

FEDERAL REGISTER

VOLUME 4 1934 NUMBER 182

Washington, Thursday, September 21, 1939

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-21]

PART 701—1939 AGRICULTURAL CONSERVA- TION PROGRAM BULLETIN

SUPPLEMENT NO. 21

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,¹ is hereby further amended as follows:

Subdivision (xxii) of section 701.2 (d) (4) is hereby amended to read as follows:

(xxii) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, and in Area B in the Southern Region; when harvested for grain, seed or sirup in the Western Region, in Area A in the Southern Region, and in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota except in counties designated by the Administrator as counties in which because of drought the use of sweet sorghums for silage is necessary for conservation of available feed supplies.

Done at Washington, D. C., this 20th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39-3470; Filed, September 20, 1939; 12:33 p. m.]

¹ 4 F.R. 3956 DL

TITLE 8—ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZA- TION SERVICE

[Supplement 7, General Order No. C-1]

PORT OF ENTRY FOR ALIENS, COBURN GORE, MAINE

SEPTEMBER 19, 1939.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U.S.C. 102), Title 8, Code of Federal Regulations, Chapter I—Immigration and Naturalization Service—Subchapter A—Immigration Rules and Regulations—Part 3, Section 3.1 (Rule 3, Subdivision A, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by changing the name of the port of Arnold Pond, Maine, to Coburn Gore, Maine, and inserting Coburn Gore, Maine between Calais, Maine, and Eastport, Maine, in the list of ports for the entry of aliens in District No. 1.

[SEAL] EDW. J. SHAUGHNESSY,
Deputy Commissioner of
Immigration and Naturalization.

Approved:

FRANCES PERKINS,
Secretary.

[F. R. Doc. 39-3446; Filed, September 19, 1939; 1:15 p. m.]

[General Order No. C-15]

AMENDMENT OF OATH OF ALLEGIANCE RE- QUIRED BY NATURALIZATION LAWS

Pursuant to the authority contained in Section 28 of the Act of June 29, 1906 (34 Stat. 606), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515; 8 U.S.C. 356), Title 8, Code of Federal Regulations, Subchapter C—Naturalization Rules and Regulations—Part 77—Certificate of Naturalization—§ 77.4 (Rule 3, subdivision C, paragraph 1 of the Naturalization Rules and Regulations

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of December 1, 1936), is amended to read as follows:

§ 77.4 *Oath of allegiance required by the naturalization laws.* Before an applicant for naturalization may be admitted to citizenship and a certificate of naturalization issued, the applicant shall take in open court and subscribe to the following oath of allegiance: "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I was before a citizen or subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature."* (Sec. 4 (3), 34 Stat. 597; 8 U.S.C. 381; § 3, Public No. 138, c. 224, 1st Sess., 76th Congress)

[SEAL] JAMES L. HOUGHTLING,
Commissioner of Immigra-
tion and Naturalization.

Approved:

FRANCES PERKINS,
Secretary.

SEPTEMBER 19, 1939.

[F. R. Doc. 39-3468; Filed, September 20, 1939; 12:09 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

SEPTEMBER 20, 1939.

To A. R. MCBURNEY and KAVANAUGH JENNINGS,
Doing business as Welsh Commission Company, Welsh, La.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known

¹ Modifies list posted stockyards 9 CFR 204.1.

as the Welsh Commission Company, at Welsh, State of Louisiana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Assistant Secretary of Agriculture.

[F. R. Doc. 39-3471; Filed, September 20, 1939; 12:58 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

SEPTEMBER 20, 1939.

To O. V. NANNINGA,
Doing Business as Western Livestock Commission Company, Garden City, Kans.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Western Livestock Commission Company at Garden City, State of Kansas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Assistant Secretary of Agriculture.

[F. R. Doc. 39-3472; Filed, September 20, 1939; 12:58 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49964]

ANTIDUMPING—PHOSPHATE ROCK FROM MOROCCO

FINDING OF DUMPING WITH RESPECT TO PHOSPHATE ROCK FROM MOROCCO VACATED²

SEPTEMBER 18, 1939.

To Collectors of Customs and Others Concerned:

Reference is made to T. D. 42577, dated February 9, 1928, which is a finding of dumping with respect to phosphate rock from Morocco.

After careful reinvestigation and consideration of the case in which this finding of dumping was made, and on the basis of new and material factual evidence neither before nor considered by

² This document affects the tabulation in 19 CFR 12.15.

the Department at the time the finding was made, I have reached the conclusion that the said finding was not justified.

In view of the conclusion reached, T. D. 42577 is hereby vacated as of February 9, 1928, the date on which it was issued.

Appraising officers will proceed with all uncompleted appraisement reports pertaining to phosphate rock from Morocco without regard to any question of dumping, and collectors will liquidate all entries covering this class of merchandise, now before them or that may hereafter come before them, without regard to any reports by appraising officers that would, in the absence of this order, result in the assessment of special dumping duties. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160, R. S. 161; 5 U.S.C., 22)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3457; Filed, September 20, 1939; 11:29 a. m.]

TITLE 30—MINERAL RESOURCES BUREAU OF MINES

[Schedule 6D]

PERMISSIBLE ELECTRIC CAP LAMPS; PRO- CEDURE IN TESTING, FEES CHARGED, AND REQUIREMENTS FOR APPROVAL

AUTHORIZATION AND PURPOSE

Investigations conducted at the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., under the provisions of this schedule are authorized by the act of Congress approved February 25, 1913 (37 Stat. 682). This act, as amended June 30, 1932 (47 Stat. 410), contains the following provisions in regard to fees charged for investigations by the Bureau of Mines:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations are made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

The purpose of investigations made under this schedule is to promote the development of electric cap lamps that may be used in mines, especially in mines that may contain dangerous concentrations of methane. Lists of such lamps will be published from time to time in order that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information in regard to available permissible electric cap lamps. This schedule supersedes Schedule 6C, issued under

date of December 21, 1935, and goes into effect when approved by the Secretary of the Interior.

