



FEDERAL REGISTER

VOLUME 5 NUMBER 147

Washington, Tuesday, July 30, 1940

The President

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED, "AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE" APPROVED JULY 2, 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide."

AND WHEREAS by my proclamation No. 2413¹ of July 2, 1940, entitled "ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED 'AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE' APPROVED JULY 2, 1940," I proclaimed that upon the recommendation of the Administrator of Export Control I had determined that it was necessary in the interest of

¹ 5 F.R. 2467.

the national defense that certain listed articles and materials should not be exported from the United States except when authorized in each case by a license as provided for in the said proclamation.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that upon the recommendation of the aforesaid Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after August 1, 1940, the additional materials hereinafter listed shall not be exported from the United States except when authorized in each case by a license as provided for in the aforesaid proclamation:

1. Petroleum products
2. Tetraethyl lead
3. Iron and steel scrap

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

DONE at the City of Washington this 26th day of July, in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[No. 2417]

[F. R. Doc. 40-3124; Filed, July 27, 1940; 12:04 p. m.]

CHANGING THE NAMES OF CERTAIN FEDERAL WILDLIFE REFUGES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain areas of land and water in the United States, its Territories,

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THE PRESIDENT

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and its insular possessions have been reserved and set aside from time to time as refuges and breeding grounds for native

birds, migratory waterfowl, wild animals, and other forms of wildlife, on which it is unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever, to take or destroy the nests or eggs of any wild bird, or to occupy or use any part of such reservations or to enter thereon for any purpose, except as permitted by law or by rules and regulations of the Secretary of the Interior, in order that the conservation and development of the natural wildlife resources may contribute to the economic welfare of the Nation and provide opportunities for wholesome recreation to the citizens of the United States; and

WHEREAS some of the States are setting aside areas of land and water for similar purposes, such action by the States being furthered by the act of Congress approved September 2, 1937 (50 Stat. 917), which provides that the United States shall aid the States in wildlife-restoration projects; and

WHEREAS it is fitting and desirable that the names of such Federal areas should distinguish them from projects of the States or from preserves under private ownership:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the names of the Federal wildlife refuges listed below are hereby changed as indicated:

ALABAMA	
<i>Old Name of Refuge</i>	<i>New Name of Refuge</i>
Petit Bois Island Reservation	Petit Bois National Wildlife Refuge (Alabama and Mississippi)
Wheeler Migratory Waterfowl Refuge	Wheeler National Wildlife Refuge
ALASKA	
Aleutian Islands Reservation	Aleutian Islands National Wildlife Refuge
Bering Sea Reservation	Bering Sea National Wildlife Refuge
Bogoslof Reservation	Bogoslof National Wildlife Refuge
Chamisso Island Reservation	Chamisso National Wildlife Refuge
Forrester Island Reservation	Forrester Island National Wildlife Refuge
Hazen Bay Migratory Waterfowl Refuge	Hazen Bay National Wildlife Refuge
Hazy Islands Reservation	Hazy Islands National Wildlife Refuge
Nunivak Island Reservation	Nunivak National Wildlife Refuge
Saint Lazaria Reservation	Saint Lazaria National Wildlife Refuge
Semidi Islands Wildlife Refuge	Semidi National Wildlife Refuge
Tuxedni Reservation	Tuxedni National Wildlife Refuge
ARIZONA	
Apache Migratory Waterfowl Refuge	Apache National Wildlife Refuge
Boulder Canyon Wildlife Refuge	Boulder Canyon National Wildlife Refuge (Arizona and Nevada)
Salt River Reservation	Salt River National Wildlife Refuge
ARKANSAS	
Big Lake Migratory Bird Refuge	Big Lake National Wildlife Refuge
White River Migratory Waterfowl Refuge	White River National Wildlife Refuge
CALIFORNIA	
Clear Lake Reservation	Clear Lake National Wildlife Refuge
Farallon Reservation	Farallon National Wildlife Refuge
Klamath Lake Reservation	Lower Klamath National Wildlife Refuge (California and Oregon)

