

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934

VOLUME 4 NUMBER 207

Washington, Thursday, October 26, 1939

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

OCTOBER 25, 1939.

To J. W. CHRISTIAN,
*Doing business as Lusk Sales Yards,
Lusk, Wyo.*

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 Lusk Sales Yards, at Lusk, State of Wyoming, 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,
Acting Secretary of Agriculture.

[F. R. Doc. 39-3944; Filed, October 25, 1939;
12:26 p. m.]

**TITLE 18—CONSERVATION OF POWER
FEDERAL POWER COMMISSION**

ORDER AMENDING FORM OF ANNUAL FINANCIAL AND STATISTICAL REPORT, F. P. C. FORM NO. 1²

OCTOBER 17, 1939.

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

The Federal Power Commission, pursuant to authority granted by the Fed-

¹ Modifies list posted stockyards, 9 CFR 204.1.

² See footnote in next column.

eral Power Act, particularly Sections 309 and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act,

(1) Hereby adopts as a part of the form of Annual Financial and Statistical Report, heretofore (on August 6, 1937, October 12, 1937, and October 22, 1938) adopted by the Commission and designated as F.P.C. Form No. 1, the accompanying revised "General Instructions" in lieu of the "General Instructions" as adopted by the Commission's Order of August 6, 1937;

(2) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Schedule 579 "Generating Station Statistics" in lieu of the Schedule bearing the same number as adopted by the Commission's Order of August 6, 1937;

³ This order amends Section 210.1, Title 18, of the Code of Federal Regulations and substitutes the following list of schedules:

Schedule 600. Sales Data for the Year.
Schedule 601. Sales Data by Rate Schedules for the Year.

Schedule 602. Residential Service.
Schedule 603. Commercial Service.
Schedule 604. Industrial Service.

Schedule 605. Cash Contributions Made by the Respondent to Municipalities and Other Public Authorities and by Municipalities and Other Public Authorities to the Respondent during the Year.

Schedule 606. Service Rendered to, and Received from, Municipalities and Other Public Authorities During the Year.

In lieu of the following schedules previously included in this section:

Schedule 600. Sales Data for the Year.
Schedule 601. Sales Data by Rate Schedules for the Year.

Schedule 602. Contracts, Rate Schedules and Agreements.

Schedule 603. Data on Sales to Suburban or Rural Industrial Customers, Served Directly from Transmission Lines or Generating Plants During the Year.

Schedule 604. Residential Service.
Schedule 605. Commercial Light Service.
Schedule 606. Commercial Power Service.
Schedule 607. Industrial Service.

Schedule 608. Cash Contributions Made by the Respondent to the City and by the City to the Respondent During the Year.

Schedule 609. Free Service and Service Rendered at Reduced Rates During the Year.

Schedule 610. Ratio.—Public Contributions to Base Revenues During Year.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 9—ANIMALS AND ANIMAL PRODUCTS: Page

Agricultural Marketing Service:
Lusk Sales Yards, notice under Packers and Stockyards Act..... 4369

TITLE 18—CONSERVATION OF POWER:

Federal Power Commission:
Annual financial and statistical report form amended.. 4369

TITLE 19—CUSTOMS DUTIES:

Bureau of Customs:
Entry of canaries, parrots or parrakeets without a permit, regulations amended.. 4370

TITLE 20—EMPLOYEES' BENEFITS:

Railroad Retirement Board:
Contributions by employers under Railroad Unemployment Insurance Act.. 4370

TITLE 24—HOUSING CREDIT:

Federal Home Loan Bank Board:
Prohibiting bank officers, etc., from representing institutions in matters in which the bank, etc., is involved..... 4374

TITLE 30—MINERAL RESOURCES:

Bituminous Coal Division:
Price classifications and minimum prices, submission by district boards..... 4374

TITLE 33—NAVIGATION AND NAVIGABLE WATERS:

War Department:
Fishing regulations amended (Atlantic Ocean between Montauk Point, N. Y., and Cape Charles, Va.)... 4375

NOTICES

Civil Aeronautics Authority:

Notice of hearings:
American Export Airline, Inc., Marquette Airlines, Inc., and American Airlines, Inc. (amended notice)..... 4377

(Continued on next page)



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

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

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

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

Department of Agriculture:	
Rural Electrification Administration:	Page
Allocations of funds for loans; amendment of prior allocations	4375, 4376
Department of Labor:	
Wage and Hour Division:	
Apparel industry, issuance of certificates for employment of learners (2 notices)	4376
Federal Communications Commission:	
Inland Waterways Corp., hearing	4377
Securities and Exchange Commission:	
Park King Mining Co., application granted	4377

(3) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Schedule 581 "Changes Made or Scheduled to be Made in Generating Station Capacities" in lieu of the Schedule bearing the same number as adopted by the Commission's Order of August 6, 1937;

(4) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Rates and Sales Section comprising

Section 6: "Rates and Sales Section with Instructions" and Schedules numbered 600, 601, 602, 603, 604, 605 and 606, in lieu of the Rates and Sales Section of Annual Financial and Statistical Report, F.P.C. Form No. 1, adopted by the

Commission's Order of October 22, 1938, comprising

Section 6: "Rates and Sales Section with Instructions" and Schedules numbered 600, 601, 602, 603, 604 and 605.