Any electric cap lamp that meets the requirements set forth in this schedule will be termed "permissible" by the Bureau and, if actively marketed, will be listed as such in publications relating to permissible electric cap lamps.

FEES CHARGED

Item 1. The fee for a complete investigation of an electric cap lamp under this schedule is \$200. A check for this amount, payable to the Treasurer of the United States, should be submitted at the time the application is made.

Item 2. The fee for tests of redesigned lamps and of accessories such as bulbs, cords, reflectors shall be based upon the following charges:

Test	Charge
Safety device in gas.....	\$25.00
Mechanical tests of headpiece.....	10.00
Battery sparking.....	10.00
Mechanical tests of battery.....	10.00
Bulb uniformity.....	5.00
Bulb life.....	45.00
Light distribution.....	35.00
Discharge voltage.....	25.00
Battery spilling.....	5.00
Cord.....	15.00

All applications for such tests must be made by the manufacturer of the cap lamp.

Item 3. Under the present provisions of this schedule, extensions of approvals that do not require tests will be made without charge.

Item 4. Tests to assist manufacturers in the development of electric cap lamps may be made upon request to the Director of the Bureau of Mines and will be charged for in amounts proportionate to the work involved. The making of this class of tests shall, however, be optional with the Bureau.

INSTRUCTIONS FOR MAKING APPLICATIONS

Before the Bureau of Mines will undertake the active investigation of any equipment, manufacturers shall have filed an application in the form of a letter requesting that the necessary inspections and tests leading to approval be made and shall have made the necessary deposit to cover the fee for the tests.

A sample request for an investigation of an electric cap lamp follows:

THE DIRECTOR OF THE BUREAU OF MINES,
Department of the Interior, Washington,
D. C.

Subject: Tests of the ----- cap lamp.

DEAR SIR: We hereby make application for an investigation leading to the approval of the ----- electric cap lamp under the provisions of Schedule 6D. Attached is a check for two hundred dollars (\$200), made payable to the Treasurer of the United States, to cover the fee for the investigation.

A copy of this application, one set of drawings, one complete lamp, and a full set of instructions for operating the lamp are being sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

(Signature of Applicant)

CONDITIONS GOVERNING INVESTIGATIONS

1. One complete lamp, with the assembly and detail drawings that show the construction of the lamp and the materials of which it is made, should be submitted at the time the application for test is made. This material should be sent prepaid to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

2. When this lamp has been inspected by the Bureau's engineers, the applicant will be notified as to the amount of material that will be required for the tests. In general, the material required will be as follows: (a) Thirty complete lamps; (b) 500 bulbs; (c) 50 feet of cord; (d) a battery discharge rack for 20 batteries; and (e) a 50-bulb rack. Specifications for items (d) and (e) will be furnished by the Bureau.

3. The applicant will be notified of the date on which the tests will start and will be given an opportunity to witness them.

4. No one is to be present at the time the tests are made except the necessary Bureau of Mines engineers, their assistants, a representative of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau.

5. Permissibility tests will not be made unless the lamp has been completely developed and is in a form that can be marketed.

6. The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public in any way prior to the formal approval of the lamp by the Bureau of Mines.

7. No verbal report of approval or disapproval will be made to the applicant. After the Bureau's engineers have considered the results of the tests, a formal report of the approval or disapproval will be made to the applicant in writing by the Director of the Bureau of Mines. The applicant shall not advertise the lamp as being permissible or as having passed the tests prior to receipt of formal notice of approval.

REQUIREMENTS FOR APPROVAL

General Requirements

Electric cap lamps shall be complete units. They shall be durable in construction, practical in operation, and suitable for the conditions of underground service. They shall offer no probable explosion hazard if used in gassy or dusty mine atmospheres nor bodily hazard from the spilling of the battery electrolyte. They shall exhibit, under laboratory test conditions, the various minimum performance requirements specified on this schedule.

Specific Requirements

Design

In the determination of the adequacy of the lamp, with respect to design, the

following points will be considered: (a) The materials used; (b) construction; (c) weight; (d) amount of light; (e) distribution of light; and (f) exclusion of dust from the headpiece. The suitability of the materials and the construction shall be determined by preliminary inspection, by dropping tests,¹ by durability tests of the cord and cord armor,² and by the general behavior of the lamp equipment during the investigation. The amount and distribution of the light shall be judged both by observation of the illumination on a white screen and by photometric measurements.

Angle of light beam. The Bureau recommends that the angle of the light beam be at least 130 degrees horizontally to insure that the contrast edge of the beam is away from the more sensitive sector of the wearer's vision; however, to allow for manufacturing and assembly tolerances and the use of multiple filament bulbs, the Bureau will approve lamps giving a minimum beam angle of 120 degrees. If the bulb has more than one major filament, the one giving the smaller angle will be used in the determination.

Light distribution, visual. Excepting special headpieces for inspection purposes, the area illuminated by the beam shall be free from sharp gradations in light intensity and spectral shadows.

Light distribution, photometric. Excepting special headpieces for inspection purposes, the maximum candlepower of the light beam shall not be greater than 25 times the average or mean candlepower of the beam.³

The minimum candlepower of the beam based upon readings at the design voltage of the bulb shall not be less than one.

Protection Against Explosion Hazard

Unless properly designed, electric cap lamps may present two sources of probable explosion hazards: (1) Ignition of an explosive atmosphere by the heated filament of the bulb in case the bulb glass is accidentally broken, and (2) ignition by sparks or flashes from the battery. The Bureau therefore requires the following safeguards:

(a) **Safety device (design).** The headpiece shall be provided with a safety device which shall prevent the ignition of explosive mixtures of methane and air when the bulb glass surrounding the filament is broken.

¹Batteries are dropped 3 feet, at least 20 times, on to an oak floor. Headpieces are dropped 6 feet, at least 20 times, on to concrete.

²Ten cords, assembled with the cord armor and outlet of the lamp with which it is to be used, are slatted at least 100,000 times through an arc of 50 degrees at approximately 90 slappings per minute.

³The minimum allowable angle of 120 degrees will be used in determining the mean candlepower of the beam.