Old Name of Refuge	New Name of Refuge
CALIFORNIA—Continued	
Sacramento Migratory Waterfowl Refuge	Sacramento National Wildlife Refuge
Salton Sea Wildlife Refuge	Salton Sea National Wildlife Refuge
Tule Lake Wildlife Refuge	Tule Lake National Wildlife Refuge
DELAWARE	
Bombay Hook Migratory Waterfowl Refuge	Bombay Hook National Wildlife Refuge
FLORIDA	
Anclote Migratory Bird Refuge	Anclote National Wildlife Refuge
Brevard Reservation	Brevard National Wildlife Refuge
Caloosahatchee Reservation	Caloosahatchee National Wildlife Refuge
Cedar Keys Bird Refuge	Cedar Keys National Wildlife Refuge
Chinsegut Hill Migratory Bird Refuge	Chinsegut National Wildlife Refuge
Great White Heron Refuge	Great White Heron National Wildlife Refuge
Indian Key Reservation	Indian Key National Wildlife Refuge
Island Bay Reservation	Island Bay National Wildlife Refuge
Key West Reservation	Key West National Wildlife Refuge
Matanzas Bird Refuge	Matanzas National Wildlife Refuge
Matlacha Pass Reservation	Matlacha Pass National Wildlife Refuge
Palma Sola Reservation	Palma Sola National Wildlife Refuge
Passage Key Reservation	Passage Key National Wildlife Refuge
Pelican Island Reservation	Pelican Island National Wildlife Refuge
Pine Island Reservation	Pine Island National Wildlife Refuge
St. Marks Migratory Bird Refuge	St. Marks National Wildlife Refuge
GEORGIA	
Blackbeard Island Reservation	Blackbeard Island National Wildlife Refuge
Okefenokee Wildlife Refuge	Okefenokee National Wildlife Refuge
Piedmont Wildlife Refuge	Piedmont National Wildlife Refuge
Savannah River Wildlife Refuge	Savannah National Wildlife Refuge (Georgia and South Carolina)
Tybee Migratory Bird Refuge	Tybee National Wildlife Refuge
Wolf Island Wildlife Refuge	Wolf Island National Wildlife Refuge
HAWAIIAN ISLANDS	
Hawaiian Islands Reservation	Hawaiian Islands National Wildlife Refuge
Johnston Island Reservation	Johnston Island National Wildlife Refuge
IDAHO	
Camas Migratory Waterfowl Refuge	Camas National Wildlife Refuge
Deer Flat Migratory Waterfowl Refuge	Deer Flat National Wildlife Refuge
Snake River Migratory Waterfowl Refuge	Snake River National Wildlife Refuge
ILLINOIS	
Chautauqua Migratory Waterfowl Refuge	Chautauqua National Wildlife Refuge
IOWA	
Union Slough Migratory Waterfowl Refuge	Union Slough National Wildlife Refuge
KENTUCKY	
Kentucky Woodlands Wildlife Refuge	Kentucky Woodlands National Wildlife Refuge
LOUISIANA	
Breton Bird Refuge	Breton National Wildlife Refuge
Lacassine Migratory Waterfowl Refuge	Lacassine National Wildlife Refuge
Sabine Migratory Waterfowl Refuge	Sabine National Wildlife Refuge
Shell Keys Reservation	Shell Keys National Wildlife Refuge
Tern Islands Reservation	Tern Islands National Wildlife Refuge
MAINE	
Moosehorn Migratory Bird Refuge	Moosehorn National Wildlife Refuge
MARYLAND	
Blackwater Migratory Bird Refuge	Blackwater National Wildlife Refuge
MICHIGAN	
Huron Migratory Bird Refuge	Huron National Wildlife Refuge
Sency Migratory Waterfowl Refuge	Sency National Wildlife Refuge
Siskiwit Islands Reservation	Siskiwit National Wildlife Refuge
MINNESOTA	
Mille Lacs Reservation	Mille Lacs National Wildlife Refuge
Mud Lake Migratory Waterfowl Refuge	Mud Lake National Wildlife Refuge
Rice Lake Migratory Waterfowl Refuge	Rice Lake National Wildlife Refuge
Taloot Lake Migratory Waterfowl Refuge	Taloot Lake National Wildlife Refuge
Tamarac Migratory Waterfowl Refuge	Tamarac National Wildlife Refuge
MISSOURI	
Squaw Creek Migratory Waterfowl Refuge	Squaw Creek National Wildlife Refuge
Swan Lake Migratory Waterfowl Refuge	Swan Lake National Wildlife Refuge
MONTANA	
Benton Lake Bird Refuge	Benton Lake National Wildlife Refuge
Black Coulee Migratory Waterfowl Refuge	Black Coulee National Wildlife Refuge
Fort Keogh Bird Refuge	Fort Keogh National Wildlife Refuge
Hewitt Lake Migratory Waterfowl Refuge	Hewitt Lake National Wildlife Refuge
Lake Thibadeau Migratory Waterfowl Refuge	Lake Thibadeau National Wildlife Refuge
Medicine Lake Migratory Waterfowl Refuge	Medicine Lake National Wildlife Refuge
Nine-Pipe Reservation	Nine-Pipe National Wildlife Refuge
Pablo Reservation	Pablo National Wildlife Refuge
Pishkun Reservation	Pishkun National Wildlife Refuge
Willow Creek Reservation	Willow Creek National Wildlife Refuge

Old Name of Refuge	New Name of Refuge
NORTH DAKOTA—Continued	
Shell Lake Migratory Waterfowl Refuge	Shell Lake National Wildlife Refuge
Sibley Lake Migratory Waterfowl Refuge	Sibley Lake National Wildlife Refuge
Stump Lake Reservation	Stump Lake National Wildlife Refuge
Upper Souris Migratory Waterfowl Refuge	Upper Souris National Wildlife Refuge
OHIO	
West Sister Island Migratory Bird Refuge	West Sister Island National Wildlife Refuge
OKLAHOMA	
Salt Plains Wildlife Refuge	Salt Plains National Wildlife Refuge
OREGON	
Cape Meares Migratory Bird Refuge	Cape Meares National Wildlife Refuge
Goat Island Migratory Bird Refuge	Oregon Islands National Wildlife Refuge
Hart Mountain Antelope Refuge	Hart Mountain National Antelope Refuge
Malheur Migratory Bird Refuge	Malheur National Wildlife Refuge
McKay Creek Bird Refuge	McKay Creek National Wildlife Refuge
Three Arch Rocks Reservation	Three Arch Rocks National Wildlife Refuge
Upper Klamath Wildlife Refuge	Upper Klamath National Wildlife Refuge
PUERTO RICO	
Culebra Reservation	Culebra National Wildlife Refuge
SOUTH CAROLINA	
Cape Romain Migratory Bird Refuge	Cape Romain National Wildlife Refuge
Carolina Sandhills Wildlife Refuge	Carolina Sandhills National Wildlife Refuge
SOUTH DAKOTA	
Belle Fourche Reservation	Belle Fourche National Wildlife Refuge
Lacreek Migratory Waterfowl Refuge	Lacreek National Wildlife Refuge
Lake Andes Migratory Waterfowl Refuge	Lake Andes National Wildlife Refuge
Sand Lake Migratory Waterfowl Refuge	Sand Lake National Wildlife Refuge
Waubay Migratory Waterfowl Refuge	Waubay National Wildlife Refuge
TENNESSEE	
Lake Isom Migratory Waterfowl Refuge	Lake Isom National Wildlife Refuge
TEXAS	
Aransas Migratory Waterfowl Refuge	Aransas National Wildlife Refuge
Mulshoe Migratory Waterfowl Refuge	Mulshoe National Wildlife Refuge
UTAH	
Locomotive Springs Migratory Bird Refuge	Locomotive Springs National Wildlife Refuge
Strawberry Valley Reservation	Strawberry Valley National Wildlife Refuge
VERMONT	
Morgan Farm Wildlife Refuge	Morgan National Wildlife Refuge
VIRGINIA	
Back Bay Migratory Waterfowl Refuge	Back Bay National Wildlife Refuge
WASHINGTON	
Columbia River Bird Refuge	Columbia River National Wildlife Refuge
Concomully Reservation	Concomully National Wildlife Refuge
Copalis Rock Reservation	Copalis National Wildlife Refuge
Dungeness Spit Reservation	Dungeness National Wildlife Refuge
Flattery Rocks Reservation	Flattery Rocks National Wildlife Refuge
Jones Island Migratory Bird Refuge	Jones Island National Wildlife Refuge
Lenore Lake Migratory Bird Refuge	Lenore Lake National Wildlife Refuge
Little Pend Oreille Wildlife Refuge	Little Pend Oreille National Wildlife Refuge
Matia Island Migratory Bird Refuge	Matia Island National Wildlife Refuge
Quillayute Needles Reservation	Quillayute Needles National Wildlife Refuge
Smith Island Reservation	Smith Island National Wildlife Refuge
Turnbull Migratory Waterfowl Refuge	Turnbull National Wildlife Refuge
Willapa Harbor Migratory Bird Refuge	Willapa National Wildlife Refuge
WISCONSIN	
Gravel Island Reservation	Gravel Island National Wildlife Refuge
Green Bay Reservation	Green Bay National Wildlife Refuge
Long Tail Point Migratory Waterfowl Refuge	Long Tail Point National Wildlife Refuge
Trempealeau Migratory Waterfowl Refuge	Trempealeau National Wildlife Refuge
WYOMING	
Bamforth Lake Migratory Bird Refuge	Bamforth National Wildlife Refuge
Elk Refuge	National Elk Refuge
Hutton Lake Migratory Bird Refuge	Hutton Lake National Wildlife Refuge