The amendments to the form of Annual Financial and Statistical Report, F.P.C. Form No. 1, adopted, promulgated and prescribed by this Order shall become effective immediately; and the Secretary of the Commission shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3936; Filed, October 25, 1939; 9:23 a.m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49996]

WILD ANIMALS AND BIRDS

REGULATIONS RELATING TO THE ENTRY OF CANARIES, PARROTS OR PARRAKEETS WITHOUT A PERMIT, AMENDED.

To Collectors of Customs and Others Concerned:

Reference is made to T.D. 46255, dated March 4, 1933, covering the regulations relating to the importation of wild animals and birds.

Paragraph 4 of the above-mentioned Treasury decision is hereby amended to read as follows:

"4. Parrots, or parrakeets (not exceeding three in number) brought in by a passenger, may be entered without a permit, but collectors will include all such entries in their quarterly reports on customs Form 6551. Parrots, parrakeets, and love birds, and other members of the parrot family are subject to quarantine detention unless compliance is made with the regulations prescribed in T.D. 49890 pursuant to the provisions of Executive Order No. 5264, dated January 24, 1930, and all amendments to such regulations."

[SEAL] BASIL HARRIS,
Commissioner of Customs.

Approved, October 19, 1939.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3941; Filed, October 25, 1939; 12:04 p.m.]

TITLE 20—EMPLOYEES' BENEFITS
RAILROAD RETIREMENT BOARD

REGULATIONS GOVERNING CONTRIBUTIONS BY EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Authority for Regulations

Parts 300 to 399 of these regulations are issued by the Railroad Retirement

Board under the general authority contained in Section 12 of the Act of June 25, 1938. (52 Stat. 1107; 45 U.S.C. Sup. IV, 362) These regulations shall be effective as of October 1, 1939.

PART 300—DEFINITIONS

§ 300.01 Words and phrases. Except where the language or context indicates otherwise, the terms defined in Section 1 of the Act wherever used in these regulations shall have the meanings assigned to them in that section. (Secs. 1, 12, 52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 351, 362; as amended by 53 Stat. 845, Public No. 141, 76th Congress, First Session)

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

§ 345.01 Statutory provisions. "(a) Every employer shall pay a contribution with respect to having employees in his service, equal to 3 per centum of so much of the compensation as is not in excess of \$300 for any calendar month payable by him to any employee with respect to employment after June 30, 1939; *Provided, however*, That if compensation is payable to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than \$300 of the aggregate compensation payable to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the contribution with respect to such compensation which the amount payable by him to the employee with respect to such calendar month bears to the aggregate compensation payable to such employee by all employers with respect to such calendar month."

"(g) The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid * * *"

"(h) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act; *Provided, however*, That all authority and functions conferred by or pursuant to such provisions upon any officers or employees of the United States, except the

authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to the contributions required by this Act, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor." (Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358)

§ 345.02 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to 3 per centum of the amount of compensation payable by such employer to employees with respect to employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of \$300 and is payable by the employer to any employee with respect to employment during any one calendar month.

(b) Subject to the regulations with respect to employee representatives, if compensation is payable by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation payable to such employee by all employers is more than \$300 for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of \$300 which the amount payable by him to the employee for the month bears to the aggregate compensation payable to such employee by all employers for that month. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.04 *Employers' reports of monthly compensation of employees.* Each employer shall continue to file with the Board, in accordance with the requirements of Sec. 250.03 of the Regulations under the Railroad Retirement Act of 1937, as amended, reports of the compensation of each employee, consisting, as heretofore, of

(1) A report of compensation for three months, on Form BA-3 (or punched tabulating cards in lieu thereof),

(2) A monthly report of compensation adjustments for three months, on Form BA-4,

(3) A quarterly summary of compensation adjustments (carbon copies of the monthly reports of compensation adjustments, filed during the calendar quarter, are acceptable as the quarterly summary of compensation adjustments), and

(4) Summary reports of compensation for the quarter, on Form BA-5. (Sec. 12, 52 Stat. 1107; 45 U.S.C. Sup. IV, 362)

§ 345.05 *Employers' contribution reports.*—(a) *General.* For the period of three calendar months ending September 30, 1939, and for each subsequent period of three calendar months ending December 31, March 31, June 30 and September 30, respectively, of each year, each employer shall prepare a contribution report, in duplicate, on Form DC-1. Except as otherwise provided by agreement with the Board, each employer is

required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall with respect to such compensation cover all pay roll weeks, all or the major part of which falls within the period for which the reports are required, except that contributions with respect to compensation earned in one calendar year shall not be reported in another calendar year.

