor vehicle for more than an aggregate of 50 hours in any week as defined in paragraph (e) of Rule 1 of said regulations.*

It is further ordered, That Rule 5 (a) of said hours of service regulations, as amended by the Commission's order entered July 30, 1940, be, and it is hereby, amended, insofar as it applies to private carriers of property, by adding at the end of the first proviso thereof and after the word "municipalities", the following:

or within a zone adjacent to and commercially a part of any such municipality or municipalities.

It is further ordered, That Rule 5 (a) of said hours of service regulations, as amended by the Commission's order entered July 30, 1940,⁵ be, and it is hereby, amended by adding at the end of said rule the following:

Provided further, however, That this rule shall not apply with respect to drivers of farm trucks or to drivers of motor vehicles of private carriers of property commonly called work trucks or work cars which are especially designed or equipped for use and are used solely in the construction or maintenance of their plants and equipment.

And it is further ordered, That the regulations herein prescribed for private carriers engaged in the transportation of property in interstate or foreign commerce shall be effective on and after October 15, 1940.

By the Commission, division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-4143; Filed, October 3, 1940;
11:26 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

NECEDAH NATIONAL WILDLIFE REFUGE, WISCONSIN

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924,

⁵ 5 F. R. 2797.

43 Stat. 98, and of section 10 of the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II' (53 Stat. 1431), and in extension of regulation 9 of the Regulations of November 23, 1937,² for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, which said Bureau was, on June 30, 1940, by virtue of Reorganization Plan No. III,³ consolidated with the Bureau of Fisheries under the title "Fish and Wildlife Service", the following regulations permitting and governing hunting of upland game birds within the Necedah National Wildlife Refuge, Wisconsin, are made and prescribed:

§ 26.678 *Permitting and governing hunting of upland game birds within certain areas of the Necedah National Wildlife Refuge, Wisconsin.* Upland game birds of species authorized by the Conservation Department of Wisconsin to be taken in the open seasons prescribed therefor by said Department during the remainder of the calendar year 1940 may be taken on lands of the United States within the exterior boundaries of the Necedah National Wildlife Refuge, Wisconsin, in sections 1, 2, 11 to 14, inclusive, 23, 24, and 26, T. 19 N., R. 2 E.; sections 35 and 36, T. 20 N., R. 2 E.; and sections 8, 9, 10, 15, 16, 17, S½ section 18, sections 19 to 23, inclusive, and those parts of sections 27, 28, 29, 34, and 35 lying north and east of Becker Road, T. 19 N., R. 3 E.; Fourth Principal Meridian; under the following special provisions, conditions, restrictions, and requirements:

(a) *Compliance with State laws and regulations.* Any person who hunts on the area of the refuge hereinbefore specified shall be in possession of a valid hunting license issued by the State of Wisconsin, and shall comply in every respect with the State laws and regulations governing hunting of the aforesaid upland game birds. Said license shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license must be exhibited upon the request of any representative of the Wisconsin State Conservation Department authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee must also upon request of any of the aforesaid representatives exhibit for inspection all birds and other wildlife killed by him or in his possession. Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of these regulations will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

¹ 4 F. R. 2731.

² 2 F. R. 2537.

³ 5 F. R. 2107.

(b) *Disorderly conduct, intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(c) *Entry upon refuge—firearms.* Persons entering the refuge for the purpose of hunting shall use such established routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shells on the refuge is prohibited.

HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 23, 1940.

[F. R. Doc. 40-4130; Filed, October 3, 1940;
9:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 144,
WYOMING No. 18, REDUCED

SEPTEMBER 24, 1940.

Departmental order of June 30, 1934, which withdrew the following-described land in Wyoming as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18, under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked:

Sixth Principal Meridian

T. 39 N., R. 79 W.,
sec. 9, S½NW¼ and S½,
sec. 10, N½SW¼ and SW¼SW¼;
aggregating 520 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of
the Interior.

[F. R. Doc. 40-4132; Filed, October 3, 1940;
9:53 a. m.]

STOCK DRIVEWAY WITHDRAWALS Nos.
128 and 144, WYOMING Nos. 13 and 18,
MODIFIED

SEPTEMBER 24, 1940.

It appearing that Stock Driveway Withdrawals Nos. 128 and 144, Wyoming Nos. 13 and 18, should be modified by adding certain lands thereto and by releasing certain lands therefrom, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that the following-described public lands, excepting any mineral deposits

therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as additions to such driveway reservations, subject to valid existing rights:

Sixth Principal Meridian

T. 38 N., R. 82 W.
lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, sec. 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 11,
SW $\frac{1}{4}$ sec. 13, NE $\frac{1}{4}$ sec. 24;
T. 39 N., R. 82 W.,
E $\frac{1}{2}$ sec. 27, E $\frac{1}{2}$ sec. 28, E $\frac{1}{2}$ sec. 34;
T. 39 N., R. 83 W.,
S $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 12;
T. 40 N., R. 84 W.,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 22, E $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 27; E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 28,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 34, SW $\frac{1}{4}$ sec. 35;
T. 40 N., R. 86 W.,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 1;
T. 41 N., R. 86 W.,
lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 23;
aggregating 2,077.03 acres

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And departmental orders of withdrawal of March 18, 1920, April 20, 1921, and June 6, 1922, for stock driveway purposes are hereby revoked so far as they affect the following-described lands:

T. 37 N., R. 81 W.,
lots 4, 5, 6, and 7 sec. 6;
T. 38 N., R. 81 W.,
lots 1, 2, 3, and 4 sec. 31;
T. 38 N., R. 82 W.,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 14;
T. 39 N., R. 82 W.,
lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 1, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 2, SE $\frac{1}{4}$ sec. 3, all sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 19, S $\frac{1}{2}$ S $\frac{1}{2}$ sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 21;
T. 39 N., R. 83 W.,
S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 12;
aggregating 2,425.27 acres.

W. C. MENDENHALL,
Acting Assistant Secretary
of the Interior.

[F. R. Doc. 40-4131; Filed, October 3, 1940;
9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. A-142 O-142]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 4, AS AMENDED, REGULATING HANDLING OF MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary tentatively approved, on January 19, 1940, a marketing agreement, as amended, and thereafter

issued an order,¹ as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, effective February 4, 1940; and

Whereas various interested parties have proposed certain amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended; and

Whereas the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend said tentatively approved marketing agreement, as amended, and said order, as amended; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,² of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposal to amend the tentatively approved marketing agreement, as amended, and Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, beginning at 10:00 a. m., e. s. t., on October 14, 1940, in the State House, Montpelier, Vermont; at 10:00 a. m., e. s. t., on October 16, 1940, in the Senate Chamber, State House, Augusta, Maine; and at 10:00 a. m., e. s. t., on October 17, 1940, in the Gardiner Auditorium, State House, Boston, Massachusetts.