EXECUTIVE ORDER

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER A COMPETITIVE CLASSIFIED CIVIL SERVICE STATUS ON FIVE EMPLOYEES IN THE DISBURSING OFFICE OF THE DIVISION OF DISBURSEMENT OF THE TREASURY AT HONOLULU, TERRITORY OF HAWAII

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act of January 16, 1983 (22 Stat. 403, 404), the Civil Service Commission is hereby authorized to confer a competitive classified civil service status on five

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.
 DONE at the City of Washington, this 25th day of July, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT
 By the President:
 SUMNER WELLES
 Acting Secretary of State.

[No. 2416]
 [F. R. Doc. 40-3123; Filed, July 27, 1940; 11:28 a. m.]

employees in the Disbursing Office of the Division of Disbursement of the Treasury at Honolulu, Territory of Hawaii: *Provided*, (1) that such employees were assigned to these positions at least six months prior to the date of this order and have rendered satisfactory active service for at least three months of such six months' period; (2) that they qualify in such appropriate noncompetitive tests of fitness as may be prescribed by the Civil Service Commission; (3) that they are citizens of the United States; and (4) that they are not disqualified by any provision of section 3 of Civil Service Rule V or of any other civil service rule, or by any provision of the Civil Service Act, or of any other statute or Executive Order.

Any such employee who fails to meet the foregoing requirements shall be separated from the service within thirty days (exclusive of leave to which he is entitled) after the Civil Service Commission reports that he is ineligible for classification, unless the Secretary of the Treasury certifies to the Commission that the employee has rendered satisfactory service and that he should be retained although without acquiring a competitive classified status.

This order is recommended by the Acting Secretary of the Treasury, who states that these employees, who have served for a number of years in the Disbursing Office at Honolulu, were originally appointed for work in that office in connection with the emergency relief program, but are now engaged in permanent work of the Disbursing Office, and are thoroughly trained in their work, and that their permanent appointments will be in the interest of the service.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 25, 1940.

[No. 8494]

[F. R. Doc. 40-3103; Filed, July 26, 1940;
12:40 p. m.]

EXECUTIVE ORDER

DESIGNATION OF AGENCIES FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTION 40 OF THE EMERGENCY RELIEF APPROPRIATION ACT, FISCAL YEAR 1941

By virtue of and pursuant to the authority vested in me by section 40 of the Emergency Relief Appropriation Act, Fiscal Year 1941, approved June 26, 1940 (Public Resolution No. 88, 76th Congress), and of all other authority vested in me, and in order to effectuate the purposes of said act:

1. I hereby designate the Secretary of Agriculture, in respect to agricultural supplies, and the Secretary of the Treasury, in respect to other materials and supplies, to purchase, to transport to points of embarkation determined by The

American Red Cross, or by such other agency as I may hereafter designate, and to deliver to The American Red Cross or to such other agency at such points, materials and supplies for the relief of refugee men, women, and children who have been driven from their homes or otherwise rendered destitute by hostilities or invasion.

2. I hereby designate The American Red Cross as an agency to receive and transport such materials and supplies from points of embarkation to such points of distribution as it may determine, and to distribute such materials and supplies in accordance with the provisions of said act.

3. The materials and supplies to be purchased in accordance with this order shall, in the case of agricultural supplies, be determined jointly by the Secretary of Agriculture and The American Red Cross, and in the case of other materials and supplies, jointly by the Secretary of the Treasury and The American Red Cross.

4. Upon delivery to and receipt by The American Red Cross of such materials and supplies in accordance herewith ownership thereof and title thereto shall pass to The American Red Cross for the purpose of distribution in accordance with the provisions of the above act and of this order.

5. An itemized and detailed report of the expenditures and activities made and conducted under the authority of this order shall be submitted to me not later than May 31, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1940.

[No. 8495]

[F. R. Doc. 40-3123; Filed, July 27, 1940;
11:45 a. m.]

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF MARCH 28, 1924, CREATING RESERVOIR SITE RESERVE No. 16

DESCHUTES RIVER, OREGON

Modification No. 414

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered that the Executive Order of March 28, 1924, creating Reservoir Site Reserve No. 16, be, and it is hereby, modified to the extent necessary to enable the Federal Power Commission to issue permits, and licenses and amendments thereof for power projects on the unsurveyed tracts in T. 23 S., R. 6 E., Willamette Meridian, Oregon, all portions of which, when surveyed, shall lie within one quarter of a mile of Odell Lake, on condition that use of the power projects shall be discontinued without liability or expense to the United States or its li-

censees when found by the Secretary of the Interior to be in conflict with project works authorized by the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1940.

[No. 8496]

[F. R. Doc. 40-3126; Filed, July 27, 1940;
12:48 p. m.]

REGULATIONS GOVERNING THE EXPORTATION OF ARTICLES AND MATERIALS DESIGNATED IN THE PRESIDENT'S PROCLAMATION OF JULY 2, 1940, ISSUED PURSUANT TO THE PROVISIONS OF SECTION 6 OF THE ACT OF CONGRESS APPROVED JULY 2, 1940

Pursuant to the authority vested in me by the provisions of section 6 of the Act of Congress approved July 2, 1940, entitled "An Act to expedite the strengthening of the national defense", I hereby prescribe the following additional regulations governing the exportation of:

1. Petroleum products
2. Tetraethyl lead
3. Iron and steel scrap

1. As used in my proclamation of July 26, 1940, issued pursuant to the provisions of section 6 of the Act of Congress approved July 2, 1940, and in these regulations, the following terms shall be construed as defined herein:

A. Petroleum Products.—(a) Aviation Motor Fuel, i. e., high octane gasolines, hydrocarbons, and hydrocarbon mixtures (including crude oils) boiling between 75° and 350° F. which with the addition of tetraethyl lead up to a total content of 3 c. c. per gallon will exceed 87 octane number by the A. S. T. M. Knock Test Method; or any material from which by commercial distillation there can be separated more than 3% of such gasoline, hydrocarbon or hydrocarbon mixture. (b) Aviation Lubricating Oil, i. e., any lubricating oil of 95 or more seconds Saybolt Universal Viscosity at 210° F. with a viscosity index of 85 or more.