(b) *Compensation to be reported on.* The amount reported on Form BA-5 as the total creditable compensation for the quarter, prior to any additions or subtractions for adjustments, shall be entered on the employer's quarterly contribution report for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.06 *Final employers' contribution reports.* Upon termination of employer status, as determined under Sections 202.11 and 202.12 of the regulations under the Railroad Retirement Act of 1937, the last contribution report of the employer on Form DC-1 shall be marked "Final contribution report". Such contribution report shall be filed with the Board on or before the sixtieth day after the final date for which there is payable compensation with respect to which contribution is required. The period covered by each such contribution report shall be plainly written thereon, indicating the final date for which compensation is payable.

There shall be executed as part of each such final contribution report a statement giving the address at which compensation records will be kept and the name of the person keeping the records. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.07 *Execution of employers' contribution reports.* Each contribution report on Form DC-1 shall be signed and (except as provided in this section) verified under oath or affirmation by (1) the individual, if the employer is an individual; (2) the president, vice president or other duly authorized officer, if the employer is a corporation; or (3) a responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

The oath or affirmation may be administered by any officer duly authorized to administer oaths for general purposes by the laws of the United States or of the state or territory wherein such oath is administered or by a consular officer of the United States.

If the contribution shown to be payable by any contribution report is \$10 or less, the report may be signed or acknowledged before two witnesses instead of under oath. (Secs. 8, 12, 52

Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.08 *Prescribed forms for employers' contribution reports.* Each employer's contribution report, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from the Board. An employer will not be excused from making a contribution report for the reason that no form has been furnished to such employer. Application should be made to the Board for the prescribed forms in ample time to have the contribution report prepared, verified and filed with the Chief Cashier of the Board on or before the due date. Contribution reports shall be carefully prepared so as to set forth fully and clearly the data called for therein. Contribution reports which have not been so prepared will not be accepted, and the submission thereof shall have no effect whatever. In case the prescribed form has not been obtained, a statement made by the employer disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative contribution report if accompanied by the amount of contribution due. If filed within the prescribed time the statement so made will relieve the employer from liability for the penalty imposed for the delinquent filing of the contribution report, provided that the failure to file a contribution report on the prescribed form is not attributable to the fault of the employer, and provided further that without unnecessary delay such tentative report is supplemented by a contribution report made on the proper form. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.09 *Place and time for filing employers' contribution reports.* Each employer's contribution report shall be filed with the Chief Cashier of the Board at Washington, D. C.

The employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the Chief Cashier of the Board at Washington, D. C., under ordinary handling of the mails, on or before the date on which the report is required to be filed. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.10 *Payment of employers' contributions.* The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report.

Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable

to the Railroad Retirement Board and mailed with the contribution report to the Chief Cashier of the Railroad Retirement Board at Washington, D. C. No employer who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.11 *When fractional part of cent may be disregarded.* In the payment of employers' contributions to the Board a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.12 *Adjustments.*—(a) *In General.* Section 8 (d) of the Act provides that if more or less than the correct amount of employer's contribution is paid with respect to any compensation, proper adjustments with respect to the contribution shall, under regulations prescribed by the Board, be made, without interest, in connection with subsequent contribution payments by the same employer.

(b) *Definitions.* As used in these regulations, the following terms shall have the meanings hereinafter ascribed to them:

"Compensation adjustment" means the amount of any error, as disclosed by a report on Form BA-4, in the employer's report to the Board of the compensation of an individual employee. A compensation adjustment for any month that results in (a) an addition to the amount of creditable compensation for such month previously reported for any employee, or (b) the crediting of compensation for such month to an employee for whom no compensation had previously been reported for such month, is a "credit compensation adjustment" for such month. A compensation adjustment for any month that results in a deduction from the amount of the creditable compensation for such month previously reported for any employee is a "debit compensation adjustment" for such month. The difference between the total credit compensation adjustments for any month and the total debit compensation adjustments for such month is the "net compensation adjustment" for such month and may be either a "net debit compensation adjustment" or a "net credit compensation adjustment."

"Contribution adjustment" means an amount to be added to or deducted from the contribution payable for a calendar quarter with respect to the total compensation, exclusive of any part in excess of \$300 for any individual in any one

month, as reported on Form BA-5 and Form DC-1 for such quarter, to

Effect payment of contributions with respect to a net credit compensation adjustment for any month subsequent to June 30, 1939, made by the Bureau of Wage and Service Records on the basis of reports on Form BA-4; or to

Permit the employer to take credit for an overpayment of a previous contribution represented by a net debit compensation adjustment for any month subsequent to June 30, 1939; or to

Effect payment of any deficiency of any previous contribution, due to error not involving compensation adjustments, in reporting on Form DC-1 the total creditable compensation for a calendar quarter, error in computing the amount of contribution due and payable, or error in making remittance for the contribution due and payable; or to

Permit the employer to take credit for an overpayment of a previous contribution, due to error not involving compensation adjustments, in reporting on Form DC-1 the total creditable compensation for a calendar quarter, error in computing the amount of contribution due and payable, or error in making remittance for the contribution due and payable.