(b) **Headpiece lock or seal.** The headpiece shall be provided with a lock or seal to prevent unauthorized removal of the lens and tampering with the safety device, the bulb or the electrical contacts.

(c) **Locks on charging terminals.** Lamps shall be equipped with a magnetic or other equally effective lock at the battery, the headpiece or the cord assembly to prevent unauthorized access to live charging terminals.

(d) **Protection of battery terminals.** The battery covers of lamps that are recharged through the cord shall be so constructed and assembled as to prevent unauthorized access to the battery terminals.

(e) **Battery current restricted.** The amount of current flow between the conductors of the cord, if short-circuited just outside of the battery casing or cord armor, shall be limited by the design of the battery or by a fuse to such a value⁴ as will not produce sparks that will ignite an explosive mixture of methane and air.

(f) It shall not be possible to obtain a difference of potential between any two accessible points of the cap lamp when assembled for use.

Protection Against Bodily Hazard

This hazard is chiefly due to the possible burning of the wearer by electrolyte spilled from the battery. The Bureau therefore requires that:

(a) **Spilling of electrolyte.** The lamp shall be so designed and constructed that, when properly filled, the battery will neither leak nor spill electrolyte under actual service conditions. Lamps passing a laboratory spilling test will be considered satisfactory in this respect, contingent upon satisfactory performance in service.

(b) **Corrosion of battery container.** The material of which the container is made shall resist corrosion under conditions of use.

Performance

In addition to the general design and the safety features, the Bureau considers that a lamp of permissible type should meet certain minimum requirements with respect to performance, as follows:

(a) **Time of burning and candlepower.** Permissible electric cap lamps shall burn for at least 10 consecutive hours on one charge of the battery and shall give during that period a mean candlepower of light beam of not less than one.

(b) **Bulb life.** The average life of the bulbs shall be not less than 200 hours, and at least 92 percent of the bulbs shall have a life of 150 hours.

⁴The following maximum short-circuit current values may be used as a guide in the design of cap lamp batteries: 100 Amperes for a 4-volt battery; 75 Amperes for a 6-volt battery; 50 Amperes for an 8-Volt battery.

The life of a bulb is the number of hours its main filament will burn in the cap lamp or its equivalent.

The life of a bulb having main filaments in parallel is considered ended when the first filament ceases to burn; the life of a bulb having independent main filaments is considered ended when the last filament ceases to burn.

(c) **Bulb uniformity.** The bulbs submitted shall meet the following minimum requirements for variation in current consumption and candlepower:

The current consumption of at least 94 percent of the bulbs shall not exceed the average current by more than 6 percent. The candlepower (s. cp.) of at least 90 percent of the bulbs shall not fall short of the average candlepower by more than 30 percent.

(d) **Corrosion of contacts.** Battery terminals and leads therefrom, as well as the battery gas vents, shall be designed to minimize corrosion of the electrical contacts.

MATERIAL REQUIRED FOR BUREAU OF MINES RECORDS

In order that the Bureau may know exactly what it has tested and approved, detailed records are kept covering each investigation. These include drawings and actual equipment, as follows:

Drawings. The original drawings submitted with the application for the tests and the final drawings, which the manufacturer must submit to the Bureau before the approval is granted, to show the details of the lamp as approved. These drawings are used to identify the lamp in the approval and as a means of checking the future commercial product of the manufacturer.

Actual equipment. If the Bureau so desires, parts of the lamps which are used in the tests will be retained as a permanent record of the investigation and of the lamps submitted.

If the lamp is approved, the Bureau will require the manufacturer, as soon as his first manufactured lamps are available, to submit one complete lamp, bearing the approval plate, as a record of his commercial product.

HOW APPROVALS ARE GRANTED

All approvals are granted by letter through the Director's office at Washington, D. C. A lamp will be approved under this Schedule only when the testing engineers judge that the lamp has met the requirements of the schedule and the Bureau's records concerning the lamp are complete, including drawings from the manufacturer that show the lamp as it is to be commercially made. No verbal reports of the Bureau's decisions concerning the investigation will be given, and no informal approvals will be granted.

As soon as the manufacturer has received the formal approval he shall be free to advertise his lamps as permissible.

WORDING, PURPOSE, AND USE OF APPROVAL
PLATE

Approval plate. The manufacturer shall attach, stamp, or mold an approval plate on the battery container of each permissible lamp. The plate shall bear the seal of the Bureau of Mines and be inscribed as follows: "Permissible Electric Cap Lamp. Approval No. _____ issued to the _____ Company." When deemed necessary, an appropriate caution statement shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

Purpose of approval plate. The approval plate is a label which identifies the lamp so that anyone can tell at a glance whether the lamp is of the permissible type or not. By it, the manufacturer can point out that his lamp complies with specifications of the Bureau of Mines and that it has been judged as suitable for use in gassy mines.

Use of approval plate. Permission to place the Bureau's approval plate on his lamp obligates the manufacturer to maintain the quality of his product and to see that each lamp is constructed according to the drawings which have been accepted by the Bureau for this lamp and which are in the Bureau's files. Lamps exhibiting changes in design which have not been approved are not permissible lamps and must not bear the Bureau's approval plate.

Withdrawal of approval. The Bureau reserves the right to rescind, for cause, at any time any approval granted under this schedule.

INSTRUCTIONS FOR HANDLING FUTURE
CHANGES IN LAMP DESIGN

All approvals are granted with the understanding that the manufacturer will make his lamp according to the drawings which he has submitted to the Bureau and which have been considered and included in the approval. Therefore, when he desires to make any change in the design of the lamp, he should first of all obtain the Bureau's approval of the change. The procedure is as follows:

1. The manufacturer shall write to the Director of the Bureau at Washington, D. C., requesting an extension of his original approval and stating the change or changes desired. He should send a copy of the letter, a revised drawing showing the change in detail, and one of each of the lamp parts affected to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

2. The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

3. If no tests are necessary, the applicant will be advised of the approval or disapproval of the change through the Director's office.

