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TITLE 7—AGRICULTURE
AGRICULTURAL ADJUSTMENT
ADMINISTRATION

[O-38]

PART 938¹—MARKETING ORDERS

ORDER REGULATING THE HANDLING OF
BEURRE HARDY PEARS GROWN IN THE
STATE OF CALIFORNIA*

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Whereas, under the provisions of Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including Beurre Hardy pears) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities; and

Whereas, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Beurre Hardy pears grown in the State of California as would establish prices to the producers of such pears at a level that would give such pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such pears during the base period January 1, 1920-December 31, 1928, conducted a public hearing at San Jose, California, on March 10, 1939, pursuant to due notice given to all interested parties on February 20, 1939, on a proposed order regulating such handling of such pears as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such pears, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

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¹ Code of Fed. Regs.
*Sections 938.1 through 938.17 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV, 1938).



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Whereas, the Secretary has found and proclaimed that the purchasing power of Beurre Hardy pears grown in the State of California during the period

August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such pears can be satisfactorily determined from available statistics of the Department of Agriculture for the period January 1, 1920–December 31, 1928, and that the period January 1, 1920–December 31, 1928, is the base period to be used in connection with this order in determining the purchasing power of such pears; and

Whereas, the Secretary finds upon the basis of the evidence introduced at the hearing and the record thereof:

(1) That at the time of the hearing the prices received by producers of Beurre Hardy pears produced in the State of California were at a level that gave such pears a purchasing power with respect to articles that the producers thereof buy appreciably below the purchasing power of such pears during the base period;

(2) That the regulation of shipments of pears (a) by grades or sizes, or (b) by volume, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such pears, tending to establish prices to the producers thereof at a level that will give such pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such pears during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production or marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein established, based upon the quantity of pears shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Beurre Hardy pears grown in the State of California by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such pears in the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current con-

sumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to the producers of such pears above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

(1) That a marketing agreement regulating the handling of Beurre Hardy pears grown in the State of California, executed on the 16th day of June 1939, upon which a hearing was held on March 10, 1939, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the pears covered by this order) who, during the period January 1, 1937, to December 31, 1938, both dates inclusive, handled not less than fifty (50) percent of the volume of pears covered by this order which was marketing during such period in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce;

(2) That this order regulates the handling of such pears in the same manner as the aforesaid marketing agreement, and that it is applicable only to persons in the respective classes of industrial and commercial activities specified in the said marketing agreement; and

(3) That the issuance of this order is favored by producers who, during the period January 1, 1937, to December 31, 1938, both dates inclusive (which is hereby determined to be a representative period), produced for market within the State of California more than two-thirds ($\frac{2}{3}$) of the volume of Beurre Hardy pears produced for market within such production area during the said period.

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of Beurre Hardy pears grown in the State of California as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such pears, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 938.1 *Definitions.* As used herein the following terms have the following meanings:

(a) *Secretary* means the Secretary of Agriculture of the United States.

(b) *Act* means Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246).

(c) *Person* means an individual, partnership, corporation, association, or any other business unit.

(d) *Pears* means and includes all strains of Beurre Hardy pears grown in the State of California.

(e) *Grower or producer* means any person engaged in the production of pears, either as owner or tenant.

(f) *Handler* means any person (except a common carrier of pears for another person), whether as owner, agent, or otherwise, who first ships pears, or who first causes pears to be shipped, in fresh form from the State of California by rail, truck, boat, or any other means whatsoever.

(g) *Ship or handle* means to sell, transport, offer for transportation, or ship in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce. "Ship" or "handle" shall not include the act of a producer in selling, delivering, or transporting, within the State of California, pears which have been produced by him.

(h) *Season* means the twelve-month period beginning April 1 of any year and ending March 31 of the following year, both inclusive.

(i) *District* means either one of the following geographical divisions within the State of California:

(1) "District No. 1," which shall include the counties of Alameda, Monterey, Santa Clara, San Mateo, Santa Cruz, and San Benito; and

(2) "District No. 2," which shall include all of the remaining counties which are not included in District No. 1.

§ 938.2 *Control Committee*—(a) *Establishment of Control Committee*. A Control Committee, consisting of seven members, is hereby established to administer the terms and provisions hereof as specifically provided herein.

(b) *Nomination of members*. The growers of pears in District No. 1 shall nominate six persons as members and six persons as alternates for such members, and the growers of pears in District No. 2 shall nominate one person as member and one person as alternate for such member.

(c) *Meetings for nomination*. Nominations for initial members of the Control Committee shall be made at meetings of growers called by the Secretary as soon as practicable after the effective date hereof. Nominations for members, subsequent to the initial nominations, shall be made at a meeting or meetings of growers in the respective districts and at such time (on or before April 15 of each season) and at such places as the Control Committee shall designate. The growers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the chairman or secretary of such meeting shall forthwith transmit to the Secretary his certificate showing the name of each person for whom votes have been cast, whether as member or as alternate for a member, and the number of votes received by each such person.

(d) *Voting*. In the nomination of members of the Control Committee, each grower shall be entitled to cast only one vote for each nominee, on behalf of him-

self, his agents, partners, and representatives, and only growers personally present at such meetings shall be entitled to vote.

(e) *Eligibility for membership*. Each member of the Control Committee must be a grower who produces pears in the district which he represents, and, if he shipped pears during the season immediately preceding that for which he is selected, he must have produced at least two-thirds of the pears so shipped by him during such preceding season.

(f) *Selection by the Secretary*. From the nominations made by the growers in the respective districts, or from among the growers in such districts, the Secretary shall select six members of the Control Committee to represent the growers in District No. 1 and one member of said committee to represent the growers in District No. 2.

(g) *Failure to nominate*. In the event nominations are not made pursuant to paragraph (c) of this section on or before April 15 of the season for which such nominations should have been made, the Secretary may select the members of the Control Committee for such season without regard to nominations.

(h) *Qualification*. Each person selected as a member of the Control Committee shall qualify therefor by filing with the Secretary a written acceptance thereof within 20 days after being notified of such selection by the Secretary.

(i) *Terms of office*. The initial members of the Control Committee shall hold office for a term beginning on the date of their selection by the Secretary and ending March 31, 1940, and until their successors are selected and have qualified. Members selected subsequent to the initial term shall serve during the season for which they have been selected and until their successors are selected and have qualified.