B. Tetraethyl Lead.—Pure tetraethyl lead, ethyl fluid, or any mixture containing more than 3 c. c. of tetraethyl lead per gallon.

C. Iron and Steel Scrap.—Number 1 heavy melting scrap.

2. Regulations Nos. 2 to 12, inclusive, of the regulations issued on July 2, 1940, pursuant to the Act of July 2, 1940, are applicable to the exportation of aviation motor fuel, tetraethyl lead, and aviation lubricating oil.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1940.

[F. R. Doc. 40-3125; Filed, July 27, 1940;
12:04 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT
CHAPTER II—COMMODITY CREDIT CORPORATION

[1939 Wool Circular Letter No. 3]

PART 207—1939 WOOL LOANS

OCTOBER 6, 1939.

Effective November 1, 1939, the rate of interest charged on all Commodity Credit Corporation loans will be reduced from four per centum (4%) to three per centum (3%) per annum.¹ The rate of interest allowed banks and other lending agencies under the Corporation's contracts to purchase acceptable paper evidencing such loans made subsequent to October 31, 1939 also will be reduced from two and one-half per centum (2½%) to two per centum (2%) per annum.² No extension, however, beyond October 31, 1939 of the time within which wool loans will be available is contemplated.³

Accordingly, all banks and other lending agencies holding notes on 1939 CCC Wool Forms A or B are requested to cooperate by reducing the rate at which accrued interest is computed for the period of November 1, 1939 to the date of payment from four per centum (4%) per annum to three per centum (3%) per annum with respect to such loans as are repaid prior to purchase by Commodity Credit Corporation.

As to payments made on such notes held by lending agencies subsequent to October 31, 1939, the amount to be remitted to Commodity Credit Corporation pursuant to the provisions of 1939 CCC Wool Form H will be one and one-half per centum (1½%) per annum on the principal amount paid or collected by the lending agency from the respective dates of the notes to November 1, 1939, plus one per centum (1%) per annum on such amount from November 1, 1939 to the date of payment.⁴

[SEAL]

CARL B. ROBBINS,
President.[F. R. Doc. 40-3109; Filed, July 26, 1940;
2:54 p. m.]

[1939 Wheat Circular Letter No. 2 (Supplemental Instructions)]

PART 208—1939 WHEAT LOANS

OCTOBER 7, 1939.

Commodity Credit Corporation has reduced the interest rate on all wheat

¹ The first sentence of this Circular Letter modifies § 207.3b of Part 207, 1939 Wool Loans, entitled "Maturity and interest rate".

² The second sentence of this letter modifies § 207.11 of Part 207, 1939 Wool Loans, entitled "Lending agencies".

³ The third sentence of this letter restates § 207.1 (e) of Part 207, 1939 Wool Loans, entitled "Eligible paper".

⁴ The third and last paragraph of this letter modifies § 207.11 of Part 207, 1939 Wool Loans, entitled "Lending agencies".

loans from four percent (4%) to three percent (3%) per annum, effective November 1, 1939.¹

Lending agencies holding notes on 1939 C.C.C. Wheat Forms A and B, at the time of repayment of any notes, should collect interest for the period from the date of the note to the date of payment or November 1, 1939, whichever is later, at the rate of four percent (4%) per annum and thereafter at the rate of three percent (3%) per annum.¹

In making remittances to Commodity Credit Corporation for interest collected on notes repaid, as provided in the Contract to Purchase (1939 C.C.C. Wheat Form E), payment should be made at the rate of one and one-half percent (1½%) for any period prior to November 1, 1939 and at the rate of one-half of one percent (½%) for any subsequent period for all notes dated prior to November 1, 1939.²

It will be necessary for lending agencies desiring to continue making loans after October 31, 1939 to enter into a Supplemental Contract to Purchase, a copy of which is enclosed with this circular letter. This Supplemental Contract to Purchase allows the lending agency interest at the rate of two percent (2%) per annum on all loans made after October 31, 1939 and provides that the lending agency shall remit an amount equal to interest at the rate of one percent (1%) per annum for all notes which are repaid to the lending agency.³

The present form of Note should be used in making loans after October 31, 1939 and the rate of interest specified therein should be changed from four percent (4%) to three percent (3%) per annum. Such changes will not be considered as alterations of the Note.¹

The change in interest rate as outlined above will in no way effect the interest paid lending agencies on notes dated prior to November 1, 1939.²

This circular letter may be considered as a modification of the lending agency's undertaking as specified in the Contract to Purchase (1939 C.C.C. Wheat Form E), to remit interest to Commodity Credit Corporation for any period after October 31, 1939 as specified above.³

[SEAL]

CARL B. ROBBINS,
President.

[C.C.C. Wheat Form E-1, 1939]

SUPPLEMENTAL CONTRACT TO PURCHASE, 1939

-----, 19-----

This contract made and entered into as of the date above written by and between Commodity Credit Corporation, Washington, D. C., an Agency of the United States, hereinafter referred to as the "Corporation," and

(Lending Agency) (Address)
hereinafter referred to as "Lending Agency."

Whereas the Corporation has authorized the making of loans and the purchase of eligible paper secured by wheat, in accordance with certain instructions designated as 1939 C.C.C. Wheat Form 1, and certain supplements and amendments thereto designated

¹ Supplements § 208.8.

² Supplements § 208.18.

as 1939 Wheat Circular Letters Nos. 1 and 2, which are to be construed as a part hereof; and

Whereas the Corporation has reduced the rate of interest on all such loans, effective November 1, 1939, from four per centum (4%) to three per centum (3%) per annum, and the rate of interest allowed lending agencies upon purchase of eligible paper by the Corporation from two and one-half per centum (2½%) to two per centum (2%) per annum as to all loans made by lending agencies subsequent to October 31, 1939;

Now, therefore, in consideration of the premises and of the mutual promises and agreements of each to the other, the parties hereunto covenant and agree for themselves, their successors and assigns, as follows:

1. The Corporation agrees to purchase "eligible paper" as defined in 1939 C.C.C. Wheat Form 1, which complies with and is executed in accordance with the instructions contained therein and any amendments thereto, at par with accrued interest at the rates hereinafter specified from the respective date of such notes, provided same is tendered thirty (30) days prior to maturity of such paper, in the manner and at the place specified in 1939 C.C.C. Wheat Form 1; And provided further, That the lending agency or other holder tendering same has executed and delivered to the Loan Agency of the Reconstruction Finance Corporation to which such notes are tendered a contract on this form.