4. If tests are judged necessary, the applicant will be advised of the material

that will be required and of the necessary deposit to cover the fee for the test.

JOHN W. FINCH,
Director.

Approved, August 26, 1939.

HARRY SLATTERY,
Acting Secretary of the Interior.

[F. R. Doc. 39-3448; Filed, September 20, 1939; 9:05 a. m.]

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF AN AMENDMENT TO THE
DETERMINATION OF THE PREVAILING
MINIMUM WAGE IN THE MEN'S RAIN-
COAT INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", hereinafter called the Act).

In my decision dated July 28, 1937, in the Matter of the Determination of the Prevailing Minimum Wage in the Men's Raincoat Industry (2 F.R. 1336), the term "cravenette" appears as a word of Common usage. This term is a registered trade-mark and should have been so designated; therefore,

I Determine

That my decision in the Matter of the Determination of the Prevailing Minimum Wage in the Men's Raincoat Industry is hereby amended by the deletion of the first paragraph and paragraph "(1)" following the words "Therefore, I Hereby Determine" and substituting in lieu thereof the following respective paragraphs:

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 21, 1937 it held a public hearing on the prevailing minimum wages in the men's raincoat industry including the manufacture of vulcanized and rubberized raincoats, and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant (except oiled cotton).

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Act No. 846, 74th Con-

gress, approved June 30, 1936 for the manufacture or supply of men's raincoats, including the manufacture of vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant (except oiled cotton), shall be 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

[SEAL] FRANCES PERKINS,
Secretary of Labor.

Dated, September 18, 1939.

[F. R. Doc. 39-3467; Filed, September 20, 1939; 12:09 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra-
tion.

[40-AAA-1]

INSTRUCTIONS FOR HOLDING REFERENDUM
ON COTTON MARKETING QUOTAS ON THE
1940 CROP

In view of the fact that the Secretary of Agriculture has determined and proclaimed, pursuant to the provisions of section 345 of the Agricultural Adjustment Act of 1938, that the total supply of cotton for the 1939-40 marketing year exceeds by more than 7 percent the normal supply thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1939 will be held on Saturday, December 9, 1939, pursuant to section 347 of said Act and in accordance with the regulations and instructions herein set forth, to determine whether they favor or oppose cotton marketing quotas on the 1940 cotton crop. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of cotton in 1939 are eligible to vote in the referendum (except those producing only cotton 1½ inches or more in staple length, as provided in the next paragraph). Any person who shared in the proceeds of the 1939 cotton crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of cotton in 1939. Farmers who planted cotton in 1939 but produced no cotton on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of the 1939 cotton and therefore eligible to vote.

Since the law provides that marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the

production of such cotton in 1939 is not eligible to vote, unless in 1939 he was also engaged in the production of cotton the staple of which was less than 1½ inches in length. (Because of such provision the term "cotton" as used in these instructions and in the prescribed forms to be used hereunder means cotton having a staple length of less than 1½ inches.)

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of cotton in 1939 on two or more farms or in two or more communities, counties, or States.

In case a group of several persons, such as husband, wife, and children, participated in the production of cotton in 1939 under a single rental or cropping agreement or lease, each person who signed the written or entered into the oral rental or cropping agreement or lease shall be entitled to one vote, but the others in such group shall not be eligible to vote.

In case two or more persons engaged in producing cotton in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to one vote.

There shall be no voting by mail, proxy, or agent, or in any manner except the eligible voter personally depositing in the ballot box his ballot marked by him; but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a Community Referendum Committee determines that the fact is that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing cotton in another community in 1939, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not previously voted in the referendum in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

Each County Agricultural Conservation Committee (hereinafter referred to as the County Committee) shall be responsible for the proper holding of the referendum in its county and it shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting therein by posting a notice on form Cotton 401, "Notice—Cotton Marketing Quota Referendum", at one or more places open to the public within each community at least 5 days in advance of the date of the referendum.

2. Make use (without advertising expense) of all available agencies of public

information, including newspapers and radio, to give cotton farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referendum in the county have been made, but must be given at least 5 days in advance of the date of the referendum.

3. Designate three cotton farmers residing in each community as members of the Community Referendum Committee to conduct the referendum in such community and name one of such members as chairman of the committee, and another of such members as vice-chairman of the committee.

4. In counties with less than 100 cotton farms the County Committee may treat the county as one community for the purpose of the referendum and shall hold the referendum and perform the duties both of County Committee and Community Referendum Committee.

5. See that each Community Referendum Committee is provided with a suitable ballot box (see C4 below).

6. Prepare on form Cotton 403, "Register of Eligible Voters and Ballots Cast—1940 Cotton Marketing Quota Referendum", the register (so far as it can ascertain) of eligible voters for each community in the county, listing thereon the names and addresses of all persons shown on its records or known to it as producers who were engaged in the production of cotton in such community during 1939.

7. Deliver a supply of forms Cotton 402, "1940 Cotton Marketing Quota Referendum Ballot", and of forms Cotton 404, "Community Summary of 1940 Cotton Marketing Quota Ballots", as well as form Cotton 403 (as provided in paragraph 6 above), to the chairman of the respective Community Referendum Committee.

8. See to it that the Community Referendum Committees understand their duties in all respects, with particular emphasis as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that all necessary and appropriate measures are taken to insure that the referendum is conducted by secret ballot, fairly and impartially.

10. Notify the State Agricultural Conservation Committee (hereinafter referred to as the State Committee) by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the county.