(c) *Certificates of underpayment and overpayment.* Except as provided in the third paragraph of this subsection, no adjustments may be made pursuant to the provisions of Section 8 (d) of the Act except upon the basis of certificates of underpayment or certificates of overpayment sent to employers by the Board. These certificates will be prepared on the basis of the compensation adjustments reported to the Bureau of Wage and Service Records on Form BA-4 for each month subsequent to June 30, 1939. All such certificates received by employers shall be taken up and accounted for by them in connection with the contribution reports for the quarters in which such certificates were issued, the date appearing on such certificates to be considered the date of issuance; except that certificates of overpayment may be taken up and accounted for at any time within four years from the date on which the overpayment was received.

Certificates of underpayment and certificates of overpayment, based upon compensation adjustments as reported on Form BA-4 or to correct other errors in reporting when such errors are discovered by the Board, will be issued to the employers by the Board on its own initiative. The Board may, however, when the circumstances so warrant, assess the amount of any deficiency in the payment of any contribution, and interest thereon and penalties, and make demand upon the employer for payment thereof, instead of issuing a certificate of underpayment. Any employer, who within sixty days after the due date of a quarterly report of contributions or a report of compensation adjustments, does not receive from the Board a cer-

tificate of overpayment to which he believes himself entitled either because of an error in such contribution report or because of a net debit compensation adjustment on such report of compensation adjustments, may make application, setting forth in support thereof all the facts in his possession, for a certificate of overpayment.

A contribution adjustment for any underpayment, not due to a compensation adjustment but discovered by the employer prior to the receipt of a certificate of underpayment with respect thereto, shall be made in the employer's quarterly report of contributions and remittance for the quarter in which the underpayment is discovered, in accordance with the applicable Instructions on the duplicate of Form No. DC-1.

No overpayment shall be adjusted under this section after the expiration of four years from the date the overpayment was received by the Board. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the amount thereof shall be paid to the Board pursuant to such notice and demand. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.13 *Refunds.*—(a) *In general.* Section 8 (c) of the Act provides that if more than the correct amount of the employer's contribution is paid with respect to any compensation and the overpayment cannot be adjusted, the amount of the overpayment shall be refunded in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations of the Board.

(b) *When permitted.* A claim for refund may be made only when the overpayments cannot be adjusted in accordance with the procedure set forth in Section 345.12.

(c) *Form of claim.* A claim for refund shall be made on Form DC-3 in accordance with the instructions and regulations applicable thereto. The prescribed form may be obtained from the Board. There shall be set forth under oath all grounds in detail and all facts alleged in support of the claim, including the amount and date of each payment to the Board of the contribution for which refund is claimed, the name and address of the employer who paid the contribution to the Board, and the period covered by the contribution report on which such contribution was reported.

(d) *Claim by fiduciary.* If any contribution is paid by or on behalf of an individual who thereafter dies and a claim for refund or credit is filed by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence shall be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver or

other fiduciary pays any contribution and thereafter a claim for refund or credit is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the contribution was paid by the fiduciary and that he is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required but are required to be submitted only upon the receipt of a specific request therefor. If a claim is filed by a fiduciary or employer other than the one by whom the contribution was paid, the necessary documentary evidence shall accompany the claim. The affidavit on the claim form may be made by the agent of the employer in whose behalf the claim is made, but in such case a power of attorney shall accompany the claim.

(e) *Time limit.* No refund will be allowed for any contribution (including interest or penalty, if any) which has been erroneously, illegally, or otherwise wrongfully collected, after the expiration of four years after the payment to the Board of the contribution, penalty or interest, except upon one or more of the grounds set forth in a claim filed therefor prior to the expiration of such four-year period. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.14 *Assessment and collection of contributions or underpayments of contributions.* If any employer's contribution is not paid to the Board when due or is not paid in full when due, the Board may, as the circumstances warrant assess the contribution or the deficiency and interest and penalty, if any (whether or not the deficiency is adjustable as an underpayment, and whether or not a certificate of underpayment has been issued).

The amount of any such assessment will be collected, in accordance with the applicable provisions of law. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law. If any amount or part thereof included in an assessment has been previously reported and paid to the Board as an adjustment or otherwise, the employer against whom the assessment is made is privileged to file with the Board a claim on Form DC-3 for abatement of such amount, together with interest and penalties thereon if included in the assessment. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.15 *Jeopardy assessment.* Whenever in the opinion of the Director of Unemployment Insurance it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's

contribution, the Board will assess the contribution, together with all penalties and interest thereon. Upon assessment such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuance of notice and demand for payment proceed to collect the contribution, penalty and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.16 *Interest.* If the employer's contribution is not paid to the Board when due and is not adjusted under Sec. 345.12, interest accrues at the rate of 1 per centum per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employer for payment thereof, in any case in which payment of the contributions is made before assessment under Sec. 345.14 hereof. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.17 *Penalty for failure to pay an assessment after notice and demand.* (a) In case the employer fails to pay to the Board the entire amount of any assessment of contribution, penalty, or interest within a period of ten days after the date of issuance of the form for first notice and demand, based on such assessment, there accrues (except as provided in (b) of this section) a penalty of 5 per cent of the amount of such assessment remaining unpaid at the expiration of such period.