This public hearing is for the purpose of receiving evidence relative to proposals to (1) increase the price of Class I milk, (2) revise the formula for Class II milk, (3) provide for payments to cooperative associations rendering certain market services, (4) revise the provisions relative to transferring milk from secondary markets, (5) eliminate the limitation to the months of May, June, and September of the butter price, (6) make the butter price the price payable to "new producers", (7) change the times for filing reports and paying market service and administrative assessments, (8) fix a price to be paid to producers temporarily delivering to other markets, (9) require handlers to furnish producers with an itemized statement, and (10) further amend the order, as amended, by revising the freight allowance on sales outside the marketing area, the freight charge for handlers receiving all their milk at county plants, and the applicability of the order to producer-handlers.

Copies of the proposed amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310 South Building, United

¹ 5 F. R. 567.

² 1 F. R. 155.

States Department of Agriculture, Washington, D. C., or may be there inspected.

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

OCTOBER 3, 1940.

[F. R. Doc. 40-4147; Filed, October 3, 1940;
11:48 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 277]

IN THE MATTER OF THE APPLICATION OF CARIBBEAN-ATLANTIC AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING¹

The above-entitled proceeding, being the application of Caribbean-Atlantic Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between Ponce, Puerto Rico, and San Juan, Puerto Rico, is hereby assigned for public hearing on October 14, 1940, 9 o'clock a. m. (60th Meridian Time) at the Post Office Building, San Juan, Puerto Rico, before Examiner Thomas O. Hardin.

Dated Washington, D. C., October 1, 1940.

By the Board:

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-4135; Filed, October 3, 1940;
9:53 a. m.]

[Docket No. 383]

IN THE MATTER OF THE APPLICATION OF AEROVIA NACIONALES PUERTO RICO, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING¹

The above-entitled proceeding, being the application of Aerovias Nacionales Puerto Rico, Inc., for a certificate of public convenience and necessity authorizing air transportation between San Juan and Ponce, P. R., San Juan and Mayaguez, P. R., and San Juan, P. R. to Vieques Island, St. Thomas, St. Croix and return, is hereby assigned for public hearing on October 14, 1940, 2 o'clock p. m. (60th Meridian Time) at the Post Office Building, San Juan, Puerto Rico, before Examiner Thomas O. Hardin.

Dated Washington, D. C., October 1, 1940.

By the Board:

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-4134; Filed, October 3, 1940;
9:53 a. m.]

¹ Issued by Civil Aeronautics Board.

[Docket No. 383]

IN THE MATTER OF THE APPLICATION OF:
AEROVIAS NACIONALES PUERTO RICO,
INC., FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY UNDER
SECTION 401 OF THE CIVIL AERONAUTICS
ACT OF 1938

REVISED NOTICE OF HEARING¹

The above-entitled proceeding, being the application of Aerovias Nacionales Puerto Rico, Inc., for a certificate of public convenience and necessity authorizing air transportation between San Juan and Ponce, P. R., San Juan and Mayaguez, P. R., and San Juan to Vieques Island, St. Thomas, St. Croix, and return, now assigned for public hearing on October 14, 1940, at 2:00 o'clock P. M., is hereby assigned for hearing at 9:00 o'clock, A. M. (60th Meridian Time), at the Post Office Building, San Juan, P. R., before Examiner Thomas O. Hardin.

Dated October 2, 1940.

THOMAS O. HARDIN,
Examiner.

[F. R. Doc. 40-4133; Filed, October 3, 1940;
9:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTI-
FICATES FOR THE EMPLOYMENT OF LEARN-
ERS UNDER THE FAIR LABOR STANDARDS
ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5B of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 4, 1940.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be canceled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUM-
BER OF LEARNERS, LEARNING PERIOD,
LEARNER WAGE, LEARNER OCCUPATIONS,
EXPIRATION DATE

Raceland Factory, Raceland, Louisi-
ana; Production of Raw Cane Sugars; 2
learners; 6 weeks for any one learner;

25 cents per hour; Clarification Opera-
tors; December 27, 1940.

Raceland Factory, Raceland, Louisi-
ana; Production of Raw Cane Sugars; 14
learners; 12 weeks for any one learner;
25 cents per hour; Bench Chemists and
Sugar Boilers; January 24, 1941.

Signed at Washington, D. C. this 3rd
day of October, 1940.

MERLE D. VINCENT,
Authorized Representative of
the Administrator.

[F. R. Doc. 40-4149; Filed, October 3, 1940;
11:49 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTI-
FICATES FOR THE EMPLOYMENT OF LEARNERS
UNDER THE FAIR LABOR STANDARDS ACT
OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, Septem-
ber 4, 1940 (5 F.R. 3530).

Apparel Learner Regulations, Septem-
ber 7, 1940 (5 F.R. 3591).

Millinery Learner Regulations, Custom
Made, August 29, 1940 (5 F.R. 3392).

Millinery Learner Regulations, Popular
Priced, August 29, 1940 (5 F.R. 3393).

Knitted Wear Order, October 24, 1939
(4 F.R. 4351).

Textile Order, November 8, 1939 (4
F.R. 4531) as amended, April 27, 1940
(5 F.R. 1586).

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

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 4, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,
PRODUCT, NUMBER OF LEARNERS, AND EX-
PIRATION DATE

Atlanta Hosiery Mills, Atlanta, Geor-
gia; Hosiery; Seamless; 5 percent; Oc-
tober 4, 1941.

Berryville Mills, Inc., Berryville, Vir-
ginia; Hosiery; Full-Fashioned; 5 learn-
ers; October 4, 1941.

Century Hosiery Corporation, Webb
Avenue, Burlington, North Carolina; Ho-
siery; Seamless; 5 learners; June 4, 1941.

Century Hosiery Corporation, Webb
Avenue, Burlington, North Carolina;
Hosiery; Seamless; 5 percent; October
4, 1941.

The Contour Hosiery Mills, Rockford,
Illinois; Hosiery; Full-Fashioned; 5 per-
cent; October 4, 1941.