(a) Upon purchase of eligible paper dated prior to November 1, 1939, the Corporation agrees to pay accrued interest at the rate of two and one-half per centum (2½%) per annum from the respective dates of such notes to the date of payment of the purchase price.

(b) Upon the purchase of eligible paper dated subsequent to October 31, 1939, the Corporation agrees to pay accrued interest at the rate of two per centum (2%) per annum from the respective dates of such notes to the date of payment of the purchase price.

2. The Corporation agrees to purchase, on the same terms and conditions, producers' notes on 1939 C.C.C. Wheat Form A which meet all the requirements hereof except the requirement of recorded assignments of the chattel mortgages by the original payee and successive assignees, provided the original payees named in such notes, 1939 C.C.C. Wheat Form A, have executed and delivered to the Loan Agency of the Reconstruction Finance Corporation to which such notes are tendered for purchase, a supplemental contract to purchase on this form.

3. The Lending Agency agrees that as loans are made by it on 1939 C.C.C. Wheat Forms A and B it will complete the "Advice of Loan" attached thereto, detach and mail the same promptly to the Corporation at Washington, D. C., and, in addition, the duplicate copy of the Advice of Loan on 1939 C.C.C. Wheat Form B will be completed and sent to the warehouseman issuing the warehouse receipts pledged as security thereto.

4. The Lending Agency agrees further that it will report promptly to the Corporation on 1939 C.C.C. Wheat Form F, all collections or payments made on notes held by it on 1939 C.C.C. Wheat Forms A and B, and will remit promptly to the Corporation at Washington, D. C., the following amounts:

(a) With respect to loans on 1939 C.C.C. Wheat Forms A and B dated prior to November 1, 1939, Lending Agency agrees to remit an amount equivalent to one and one-half per centum (1½%) per annum on the amount of the principal so paid or collected on said notes from their respective dates to November 1, 1939, plus one-half of one per centum (½%) per annum interest on the principal amount so paid or collected on the said notes from November 1, 1939, to the date of payment.

(b) With respect to loans on 1939 C.C.C. Wheat Forms A and B dated subsequent to October 31, 1939, Lending Agency agrees to

remit an amount equivalent to one per centum (1%) per annum on the amount of the principal so paid or collected on said notes from their respective dates to the date of payment.

5. The Lending Agency agrees further that with respect to all payments made or collections received on notes on 1939 C.C.C. Wheat Forms A and B held by it, accrued interest collected will not exceed four per centum (4%) per annum from the respective dates of such notes to November 1, 1939, plus three per centum (3%) per annum from November 1, 1939, to the date of payment.

6. In the event notes on 1939 C.C.C. Wheat Form A are submitted to the Corporation for purchase in accordance with the provisions of Paragraph numbered 2 hereof, without the duly recorded assignment of the mortgages securing such notes by the original payee and successive assignees, the Lending Agency agrees that with respect to all such notes in which it is named as the original payee, it will hold the legal title to such mortgages in trust for all successive transferees, including the Corporation, so long as they hold the notes secured thereby, and, upon request of the Corporation or any other holder of such notes, to execute and deliver recorded assignments in 1939 C.C.C. Wheat Form G of such mortgages to the Corporation or such other holder without expense to the Corporation or such other holder.

The Lending Agency agrees further that upon the request of the Corporation or such other holder of the note secured thereby it will release or arrange for the release of record of the chattel mortgages recorded in its name.

The Lending Agency understands that it must obtain, at its own expense, any insurance coverage (in addition to that provided by the producers or warehousemen) desired for its protection with respect to the wheat collateral prior to the purchase of such notes by the Corporation.

This contract supersedes and replaces entirely the Contract to Purchase, on 1939 C.C.C. Wheat Form E, between the undersigned Lending Agency and Commodity Credit Corporation, and the provisions of this contract shall be interpreted and enforced in accordance with the laws of the District of Columbia.

This contract when executed by the parties hereto and delivered to a Loan Agency of Reconstruction Finance Corporation shall be effective only as to notes eligible for purchase at such Loan Agency. A separate contract must be executed and delivered to each Loan Agency of Reconstruction Finance Corporation to which such notes may be tendered by the Lending Agency.

In witness whereof the parties hereto have caused this contract to be executed in duplicate.

COMMODITY CREDIT CORPORATION,
CARL B. ROBBINS, *President*.

Attest:
(Signed) SAMUEL H. SABIN,
Secretary.

By _____
Attest:

(Lending agency)
[SEAL] _____
(Title)

By _____
(Title)

[F. R. Doc. 40-3110; Filed, July 26, 1940;
3:02 p. m.]

[1939-40 Cotton Circular Letter No. 1]

PART 210—1939-40 COTTON LOANS¹

DECEMBER 20, 1939.

In addition to the charges specified in the Warehouseman's Certificate and

¹ Supplements § 210.9 "Warehouse charges."

Waiver in 1939-40 C.C.C. Cotton Form A, Commodity Credit Corporation will pay compression charges at the time of shipment of the cotton on all cotton ordered compressed or shipped under freight rates that require compression in order to meet the necessary freight tariff requirements for loading, or where cotton is shipped export or coastwise. The charges will be paid at the tariff rate applicable for compression to the density ordered at the time of shipment.

This circular letter modifies the Warehouseman's Certificate and Waiver in 1939-40 C.C.C. Cotton Form A to the extent indicated above and applies to the holder of the warehouse receipt, as provided in said Warehouseman's Certificate and Waiver, after the cotton is released from the loan.

[SEAL]

F. P. BIGGS,
Assistant Treasurer.

[F. R. Doc. 40-3108; Filed, July 26, 1940;
2:54 p. m.]

[1939 Corn Circular Letter No. 1 (Supplemental Instructions)]

PART 211—1939 CORN LOANS

DECEMBER 26, 1939.

1. The last sentence of Section 1 (e) of 1939 C.C.C. Corn Form 1,¹ which reads as follows:

"(Notes executed by an administrator, executor or trustee will be accepted only where valid in law, unless accompanied by a repurchase agreement of the lending agency.)"

shall be deleted and the following substituted in lieu thereof:

"(Notes executed by an administrator, executor or trustee will be accepted if approved by the county agricultural conservation committee.)"

2. The following sentence shall be added to Section 10 of 1939 C.C.C. Corn Form 1:²

"In States where the chattel mortgage must be filed in the county where the producer lives, the county committee may prepare loan documents in the county where the producer lives for corn stored in an adjoining county, provided the land upon which the corn is stored is considered part of the borrower's farming unit."