(b) If, within ten days after the date of issuance of the first notice and de-

mand, a claim for abatement of any amount of the assessment is filed with the Board, the 5 per centum penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the Board shall issue notice and demand for such amount. If payment is not made within ten days after the date the Board issues the notice and demand, the 5 per cent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.18 *Liens.* If any employer required to pay a contribution neglects or refuses to pay the same after demand, the amounts (including any interest, penalties, additional amount, or additions to such contribution, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such employer. (I.R.C., Secs. 3670-3679, 53 Stat. 448-451; Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358.)

§ 345.19 *Penalty for delinquent or false employers' contribution reports—*
(a) *Delinquent Reports.* Unless the employer required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 per cent, if the contribution report is filed on or before the thirtieth day after the due date;

(2) 10 per cent, if the contribution report is filed after such thirtieth day and on or before the sixtieth day after the due date;

(3) 15 per cent, if the contribution report is filed after such sixtieth day and on or before the ninetieth day after the due date;

(4) 20 percent, if the contribution report is filed after such ninetieth day and on or before the one hundred and twentieth day after the due date; or

(5) 25 per cent, if the contribution report is filed after such one hundred and twentieth day or if the contribution report is never filed by the employer required to file it.

In computing the period of delinquency all Sundays and holidays after the due date are counted.

Every employer filing a contribution report after the due date shall securely attach to the report a statement under oath setting out in detail the reason for the delinquency. The Board will determine whether a penalty has been incurred and, if so, will make the assessment.

(b) *False reports.* If a false or fraudulent employer's contribution report is willfully made, the penalty is 50 per cent of the total contribution due for the en-

tire period involved, including any contribution previously paid. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.20 *Authorization of contribution adjustments and assessments.* The Director of Unemployment Insurance is authorized, on behalf of the Board, to issue certificates of underpayment, certificates of overpayment, assessments of contributions, interest and penalties, and notices and demands for payment thereof, and will certify, to the Director of Finance, refunds of overpayments. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.21 *References to forms.* Any reference in these regulations to any prescribed reporting or other form of the Board includes a reference to any other form of the Board prescribed in substitution for such prescribed form.

§ 345.22 *Appeals.* Appeals from determinations by employees of the Board with regard to any matter arising under this Part may be had in accordance with such regulations as the Board may from time to time prescribe.

By authority of the Board.*

[SEAL] MURRAY W. LATIMER,
Chairman.

OCTOBER 24, 1939.

[F. R. Doc. 39-3935; Filed, October 24, 1939;
4:29 p. m.]

TITLE 24—HOUSING CREDIT

FEDERAL HOME LOAN BANK BOARD AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PROHIBITING BANK OFFICERS, EMPLOYEES
AND COUNSEL FROM REPRESENTING INSTI-
TUTIONS CONCERNING MATTERS IN WHICH
THE BANK, THE BOARD OR ANY AGENCY
THEREOF IS INVOLVED

Be it resolved, That the fourth sentence of paragraph (a) of Section 2.5 of the Rules and Regulations for the Federal Home Loan Bank System is amended to read as follows:

"No full-time officer or employee of any Bank shall act in any capacity for any member or institution which is insured by the Federal Savings and Loan Insurance Corporation under any understanding providing for continuous or repeated services nor act in any capacity for any institution in connection with any petition, application, or matter in which any action is required by the Bank or any of its officers, whether the Bank or such person will be acting for the Bank or as agent of the Board, Home Owners' Loan Corporation, or Federal Savings and Loan Insurance Corporation, except when employed by, or with the consent of, the Federal Savings and Loan Insur-

* Board Order No. 39-664, dated October 24, 1939.

ance Corporation in cases involving payment of insurance, loans, purchases of assets or contributions by said Corporation under Sections 405 or 406 of the National Housing Act, as amended (48 Stat. 1259, 49 Stat. 299; 12 U.S.C. 1728, 1729, and Sup.). The prohibitions as to employment set forth in the preceding sentence shall apply to the counsel and attorneys of any Bank, whether employed on a salary, fee, retainer or other basis, except that, with the prior consent of the Board, and to the extent of such consent, any such person may act as counsel or attorney for any institution in connection with any matters covered by such prohibitions." (Secs. 12 and 17 of F.H.L.B.A., 47 Stat. 735, 736; 12 U.S.C. 1432, 1437)

Adopted by the Federal Home Loan Bank Board on October 23, 1939.

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3934; Filed, October 24, 1939;
4:06 p. m.]