Doyle Hosiery Corporation, Doylestown,
Pennsylvania; Hosiery; Full-Fash-
ioned; 5 percent; October 4, 1941.

Delaware Silk Hosiery Mills, Seaford,
Delaware; Hosiery; Full-Fashioned; 5
learners; October 4, 1941.

Georgia Manufacturing Company, Co-
lumbus, Georgia; Hosiery; Seamless; 5
learners; October 4, 1941.

Hosiery Processing Company, Ross-
ville, Georgia; Hosiery; Full-Fashioned;
5 learners; June 4, 1941.

Hosiery Processing Company, Ross-
ville, Georgia; Hosiery; Full-Fashioned;
5 percent; October 4, 1941.

Juvenile Hosiery Mills, Inc., Greens-
boro, North Carolina; Hosiery; Seamless;
5 learners; October 4, 1941.

Pickett Hosiery Mills, Burlington,
North Carolina; Hosiery; Seamless; 5
learners; October 4, 1941.

Rodgers Hosiery Company, Athens,
Georgia; Hosiery; Full-Fashioned; 30
learners; June 4, 1941.

Rodgers Hosiery Company, Athens,
Georgia; Hosiery; Full-Fashioned; 5 per-
cent; October 4, 1941.

Rodgers Hosiery Company, Inc., Laur-
ens, South Carolina; Hosiery; Full-Fash-
ioned; 5 percent; October 4, 1941.

Roseglen Knitting Mills, Inc., Sumter,
South Carolina; Hosiery; Seamless; 5
learners; October 4, 1941.

Snow Shoe Knitting Company, Clar-
ence, Pennsylvania; Hosiery; Full-Fash-
ioned; 9 learners; June 4, 1941.

Snow Shoe Knitting Company, Clar-
ence, Pennsylvania; Hosiery; Full-Fash-
ioned; 5 learners; October 4, 1941.

Snow Shoe Knitting Company, Phil-
lipsburg, Pennsylvania; Hosiery; Full-
Fashioned; 5 learners; October 4, 1941.

Sulloway Hosiery Mills, Franklin, New
Hampshire; Hosiery; Seamless and Full-
Fashioned; 10 learners; June 4, 1941.

Sulloway Hosiery Mills, Franklin, New
Hampshire; Hosiery; Seamless and Full-
Fashioned; 5 percent, October 4, 1941.

Traylor Corporation, New Braunfels,
Texas; Hosiery; Full-Fashioned; 5 learn-
ers; June 4, 1941.

Traylor Corporation, New Braunfels,
Texas; Hosiery; Full-Fashioned; 5
learners; October 4, 1941.

Triangle Hosiery Company, High
Point, North Carolina; Hosiery; Seam-
less; 5 percent; October 4, 1941.

Triumph Hosiery Mills, Inc., York,
Pennsylvania; Hosiery; Full-Fashioned;
5 percent; October 4, 1941.

Walnut Hosiery Mills, Inc., Shamokin,
Pennsylvania; Hosiery; Full-Fashioned;
5 learners; October 4, 1941.

York United Hosiery, Inc., York, Penn-
sylvania; Hosiery; Full-Fashioned; 5
learners; October 4, 1941.

Beautee-fit Company, Inc., 860 South
Los Angeles Street, Los Angeles, Cali-

¹Issued by Civil Aeronautics Board.

fornia; Apparel; Brassieres; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

H. Bomze and Brother, Broad Street, Elmer, New Jersey; Apparel; Ladies' Cotton and Rayon Dresses; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Cal-Made Manufacturing Company, 308 E. 9th Street, Los Angeles, California; Apparel; Men's Sports Shirts and Neckties; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Chic Lingerie Company, Inc., 1126 Santee Street, Los Angeles, California; Apparel; Ladies' Lingerie and Sportswear and Shirts; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Cosgrove Brothers, Inc., 265 Willard Street, Quincy, Massachusetts; Apparel; Ladies' Underwear; 15 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Cosmopolitan Manufacturing Company, 56 Amherst Street, Cambridge, Massachusetts; Apparel; Waterproof Clothing; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

The Covington Manufacturing Company, Inc., Covington, Georgia; Apparel; Work and Sport Shirts; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

D. & D. Shirt Company, 1801 Newport Avenue, Northampton, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Derby Sportswear, Incorporated, Herkimer, New York; Apparel; Children's Apparel; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Dunmar Robe Manufacturing Company, 29 Troy Street, Fall River, Massachusetts; Apparel; Bathrobes; 8 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Fletcher Brothers Company, 436-440 S. Liberty Street, Winston Salem, North Carolina; Apparel; Overalls; 10 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Fletcher Brothers Company, 436-440 S. Liberty Street, Winston Salem, North Carolina; Apparel; Overalls; 3 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Herman Fishman and Company, 40 King Street, Mount Holly, New Jersey; Apparel; Boys' Washable Suits; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Gordon Manufacturing Company, 2 Porter Street, Stoughton, Massachusetts; Apparel; Skirts, Jackets; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Morvay and Sons, Washington Street, Bridgeton, New Jersey; Apparel; Gowns, Pajamas, Bed Jackets (Cotton); 5 learners

(75% of the applicable hourly minimum wage); October 4, 1941.

Johnson and Company, 100 S. Minnesota Avenue, St. Peter, Minnesota; Apparel; Overalls, Overall Coats, Lined Coats, Shop Coats; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Marathon Underwear Corporation, 958-960 S. Los Angeles Street, Los Angeles, California; Apparel; Rayon Underwear (Slips); 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

George Y. Miller, Liverpool, Pennsylvania; Apparel; Boys' Shirts; 3 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Modern Made Sportswear, Inc., 407 E. Pico Street, Los Angeles, California; Apparel; Ladies' Shirt Blouses; 3 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Narwood Manufacturing Corporation, Marion, Virginia; Apparel; Shorts and Pajamas; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

New England Sportswear Company, 3-9 Foster Street, Peabody, Mass.; Apparel; Leather Garments; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Nickels Manufacturing Company, Bristol, Tennessee; Apparel; Ladies' and Misses' Dresses; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Nirenberg & Salzman, Inc., North Mohawk Street, Cohoes, New York; Apparel; Dress and Polo Shirts; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

The Parker Shirt Company, 24 Walnut Street, New Britain, Connecticut; Apparel; Dress Shirts; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Peerless Knitting Mills, 516 Iron Street, Lehighton, Pennsylvania; Apparel; Ladies' Cotton Dresses; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Penna Dress Company, 1550 Main Street, Northampton, Pennsylvania; Apparel; Dresses; 20 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Porter Manufacturing Company, 25 French Street, Stoughton, Massachusetts; Apparel; Skirts, Jackets, Slacks; 5 learners (75% of the applicable hourly minimum wage); October 4, 1941.