11. Meet not later than 8:30 o'clock a. m., on the next week-day after the holding of the referendum, for the purpose of receiving and tabulating on form Cotton 405, "County Summary of 1940 Cotton Marketing Quota Ballots", the data reported on forms Cotton 404. Such

meeting shall be open to the public. A report on Cotton 405, showing the results in the county, shall be prepared and certified in quadruplicate, two copies of which shall be sent to the State Committee as soon as possible and in no case later than 4 calendar days after the date of the referendum, one copy posted for 60 calendar days in a conspicuous place accessible to the public in or near the office of the County Committee (hereinafter referred to as the county office), and one copy permanently filed in the county office and kept available for public inspection. One copy of each executed form Cotton 404 shall also be posted for 60 calendar days in a conspicuous place accessible to the public in or near the county office.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter to vote in the referendum. In each case where a ballot is found in a sealed envelope marked "Challenged" by the Community Referendum Committee and bearing on the outside the voter's name and a statement of the reason for the challenge, the eligibility of such person shall be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots have been passed upon by the committee those ballots found to be cast by eligible voters shall be opened and tabulated in the county summary, but no disclosure shall be made as to how any particular person voted. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the County Committee unless it is brought to its attention within 3 calendar days after the date on which the referendum was held. The County Committee shall promptly decide the dispute and immediately report its findings to the State Committee and send by registered mail or deliver in person to the office of the State Committee all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenge ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Cotton Referendum 1940", followed by the name of the county) and place them under lock and key in a safe place under the custody of the Secretary of the County Agricultural Conservation Association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed but the register and community summary sheets shall be permanently filed in the county office and kept available for public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each Community Referendum Committee designated by the County Committee shall:

1. Arrange, with the assistance of the County Committee, for conducting the referendum by secret ballot and fairly and impartially.

2. Assist the County Committee in giving adequate public notice of the time and place for casting ballots in the community at least 5 days in advance of the date on which the referendum will be held.

3. Provide a place where each eligible farmer can mark and cast his ballot in secret and without interference, coercion, or duress.

4. Provide a suitable ballot box. Any container so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed by the chairman or a member of the Community Referendum Committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

5. Open the polls at the time designated by the County Committee, which time shall not be later than 9:00 o'clock a. m., local standard time, on the date fixed for holding the referendum.

6. Hold the referendum in a fair and unbiased manner and see that appropriate measures are taken to insure that it is conducted by secret ballot, fairly and impartially.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot), and instruct each voter as he is handed a ballot form that he is to mark his ballot so as to show how he votes in such manner that no one shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone to see which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. If the voter fails to fold the ballot that shall not invalidate it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, so as to show how he votes but in such manner that no one sees how he votes, shall be folded and placed (by him, or by the committee if he refuses) in an envelope, which shall then be sealed and endorsed with his name, the word "Challenged", and a statement of the reason for the challenge, and shall then be placed in the ballot box. The letter "C" shall be entered on form Cotton 403 immediately to the left of

the name of each person whose vote is challenged.

9. Record on form Cotton 403 the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter, in the column on form Cotton 403 headed "Ballot Cast (X)", an X beside the name and address of each farmer to whom a ballot form is issued and whose ballot is placed in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock p. m., local standard time (or such later hour as is fixed by the State Committee in order to afford a full and fair opportunity to producers to vote) on the date of the referendum.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on form Cotton 404. The number of challenged ballots cast shall be entered on form Cotton 404 in the space provided and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked so that it cannot be determined whether the ballot was intended to show that the voter approved or opposed the marketing quotas, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots sealed in an envelope marked "Spoiled Ballots", followed by the number of such ballots and the designation of the community, together with the signature or initials of the chairman or a member of the Community Referendum Committee. If any member of the Community Referendum Committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged or found to be spoiled, he shall not disclose such knowledge to any other person, except in an investigation conducted by the County Committee hereunder.

14. Certify to the accuracy of the executed forms Cotton 403 and Cotton 404 by signing in the spaces provided.

15. Notify the County Committee, by telephone or by a member of the Community Referendum Committee in person or by a signed communication sent by messenger, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the original and one copy of the community summary in one or more envelopes appropriately identified by the designation of the community and deliver them (by a member of the Community Referendum Committee or another trustworthy person, volun-

teering to perform the duty without compensation) to the County Committee not later than 8:30 o'clock a. m., on the first week-day following the holding of the referendum, together with the unused ballot and other forms. The Chairman of the Community Referendum Committee (or in his absence or disability, the Vice-Chairman thereof) shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of form Cotton 404, as soon as it is executed, at a conspicuous place at the polling place, so that it remains posted and accessible to the public for at least 3 calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

Each State Committee shall be in charge of and responsible for the conducting of the referendum in its State in a fair, unbiased, and impartial manner, by secret ballot, and shall:

1. Notify the appropriate Regional Director of the Agricultural Adjustment Administration by telegraph as to the preliminary count in the State of votes for and votes against marketing quotas.

2. Summarize on form Cotton 406, "State Tabulation of 1940 Cotton Marketing Quota Ballots", the information contained on the forms Cotton 405 reported to it and the facts found in any investigation or recheck conducted by it and forward via air mail special delivery two fully executed forms Cotton 406 to the appropriate Regional Director, Agricultural Adjustment Administration, Washington, D. C., not later than 7 calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, in which the referendum is required to be conducted because cotton was produced therein in 1939, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of each form Cotton 405 and form Cotton 406 shall be permanently filed in the State office of the Agricultural Adjustment Administration available for public inspection.

3. Complete the investigation of any report from any county regarding irregularities in the holding of the referendum or controversies as to the correctness of summaries of the referendum, not later than 10 calendar days after the date of the referendum, and forward its findings in such cases to the appropriate Regional Director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and reported to the Secretary of

Agriculture and the result of the referendum will be publicly proclaimed by him. The reports on Cotton 406 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

Each County Committee is authorized to give out unofficial reports of the total "Yes" and total "No" votes in its county to the public press and other inquirers. Each State Committee is authorized to release to the press and other inquirers the unofficial results of the referendum for its State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any Community Referendum Committee, County Committee, or State Committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 20th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3469; Filed, September 20, 1939; 12:33 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF APPLICATIONS FOR EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS IN THE STATES OF CALIFORNIA, OREGON AND WASHINGTON, AND UNSHELLED FILBERTS IN THE STATES OF OREGON AND WASHINGTON FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