TITLE 30—MINERAL RESOURCES BITUMINOUS COAL DIVISION

[Order No. 286]

AN ORDER RESCINDING ORDERS NO. 284 AND 285 AND DIRECTING DISTRICT BOARDS FOR DISTRICTS NO. 1 TO 20, INCLUSIVE, 22 AND 23, TO PROPOSE AND TO SUBMIT TO THE DIRECTOR PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CODE MEMBERS WITHIN THE DISTRICT AND NOT HERETOFORE CLASSIFIED

Pursuant to the Bituminous Coal Act of 1937 (particularly Section 4, Part II thereof), it is hereby ordered that:

(1) Each District Board of Districts No. 1 to 20, inclusive, 22 and 23, shall, on or after November 1, 1939, proceed to consider and propose, and shall submit to the Director of the Bituminous Coal Division, United States Department of the Interior, in accordance with the rules and regulations prescribed herein, the price classification for each kind, quality and size of coal, for which no price classification has heretofore been proposed and submitted by the District Board and which is produced within the respective districts by code members of whose acceptance of the code the District Board has been notified prior to November 1, 1939. Each District Board may, in its discretion, also propose and submit price classifications as aforesaid for the coal of code members of whose acceptance of the code the District Board is notified after November 1, 1939.

(2) If price classifications or minimum prices have been proposed by a District Board pursuant to any prior order of the Commission or the Division, or upon its own motion, for coal produced at a particular mine, no further price classifica-

tions or minimum prices need be proposed by the District Board for such coal at such mine pursuant to this order, notwithstanding that the owner or operator of such mine has changed after the classifications and prices were proposed therefor by the District Board: *Provided, however,* That the District Board may, if it so desires, propose and submit modifications or additions to such price classifications or minimum prices, together with the reasons for and the data supporting such modifications or additions.

(3) The following rules and regulations shall govern the proposal and submission of price classifications and minimum prices pursuant to this order:

RULES AND REGULATIONS FOR THE PROPOSAL OF PRICE CLASSIFICATIONS AND MINIMUM PRICES

(a) All price classifications for coals in a particular district shall be expressed as nearly as possible in the terms of the symbols and minimum prices contained in the schedule of minimum prices for such district heretofore approved by the National Bituminous Coal Commission to serve as a basis for coordination, and shall conform to the standards prescribed by Section 4 II (a) of the Bituminous Coal Act of 1937.

(b) Each District Board may, in its discretion, provide for conducting investigations, holding conferences or hearings, and receiving protests from interested persons; and may for this purpose adopt such procedure as it deems advisable or proper.

(c) Such price classifications for coals in a particular district shall be incorporated in a schedule to be prepared by the District Board and to be submitted to the Director. Together with such schedule, there shall also be furnished the following information, to the extent available: The name of the mine, the State, county and township in which the mine is located, the seams mined, the modes of transportation involved in transporting coal from the mine, the names of the railroads, if any, which are available for the shipment of coal from the mine, the approximate tonnage moved by each mode of transportation for the years 1937 and 1938, the geographic areas into which the mine ships or is expected to ship coal, and any special and unusual features in the quality, preparation or distribution of coal from such mine.

(d) Twenty-five (25) copies of the schedules of proposed price classifications and of such information as is furnished under paragraph (c) hereof, shall be submitted to the Director not later than November 25, 1939.

(e) Prior to the submission of the aforesaid schedule to the Director, the District Board shall mail five (5) copies thereof to each of the other districts referred to in paragraph (1) hereof, and one (1) copy thereof to each code member in the district.

(f) Each completed schedule shall include the following clause:

NOTE.—The prices in this schedule have been proposed by the District Board pursuant to the provisions of Order No. 286 issued by the Bituminous Coal Division on October 24, 1939, and are not final or effective price classifications or minimum prices for the coals of the code members mentioned therein. Any code member dissatisfied with any price classification or minimum price proposed in this schedule may file with the Director of the Bituminous Coal Division, Washington, D. C., within seven (7) days after receiving a copy of such schedule, a written protest setting forth the reasons for dissatisfaction together with the supporting data; and a copy of such protest shall be sent to the District Board.

(5) Any code member or District Board dissatisfied with any proposed price classification submitted pursuant to this order may file with the Director, at his office in Washington, D. C., not later than seven (7) days after receiving a copy of the schedule of price classifications, a written protest setting forth the reasons for dissatisfaction, together with the supporting data, and a copy of such protest shall be mailed to the District Board for the district in which the mine in question is situated. The Director will then provide for a proper procedure to the end that the coals classified in the schedules submitted pursuant to this order may duly be covered by and included within the schedules of effective minimum prices to be established by the Division.

(6) Any proposed price classifications or proposed minimum prices submitted by any District Board pursuant to Order No. 284,¹ dated October 10, 1939 (or as amended by Order No. 285,² dated October 13, 1939), will be accepted and considered by the Division as though submitted pursuant to this order.

(7) Orders No. 284, dated October 10, 1939, and No. 285, dated October 13, 1939, are hereby rescinded.

Dated, October 24, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-3938; Filed, October 25, 1939; 10:19 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 206—FISHING AND HUNTING REGULATIONS

§ 206.35 Atlantic Ocean between Montauk Point, N. Y., and Cape Charles, Va.; fishing.³

¹ 4 F. R. 4226 DI.
² 4 F. R. 4263 DI.

³ Subparagraph (b) (4), Section 206.35, Title 33, of the Code of Federal Regulations, is amended, and subparagraph (b) (5) is revoked.