I. Schneierson and Sons, Inc., 460 Globe Street, Fall River, Massachusetts; Apparel; Women's Underwear; 27 learners (75% of the applicable hourly minimum wage); October 4, 1941.

M. C. Schrank Company, 53 Atlantic Street, Bridgeton, New Jersey; Apparel; Undergarments, Nightwear and Negligees; 25 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Seibel and Stern, Walnut & Orchards Streets, Bridgeton, New Jersey; Apparel; Children's Dresses; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Slumba Togs Manufacturing Company, Inc., 1306 Memorial Avenue, Williamsport, Pennsylvania; Apparel; Pajamas and Nightgowns; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

State Sportswear Manufacturing Company, Main Corner Partition Street, Saugerties, New York; Apparel; Ladies' Blouses and Sportswear; 3 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Sunbury Shirt Company, Inc., 2nd & Spruce Streets, Sunbury, Pennsylvania; Apparel; Ladies' Dresses and Ladies' Pajamas; 25 learners (75% of the applicable hourly minimum wage); January 31, 1941.

Unity Shirt Company, 300 Seymour Avenue, Derby, Connecticut; Apparel; Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

E. Weinshel and Brother Company, 1319 N. 3rd Street, Milwaukee, Wisconsin; Apparel; Trousers and Mackinaws; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Wilkes Barre Cap Manufacturing Company, 86-94 Northampton Street, Wilkes Barre, Pennsylvania; Apparel; Caps; 3 learners (75% of the applicable hourly minimum wage); October 4, 1941.

Martin Shirt Company, 207 S. Main Street, Shenandoah, Pennsylvania; Apparel; Boys' Shirts; 5 percent (75% of the applicable hourly minimum wage); October 4, 1941.

Rambo and Regar, Inc., Norristown, Pennsylvania; Hosiery; Seamless; 20 learners; June 4, 1941.

Rambo and Regar, Inc., Norristown, Pennsylvania; Hosiery; Seamless; 5 percent; October 4, 1941.

Dave Herstein Company, Inc., 711 Fifth Avenue, New York, New York; Millinery; Custom-Made; 5 learners; October 4, 1941.

Singer Capeline Hat Company, 68 Harrison Avenue, Boston, Massachusetts; Millinery; Popular-Priced; 2 learners; March 4, 1941.

Caltex Sportswear Company, 2126 Beverly Boulevard, Los Angeles, California; Knitted Wear; Women's Knitted Outerwear; 5 learners; January 24, 1941.

Ford Manufacturing Company, Inc., Thirteen Harvard Street, Boston, Massachusetts; Knitted Wear; Underwear; 14 learners; December 27, 1940.

Robert Fox Company, Inc., Mystic, Connecticut; Textile; Tufted Bedspreads; 40 learners; May 2, 1941.

Duchess Throwing Company, Statesville, North Carolina; Textile; Rayon; 3 learners; October 4, 1941.

Fairfield Glove & Mitten Company, Fairfield, Iowa; Glove; Leather Dress

and Work Gloves; 5 learners; October 4, 1941.

Good Luck Glove Company, Carbon-dale, Illinois; Glove; Work Gloves; 10 learners; January 24, 1941.

Signed at Washington, D. C., this 3rd day of October 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4150; Filed, October 3, 1940;
11:49 a. m.]

IN THE MATTER OF DETERMINATION THAT
TIMBER OPERATIONS INVOLVING LODGE-
POLE PINE, ENGELMANN SPRUCE, AND
COMMONLY ASSOCIATED SPECIES OF TIM-
BER IN COLORADO, WYOMING AND UTAH
COMPRISE AN INDUSTRY OF A SEASONAL
NATURE

Whereas an application was filed by the Rocky Mountain Timber Producers Association for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 of timber operations, involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah and Idaho, as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder; and

Whereas the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at the Albany Hotel, Denver, Colorado, on May 14, 1940, before Mr. Burton D. Seeley, who was authorized to take testimony, hear argument and determine:

Whether timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, Utah, and Idaho, as defined herein, or any subdivision thereof, is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

The term "timber operations, involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber" was stated to mean the logging and reduction to usable form in the woods of Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the afore-mentioned states, and might include the hauling of the logs from the woods to the sawmill and the delivery of the logs or rough manufactured products to local markets or shipping points. It was not to include the treating or further processing of such logs or rough manufactured products; and

Whereas, following such hearing, the said Burton D. Seeley duly made his findings of fact and determined as follows:

"1. Timber operations involving Lodgepole Pine and Engelmann Spruce and commonly associated species of timber, as defined in the notice of hearing, are carried on at altitudes generally ranging from 8,500 to between 11,000 and 12,000 feet in the States of Colorado, Wyoming and Utah; and

"2. Timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber as herein used, includes the logging and reducing to usable form in the woods of Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the afore-mentioned states, and also includes the hauling of the logs from the woods to the sawmill, or the delivery of the logs or rough manufactured products from the woods to local markets or shipping points. The treating and further processing of such logs or rough manufactured products is not included; and

"3. The altitudes at which operations on the above timber types are carried on in these states average higher than operations on any other timber type; and

"4. Engelmann Spruce, Lodgepole Pine, and commonly associated species of timber are fringed at the lower extremities by Ponderosa and other Western Pines and commonly associated species, but operations on the fringing timber types are not normally carried on as a part of the former operations; and

"5. The timber operations in Lodgepole Pine and Engelmann Spruce and commonly associated species of timber in the States of Colorado, Wyoming, and Utah, as above defined, is a branch of the lumber industry; and

"6. Timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the States of Colorado, Wyoming, and Utah are conducted during a season of from six to seven months elapsed time or four to five months full time. Substantially all production takes place with a six month period occurring in a regularly annually recurring part of the year. Such operations cease entirely for about six months during the remainder of the year because of the fact that heavy snows, spring breakup, precipitous terrain, and low temperatures render such timber unavailable because of inaccessibility and danger to both men and animals; and

"7. In the States of Colorado, Wyoming, and Utah, timber operations involving Lodgepole Pine, Engelmann Spruce and commonly associated species of timber, as defined above, is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

"The exemption is granted timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber as defined above in the States of Colorado, Wyoming, and Utah.