NOTICE OF HEARING

Whereas, upon consideration of applications filed by the California Walnut Growers Association, the North Pacific Nut Growers Cooperative and sundry other parties for exemption of the receiving, grading and packing of unshelled "English" walnuts in the States of California, Oregon and Washington from the maximum hour provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the regulations issued thereunder,¹ a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the receiving, grading and packing of unshelled "English" walnuts and notice thereof was published in the FEDERAL REGISTER under date of August 29, 1939,² in accordance with the pro-

cedure established by Section 526.5 (c) of the said regulations; and

Whereas, within fifteen days following the publication of that preliminary determination the Administrator received objection and request for hearing; and

Whereas, applications have been filed by the North Pacific Nut Growers Cooperative and sundry other parties for exemption of the receiving, grading and packing of unshelled filberts in the States of Oregon and Washington from the maximum hour provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the regulations issued thereunder; and

Whereas, it appears that the applications for the exemption of the receiving, grading and packing of unshelled "English" walnuts and receiving, grading and packing of unshelled filberts present related issues of fact and law:

Now, therefore, notice is hereby given of a combined public hearing to be held pursuant to Sections 526.5 and 526.6 of the said regulations in United States Post Office Building, San Francisco, California, to commence at 10:00 A. M. on September 28, 1939, before Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following questions:

(1) Whether either the receiving, grading and packing of unshelled "English" walnuts, or the receiving, grading or packing of unshelled filberts is an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder; and

(2) Whether both the receiving, grading and packing of unshelled "English" walnuts, and the receiving, grading and packing of unshelled filberts together constitute an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder.

As used in this notice, the terms "receiving, grading and packing of unshelled 'English' walnuts" and "receiving, grading and packing of unshelled filberts" are used in the ordinary accepted meaning of these terms in the trade but do not include the warehousing or shelling of such nuts.

At this hearing all persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade organizations, within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard. All persons or associations desiring to avail themselves of this opportunity should, if

possible, notify the Administrator in advance.

Signed at Washington, D. C., this 20th day of September 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3456; Filed, September 20, 1939; 11:22 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 to May 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original documents, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

Name and address of firm:	Number of learners
Acme Hosiery Dye Works, Inc., Pualaski, Virginia	20
Albany Manufacturing Company, Inc., Albany, Georgia	31
Amos & Smith Hosiery Co., Pilot Mountain, North Carolina	69
Argus Hosiery Mills, Inc., Sevierville, Tennessee	61
Bland Silk Hosiery Mill, Inc., Bland, Virginia	35
Brownhill & Kramer, Inc., Philadelphia, Pennsylvania	30
Cumberland Mfg. Co., Inc., Crossville, Tennessee	47
Douglas Silk Products Company, Douglas, Georgia	100
Fremont Hosiery Mills, Thomasville, North Carolina	30
Grey Hosiery Mills, Hendersonville, North Carolina	38
Hattiesburg Hosiery Co., Hattiesburg, Mississippi	85
Herbert Hosiery Mills, Inc., Norristown, Pennsylvania	26
Interwoven Stocking Company, Morristown, Tennessee	35
James Hosiery Mills, Greenville, Tennessee	27
Liberty Hosiery Mills, Inc., Liberty, North Carolina	90
Massachusetts Knitting Mills, Inc., Jamaica Plain, Massachusetts	31
Massachusetts Textile Co., Bernhard Altman, Inc., 6 Globe Mills Avenue, Fall River, Massachusetts	62
Meridian Hosiery Mills, Meridian, Mississippi	86
Miller-Smith Hosiery Mills, Delano, Tennessee	61
Moreland Knitting Mills, Moreland, Georgia	45
Wm. Nebel Hosiery Co., Jacksonville, Florida	25
Nolde and Horst Co. of Tennessee, McMinnville, Tennessee	150
Parker Hosiery Mill & Dye Works, Inc., Portsmouth, Virginia	20

¹ 3 F.R. 2534 DI.

² 4 F.R. 3757 DI.

Name and address of firm:	Number of learners
Paul Knitting Mills, Pulaski, Virginia	28
Piedmont Knitting Company, Inc., Gordonsville, Virginia	52
Quitman Hosiery Mill, Quitman, Georgia	12
Royal Oak Hosiery Mills, Inc., Marion, Virginia	85
Salem Full Fashioned Hosiery Mill, The, Salem, Virginia	50
Shannon Hosiery Mills, Inc., Columbus, Georgia	56
Townhouse Hosiery Mills, Inc., Chil- howie, Virginia	90
Victor Silk Hosiery Corp. of Maryland, Hagerstown, Maryland	42
Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina	30
Wilson Manufacturing Corporation, Wilson, North Carolina	12

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 20th day of September 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-3459; Filed, September 20, 1939; 11:55 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 162, 244, 224, 271, 272]

IN THE MATTER OF THE APPLICATIONS OF DELTA AIR CORPORATION, PENNSYLVANIA CENTRAL AIRLINES CORP., SOUTHERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Delta Air Corporation, Pennsylvania Central Airlines Corp., and Southern Air Lines, Inc., for certificates of public convenience and necessity authorizing air transportation between Cincinnati, Ohio, Knoxville, Tenn., Lexington, Ky., Atlanta, Ga., Chattanooga, Tenn., Birmingham, Ala., Meridian, Miss., New Orleans, La., Augusta, Savannah and Brunswick, Ga., Pittsburgh, Pa., Charleston, W. Va., Nashville, Tenn., Memphis, Tenn., Columbus, Ga., Dothan, Ala., and Pensacola, Fla., now assigned for public hear-

No. 182—2

ing on October 9, 1939,¹ is hereby postponed to October 26, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B of the Departmental Auditorium, Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3454; Filed, September 20, 1939; 10:31 a. m.]

[Docket Nos. 192, 251]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., KANSAS CITY SOUTHERN TRANSPORT CO., INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Braniff Airways, Inc., and Kansas City Southern Transport Co., Inc., for certificates of public convenience and necessity authorizing air transportation between Kansas City, Mo., Joplin, Mo., Tulsa, Okla., Fort Smith, Okla., Texarkana, Ark., Shreveport, La., Alexandria, La., Baton Rouge, La., and New Orleans, La., now assigned for public hearing on October 18, 1939,¹ is hereby postponed to November 8, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St., NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3450; Filed, September 20, 1939; 10:30 a. m.]