Conditions

(b) * * *

(4) That the pound hereby authorized shall be in position and the completed structure shall be ready for inspection within 90 days after the date of this permit. Failure to have the structure in position and ready for inspection on the date specified shall render the permit null and void, unless the district engineer shall have extended the time for completion in writing.

(5) Revoked.

(Sec. 10, River and Harbor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403) [Regs. Jan. 31, 1920 (E.D. 48785/470), as modified Oct. 10, 1939 (E.D. 7221 (Atlantic Ocean)—39)]

[SEAL] J. O. STEGER,
Colonel, A. G. D.,
Acting The Adjutant General.

[F. R. Doc. 39-3937; Filed, October 25, 1939; 9:23 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 395]

RESCISSION OF FUNDS FOR LOANS

OCTOBER 5, 1939.

I hereby amend Administrative Order No. 341, dated May 2, 1939, by rescinding the allocation of \$25,000 therein made to Georgia R9070R1 Mitchell.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3926; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 396]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 5, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 9093R1 Mitchell.....	\$25,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3927; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 397]

RESCISSION AND AMENDMENT OF LOANS

OCTOBER 6, 1939.

I hereby amend Administrative Order No. 388, dated September 8, 1939, by re-

ducing the allocation of \$124,000 therein made for Georgia 0035D1 Walton by \$1,000, so that the reduced allocation shall be \$123,000.

I hereby amend Administrative Order No. 282, dated September 1, 1938, by transferring \$62,550 of the allocation of \$310,000 therein made for Washington 8018C1 Spokane to Washington 9018C2 Spokane.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3928; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 398]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 0015B2 Morgan.....	\$25,000
Colorado 0020B2 Delta.....	50,000
Colorado 0026A2 San Miguel.....	30,000
Colorado 0031A1 Larimer.....	230,000
Kentucky 0035C1 Warren.....	151,000
Maine 0008A1 Aroostook.....	127,000
Michigan 0028E1 Presque Isle.....	112,000
Missouri 0024C1 Callaway.....	15,000
Missouri 0026B1 M. C. U.....	48,500
Missouri 0032C1 Atchison.....	37,000
Montana 0011D1 Sanders.....	29,000
Nebraska 0051C1 Burt District Public.....	89,000
Nebraska 0054C1 Cuming Dis- trict Public.....	87,000
North Carolina 0014D1 Pitt.....	69,000
North Carolina 0025F1 Ruther- ford.....	216,000
Ohio 0041C1 Licking.....	259,000
Oklahoma 0022B1 Cotton.....	106,000
Oklahoma 0025B1 Rogers.....	91,000
Oregon 0004A2 Lincoln.....	55,000
Texas 0007D1 B. C. L. & P.....	60,000
Texas 0040D1 Bowie.....	92,000
Texas 0048C1 Hidalgo.....	115,000
Texas 0050D1 Grayson.....	94,000
Texas 0059C1 Lamb.....	120,000
Texas 0068C1 Cooke.....	55,000
Texas 0069B1 Erath.....	93,000
Texas 0070B1 Hamilton.....	31,000
Texas 0080B1 Collingsworth.....	100,000
Texas 0083B1 Fisher.....	107,000
Texas 0084B1 Hall.....	89,000
Texas 0091B1 San Patricio.....	84,000
Texas 0100B1 Washington.....	400,000
Texas 0101B1 Parker.....	117,000
Virginia 0037A1 Nansemond.....	220,000
Wisconsin 0043D1 Grant.....	61,000
Wisconsin 0048B1 Waupaca.....	148,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3929; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 399]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as

amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 9043C1 Greene.....	\$384,000
Iowa 9057B1 Mitchell.....	143,000
Minnesota 9037C1 Jackson.....	100,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3930; Filed, October 24, 1939;
4:02 p. m.]

[Administrative Order No. 401]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 17, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 9020D1 Troup.....	\$69,000
Illinois 9031B1 Monroe.....	179,000
Illinois 9038B2 McLean.....	205,000
Illinois 9044B1 Carroll.....	30,000
Kentucky 9046C1 Harrison.....	103,500
Minnesota 9003C1 Meeker.....	118,000
Minnesota 9055D1 Watonwan.....	91,000
Minnesota 9057C1 Ottortail.....	175,000
Ohio 9055D1 Coshocton.....	70,000
Texas 9074B1 Seymour Public.....	160,000
Texas 9074G1 Seymour Public.....	40,000
Texas 9104A1 Mitchell.....	145,000
Vermont 9007C1 Orleans.....	43,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3931; Filed, October 24, 1939;
4:02 p. m.]

[Administrative Order No. 402]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 17, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 0018C1 Carroll.....	\$372,000
Georgia 0092A1 Brantley.....	196,000
Kentucky 0026C1 Todd.....	93,000
Mississippi 0028E2 Hancock.....	40,000
North Carolina 0023C2 Caldwell.....	52,000
Oklahoma 0006D1 Caddo.....	41,000
Oklahoma 0026B1 Harmon.....	124,000
Texas 0011C1 Kaufman.....	125,500
Texas 0103A1 Polk.....	223,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3932; Filed, October 24, 1939;
4:02 p. m.]