(j) *Alternates for members*. There shall be an alternate for each member of the Control Committee. Each such alternate shall possess the same qualifications, shall be nominated and selected and shall qualify in the same manner, and shall hold office for the same term as the member for which he is alternate. An alternate shall, in the event of the member's absence from a meeting of the Control Committee, act in the place and stead of such member, and, in the event of the member's removal, resignation, disqualification, or death, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(k) *Vacancies*. To fill any vacancies occasioned by the failure of any person selected as a member or as an alternate for a member of the Control Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or of any alternate, a successor for his unexpired term shall be nominated and selected in accordance with the provisions set forth in this section for the nomination and selection of members and of alternates for members.

If a successor for any such vacancy is not nominated within 20 days after such vacancy occurs, the Secretary may select such successor without regard to nomination.

(l) *Compensation*. The members and the alternates for members of the Control Committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.

(m) *Powers*. The Control Committee shall have the following powers:

(1) to administer, as herein specifically provided, the terms and provisions hereof;

(2) to make administrative rules and regulations in accordance herewith, and to effectuate the terms and provisions hereof;

(3) to receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) to recommend to the Secretary amendments hereto.

(n) *Duties*. The duties of the Control Committee shall be as follows:

(1) to act as intermediary between the Secretary and any grower or handler;

(2) to keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Control Committee, which minutes, books, and records shall be subject at all times to examination by the Secretary;

(3) to investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions respecting pears;

(4) to furnish to the Secretary such available information as the Secretary requests;

(5) to perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, 74th Congress (August 24, 1935), as amended;

(6) to cause the books of the Control Committee to be audited by one or more competent accountants at least once each season and at such other times as the Control Committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(7) to appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(8) to give the Secretary the same notice of meetings of the Control Committee as is given to the members of the Control Committee; and

(9) to select a chairman of the Control Committee and such other officers as it may deem advisable.

(o) *Procedure*. (1) A quorum shall consist of five members, or alternates then serving in the place and stead of

any members, in attendance at the meeting, and all decisions of the Control Committee shall require the affirmative vote of not less than five members of the committee, except as otherwise provided herein.

(2) The members of the Control Committee, including successors and alternates, and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

(p) *Funds and other property.* (1) All funds received by the Control Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified; and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(2) Upon the death, resignation, removal, or expiration of the term of office of any member of the Control Committee, all books, records, funds, and other property in his possession or under his control as such member shall be delivered to his successor in office or to the Control Committee, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the Control Committee full title to such books, records, funds, and other property.

§ 938.3 *Expenses and assessments—*
(a) *Expenses.* The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as provided in paragraph (b) of this section.

(b) *Assessments.* Each handler shall pay to the Control Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the Control Committee for its maintenance and functioning during each season. Each handler's pro rata share shall be that proportion of such expenses which the total quantity of pears shipped by such handler during such season is of the total quantity of pears shipped by all handlers during such season. The Secretary shall fix the rate of assessment to be paid by handlers, which rate may be adjusted from time to time by the Secretary in order to cover any later finding by the Secretary of the estimated expenses or the actual expenses of the Control Committee during such season.

(c) *Handler accounts.* (1) At the end of each season the Control Committee shall credit each handler with any

amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the Control Committee.

(2) The Control Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

§ 938.4 *Regulation by grades and sizes—*(a) *Recommendation of the Control Committee.* Whenever the Control Committee deems it advisable to limit the shipment of pears, pursuant to this section, it shall recommend to the Secretary the particular grades and sizes of pears deemed advisable by it to be shipped during a specified period or periods. At the time of submitting such recommendation, the Control Committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of and the demand for pears by grades and sizes thereof, and any other information requested by the Secretary.

(b) *Establishment of regulation.* (1) Whenever the Secretary finds, from the recommendation and information submitted by the Control Committee, or from other available information, that to limit the shipment of pears to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of pears during a specified period or periods.

(2) The Secretary shall notify the Control Committee of any regulation issued pursuant to this section, and the Control Committee shall give adequate notice thereof to shippers and growers.

(c) *Exemptions.* (1) In the event of a regulation of shipments pursuant to this section and whenever the Control Committee shall find that one-half of the estimated crop of pears for the season has been harvested in a district, it shall, at the time of making such finding, or prior to such time it may, determine the percentage which the grades and sizes of pears produced in such district and permitted to be shipped under such regulation is of the total quantity of pears produced in such district which could be shipped in the absence of such regulation, and the Control Committee shall forthwith announce this percentage and the procedural rules by which exemption certificates will be issued to growers. Whenever the Control Committee finds that one-half of the estimated crop of pears for the season has been harvested in a district, it shall thereupon and thereafter, or prior thereto it may, grant an exemption certificate to any grower who produces pears in such district and who furnishes proof that he will be prevented, because of such regulation, from shipping as large a percentage of his pears as the average for all growers in such district. Such exemption certificate

shall permit such grower to ship that quantity of the regulated grades and sizes of pears as will enable him to ship as large a portion of his pears as the average for all growers in such district.

(2) The Secretary shall have power to modify, change, alter, or amend any such procedural rules and any exemption granted under this paragraph.

(3) If any grower is dissatisfied with the determination of the Control Committee with respect to his application for an exemption certificate, or with respect to the exemption certificate issued pursuant thereto, he may appeal to the Secretary whose decision in the matter shall be final and conclusive.

(d) *Inspection and certification.* During each period in which a regulation issued pursuant to this section is in effect, each handler shall, prior to making each shipment of pears, cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such shipper shall submit, or cause to be submitted, promptly thereafter to the Control Committee a copy of the shipping-point inspection certificate issued by the Federal-State Inspection Service showing the grades and sizes of pears contained in such shipment.

§ 938.5 *Determination of available quantity and marketing policy—*(a) *Determination of available quantity.* Not later than June 15 of each year, the Control Committee shall compute, or cause to be computed under its supervision, upon the basis of the reports provided for in paragraph (b) of this section and other available information, the total quantity and the approximate sizes and grades of pears which will be available for shipment during the then current season. Such computation shall be subject to revision by the Control Committee, from time to time during the season, in order to determine the total quantity and the approximate sizes and grades of pears which are or will be available for shipment during such season.