3. 1939 C.C.C. Corn Form C, "Lending Agency's Letter of Transmittal", will be available from the Chicago Loan Agency of Reconstruction Finance Corporation. In some States, however, the forms have been distributed to the county agricultural conservation associations and may be obtained at the association offices.

[SEAL]

JOHN D. GOODLOE,
Vice President.

[F. R. Doc. 40-3105; Filed, July 26, 1940;
2:53 p. m.]

¹ Sec. 211.1 (e).

² Sec. 211.10.

[1939 Corn Circular Letter No. 2, (Supplemental Instructions)]

PART 211—1939 CORN LOANS

MARCH 1, 1940.

Section 211.14, entitled *Release of collateral held by Commodity Credit Corporation*, is amended by deleting the last sentence in paragraph 1 of such section and by adding at the end of such section the following:

1. The provisions of the printed Instructions (1938-39 C.C.C. Corn Form 1 and supplements thereto, and 1939 C.C.C. Corn Form 1) are hereby amended to permit partial releases of pledged or mortgaged corn.

2. In the case of farm stored 1937 corn, the producer must identify to the Chicago Loan Agency of Reconstruction Finance Corporation the seal number of the bin or crib to be released. Such release must cover all the corn in any one bin or crib. Upon receipt of such a request, a partial release of the chattel mortgage will be forwarded to the county committee upon payment of the amount loaned on the particular bin or crib of corn plus interest and charges and storage advance, if any, plus interest. The same procedure will apply to 1938 corn, except that the producer must identify to the Loan Agency serving the area the seal number of the bin or crib to be released, and the partial release will be handled by such Agency.

3. In the case of elevator stored corn, producers desiring to obtain partial releases should notify the Chicago Loan Agency, in the case of 1937 corn, and the Loan Agency serving the area, in the case of 1938 corn, describing the corn to be released by warehouse receipt numbers.

4. Banks and other lending agencies holding notes on 1939 C.C.C. Corn Form A may also permit partial releases as provided above and Commodity Credit Corporation will purchase notes on which partial releases have been made, provided the note is credited by the lending agency with the full amount of the loan on the corn released, plus interest at the rate of 3 percent thereon. Such notes must be accompanied by a certification of the county agricultural conservation committee as to the number of bushels remaining under the loan. An amount equivalent to 1½ percent interest per annum on the amount of such principal collected at the time of such partial releases from the date of the note or notes to the date of payments shall be remitted to Commodity Credit Corporation in accordance with the terms of the Contract to Purchase (1939 C.C.C. Form D).

5. Payment will be made to the lending agency on the basis of the amount loaned on the collateral remaining pledged as security to the note, plus 1½ percent interest on such amount from the date of the note to the date of purchase.

[SEAL]

SAMUEL H. SABIN,
Director, Grain Division.

[F. R. Doc. 40-3107; Filed, July 26, 1940;
2:53 p. m.]

[1938-39 Corn Circular Letter No. 5, (Supplemental Instructions)]

PART 206—1938 CORN LOANS

MARCH 1, 1940.

Section 206.18, entitled *Release of collateral held by Commodity Credit Corporation*, is amended by deleting the last sentence in paragraph 1 of such section and by adding at the end of such section the following:

1. The provisions of the printed Instructions (1938-39 C.C.C. Corn Form 1 and supplements thereto, and 1939 C.C.C. Corn Form 1) are hereby amended to permit partial releases of pledged or mortgaged corn.

2. In the case of farm stored 1937 corn, the producer must identify to the Chicago Loan Agency of Reconstruction Finance Corporation the seal number of the bin or crib to be released. Such release must cover all the corn in any one bin or crib. Upon receipt of such a request, a partial release of the chattel mortgage will be forwarded to the county committee upon payment of the amount loaned on the particular bin or crib of corn plus interest and charges and storage advance, if any, plus interest. The same procedure will apply to 1938 corn, except that the producer must identify to the Loan Agency serving the area the seal number of the bin or crib to be released, and the partial release will be handled by such Agency.

3. In the case of elevator stored corn, producers desiring to obtain partial releases should notify the Chicago Loan Agency, in the case of 1937 corn, and the Loan Agency serving the area, in the case of 1938 corn, describing the corn to be released by warehouse receipt numbers.

4. Banks and other lending agencies holding notes on 1939 C.C.C. Corn Form A may also permit partial releases as provided above and Commodity Credit Corporation will purchase notes on which partial releases have been made, provided the note is credited by the lending agency with the full amount of the loan on the corn released, plus interest at the rate of 3 percent thereon. Such notes must be accompanied by a certification of the county agricultural conservation committee as to the number of bushels remaining under the loan. An amount equivalent to 1½ percent interest per annum on the amount of such principal collected at the time of such partial releases from the date of the note or notes to the date of payments shall be remitted to Commodity Credit Corporation in accordance with the terms of the Contract to Purchase (1939 C.C.C. Corn Form D).

5. Payment will be made to the lending agency on the basis of the amount loaned on the collateral remaining pledged as security to the note, plus 1½ percent interest on such amount from the date of the note to the date of purchase.

[SEAL] SAMUEL H. SABIN,
Director, Grain Division.

[F. R. Doc. 40-3106; Filed, July 26, 1940; 2:53 p. m.]

No. 147—2

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF NORMAL YIELDS OF COMMERCIALY RECOVERABLE SUGAR PER ACRE FOR SUGAR BEETS—1940 SUGAR BEET PROGRAM

Pursuant to the provisions of section 303 of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

§ 802.15c (a) *Determination of Normal yields of commercially recoverable sugar per acre for sugar beets—1940 Sugar Beet Program.* The normal yield of commercially recoverable sugar per acre for a farm on which sugar beets were planted for harvest in 1940 shall be the amount of sugar obtained by multiplying the normal yield of sugar beets, in tons per acre, for the farm by the amount of sugar, raw value, determined to be commercially recoverable in the determination entitled "Determination of Sugar Commercially Recoverable from Sugar Beets,"¹ approved June 21, 1940 (§ 802.11), from a ton of sugar beets of normal percentage of sugar content for the farm.

(b) *Definitions.* For the purposes of this determination:

(1) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were planted for harvest in three or more of the years 1933-39, inclusive, shall be the simple average of the annual average yields of sugar beets per acre planted on the farm for harvest for all of the years 1933-39, inclusive, in which sugar beets were planted for harvest.