[Administrative Order No. 403]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 18, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as

amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
California 0006W1 Modoc.....	\$10,000
Georgia R9031W2 Upson.....	5,000
Illinois R9028W2 Champaign.....	5,000
Iowa R9003W1 Plymouth.....	5,000
Minnesota R9057W4 Ottortail.....	10,000
Missouri 0012W2 Pemiscot.....	10,000
Nebraska R9007W1 Southeastern Nebraska District Public.....	1,500
Ohio R9031W1 Holmes.....	2,000
Ohio R9055W1 Coshocton.....	2,000
Ohio R9071W1 Logan.....	1,000
Oklahoma 0010W1 Cleveland.....	5,000
Oklahoma 0016W1 Pontotoc.....	7,500

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-3933; Filed, October 24, 1939;
4:00 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective October 26, 1939, until February 22, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certifi-

cate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) This Special Certificate is issued exparte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). This Special Certificate may be canceled as of the date of its issuance, and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Paul K. Weil Company, St. Louis, Missouri, 20.

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

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

[F. R. Doc. 39-3945; Filed, October 25, 1939;
12:37 p. m.]

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

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 26, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Golbro Manufacturing Corporation, Polo, Illinois.

M. Fine & Sons Manufacturing Co., Inc., Jeffersonville, Indiana.

M. Fine & Sons Manufacturing Co., Inc., New Albany, Indiana.

M. Fine & Sons Manufacturing Co., Inc., Paducah, Kentucky.

M. Fine & Sons Manufacturing Co., Inc., Vicksburg, Mississippi.

Standard Overall Company, Chase City, Virginia.

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

MERLE D. VINCENT,
Chief Hearings and
Exemptions Section.

[F. R. Doc. 39-3946; Filed, October 25, 1939; 12:37 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

AMENDED NOTICE OF HEARING

The above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc. and

American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, is assigned for public hearing on October 30, 1939, at 10 o'clock a. m. (Central Standard Time) at the Coronado Hotel, St. Louis, Mo., before an Examiner of the Authority.

Dated Washington, D. C., October 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3942; Filed, October 25, 1939; 12:13 p. m.]

[Docket No. 319]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR THE APPROVAL BY THE CIVIL AERONAUTICS AUTHORITY, IF SUCH APPROVAL IS DEEMED NECESSARY, OF THE CONTROL OF AMERICAN EXPORT AIRLINES, INC., BY AMERICAN EXPORT LINES, INC., A COMMON CARRIER, UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 30, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., October 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3943; Filed, October 25, 1939; 12:13 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5782]

IN RE APPLICATION OF INLAND WATERWAYS CORP. (WPI)

Dated, July 14, 1939; for Construction Permit; Class of Service, Coastal Telephone; Class of Station, Private; Location, Memphis, Tenn.; Operating Assignment Specified, Frequency, 6250 kc; Power, 40 W, Emission A3; Hours of Operation, Unlimited; Pts. of Comm. With IWC Boats

[File No. P3-PC-60]

NOTICE OF HEARING

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

1. To determine whether or not use of the frequency 6250 kilocycles may be authorized under the provisions of the Communications Act of 1934, as amended, Treaty Agreements of the United States,

and the rules and regulations of the Commission for coastal harbor radiotelephone service.

2. Whether the Commission's rules and regulations should be revised to permit the use of the frequency 6250 kc for coastal harbor radiotelephone service.

3. To determine whether or not the use of the frequency 6250 kc at Memphis, Tenn., for coastal harbor radiotelephone service would create interference to any other station or service.

4. To determine the need for the proposed service and the adequacy of communication at present available.

5. To determine whether or not the granting of the application would serve public interest, convenience or necessity.

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

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

The applicant's address is as follows:

Inland Waterways Corporation,
6309 Commerce Building,
Washington, D. C.

Dated at Washington, D. C., October 23, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3940; Filed, October 25, 1939; 11:54 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 24th day of October 1939.

[File No. 1-1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the

Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

After appropriate notice, a hearing having been held at the offices of the Commission, in the City of Denver, State of Colorado, on the 24th day of August, 1939, at which the applicant failed to appear and at which the application was received by the Trial Examiner, over the objection of the registrant, subject to the condition that the application may be dismissed if the Commission so directs; and

The Commission having ordered that the matter be set down for oral argument¹ before the Commission on October

¹ 4 F.R. 4058 DL.

16, 1939, or for the submission of briefs in lieu of oral argument on such date, on the following questions:

(a) Shall the Commission direct that the application be received in evidence?

(b) Shall the Commission grant the application to delist and if so what, if any, terms or conditions shall be imposed for the protection of investors in granting said application?

and

No parties having appeared personally or having filed briefs, and it appearing that the registrant thereby waived its objection to the admission of the application in evidence;

It is ordered. That said application be received in evidence; and

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

It is further ordered. That said application be and the same is hereby granted, effective at the close of the trading session on November 3, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3939; Filed, October 25, 1939; 11:08 a. m.]