(b) *Reports of handlers and growers.* (1) To assist in the determination of such total available quantity, each handler shall report to the Control Committee, at such times, in such form, and estimated in such manner as the Control Committee may prescribe, the total quantity and the approximate sizes and grades of pears to which he has legal title, or which he has legal authority from the owners or growers thereof to ship, and which he will have available for shipment during any season or the remaining portion thereof, which report shall also include the name of each such owner or grower and the quantity of pears which such handler is authorized to ship for each such owner or grower. Each grower having pears which no handler has authority to ship should in like manner report to the Control Committee the total quantity and the approximate sizes and grades of pears which he will have available for shipment during any season or the remaining portion thereof.

The Control Committee may, in addition, require reports of the total quantity of pears by sizes and grades shipped during any designated prior period or periods. All reports may be checked by the Control Committee and, on the basis of such check, the Control Committee may revise such reports. The total quantity and the approximate sizes and grades of pears available for shipment, including the quantity available for shipment by each handler and each grower during any season or the remaining portion thereof, may be revised at any time whenever such revision is substantiated by additional information available to the Control Committee.

(2) If any handler or any grower fails or refuses to submit reports to the Control Committee, pursuant to this paragraph, the Control Committee may determine for itself the information required for such handler or such grower.

(3) If any handler or any grower is dissatisfied with any determination, or revision thereof, by the Control Committee of the quantity of pears which will be available for shipment by such handler or such grower, or with any revision of such handler's or such grower's report made pursuant to this paragraph, he may appeal to the Secretary whose decision in the matter shall be final and conclusive.

(c) *Determination of marketing policy.* At the time of determining the total available quantity, pursuant to paragraph (a) of this section, the Control Committee shall likewise determine the marketing policy, including the method, manner, and extent of probable regulation, for the season. Such marketing policy may be revised by the Control Committee, from time to time during the season, in such manner as may be deemed advisable in view of changing circumstances or conditions.

(d) *Report and announcement of determinations.* As soon as practicable after making its determination of the total available quantity and the marketing policy, or any revisions thereof, as provided in this section, the Control Committee shall report such determinations and revisions to the Secretary and shall announce such determinations and revisions in such manner as may be reasonably calculated to bring such information to the attention of handlers and growers.

§ 938.6 *Regulation by volume—(a) Determination of advisable quantity.* It shall be the duty of the Control Committee to investigate, from time to time, the demand conditions for pears in the United Kingdom, Ireland, and the countries of Europe (hereinafter in this section referred to as the "area"). Whenever the Control Committee shall contemplate making a recommendation to the Secretary, pursuant to paragraph (b) of this section, for the limitation of the total quantity of pears which may be shipped to the area during any specified period or periods, the Control Com-

mittee shall determine the total quantity of pears advisable to be shipped to the area during such period or periods. In making such determination, the Control Committee shall, in addition to other pertinent information available, consider the total quantity and the approximate sizes and grades of pears available for shipment during the then current season or the remaining portion thereof, the total quantity and the approximate sizes and grades of competing crops, both domestic and foreign, and the level of consumer purchasing power.

(b) *Recommendation of the Control Committee.* (1) Whenever the Control Committee determines that (i) the supply of pears exceeds the demand therefor in the area; (ii) the regulation of shipments of pears by sizes and grades thereof is or will be inadequate or insufficient to correct such condition; and (iii) it is advisable to limit the total quantity of pears which may be shipped to the area during any specified period or periods, the Control Committee shall recommend to the Secretary the establishment of a regulation period or periods during which the shipment of pears shall be so limited: *Provided*, That the Control Committee shall not in any season recommend to the Secretary the establishment of a regulation, pursuant to this section, to take effect prior to the fifth day following the first day upon which a total of 640 boxes of pears produced in District No. 1 during such season is packed for shipment. At the time of making such recommendation, the Control Committee shall report to the Secretary (i) the period or periods during which the proposed regulation is to be effective; (ii) the total quantity and the approximate sizes and grades of pears available for shipment during the then current season or the remaining portion thereof; (iii) the quantity of pears available for shipment during such season or such remaining portion thereof by each handler and by each grower who has not authorized a handler to ship his pears; (iv) the total quantity advisable to be shipped to the area during the specified period or periods of regulation; and (v) the information upon which such recommendation and reports are based, and such other information as the Secretary may request.

(2) During the time a regulation established pursuant to this section is in effect, the affirmative vote of not less than six members of the Control Committee shall be required to recommend any change in the total quantity of pears advisable to be shipped as determined by the Secretary in such regulation.

(c) *Establishment of regulation.* (1) Whenever the Secretary shall find from the recommendation, reports, and information submitted by the Control Committee, or other available information, that to limit the total quantity of pears which may be shipped to the area would tend to effectuate the declared policy of the act, he shall so limit the shipment of

pears to the area during a specified period or periods. At the time of establishing such limitation, the Secretary shall determine: (i) the quantity of pears which will be available for shipment by each handler and by each grower who has not authorized a handler to ship his pears during the then current season or the remaining portion thereof; (ii) the period or periods during which the shipment of pears is to be limited; (iii) the total quantity of pears advisable to be shipped to the area during each specified period; (iv) the "allotment percentage" for each specified period, which shall be the percentage obtained by dividing the total quantity advisable to be shipped to the area by all growers and handlers during such period by the total quantity available for shipment by all growers and all handlers during such season or the remaining portion thereof; and (v) the allotment of each handler and of each grower who has not authorized a handler to ship such grower's pears for each period, which allotment shall be the total quantity of pears which such handler or such grower shall be permitted to ship to the area during such period and which shall be the product obtained by multiplying the total quantity available for shipment during the then current season or the remaining portion thereof by such grower or such handler by the allotment percentage for such period.

(2) Whenever it appears to the Control Committee that a revision of the determinations made by the Secretary pursuant to this paragraph is desirable or advisable, the Control Committee shall report to the Secretary the proposed revision and the data and information upon which the same is based, together with such other information which the Secretary may require. If the Secretary finds from such data and information, or from other available information, that such proposed revision is desirable or advisable, he may revise or amend any of such determinations.

(d) *Notice of regulation.* The Secretary shall notify the Control Committee of any regulation issued and determinations made pursuant to paragraph (c) of this section and of any revision or amendment of such determinations, and the Control Committee shall give adequate notice thereof to growers and handlers.

(e) *Transfer of allotments.* Subject to such procedural rules and regulations as the Control Committee, with the approval of the Secretary, may prescribe, handlers and growers to whom allotments have been made may transfer such allotments in whole or in part. The amount of such transfer shall be deducted from the allotment of the transferor for the period during which such transfer is made and credited to the transferee for such period.