"Insufficient information is furnished from the record to allow any determination on timber operations involving Lodgepole Pine, Engelmann Spruce, and commonly associated species of timber in the State of Idaho.

"This determination was made without prejudice to a determination on operations on other timber types or operations on the same timber types in other states"; and

Whereas said Findings and Determination were duly filed with the Administrator on July 20, 1940, and are on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas, on August 2, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 2724) a notice which stated that, pursuant to the provisions of § 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might within fifteen days thereafter, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative; and

Whereas petitions for review were filed on behalf of the Colorado State Federation of Labor and on behalf of The Hallack & Howard Lumber Company; and

Whereas the petition on behalf of the Colorado State Federation of Labor was withdrawn; and

Whereas the petition on behalf of The Hallack & Howard Lumber Company is hereby denied on the ground that said Findings and Determination do not affect, but expressly except the operations of the petitioner in the State of Idaho, without prejudice, however, to a determination on the operations of the said petitioner on the same or other timber types in the State of Idaho; and

Whereas no other petition for review has been filed within the said fifteen days,

Now, therefore, pursuant to the provisions of § 526.7 of the said Regulations, the exemption provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice appears in the FEDERAL REGISTER. The said exemption is applicable only as specified by the aforesaid Findings and Determination.

Signed at Washington, D. C. this 27th day of September 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4148; Filed, October 3, 1940;
11:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5912]

IN RE APPLICATION OF HARBITO BROADCASTING CO. (NEW)

Dated January 30, 1940, for construction permit; Class of service, broadcast; Class of station, broadcast; Location, Harlingen, Tex.; Operating assignment specified: Frequency, 1420 kc.; power, 250 w.; hours of operation, unlimited

[File No. B3-P-2747]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial qualifications of the applicant to construct and operate the proposed station;

2. To determine whether, in view of the applicant's interest, direct or indirect, in Station KRGV which now renders radio service to the population and area which would be served by the proposed station, the public interest, convenience, or necessity would be served by granting the application;

3. To determine whether, in view of the increased concentration of ownership or control of radiobroadcast facilities which would result thereby, the public interest, convenience, or necessity would be served by granting the application.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Harbito Broadcasting Company,
% McHenry Tichenor,
Harlingen, Texas.

Dated at Washington, D. C., September 30, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4125; Filed, October 2, 1940; 1:58 p. m.]

FEDERAL POWER COMMISSION.

[Dockets No. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT;
CITY OF AKRON, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT;
IN THE MATTER OF HOPE NATURAL GAS COMPANY; PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANT v. HOPE NATURAL GAS COMPANY, DEFENDANT

ORDER FIXING DATE FOR HEARING ON MOTION FOR AN IMMEDIATE ORDER REDUCING RATES

OCTOBER 1, 1940.

It appearing to the Commission that:

(a) On July 6, 1938, a complaint was filed by the City of Cleveland against the rate charged by defendant Hope Natural Gas Company to its affiliate, The East Ohio Gas Company, for gas produced in the State of West Virginia and delivered at the Ohio River for transportation to and resale in Cleveland, and it prayed for an investigation by the Federal Power Commission, a finding that said River Rate is excessive, unreasonable, and unjustly discriminatory, and for the fixing of a just, fair and reasonable rate;

(b) On July 25, 1938, a complaint was filed by the City of Akron against Hope Natural Gas Company, alleging that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company, an affiliated company, for natural gas sold and delivered at the Ohio River for resale to domestic, commercial and industrial consumers in the City of Akron and elsewhere, is excessive, unjust, unreasonable, greatly in excess of the price charged by the Hope Natural Gas Company to nonaffiliated companies at wholesale for resale to domestic, commercial and industrial consumers, and greatly in excess of the price charged by Hope Natural Gas Company to The East Ohio Gas Company for resale to certain favored industrial consumers in Ohio and therefore unduly discriminatory between customers and between classes of service;

(c) On August 18, 1938 and August 26, 1938, the Hope Natural Gas Company filed its answers to the complaints of the City of Cleveland and the City of Akron, respectively, in which it denied that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company for natural gas for resale to domestic, commercial, and industrial consumers is excessive, unreasonable or discriminatory;

(d) On October 14, 1938, this Commission, on its own motion, ordered an investigation of the Hope Natural Gas Company for the purpose of enabling the Commission:

"(1) To determine with respect to said company, whether, in connection with

any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rate, charge, or classification demanded, observed, charged or collected or any rule, regulation, practice or contract affecting such rate, charge, or classification, is unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission shall find that any such rate, charge classification, rule, regulation, practice or contract is unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable and nondiscriminatory rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

"Said investigation shall include an inquiry into and the determination of the reasonableness and lawfulness of the purchase prices paid by the Hope Natural Gas Company for natural gas, including the prices paid to the Clayco Gas Company and the South Penn Oil Company."

(e) On March 23, 1939, the Pennsylvania Public Utility Commission filed a complaint with the Commission against the Hope Natural Gas Company, alleging that the prices charged by the Hope Natural Gas Company to The Peoples Natural Gas Company, Fayette County Gas Company and the Manufacturers Light and Heat Company, for natural gas sold and delivered at points on the Pennsylvania-West Virginia State line for resale in the State of Pennsylvania, are unlawful, excessive, unreasonable and discriminatory, and prayed for an investigation by this Commission of said prices and for the fixing of just, fair and reasonable rates, and that on April 25, 1939, the Hope Natural Gas Company filed its answer to the complaint of the Pennsylvania Public Utility Commission;

(f) On October 3, 1939, the Commission entered an order consolidating Docket Nos. G-100, G-101, G-113 and G-127 for hearing and fixed the date for the first hearing which was subsequently postponed to April 1, 1940, upon the request of Counsel for the Hope Natural Gas Company;

(g) Since April 1, 1940, hearings have been held from time to time in Clarksburg, West Virginia, and at those hearings the defendant-respondent company has appeared by counsel, has had full opportunity to be heard, has offered and presented both oral and documentary evidence, has been subjected to cross-examination, has engaged in redirect examination, and has presented all the evidence relating to the issues herein which it chose to present in opening the proceedings as directed by the Commission's order of October 3, 1939;