[Docket Nos. 196, 11-401 (B)-2, 11-401 (B)-3, 9-401 (B)-4, 9-401 (B)-5, 230]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., MISSOURI CENTRAL AIRLINES, INC., EASTERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Missouri Central Airlines, Inc., Eastern Air Lines, Inc., and Braniff Airways, Inc., for certificates of public convenience and necessity authorizing air transportation between Kansas City, Mo., Springfield, Mo., and Memphis, Tenn.; the applications of Missouri Central Airlines, Inc., and Eastern Air Lines,

¹ 4 F.R. 2844 DI.

Inc., between Nashville, Tenn. and St. Louis, Mo.; the application of Missouri Central between Birmingham, Ala., Nashville, Tenn., Evansville, Ind., Terre Haute, Ind., and Chicago, Ill.; and the application of Eastern between Florence (Muscle Shoals), Ala., and Nashville, Tenn., now assigned for public hearing on September 27, 1939,² is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3452; Filed, September 20, 1939; 10:30 a. m.]

[Docket No. 245]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA CENTRAL AIRLINES CORP. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the application of Pennsylvania Central Airlines Corp. for a certificate of public convenience and necessity authorizing air transportation between Knoxville, Tenn., Asheville, N. C., Hickory, N. C., Winston-Salem, N. C., Greensboro, N. C., Raleigh, N. C., Rocky Mount, N. C., Elizabeth City, N. C., and Norfolk, Va., now assigned for public hearing on October 30, 1939,¹ is hereby postponed to November 13, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and DeSales Street, NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3451; Filed, September 20, 1939; 10:30 a. m.]

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 18, 1939, 10 o'clock a. m. (Eastern Standard

² 4 F.R. 2843 DI.

Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3449; Filed, September 20, 1939; 10:30 a. m.]

[Docket No. 295]

IN THE MATTER OF THE APPLICATION OF TRANSCONTINENTAL & WESTERN AIR, INC., FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO CARRY MAIL IN ADDITION TO PERSONS AND PROPERTY BETWEEN KANSAS CITY, MO., CHICAGO, ILL., PITTSBURGH, PA., AND NEWARK, N. J.

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 2, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3455; Filed, September 20, 1939; 10:31 a. m.]

[Docket No. 297]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN THE TERMINAL POINT, KANSAS CITY, MO., THE INTERMEDIATE POINT, CHICAGO, ILL., AND THE TERMINAL POINT, NEWARK, N. J., AND BETWEEN THE TERMINAL POINT, KANSAS CITY, MO., THE INTERMEDIATE POINT, CHICAGO, ILL., AND THE TERMINAL POINT, PITTSBURGH, PA.

NOTICE OF HEARING

The Postmaster General having certified to the Civil Aeronautics Authority, pursuant to section 401 (n) of the Act, that the needs of the postal service require certain additional facilities for the transportation of mail by aircraft between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the terminal point, Newark, N. J., and between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the terminal point, Pittsburgh, Pa., a public hearing will be held on October 2, 1939, at 10 o'clock a. m. (Eastern Standard Time), at the Carlton

Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority, in order to determine whether such transportation of mail is required by the public convenience and necessity.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3453; Filed, September 20, 1939; 10:30 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5533]

IN THE MATTER OF OTTER TAIL POWER COMPANY

ORDER SETTING HEARING

SEPTEMBER 19, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper; Basil Manly; Leland Olds, concurring. John W. Scott, dissenting.

Upon the application filed August 28, 1939, by Otter Tail Power Company for modification of the Commission's Order Denying Dismissal of Application and Authorizing Issuance of Common Stock Share Certificates adopted June 27, 1939, in the above entitled proceeding; such proposed modifications to

(a) Permit of the issuance of common stock without par value with the stated capital applicable to each share to be \$12.50;

(b) Require that special common stock shall have equal voting rights with founders' common stock only when dividends on preferred stock outstanding shall be in arrears to the extent of an amount equal to two years' dividends thereon;

(c) Eliminate restrictions on the application of proceeds of any common stock issued;

The Commission orders that:

A public hearing on the said application be held beginning at 2 o'clock P. M. on the 26th day of September, 1939, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3458; Filed, September 20, 1939; 11:51 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 16th day of September 1939.

[File No. 1-1823]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Westmoreland Coal Company, 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 the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; 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 Thursday, October 19, 1939, in Room 1103, Securities & Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., 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 Richard Townsend, 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. 39-3460; Filed, September 20, 1939; 12:05 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 September 1939.

[File No. 1-1827]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Westmoreland Incorporated, 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 the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; 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 Thursday, October 19, 1939, in Room 1103, Securities & Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., 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 Richard Townsend, 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. 39-3461; Filed, September 20, 1939; 12:05 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 September 1939.

[File No. 7-425]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

Westmoreland Coal Company, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange in the Common Stock, No Par Value, of Westmoreland Coal Company; and

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

It is ordered, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Richard Townsend, 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 perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3462; Filed, September 20, 1939; 12:05 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 September 1939.

[File No. 7-426]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

Westmoreland Incorporated, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange in the Common Stock, No Par Value, of Westmoreland Incorporated; and

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

It is ordered, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

It is further ordered, That Richard Townsend, 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 perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3463; Filed, September 20, 1939; 12:06 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 19th day of September, A. D. 1939.

[File No. 2-2081]

IN THE MATTER OF POTRERO SUGAR COMPANY

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Potrero Sugar Company, a Delaware corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued; and

The Commission now being fully advised in the premises,

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Potrero Sugar Company be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3464; Filed, September 20, 1939; 12:06 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 19th day of September, A. D. 1939.