(f) *Shipments to the area.* During any period in which a regulation issued pursuant to this section is in ef-

fect, no person shall ship pears to the area unless such pears are permitted to be shipped by him under or by virtue of an allotment issued or transferred to him.

(g) *Apportionment of allotments.* Each handler shall apportion his allotment equitably among the growers for whom he has reported pears available for shipment pursuant to paragraph (b) of section 938.5.

(h) *Reports of handlers.* During each period in which a regulation issued pursuant to this section is in effect, each handler shall furnish, or shall authorize all transportation agencies and storage agencies to furnish, to the Control Committee complete information covering each shipment and each diversion of shipments of pears made during such period, including the name of the handler, the car number, the points of origin and destination, the date and time of departure, the number of standard packages, or the equivalent thereof in weight, of the pears contained in each such shipment, and such other information relating thereto as the Control Committee, with the approval of the Secretary, may require. Such information shall be submitted to the Control Committee in such manner and at such times as the Control Committee shall designate.

§ 938.7 *Compliance.* Except as provided in section 938.8 hereof, no person shall ship pears, the shipment of which has been prohibited by the Secretary in accordance with the provisions hereof.

§ 938.8 *Pears for by-product and charitable purposes.* Nothing contained herein shall be construed to authorize any limitation of the right on the part of growers and shippers to ship pears for consumption by charitable institutions, for distribution by relief agencies, or for conversion into by-products, nor shall any assessment be levied on pears so shipped. The Control Committee may prescribe such regulations as may be deemed necessary by it to prevent pears, shipped for any of such purposes, from entering commercial fresh fruit channels of trade contrary to the provisions hereof.

§ 938.9 *Reports.* Upon the request of the Control Committee, made with the approval of the Secretary, each handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to exercise its powers and to perform its duties hereunder.

§ 938.10 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 938.11 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto and shall con-

tinue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate the provisions hereof at the end of any current marketing period whenever he finds that such termination is favored by a majority of the growers of pears who, during such current marketing period, have been engaged in the area covered hereby in the production of pears for market: *Provided,* That such majority have, during such period, produced for market more than fifty percent of the total volume of pears produced for market in the area covered hereby; but such termination shall be effective only if announced on or before March 1 of such current marketing period.

(3) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing the same cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination hereof, the members of the Control Committee then functioning shall continue as joint trustees, for the purpose of liquidation, of all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid and property not delivered at the time of such termination.

(2) Said trustee shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, and, upon direction by the Secretary, shall deliver all funds and property on hand, together with all books and records of the Control Committee and the joint trustees, to such person as the Secretary may designate; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant hereto.

(3) Any funds collected pursuant to section 938.3 hereof and held by the joint trustees or by such designated person, in excess of the amount necessary to meet outstanding obligations of the Control Committee and the expenses necessarily incurred by the joint trustees and by such designated person in the performance of their duties hereunder; shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made thereto pursuant to section 938.3 hereof.

(4) Any person to whom funds, property, or claims have been delivered by the Control Committee or by its members upon direction of the Secretary, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members

of the committee or upon the joint trustees.

§ 938.12 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue hereof shall cease upon termination hereof, except with respect to acts done under and during the existence hereof.

§ 938.13 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 938.14 *Derogation.* Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 938.15 *Liability of Control Committee members.* No member, alternate, or employee of the Control Committee shall be held liable, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 938.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the Control Committee or by the Secretary.

§ 938.17 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this order or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 16th day of June 1939, and declares this order to be effective on and after 12:01 a. m., p. s. t., June 20, 1939.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-2106; Filed, June 16, 1939; 11:50 a. m.]

[ACP-1939-14]

PART 701-1939—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

JUNE 16, 1939.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin¹ is hereby amended as follows:

(1) Subparagraph (4) of section 701.2 (e) is amended to read as follows:

(4) *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and, in the case of rice, also means a person furnishing water for a share of the rice.

(2) The first sentence of section 701.7 is amended to read as follows:

Such of the soil building practices listed in the following schedule as the Administrator determines are adapted to any region and should be encouraged in such region shall count toward the achievement of the soil building goal to the extent indicated therein when such practices are carried out under the provisions of the 1939 program during the period October 1, 1938, to December 31, 1939, inclusive, in areas designated by the Administrator and in accordance with specifications issued by the regional director or by the State committee with the approval of the regional director.

(3) The first sentence and subparagraphs (1) to (3), inclusive, of Section 701.7 (a) are amended to read as follows:

(a) *Practice unit equivalent—One unit.* Each of the following practices in the amounts specified shall be counted as one unit: *Provided*, That when the materials specified in subparagraphs (1), (2), or (3) of this paragraph are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or Natal grass seeded or grown in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration.

(1) Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture.

(2) Application of 200 pounds of 50-percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture.

¹ 3 F.R. 2715 DI.

lent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture.

(3) Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture.

(4) The amendment in Supplement No. 6 to section 701.9 (d) is further amended to read as follows:

(d) *Tobacco.* (i) 2 cents per pound of the normal yield for the farm for each acre of Burley, flue-cured, fire-cured, and dark air-cured, or cigar filler and binder (except Type 45) tobacco harvested in excess of the applicable tobacco acreage allotment established for the farm, but not in excess of 110 percent of such allotment, or not in excess of such allotment plus one-tenth of an acre, whichever is greater.

(ii) 8 cents per pound of the normal yield for the farm for each acre of Burley, flue-cured, fire-cured, and dark air-cured or cigar filler and binder (except Type 45) tobacco harvested in excess of 110 percent of the applicable tobacco acreage allotment established for the farm, or harvested in excess of such applicable tobacco acreage allotment plus one-tenth of an acre, whichever is greater.

(iii) 8 cents per pound of the normal yield for the farm for each acre of Georgia-Florida Type 62 tobacco harvested in excess of the Georgia-Florida Type 62 tobacco acreage allotment established for the farm.

(5) Section 701.9 (m) is amended to read as follows:

(m) *Failure to prevent wind and water erosion.* \$1.00 for each acre of land other than restoration land in an area designated by the Administrator as subject to serious wind and water erosion hazards with respect to which there are not adopted in 1939 methods recommended by the county committee and approved by the State committee for the prevention of wind and water erosion: *Provided*, That in Stanton County, Kansas, the rate shall be 25 cents per acre each time wind erosion control methods recommended by the county committee are not carried out in 1939 by the date specified by the committee.