(h) On April 2, 1940, the Commission granted petitions to intervene filed by

the Public Service Commission of West Virginia and the State of West Virginia;

(i) On September 23, 1940, Counsel for the Cities of Cleveland and Akron, Ohio, filed a "Motion for an Immediate Order Reducing Rates", which had a certificate attached showing service by mail upon all parties;

(j) In the motion it is moved "that the Commission enter an immediate order for a Hope-East Ohio rate reduction of approximately \$662,000 per year, and that the Commission fix just and reasonable rates for gas sold by Hope Natural Gas Company to The East Ohio Gas Company for natural gas delivered at the Ohio River for resale to consumers in Cleveland, Akron, and elsewhere effecting said reduction upon the Hope company's own testimony herein, without prejudice to the power and authority of the Commission to find said reduced rates excessive upon the testimony of the Commission's staff to be hereafter offered in evidence, and without prejudice to the power and authority of the Commission to further reduce said River Rates upon its own motion or otherwise at any time hereafter, upon good cause shown; and that the Commission proceed immediately to fix by order dates for briefs and oral argument upon this motion.";

(k) The specific allegations or grounds for said motion are more fully set out therein and the same are hereby incorporated herein and made a part hereof;

The Commission, therefore, orders that:

(A) The "Motion for an Immediate Order Reducing Rates" be and it is hereby set down for hearing before the Commission, *en banc*, on November 20, 1940, at 10:00 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., at which time counsel for the respective parties may present oral argument;

(B) Main briefs in support of and opposition to said motion shall be filed on or before November 1, 1940; reply briefs shall be filed within ten days after November 1, 1940.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4129; Filed, October 3, 1940;
9:51 a. m.]

[Dockets No. G-124, G-118, G-121]

IN THE MATTER OF CANADIAN RIVER GAS COMPANY, COLORADO INTERSTATE GAS COMPANY AND COLORADO-WYOMING GAS COMPANY; CITY AND COUNTY OF DENVER, COLORADO, COMPLAINANT *v.* PUBLIC SERVICE COMPANY OF COLORADO, ET AL.,

DEFENDANTS; PUBLIC SERVICE COMMISSION OF WYOMING, COMPLAINANT *v.* COLORADO-WYOMING GAS COMPANY, ET AL., DEFENDANTS

ORDER AMENDING ORDER FIXING DATE OF HEARING

OCTOBER 1, 1940.

It appearing to the Commission that:

(a) By its order dated September 13, 1940, the Commission ordered that a public hearing in the above-entitled matters be held commencing on October 28, 1940, at 10 o'clock a. m., in the Circuit Court Room, Federal Building in Denver, Colorado;

(b) It has been found necessary to change the place for the said hearing in the City of Denver, Colorado;

The Commission orders that:

(A) The public hearing in the above-entitled proceedings now set to begin on October 28, 1940, at 10 o'clock a. m., in the Circuit Court Room, Federal Building, Denver, Colorado, be held commencing on October 28, 1940, at 10 o'clock a. m., in Circuit Court Room "A" in the Denver Municipal Building, Denver, Colorado;

(B) The Commission's order of September 13, 1940, be and it is hereby amended to the extent, and only to the extent, indicated by paragraph (A) above.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4128; Filed, October 3, 1940;
9:51 a. m.]

[Docket No. G-141]

IN THE MATTER OF CITIES SERVICE GAS COMPANY

ORDER TO SHOW CAUSE

OCTOBER 1, 1940.

The Commission, having under consideration the failure of Cities Service Gas Company to comply with the Commission's Order of January 16, 1940, directing the filing, on or before October 1, 1940, of a statement of original cost of property used and useful in the public service, by detailed accounts, and in accordance with the Commission's Uniform System of Accounts prescribed for Natural Gas Companies, as of December 31, 1939, and the application of Cities Service Gas Company for an extension of time to January 1, 1942, within which to file said statement;

It appearing to the Commission that:

(a) Cities Service Gas Company, by letter dated June 5, 1939, advised the Commission that "the Company has employed F. C. Hamilton, Consulting En-

gineer for Electric Advisers, Inc., to build up plant ledgers wherein there will be shown the original cost of all the property by lines with the appropriate subdivisions of those lines. This work has been in progress since September, 1938, and will be completed as rapidly as is possible.";

(b) The Commission, by its order of January 16, 1940, directed Cities Service Gas Company to file on or before October 1, 1940, a statement of original cost of property used and useful in the public service, by detailed accounts, and in accordance with the Commission's Uniform System of Accounts prescribed for Natural Gas Companies, as of December 31, 1939;

(c) Cities Service Gas Company filed on August 26, 1940, with the Commission an application for extension of time to January 1, 1942, within which to comply with the aforesaid Order of January 16, 1940;

(d) Cities Service Gas Company by its application for extension has failed to show good and sufficient reason for the granting thereof;

(e) The Public Service Commission of the State of Missouri, by letter dated September 4, 1940, indicating a desire that determination of the matters in issue in the above entitled proceeding be not delayed, has expressed opposition to any extension of time;

(f) Cities Service Gas Company has failed to file the statement required, pursuant to the said Order of January 16, 1940;

The Commission orders that:

(A) Cities Service Gas Company, under oath, show cause, if any there be, at a public hearing to be held on October 17, 1940, commencing at 10 a. m., E. S. T., in the Hearing Room of the Federal Power Commission, 1757 K Street NW., Washington, D. C.:

(1) Why it has failed to comply with the Commission's Order of January 16, 1940, directing the filing of a statement of original cost of property on or before October 1, 1940;

(2) Why the application of Cities Service Gas Company filed August 26, 1940, requesting an extension of time to January 1, 1942, within which to comply with the aforesaid Order of the Commission should not be denied;

(B) Interested State Commissions may participate in this proceeding as provided for in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4144; Filed, October 3, 1940;
11:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4132]