(2) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were planted for harvest in only one or two of the years 1933-39, inclusive, shall be the number of tons obtained by multiplying the county normal yield (as defined in subparagraph 3) in tons of sugar beets per acre by the percentage that the simple average of the yields of sugar beets per acre planted on the farm for harvest in such year or two years is of the simple average of the yields of sugar beets per acre for the county for such year or two years, which county average yield shall be, for any year in which sugar beets were planted for harvest on ten or more of the farms on which sugar beets were planted for harvest in 1940, the weighted average yield of sugar beets per acre planted for harvest in that year on farms in the county on which sugar beets were planted for harvest in 1940, and for any year in which sugar beets were planted for harvest on less than ten of the farms on which sugar beets were planted for har-

vest in 1940, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for that year in the county and in adjacent counties which have similar sugar beet production conditions: *Provided, however,* That the normal yield for such farm shall not be less than 80 percent nor more than 120 percent of the county normal yield.

(3) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were not planted for harvest in any of the years 1933-39, inclusive, shall be 90 percent of the county normal yield per acre, which county normal yield shall be, for a county in which sugar beets were planted for harvest in three or more of the years 1933-39, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1940, the simple average of the county average yields (as defined in subparagraph 2), for all of the years 1933-39, inclusive, in which sugar beets were planted for harvest on ten or more of such farms, and for a county in which sugar beets were planted for harvest in less than three of the years 1933-39, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1940, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for the years 1933-39, inclusive, in the county and in adjacent counties which have similar sugar beet production conditions.

(4) The normal percentage of sugar content of sugar beets for farms from which sugar beets were contracted to be marketed in 1940 under that type of agreement commonly known as an "individual test contract," shall be as follows:

(i) In cases in which sugar beets were so marketed in three or more of the years 1934-39, inclusive, the simple average of the annual average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in such years (including all years in which sugar beets were so marketed);

(ii) In cases in which sugar beets were so marketed in only one or two of the years 1934-39, inclusive, the percentage of sugar content obtained by multiplying the county normal percentage of sugar content of sugar beets (as defined in subdivision iii) by the percentage that the simple average of the average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in such year or two years is of the simple average of the average percentages of sugar content of sugar beets for the county for such year or two years, which county average percentage shall be, for any year in which sugar beets were so marketed from ten or more of the farms on which sugar beets were planted for harvest in 1940, the weighted average percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed in that year from farms in the county on which sugar beets were planted for harvest in 1940, and for

¹ 5 F.R. 2936.

any year in which sugar beets were so marketed from less than ten of the farms on which sugar beets were planted for harvest in 1940, the percentage of sugar content established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed in that year from farms in the county and in adjacent counties; and

(iii) In cases in which sugar beets were not so marketed in any of the years 1934-39, inclusive, the county normal percentage of sugar content of sugar beets, which county normal percentage shall be, for a county in which sugar beets were so marketed in three or more of the years 1934-39, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1940, the simple average of the county average percentages of sugar content of sugar beets (as defined in subdivision ii), for such year (including all years in which sugar beets were so marketed from ten or more of the farms on which sugar beets were planted for harvest in 1940), and for a county in which sugar beets were not so marketed in at least three of the years 1934-39, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1940, the percentage of sugar content of sugar beets established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor of the sugar beets marketed in the years 1934-39, inclusive, from farms in the county and in adjacent counties.

(5) The normal percentage of sugar content of sugar beets for farms from which sugar beets were contracted to be marketed in 1940 under any type of agreement other than that commonly known as an "individual test contract," shall be the normal percentage of sugar content of sugar beets for the district (an area in which a common marketing agreement was in use in 1940), which district normal percentage shall be:

(i) For districts in which beet sugar factories were operated in three or more of the years 1933-39, inclusive, the simple average of the annual average percentages of sugar content, at the time of processing, of all of the sugar beets processed in the district in all of such years in which sugar beets were processed; and

(ii) For districts in which beet sugar factories were operated in less than three of the years 1933-39, inclusive, the percentage of sugar content of sugar beets established by the Agricultural Adjustment Administration on the basis of the average percentage of sugar content, at the time of processing, of sugar beets produced under similar conditions in the years 1933-39, inclusive. (Sec. 303, 50 Stat. 911; 7 U.S.C., Sup. IV, 1133)

Done at Washington, D. C., this 27th day of July, 1940. Witness my hand and

the seal of the Department of Agriculture.

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

[F. R. Doc. 40-3114; Filed, July 27, 1940;
10:28 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used:

The area within the city limits of Utica, New York, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration. The posting of the definition of "the immediate environs" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The area within the county limits of Wayne County, Michigan, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Beadle County, South Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Brown County, South Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Codington County, South Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Cass County, North Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Grand Forks County, North Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Athens County, Ohio, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Washington County, Ohio, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of New Castle County, Delaware, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of San Joaquin County, California, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Stanislaus County, California, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Merced County, California, and such area

adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Madera County, California, and such area adjacent thereto as may seem desirable to effectuate the program.

The posting of the definition of "and such area adjacent thereto" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The effective dates for the above-mentioned areas shall be announced by the local representative of the Surplus Marketing Administration for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,
Assistant Administrator,
Surplus Marketing Administration.

JULY 26, 1940.

[F. R. Doc. 40-3128; Filed, July 29, 1940;
11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.10 Invitation for bids.

* * * * *

(f) Special conditions authorized or required to be included.

* * * * *

(17) Eight-hour law. Suspended.

(Act June 28, 1940 (Public No. 671, 76th Cong.) [Par. 10 k, AR 5-140, May 22, 1940, as amended by Proc. Cir. 18, July 22, 1940])

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

[F. R. Doc. 40-3119; Filed, July 27, 1940;
11:27 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS²

§ 81.33 Open-market procurement; authorizations.

* * * * *

(f) Purchases amounting to \$2,000 or less. Purchases amounting to \$2,000 or less which are made without advertising under authority of sec. 1 (a), act July 2, 1940 (Public, No. 703, 76th Cong.) [Par. 4, AR 5-240, Feb. 11, 1936, as amended by Proc. Cir. 20, July 25, 1940]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3120; Filed, July 27, 1940;
11:27 a. m.]

¹ During the national emergency declared by the President on September 8, 1939, to exist, the provisions of the law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by Army contracts are suspended.

² § 81.33 is supplemented.

TITLE 19—CUSTOMS DUTIES

CHAPTER II—BUREAU OF CUSTOMS

[T. D. 50198]

CUSTOMS REGULATIONS AMENDED¹

Articles 343, 423, 439, 542, 544, 818, 837, 852, 868, 1169½, 1254, and 1371 of the Customs Regulations of 1937 amended,² a new article 542½ inserted, and article 546 deleted.