Done at Washington, D. C., this 16th day of June 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39-2113; Filed, June 16, 1939; 12:41 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IV—MILITARY EDUCATION

PART 43—PROMOTION OF RIFLE PRACTICE¹

§ 43.1 *Issues of rifles, ammunition, etc., to schools.*

(b) *Kinds of arms to be issued.* The arm to be issued and the accessories, appendages, and pertaining equipment are as follows:

Service	Articles	Remarks
0	Rifle, U. S., cal. 30, M1917.	1 per cadet, not more than 100 to one school. ¹ See par. (c) (5), section 43.2.

¹ Additional rifles may be issued when appropriated funds are available and when in the opinion of the Director of Civilian Marksmanship, the enrollment, range facilities, and standards of military training warrant such issue.

(38 Stat. 370; 10 U.S.C. 1185; 39 Stat. 643) [Par. 3a, AR 850-100, Aug. 15, 1936, as amended by Sec. I, Cir. No. 36, WD, June 14, 1939]

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

[F. R. Doc. 39-2100; Filed, June 16, 1939; 9:31 a. m.]

TITLE 25—INDIANS

INDIAN ARTS AND CRAFTS BOARD

AMENDMENT OF REGULATIONS² GOVERNING NAVAJO ALL-WOOL WOVEN FABRICS, USE OF GOVERNMENT CERTIFICATE OF GENUINENESS

JUNE 5, 1939.

Sections 307.4 and 307.12 of Title 25, Chapter II, Indian Arts and Crafts Board, Department of the Interior, Part 307, Navajo all-wool woven fabrics, use of Government certificate of genuineness, which read:

§ 307.4 No fabric may carry the Government certificate of genuineness for Navajo all-wool woven fabrics unless all of the following conditions are met:

(a) The fabric is made entirely of local wool that is locally hand-spun and is entirely woven on a native Navajo loom;

(b) The fabric is made by a member of the Navajo Tribe working under conditions not resembling a workshop or factory system;

(c) The size and weight of the fabric are indicated in the certificate;

(d) The licensee dates and signs the certificate.

§ 307.12 When the certificate is first applied, the lower of the two spaces pro-

¹ These regulations are supplementary to paragraph (b), Sec. 43.1, Title 10, Code of Federal Regulations.

² 3 F.R. 893 DI.

vided for the purpose shall be dated and signed. In the event that the ultimate retailer of any fabric so marked is not the person who originally attached the certificates, that ultimate retailer, if duly licensed under section 307.3 of these regulations, may date and sign the upper of the two spaces provided for the purpose and may, if he so desires, detach the original date and signature.

are amended to read:

§ 307.4 No fabric may carry the Government certificate of genuineness for Navajo all-wool woven fabrics unless all of the following conditions are met:

(a) The fabric is made entirely of local wool that is locally hand-spun and is entirely woven on a native Navajo loom;

(b) The fabric is made by a member of the Navajo Tribe working under conditions not resembling a workshop or factory system;

(c) The size of the fabric is indicated in the certificate;

(d) The licensee signs the certificate.

§ 307.12 When the certificate is first affixed, the lower of the two spaces provided for the purpose shall be signed by the licensee. In the event the ultimate retailer of any fabric so marked is not the person who originally attached the certificate, that ultimate retailer may sign the upper of the two spaces provided for the purpose and detach the original signature.

HARRY SLATTERY,

Acting Secretary of the Interior.

[F. R. Doc. 39-2101; Filed, June 16, 1939, 9:32 a. m.]

TITLE 29—LABOR

WAGE AND HOUR DIVISION

PART 536—REGULATIONS DEFINING THE TERM "AREA OF PRODUCTION" AS USED IN SECTION 7 (c) AND IN SECTION 13 (a) (10) OF THE FAIR LABOR STANDARDS ACT

The following Regulations—Part 536, as amended—(Regulations Defining the Term "Area of Production" as Used in Section 7 (c) and in Section 13 (a) (10) of the Fair Labor Standards Act) are hereby issued. These regulations repeal and supersede all regulations previously issued¹ defining the term "area of production." These regulations shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 15th day of June, 1939.

ELMER F. ANDREWS,
Administrator.

¹ 3 F. R. 2536 DI, 4 F. R. 1655 DI.

§ 536.1 "Area of production" as used in section 7 (c) of the Fair Labor Standards Act. An employer shall be regarded as engaged in the first processing of any agricultural or horticultural commodity during seasonal operations within the "area of production" within the meaning of Section 7 (c):

(a) if all the commodities processed come from farms in the general vicinity of the processing establishment and the number of employees there engaged in such processing does not exceed seven, or

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

(c) if all the commodities processed come from farms in the immediate locality of the processing establishment and the establishment is located in the open country or in a rural community. As used in this subsection (c) "immediate locality" shall not include any distance of more than ten miles, and "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the 15th United States census, 1930.

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

(a) if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed seven, or

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

(c) with respect to Puerto Rican leaf tobacco, if he is engaged in handling, packing, storing, and drying such to-

bacco for market in an establishment which is a first concentration point for such tobacco. As used in this subsection (c), "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing, or

(d) if he performs those operations on materials all of which come from farms in the immediate locality of the establishment where he is employed and the establishment is located in the open country or in a rural community. As used in this subsection (d), "immediate locality" shall not include any distance of more than ten miles and "open country" or "rural community" shall not include any city or town of 2,500 or greater population according to the 15th United States Census, 1930.

§ 536.3 Petition for amendment of regulations. Any interested person or association wishing a revision of the foregoing regulations may submit in writing to the Administrator a petition for amendment thereof, setting forth the changes desired and the reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties or will make other provision for affording interested parties an opportunity to present their views either in support of or in opposition to the proposed changes.*

[F. R. Doc. 39-2112; Filed, June 16, 1939; 12:09 p. m.]

TITLE 30—MINERAL RESOURCES

NATIONAL BITUMINOUS COAL COMMISSION

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

DETERMINATION OF THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREA 1

The Commission, having determined the weighted average of the total costs of the tonnage for Minimum Price Area 1 on August 10, 1938, pursuant to Notice and Hearing in General Docket No. 15, and as provided by Section 4, II (a) of the Bituminous Coal Act of 1937, and

Having submitted to the District Board for each District within Minimum Price

*Sections 536.1 through 536.3 issued under the authority contained in Sections 7 (a) and 13 (a) (10), 52 Stat. 1060.