IN THE MATTER OF WESTERN CONFECTIONERS ASSOCIATION, INC., A CORPORATION; WARREN WATKINS, INDIVIDUALLY AND AS PRESIDENT AND AS A MEMBER OF WESTERN CONFECTIONERS ASSOCIATION, INC.; T. A. WHITE, INDIVIDUALLY AND AS VICE-PRESIDENT AND AS A MEMBER OF WESTERN CONFECTIONERS ASSOCIATION, INC.; CLARENCE M. KRETCHMER, INDIVIDUALLY AND AS SECRETARY-TREASURER AND AS A MEMBER OF WESTERN CONFECTIONERS ASSOCIATION, INC.; LEROY M. GIMBAL, ALFRED BEAUDRY, LEON SWEET, HAROLD THOMPSON, AND E. H. JENANYAN, INDIVIDUALLY AND AS DIRECTORS AND AS MEMBERS OF WESTERN CONFECTIONERS ASSOCIATION, INC.; A. C. CARRINGTON, CHESTER ROBERTS, GEORGE CARDINET, H. L. BROWN, ROBERT W. KANEEN, AND E. A. HOFFMAN, INDIVIDUALLY AND AS TRUSTEES AND AS MEMBERS OF WESTERN CONFECTIONERS ASSOCIATION, INC.; BROWN & HALEY, A CORPORATION; L. M. GIMBAL, AND R. E. GIMBAL, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS AS GIMBAL BROTHERS; EUCLID CANDY COMPANY OF CALIFORNIA, INC., A CORPORATION; HROMADA CANDY CO., A CORPORATION; SIERRA CANDY CO., INC., A CORPORATION; HOEFLER'S CENTENNIAL CHOCOLATES, LTD., A CORPORATION; NATIONAL BISCUIT CO., A CORPORATION; WALTER A. VELLGUTH, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS VELLGUTH'S CANDY CO.; GEORGE HAAS & SONS, A CORPORATION; PLANTERS NUT & CHOCOLATE CO., A CORPORATION; FREDERICK W. THEISEN, INDIVIDUALLY AND TRADING UNDER THE TRADE NAME OF PURITY CANDY COMPANY; LAURENTE CERF, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS ORANGE BLOSSOM CANDY CO.; COLLINS CANDY CO., A CORPORATION; NATHAN MATZGER, AND MANFORD MATZGER, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS UNDER THE PARTNERSHIP NAME OF MATZGER CHOCOLATE CO.; GOLDEN NUGGET SWEETS, LTD., A CORPORATION; WILLIAM G. COXON, AND PEARL W. COXON, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS AS COXON CO.; E. A. HOFFMAN CANDY CO., A CORPORATION; GENERAL FOOD PRODUCTS COMPANY, A CORPORATION; ALFRED BEAUDRY, AND WILFRED BEAUDRY, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS UNDER THE PARTNERSHIP NAME OF BEAUDRY BROS. CANDY CO.; JAMES DOUMAKES, INDIVIDUALLY AND TRADING AND DOING BUSINESS UNDER THE FIRM NAME DOUMAKES MARSHMALLOW CO.; SAM GENDEL AND LILLIAN GOLD, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS AS LOS ANGELES NUT HOUSE; JOHANNA A. GILKER, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS LOS ANGELES CONFECTION CO.; PEARSON CANDY CO., LTD., A CORPORATION; TRIANGLE CANDY CO., A CORPORATION; JESSE G. BECKJORD, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS WONDER FOOD MARSHMALLOW CO.;

CHARLES E. HASSEY, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS HASSEY CANDY CO.; WALTER A. HEWITT, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS HEWITT CANDY CO.; SUNKIST CANDY CO., A CORPORATION; G. FRED SPEARIN, AN INDIVIDUAL; J. G. McDONALD CHOCOLATE CO., A CORPORATION; OSTLER CANDY CO., A CORPORATION; ROBERT E. WILSON, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS SWEETARTS; QUEEN ANNE CANDY CO., A CORPORATION; CANDY HOUSE, INC., A CORPORATION; JOSEPH VINIKOW, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS PARISIAN CANDY CO.; MARGARET BURNHAM'S, INC., A CORPORATION; CARDINET CANDY COMPANY, INC., A CORPORATION; CALIFORNIA PEANUT CO., A CORPORATION; LOUIS F. CHIDO AND EMILIO G. CHIDO, INDIVIDUALLY AND AS COPARTNERS TRADING AND DOING BUSINESS AS CHIDO CANDY CO.; LESLIE N. JOHNSON, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS LESLIE'S FOUNTAIN; BRECHT CANDY CO., A CORPORATION; COSNER CANDY CO., A CORPORATION; SAVAGE CANDY CO., A CORPORATION; CARL C. BONN, INDIVIDUALLY AND TRADING AND DOING BUSINESS AS BONN CANDY CO.; DAVENPORT CANDYCRAFTS, A CORPORATION; RILEY CANDY CO., A CORPORATION; SHUPE-WILLIAMS CANDY CO., A CORPORATION; STARTUP CANDY CO., A CORPORATION; AND IDAHO CANDY CO., A CORPORATION; WARREN WATKINS, TRADING AS WARREN WATKINS MANUFACTURING COMPANY; SWEET CANDY COMPANY, A CORPORATION; MISS SAYLOR'S CHOCOLATES, INC., A CORPORATION; IMPERIAL CANDY COMPANY, A CORPORATION; CHRISTOPHER CANDY COMPANY, A CORPORATION; B. GUY SHOWLEY, INDIVIDUALLY AND TRADING AS SHOWLEY BROS.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1940.

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

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 28, 1940, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 542, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Ex-

aminer will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4140; Filed, October 3, 1940; 11:23 a. m.]

[Docket No. 4167]

IN THE MATTER OF LEON HOOD, AN INDIVIDUAL, TRADING AS ST. JOSEPH SCHOOL OF FLYING

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1940.

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

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, November 9, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 210, Federal Building, St. Joseph, Missouri.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4141; Filed, October 3, 1940; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-96]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1940.