[File No. 63-1]

IN THE MATTER OF THE UNITED CORPORATION

ORDER AMENDING AND MODIFYING AN ORDER APPROVING AN INVESTMENT PROGRAM

The United Corporation, a Delaware corporation and a registered holding company, having filed an application and amendments thereto pursuant to Rule U-9C-4 under the Public Utility Holding Company Act of 1935, for approval of a program for the investment, during a period not to exceed six months, of not more than \$8,000,000 of its current funds

in securities issued by non-utility companies;

The Commission having, on March 13, 1939, issued an order¹ approving the investment program as outlined in the application as amended subject to certain terms and conditions among which was the following:

(7) That upon the completion of purchases totaling \$8,000,000 or upon the expiration of six months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program.

The applicant having filed on September 9, 1937, an application for the modification and amendment of the aforesaid order, to provide for an extension of the effective period of the said investment program to a time when purchases totaling \$8,000,000 have been completed or when a period of ten months from the date of said order shall have expired, whichever event occurs first;

The Commission having duly considered this matter:

It is ordered, That the said sub-division (7) of the aforementioned order be and the same hereby is amended and modified to read:

"(7) That upon the completion of purchases totaling \$8,000,000 or upon the expiration of ten months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program."

It is further ordered, That all the terms and conditions of the aforesaid original order, with the exception of said subparagraph (7) thereof, be and the same shall remain unchanged and shall continue to be effective as previously ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3466; Filed, September 20, 1939; 12:06 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 20th day of September, A. D. 1939.

[File No. 46-173]

IN THE MATTER OF DRESSER POWER CORPORATION, PUBLIC SERVICE COMPANY OF INDIANA

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 3 (a) (1), 3 (a) (2), 6 (b), 10 (a) (1), 10 (a) (2), 10 (a) (3), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

¹Holding Company Act Release No. 1467, March 15, 1939.

It is ordered, That a hearing on such matter be held on October 6, 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 Willis E. Monty 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 October 1, 1939.

The matter concerned herewith is in regard to,

(1) the proposed issuance and sale by Dresser Power Corporation of:

(a) \$4,800,000 First Mortgage Bonds, Series A, dated on or about October 15, 1939, and due serially over a period of eighteen and one-half years from the date, bearing interest at —% per annum; and

(b) 15,990 additional shares of Common Stock having a par value of \$100 per share.

(2) The proposed acquisition by Dresser Power Corporation from Public Service Company of Indiana for a cash consideration of approximately \$462,500 of certain utility assets and other interests.

(3) The proposed resale to Public Service Company of Indiana of the equity in said assets, subject to the lien of said \$4,800,000 of First Mortgage bonds, after the construction of certain improvements thereon.

(4) The proposed sale by Public Service Company of Indiana and reacquisition by it of the above described properties to be acquired and resold to it by Dresser Power Corporation.

(5) The acquisition by Public Service Company of Indiana of said 15,990 shares of Common Stock of Dresser Power Corporation, and the pledge by Public Service Company of Indiana of all of the outstanding stock of Dresser Power Corporation with the trustee under the indenture securing said First Mortgage Bonds.

Both Dresser Power Corporation and Public Service Company of Indiana are

Indiana corporations and are subsidiaries of Midland United Company, a Delaware corporation, of which Hugh M. Morris is trustee in proceedings under section 77B of the Bankruptcy Act, said Hugh Morris having heretofore duly filed under the Public Utility Holding Company Act of 1935 as a registered holding company. It is stated in said application that Dresser Power Corporation is an Indiana corporation, recently organized and is not presently engaged in any business. Its entire capitalization, presently outstanding, consists of ten shares of common stock, all owned by Public Service Company of Indiana.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3466; Filed, September 20, 1939; 12:08 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, SEPTEMBER 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. Virgin Islands.....	9	0
2. Puerto Rico.....	621	42
3. Hawaii.....	148	17
4. California.....	2,283	800
5. Alaska.....	24	9
6. Texas.....	2,342	934
7. Michigan.....	1,947	927
8. Louisiana.....	845	403
9. Arizona.....	175	89
10. New Jersey.....	1,625	878
11. South Carolina.....	699	404
12. Ohio.....	2,672	1,611
13. Mississippi.....	808	494
14. Oklahoma.....	963	590
15. Alabama.....	1,064	662
16. Arkansas.....	746	475
17. New Mexico.....	170	109
18. Georgia.....	1,169	768
19. Kentucky.....	1,051	707
20. North Carolina.....	1,275	801
21. Tennessee.....	1,052	809
22. Illinois.....	3,068	2,373
23. Wisconsin.....	1,182	921
24. Connecticut.....	646	521
25. Indiana.....	1,302	1,140
26. Delaware.....	96	85
27. Nevada.....	37	33

State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN ARREARS—Continued			QUOTA FILLED			
			IN EXCESS			
28. Oregon.....	383	343	41. Vermont.....	145	146	-1
29. Florida.....	590	542	42. Utah.....	204	213	+10
30. Idaho.....	179	168	43. Montana.....	216	231	-1
31. New Hampshire.....	187	176	44. Kansas.....	756	812	-6
32. Pennsylvania.....	3,872	3,738	45. Rhode Island.....	276	301	-4
33. New York.....	5,061	4,925	46. South Dakota.....	279	310	-2
34. Wyoming.....	91	90	47. North Dakota.....	274	305	-5
35. Massachusetts.....	1,709	1,694	48. Minnesota.....	1,031	1,171	-5
36. West Virginia.....	695	690	49. Iowa.....	993	1,128	-8
37. Colorado.....	416	414	50. Nebraska.....	554	683	-1
38. Washington.....	629	627	51. Virginia.....	974	2,039	+1
39. Maine.....	321	320	52. Maryland.....	656	2,066	+19
40. Missouri.....	1,459	1,456	53. District of Columbia.....	196	8,885	0

GAINS

By appointment.....	15
By reinstatement.....	7
By transfer.....	47
By correction.....	1
Total.....	70

LOSSES

By separation.....	50
By transfer.....	48
By correction.....	2
Total.....	100
Total appointments.....	50,165

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, 15,562.

By direction of the Commission:

L. A. MOYER,

Executive Director and

Chief Examiner.

[F. R. Doc. 39-3447; Filed, September 19, 1939; 3:27 p. m.]