Area 1 such determination of the weighted average of the total costs of Minimum Price Area 1, directed said District Boards to propose minimum prices in conformity with the provisions of Section 4, II (a) of the Act on the basis of the weighted average of the total costs for the said minimum price area as determined by the Commission, which proposals of minimum prices were subsequently made by the District Boards and approved or modified by the Commission to serve as a basis for the coordination of minimum prices provided for by Section 4, II (b) of the Act, and

At the hearing aforesaid relating to said determination of the weighted average of the total costs of the tonnage produced within said Minimum Price Area 1 certain composite reports were received in evidence without the individual cost reports of producers upon which they were based being made available for inspection by interested parties or for introduction in evidence, and the Commission, thereafter, having made said individual cost reports of producers available for inspection by interested parties or for introduction in evidence commencing on the 6th day of February 1939, resumed said hearing, after notice, on March 6, 1939, in Washington, D. C., to afford all interested parties an opportunity to introduce affirmative evidence and to cross-examine witnesses as to the correctness of the composite reports theretofore introduced in evidence in this proceeding, which resumed hearing was closed on the 8th day of March 1939 upon motion of certain interested parties that a later hearing be held pursuant to further notice, and

Thereafter, upon due and reasonable notice, the Commission, on the 27th day of March 1939, commenced a final hearing¹ in the matter of the determinations of the weighted average of the total cost of the tonnage produced within Minimum Price Areas, 1, 2, 3, 4, 5, 6, 7, 9, and 10, at which final hearing all of the evidence upon which the Commission's determination of the weighted average of the total costs of Minimum Price Area 1 was based, together with the evidence received in the hearing of March 6, 1939, was received in evidence and all interested parties having been afforded an opportunity to make all proper motions relating to the record of said prior hearings, and being afforded a full opportunity to be heard relating to the weighted average of the total costs per net ton of the tonnage produced within Minimum Price Area 1, which final hearing was concluded on the 15th day of April 1939, and the evidence being adduced, and upon consideration thereof, the Commission made Findings of Fact and Conclusions as to the weighted average of the total costs of the tonnage produced within said Minimum Price

Area 1 in the calendar year 1936 adjusted as provided by Section 4, II (a) of the Act, which Findings of Fact and Conclusions are on file in the Office of the Secretary of the Commission, Washington, D. C., and by this reference incorporated herein and made a part hereof.

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, in conformity with the "Findings of Fact and Conclusions", dated June 14, 1939, made and filed herein, finds that the weighted average of the total costs of the tonnage for said Minimum Price Area 1 is as follows:

Minimum Price Area 1 (Districts 1, 2, 3, 4, 5, 6, 7 and 8)----- \$2.128 per net ton

The Secretary of the Commission is hereby directed to cause a copy of this Order to be published forthwith in the FEDERAL REGISTER; and to cause copies of same, together with the aforesaid "Findings of Fact and Conclusions", to be mailed to the Secretary of each District Board, to the Consumers' Counsel, and to all parties who have entered their appearances herein; and shall cause copies thereof to be made available for inspection by all interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at each of the Statistical Bureaus of the Commission; and to cause copies of this Order to be mailed to all code members within each of the several districts.

By order of the Commission.
Dated this 14th day of June 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-2104; Filed, June 16, 1939; 10:44 a. m.]

TITLE 46—SHIPPING

UNITED STATES MARITIME COMMISSION

[General Order No. 15—Supplement No. 6d]

MINIMUM MANNING SCALE FOR THE S. S. "MEXICO," SUBSIDIZED VESSEL OF THE NEW YORK AND CUBA MAIL STEAMSHIP COMPANY

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 13th day of June 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, as amended, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scale for the S. S. Mexico, subsidized vessel of the New York and Cuba

Mail Steamship Company (referred to herein as Operator); and

The Commission finding that the minimum scale hereinafter adopted for the above named subsidized vessel of the Operator is reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and other investigations deemed pertinent by the Commission and made thereafter; it is, therefore

Ordered, that the minimum manning scale attached hereto for the S. S. Mexico, subsidized vessel of the Operator, be and the same hereby is adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scale shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scale, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, that the minimum manning scale hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, that the minimum manning scale hereby adopted shall become effective for said vessel upon the first signing after July 8, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scale, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scale hereby adopted.

By order of United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

Minimum Manning Scale to be Observed on the Vessel "Mexico" of the New York and Cuba Mail Steamship Company

Rating:	Minimum
Deck Department:	
Master.....	1
Chief Mate.....	1
Second Mate.....	1
Third Mate.....	1
Cadet Officer or Cadet.....	1
Radio Operators.....	3
Boatswain.....	1
Quartermasters.....	3
Fire Watchmen.....	3
A. B. Seamen.....	6
Ordinary Seamen.....	3
Engine Department:	
Chief Engineer.....	1
1st Asst. Engineer.....	1
2nd Asst. Engineer.....	1
3rd Asst. Engineer.....	1
Junior Engineer.....	1
Engineer Cadet Officer or Cadet.....	1

See footnotes at end of table.

¹4 F.R. 1192 DI.
No. 117—2

² F.R. 2257.

Rating—Continued.

Engine Department—Contd.	Minimum
Refrigerating Engineer.....	1
Electrician.....	1
Oilers.....	4
Watertenders.....	3
Firemen.....	6
Wipers.....	2
Steward's Department:	
Chief Steward.....	1
Chief Cook.....	1
2nd Cook & Baker.....	1
Messmen.....	4
Messboy.....	1
Utilityman.....	1

¹ It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel and such action shall not constitute a violation of this Manning Scale.

² The Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-2098; Filed, June 15, 1939; 3:26 p. m.]

[General Order No. 15—Supplement No. 7b]

MINIMUM MANNING SCALE FOR THE S. S. "GREYLOCK," SUBSIDIZED VESSEL OF THE SEAS SHIPPING COMPANY, INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 13th day of June, 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, as amended, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scale for the S. S. *Greylock*, subsidized vessel of the Seas Shipping Company, Inc. (referred to herein as Operator); and

The Commission finding that the minimum scale hereinafter adopted for the above named subsidized vessel of the Operator is reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and other investigations deemed pertinent by the Commission and made thereafter; it is, therefore

Ordered, that the minimum manning scale attached hereto for the S. S. *Greylock*, subsidized vessel of the Operator, be and the same hereby is adopted: Provided, that under extraordinary circum-

stances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scale shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scale, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, that the minimum manning scale hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, that the minimum manning scale hereby adopted shall become effective for said vessel upon the first signing after July 8, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scale, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scale hereby adopted.