Northeastern Water and Electric Corporation, a registered holding company and a subsidiary of Northeastern Water Companies, Inc., and of Associated Gas and Electric Corporation, also registered holding companies, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, concerning the issuance of its three year

promissory note in the amount of \$1,000,000, and having filed an application pursuant to section 10 of the Act for the approval of the acquisition by it of 9,900 shares of common capital stock and 6,000 shares of \$6 cumulative preferred stock of Union Water Service Company, constituting all the outstanding shares of stock of said company; and

A public hearing¹ having been held after appropriate notice, the Commission having heard oral argument, and having considered the record; and having this day issued its Findings and Opinion; and the applicant having agreed to file a stipulation providing that if within six months from the date of this order it does not dispose of all its electric utility subsidiaries located in the State of Ohio, to wit: The General Utilities Company, The New London Power Company, The Ohio Northern Public Service Company, and The Western Reserve Power & Light Company, it will consent to the entry of an order by the Commission pursuant to Section 11 (b) (1) of the Act, requiring the disposition of said subsidiaries;

It is ordered. That the said declaration filed by Northeastern Water and Electric Corporation be, and the same hereby is, permitted to become effective subject to the conditions noted below;

It is further ordered. That the said application filed by said company be, and the same hereby is, approved subject to the conditions noted below;

It is further ordered. That the following conditions be imposed, respectively, in connection with the said declaration and application:

1. That no dividends shall be declared or paid upon the common stock of Northeastern Water and Electric Corporation until the \$1,000,000 promissory note proposed in the said declaration shall have been paid in full and cancelled;

2. That Northeastern Water and Electric Corporation file a stipulation with the Commission providing that if the said electric utility subsidiaries of Northeastern Water and Electric Corporation located in the State of Ohio are not disposed of within six months from the date of entry of this order, Northeastern Water and Electric Corporation will consent to the entry of an order by the Commission pursuant to Section 11 (b) (1) of the Act, requiring the disposition of said subsidiaries;

It is further ordered. That the Commission reserves jurisdiction of this matter for the purpose of entertaining applications in the event of material change of circumstances, for appropriate modification of either of the foregoing conditions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4137; Filed, October 3, 1940;
11:14 a. m.]

¹ 5 F.R. 2666.

[File No. 1-2286]

IN THE MATTER OF AUBURN AUTOMOBILE
COMPANY COMMON STOCK, NO PAR
VALUE

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of October, A. D. 1940.

The Chicago 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 Auburn Automobile Company; and

After appropriate notice,¹ 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 October 14, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4138; Filed, October 3, 1940;
11:14 a. m.]

[File No. 1-725]

IN THE MATTER OF BROOKLYN AND QUEENS
TRANSIT CORPORATION \$6 CUMULATIVE
PREFERRED STOCK, NO PAR VALUE;
BROOKLYN CITY RAILROAD COMPANY
FIRST CONSOLIDATED MORTGAGE 5%
BONDS, DUE JULY 1, 1941; BROOKLYN,
QUEENS COUNTY & SUBURBAN RAILROAD
COMPANY FIRST MORTGAGE 5% GOLD
BONDS, DUE JULY 1, 1941 (STAMPED),
AND FIRST CONSOLIDATED MORTGAGE 5%
GOLD BONDS, DUE JULY 1, 1941
(STAMPED); NASSAU ELECTRIC RAILROAD
COMPANY CONSOLIDATED MORTGAGE 4%
GOLD BONDS, DUE JANUARY 1, 1951
(STAMPED)

ORDER GRANTING APPLICATION TO STRIKE
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of October, A. D. 1940.

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 \$6 Cumulative Preferred Stock, No Par Value; Brooklyn City Railroad Company First Consolidated Mortgage 5% Bonds, due July 1, 1941; Brooklyn, Queens

¹ 5 F.R. 2800.

County & Suburban Railroad Company First Mortgage 5% Gold Bonds, due July 1, 1941 (Stamped), and First Consolidated Mortgage 5% Gold Bonds, due July 1, 1941 (Stamped); and Nassau Electric Railroad Company Consolidated Mortgage 4% Gold Bonds, due January 1, 1951 (Stamped), of Brooklyn and Queens Transit Corporation; and

After appropriate notice,¹ 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 October 14, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4139; Filed, October 3, 1940;
11:16 a. m.]

UNITED STATES CIVIL SERVICE COM-
MISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS MONDAY, SEPTEMBER
30, 1940

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

State	Number of positions to which entitled	Number of positions occupied
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IN ARREARS

1. Virgin Islands.....	10	0
2. Puerto Rico.....	692	47
3. Hawaii.....	165	18
4. California.....	2,543	927
5. Alaska.....	27	10
6. Texas.....	2,609	1,123
7. Louisiana.....	941	459
8. Michigan.....	2,169	1,102
9. Arizona.....	195	104
10. South Carolina.....	779	447
11. Arkansas.....	831	510
12. Alabama.....	1,185	732
13. Mississippi.....	900	561

¹ 5 F.R. 2676.

State	Number of positions to which entitled	Number of positions occupied
14. Ohio.....	2,978	1,882
15. New Jersey.....	1,810	1,147
16. Georgia.....	1,303	828
17. Kentucky.....	1,171	756
18. North Carolina.....	1,420	977
19. New Mexico.....	190	132
20. Oklahoma.....	1,073	753
21. Tennessee.....	1,172	911
22. Nevada.....	41	32
23. Illinois.....	3,418	2,800
24. Wisconsin.....	1,317	1,134
25. Indiana.....	1,492	1,285
26. Connecticut.....	720	674
27. Vermont.....	161	151
28. Florida.....	658	618
29. Delaware.....	107	102
30. Rhode Island.....	308	304
31. North Dakota.....	305	303
32. Kansas.....	843	841
QUOTA FILLED		
33. Utah.....	227	227

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1940
IN EXCESS			
34. Idaho.....	199	200	+13
35. Pennsylvania.....	4,315	4,346	-85
36. New York.....	5,639	5,689	-143
37. Oregon.....	427	431	+25
38. New Hampshire.....	208	211	+2
39. Missouri.....	1,626	1,668	+27
40. Minnesota.....	1,149	1,183	-49
41. West Virginia.....	775	799	+32
42. Maine.....	354	366	+20
43. Iowa.....	1,107	1,177	-40
44. Massachusetts.....	1,904	2,029	+131
45. Washington.....	700	749	+42
46. South Dakota.....	310	335	+11
47. Colorado.....	464	503	+41
48. Wyoming.....	101	110	+11
49. Montana.....	241	282	+47
50. Nebraska.....	617	776	+18
51. Virginia.....	1,085	2,084	-17
52. Maryland.....	731	2,151	+13
53. District of Columbia.....	218	8,908	+47

GAINS

By appointment.....	460
By transfer.....	16
By reinstatement.....	1
By correction.....	2
Total.....	479

LOSSES

By separation.....	26
By transfer.....	26
By correction.....	3
Total.....	55
Total appointments.....	55,894

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 17,175.

By direction of the Commission.

[SEAL]

L. A. MOYER,
Executive Director and
Chief Examiner.

[F. R. Doc. 40-4146; Filed, October 3, 1940;
11:45 a. m.]