By order of United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.
Secretary.

Minimum Manning Scale to be Observed on the Vessel *Greylock of the Seas Shipping Company, Inc.*

Rating:	Minimum
Deck department:	
Master.....	1
Chief Mate.....	1
2nd Mate.....	1
3rd Mate.....	1
Cadet Officer or Cadet.....	1
Radio Operator.....	2
A. B. Seamen.....	6
Ordinary Seamen.....	3
Engine department:	
Chief Engineer.....	1
1st Asst. Engineer.....	1
2nd Asst. Engineer.....	1
3rd Asst. Engineer.....	1
Engineer Cadet Officer or Cadet.....	1
Deck Engineer.....	1
Oilers.....	3
Firemen.....	3
Wiper.....	1
Steward's department:	
Steward.....	1
Chief Cook.....	1
2nd Cook and Baker.....	1
Messmen.....	2
Messboy.....	1

¹ It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel and such action shall not constitute a violation of this Manning Scale.

² With radio auto alarm.

³ The Deck Engineer and Wiper required by this Manning Scale are ratings covered

by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-2099; Filed, June 15, 1939; 3:26 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket Nos. 675-FD, 678-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 4, COMPLAINANT, STONEWALL JACKSON COMPANY, SCHNEITER COAL COMPANY, DEFENDANTS

NOTICE AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 4, the complainant above-named, having filed with the Commission separate complaints against each of the defendants above-named, code members within said District No. 4, alleging that the said defendants have wilfully violated the provisions of the Bituminous Coal Code by their failure to pay assessments levied against them by the said District Board in accordance with the Bituminous Coal Act of 1937 and Orders Nos. 10 and 265¹ of the Commission, and praying for the revocation of defendants' membership in the Bituminous Coal Code, all of which is more fully set forth in the respective written formal complaints filed in each of the above-entitled matters; Now, therefore, It is hereby ordered:

1. That a hearing upon each of the said complaints, before an Examiner to be designated by the Commission, shall be held in the Hearing Room of the Commission, Walker Building, Washington, D. C., on the 20th day of July, 1939, commencing at the hour of 10 o'clock, a. m., at which interested parties will be given an opportunity to be heard.

2. The Secretary of the Commission is forthwith directed to cause personal service of a copy of this Notice and Order for Hearing to be made upon each of the defendants above-named; to mail copies of this Notice and Order for Hearing to the Secretary of each District Board and to the Consumers' Counsel; and to cause copy of the same to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 14th day of June 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-2103; Filed, June 16, 1939; 10:44 a. m.]

¹ 2 F.R. 2257.

² 2 F.R. 1109; 4 F.R. 1012 DI.

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

PROCLAMATION OF SECRETARY OF AGRICULTURE MADE WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF A MARKETING AGREEMENT AND AN ORDER REGULATING HANDLING OF BEURRE HARDY PEARS GROWN IN STATE OF CALIFORNIA

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, it is hereby found and proclaimed that, with respect to Beurre Hardy pears grown in the State of California, the purchasing power of such pears during the prewar period, August 1909-July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such pears, but the purchasing power of such pears can be satisfactorily determined from available statistics of the Department of Agriculture for the period January 1, 1920-December 31, 1928. The period January 1, 1920-December 31, 1928, is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of Beurre Hardy pears grown in the State of California for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such pears.

In witness whereof, H. A. Wallace, Secretary of Agriculture, has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 16th day of June 1939.

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

[F. R. Doc. 39-2107; Filed, June 16, 1939; 11:50 a. m.]

[Docket No. A-103-O-103]

NOTICE OF PUBLIC HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA, PREPARED AND PROPOSED BY THE DAIRY FARMERS PROTECTIVE LEAGUE, UPON WHICH SAID ORGANIZATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

JUNE 16, 1939.

Whereas the Dairy Farmers Protective League has requested the Secretary of Agriculture to hold a public hearing on a marketing agreement and order prepared and proposed by such organization

and designed to regulate such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice;

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held at Amite, Louisiana, on July 5, 1939, in the District Court Room, at 10:00 a. m., c. s. t., and at New Orleans, Louisiana, on July 6, 1939, in the State Court of Appeals Room, 401 Civil District Courts Building, Royal and Conti Streets, at 10:00 a. m., c. s. t., on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned organization and designed to regulate such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator and definition of his powers and duties, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of individual handler pools, and (f) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of

Agriculture, in Room 0310 South Building, or may be there inspected.

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

[F. R. Doc. 39-2114; Filed, June 16, 1939; 12:41 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5653]

NOTICE OF HEARING WITH REGARD TO SECTION 42.03 (A) OF INTERNATIONAL BROADCAST RULES

The Commission having under consideration the Petition for the Withdrawal or Amendment of Section 42.03 (a) filed on behalf of the American Civil Liberties Union;

It is ordered, that a hearing be held before a quorum of the Commission at 10:00 a. m. on the 12th day of July, 1939, at the Commission's offices in Washington, D. C., on the question of whether Section 42.03 (a) reading as follows, shall be modified, revised, or amended:

"A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service."

Any persons desiring to participate and be heard shall on or before the 5th day of July, 1939, file a notice of such appearance with the Secretary of the Commission. A copy of this Order shall be released to the press for general distribution, and a copy mailed to each licensee of a radio broadcast station.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-2105; Filed, June 16, 1939; 11:38 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 10th day of June, A. D. 1939.

[File No. 46-132]

IN THE MATTER OF MASSACHUSETTS UTILITIES ASSOCIATES, NEW ENGLAND POWER ASSOCIATION

ORDER GRANTING APPLICATION

Massachusetts Utilities Associates, a subsidiary of New England Power Association, a registered holding company,

having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it from New England Gas and Electric Association, a registered holding company, of all the outstanding capital stock of Middlesex County Electric Company, a subsidiary of New England Gas and Electric Association, and from Electric Associates, Inc., also a subsidiary of New England Gas and Electric Association, of all of Middlesex County Electric Company's open account indebtedness in exchange for all the outstanding capital stock and certain debt of Marlborough-Hudson Gas Company and Milford Gas Light Company, present subsidiaries of Massachusetts Utilities Associates, and \$210,438.80 in cash;

Massachusetts Utilities Associates having also filed an application requesting approval of the sale of the securities of Marlborough-Hudson Gas Company and Milford Gas Light Company under Rule U-12F-1 under the Act;

New England Power Association having filed an application requesting approval of the sale of the securities of Marlborough-Hudson Gas Company and Milford Gas Light Company under Section 12 (d) of the Act and Rule U-12D-1 promulgated thereunder;

A public hearing on said applications as amended having been held¹ 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 applications of Massachusetts Utilities Associates, be, and the same hereby are, granted subject however 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 as amended; and

(2) That within ten days after such acquisitions and dispositions the applicant shall file with this Commission certificates of notification showing that such acquisitions and dispositions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said amended applications;

(3) That the Commission reserves jurisdiction over the accounting treatment proposed by Massachusetts Utilities Associates with respect to the disposition of the shares of Marlborough-Hudson Gas Company and Milford Gas Light Company and the acquisition of the shares of Middlesex County Electric Company.

It is further ordered, That said application of New England Power Association be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2111; Filed, June 16, 1939;
12:02 p. m.]

¹ 4 F.R. 1279 DI.

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 10th day of June, A. D. 1939.

[File No. 46-133]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, ELECTRIC ASSOCIATES, INC.

ORDER APPROVING ACQUISITION AND SALE OF SECURITIES

New England Gas and Electric Association, a registered holding company, having filed applications with this Commission pursuant to Section 10 of the Holding Company Act of 1935 and Rule U-12D-1 promulgated under said Act for approval of the acquisition by it from Massachusetts Utilities Associates of all the capital stocks of Marlborough-Hudson Gas Company and Milford Gas Light Company, and for approval of the sale and transfer by it to said Massachusetts Utilities Associates of all the capital stock of Middlesex County Electric Company, subject to the terms and conditions set forth in said applications; and Electric Associates, Inc., a subsidiary of said New England Gas and Electric Association, having filed an application pursuant to said Section 10 for approval of the acquisition of the indebtedness due from said Marlborough-Hudson Gas Company and said Milford Gas Light Company to said Massachusetts Utilities Associates, aggregating \$190,000, in connection with and ancillary to the exchange of capital stocks as aforesaid—all of said transactions being parts of a so-called basket exchange of securities between New England Gas and Electric Association and New England Power Association, now proposed to be consummated;

A hearing on said applications having been held¹ after appropriate notice; the record in these matters having been examined; and the Commission having made and filed its findings herein:

It is ordered, That such acquisition of the securities of Marlborough-Hudson Gas Light Company and Milford Gas Light Company by New England Gas and Electric Association and Electric Associates, Inc., and such sale of the securities of Middlesex County Electric Company by New England Gas and Electric Association, be and the same hereby are approved in accordance with the terms and conditions and for the purposes represented by said applications; subject to the condition, however, that the Commission reserves jurisdiction with respect to the accounting entries to be made by New England Gas and Electric Association in recording the values of the securities disposed of and acquired;

It is further ordered, That within ten days after such acquisitions and sale of

¹ 4 F.R. 1375 DI.

securities the applicants shall file with this Commission certificates of notification showing that such transactions 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. 39-2110; Filed, June 16, 1939;
12:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June 1939.

[File No. 1-2545]

IN THE MATTER OF VERA MINES CORPORATION ASSESSABLE CAPITAL STOCK 25¢ PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, 25¢ Par Value, of Vera Mines Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, July 5, 1939, at the office of the Securities & Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2109; Filed, June 16, 1939;
12:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June, A. D. 1939.

[File No. 31-317]

IN THE MATTER OF FAIRBANKS, MORSE & Co.

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party:

It is ordered, That a hearing on such matter be held on July 11, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 3, 1939.

The matter concerned herewith is in regard to the application of Fairbanks, Morse & Co. filed pursuant to section 3 (a) (3) of the Public Utility Holding Company Act, for an order exempting it from the provisions of said Act.

By the Commission,

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2108; Filed, June 16, 1939; 12:02 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, JUNE 15, 1939

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
IN ARREARS		

1. Puerto Rico.....	615	41
2. Hawaii.....	147	17
3. California.....	2,261	795
4. Alaska.....	24	9
5. Texas.....	2,320	924
6. Louisiana.....	837	395
7. Michigan.....	1,928	919
8. Arizona.....	173	88
9. New Jersey.....	1,609	862
10. South Carolina.....	692	392
11. Ohio.....	2,647	1,588
12. Mississippi.....	800	488
13. Oklahoma.....	954	582
14. Alabama.....	1,054	656
15. New Mexico.....	169	107
16. Arkansas.....	738	469
17. Georgia.....	1,158	767
18. Kentucky.....	1,041	703
19. North Carolina.....	1,262	875
20. Tennessee.....	1,042	800
21. Illinois.....	3,039	2,345
22. Wisconsin.....	1,170	913
23. Connecticut.....	640	502
24. Delaware.....	95	82
25. Indiana.....	1,290	1,129
26. Nevada.....	36	32
27. Oregon.....	380	343
28. Florida.....	585	541
29. Idaho.....	177	166
30. New Hampshire.....	185	176
31. Pennsylvania.....	3,835	3,684
32. New York.....	5,013	4,819

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
33. Maine.....	318	311
34. West Virginia.....	689	683
35. Massachusetts.....	1,692	1,686

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
QUOTA FILLED			
36. Utah.....	202	202	

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
IN EXCESS			

37. Missouri.....	1,445	1,470	-47
38. Colorado.....	412	420	+10
39. Vermont.....	143	146	-3
40. Wyoming.....	90	92	+9
41. Washington.....	623	638	+42
42. Montana.....	214	228	-13
43. Kansas.....	749	813	+44
44. Rhode Island.....	274	304	+29
45. South Dakota.....	276	298	-4
46. North Dakota.....	271	307	+40
47. Minnesota.....	1,021	1,159	+45
48. Iowa.....	984	1,129	-11
49. Nebraska.....	549	669	+7
50. Virginia.....	964	2,010	+8
51. Maryland.....	650	2,039	+140
52. District of Columbia.....	194	8,864	+94

GAINS		
By appointment.....		185
By reinstatement.....		2
By transfer.....		47
By correction.....		1
Total.....		235
LOSSES		
By separation.....		63
By transfer.....		75
Total.....		138
Total Appointments.....		40,678

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 15,058.

By direction of the Commission.

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

[F. R. Doc. 39-2102; Filed, June 16, 1939; 9:45 a. m.]