The Customs Regulations of 1937 are hereby amended as follows:

Paragraph (b) of article 343 [§ 6.55(a)] is amended by substituting "(e)" for "(d)" after the word "paragraph."

Paragraphs (c), (d), (e), and (f) of article 343 [§ 6.55 (b), (c), (d), and (e)] are redesignated paragraphs (d), (e), (f), and (g) [§ 6.55(c), (d), (e), and (f)] respectively, and a new paragraph (c) is inserted, reading as follows:

(c) [§ 6.55(b)] An entry by appraisal shall not be accepted after the merchandise has been appraised or released from customs custody, or for damaged merchandise when the damage occurs after importation. (Sec. 498, 46 Stat. 728; 19 U.S.C. 1498)

Redesignated paragraphs (e) and (f) of article 343 are amended to read as follows:

(e) [§ 6.55 (d)] An entry by appraisal may be accepted under subsection (10) for articles which are secondhand or deteriorated or damaged otherwise than as provided for in subsection (2) or which are not the subject of a commercial transaction, inasmuch as the value of such articles cannot be declared. Application for entry by appraisal under subsection (10) for such articles when the collector estimates their value to be more than \$500 and for articles other than those described herein, irrespective of their value, must be approved by the Bureau of Customs before such entry may be officially accepted. Such application shall be transmitted through the collector of customs at the port where entry by appraisal is desired and must state in detail the basis for the request for an entry by appraisal. In transmitting the application to the Bureau the collector shall state all relevant facts including whether the merchandise has been appraised and whether it has been released from customs custody.

(f) [§ 6.55 (e)] The application for entry shall be filed in triplicate. Upon acceptance the duplicate copy shall be retained by the collector and the original copy, together with any bills or statements relating to the cost or value of the merchandise, shall be forwarded to the appraiser, who shall report the result of his appraisal and his advisory classification of the merchandise thereon

and return it with its attachments to the collector. The collector's office shall make sufficient notation on the triplicate copy for statistical purposes and shall forward it to the Section of Customs Statistics at New York. Duties shall be assessed in accordance with the values reported by the appraiser; but the importer may substitute an entry for warehouse at any time within one year from the date of importation, provided the merchandise has remained in continuous customs custody. (Sec. 498, 46 Stat. 728; 19 U. S. C. 1498.)

Paragraph (d) of article 423 [§ 8.23 (d)] is amended by adding the following sentence:

However, collectors in border districts may authorize inspectors to examine and pass articles in the baggage of passengers, regardless of value, when satisfied that these duties can be performed properly by such officers. (R.S. 251, secs. 624, 498, 46 Stat. 728, 759; 19 U.S.C. 66, 1498, 1624)

Paragraph (d) of article 439 [§ 8.38 (d)] is amended by deleting the last sentence thereof. (Secs. 308, 624, 46 Stat. 690, 759; 19 U.S.C. 1308, 1624)

Article 542 is amended by adding a new paragraph (e), reading as follows:

(e) Act of April 11, 1940, Public No. 450, 76th Congress (amending sec. 33, Act of March 4, 1909; 35 Stat. 1083; U.S.C. title 17, sec. 33):

That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce individually or jointly such rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this Act, and may require, as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 12 of this Act, as amended, have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 30 and 31 of this Act.

A new article 542½ [§ 9.16a] is inserted, as follows:

ART. 542½ [§ 9.16a]. *Recordation of copyrighted works.* (a) For the practical and efficient administration of the provisions of sections 30 and 31 of the Copyright Act it is deemed essential that the copyrighted work be registered in accordance with the provisions of that Act and that customs field officers be notified of such registration and, except

in the case of books and other printed works which may be readily identified by title and name of the author, furnished with adequate photographic or other likenesses of the copyrighted work for comparison with similar imported works.

(b) In the case of books and other printed works which may be readily identified by title and name of the author, there shall be filed in the office of the Director of the Customs Information Exchange, 201 Varick Street, New York, N. Y., an application in duplicate for recordation of the copyrighted work, together with 1,000 notices in the form indicated below, printed in eleven point roman type on plain white cards of medium weight, size 3 x 5 inches, for distribution to customs field officers throughout the United States, including Puerto Rico, the Virgin Islands, Hawaii, and Alaska.

(Name of Book)	(Author)
(Citizenship of Author)	
(Date)	(Registration No.)
(Name and address—Copyright Proprietor)	

One copy of the application for recordation and two of the index cards shall be mailed by the Customs Information Exchange to the Bureau for its files.

Where the work is published in a foreign country under a different title, the foreign title as well as the title under which the work is copyrighted shall be shown on the index cards. An ad interim copyright shall be indicated on the index card by the words "ad interim" preceding the registration number. Where such ad interim copyright is extended to a full term copyright, as provided for in section 22 of the Copyright Act, notice of such extension, together with the full-term registration number and the date thereof, shall be communicated to the Commissioner of Customs, Washington, D. C., within 30 days after such date. Extensions of ad interim copyrights to full term copyrights will be communicated to customs field officers quarterly by the Bureau of Customs, together with a list of those registered ad interim copyrights in respect of which a notice of extension has not been received within five months after the date of the ad interim registration. The records of field officers will be adjusted accordingly.

(c) In the case of copyrighted works other than those specified in (b), application for recordation shall be made to the Commissioner of Customs, Washington, D. C. Such application shall be accompanied by one certified copy of the certificate of registration issued by the Copyright Office pursuant to the provisions of section 55 of the Copyright Act, as amended, and a sufficient number of

¹ This document affects 19 CFR 6.55, 8.23, 8.38, 9.16a (inserted), 9.18, 9.20 (deleted), 14.2, 14.16, 15.4, 15.13, 22.2a, 23.4, and 24.12.

² 5 F.R. 68.

photographic or other adequate likenesses of the copyrighted work to record the copyrighted work in such customs districts as the applicant may designate.

(d) The number of likenesses required for recordation in the Bureau and in individual districts is the same as the number of facsimiles of trade-marks required by article 538 (b) [§ 9.14 (b)] of the Customs Regulations of 1937, as amended by T.D. 50005. (Act of April 11, 1940, Public No. 450, 76th Congress)

Article 544 (b) [§ 9.18 (b)] is amended to read as follows:

(b) [§ 9.18 (b)] All articles bearing a false notice of copyright (except when imported in the mails) shall be seized and forfeited. Such articles imported in the mails shall be returned to the postmaster for return to the sender as nondeliverable. (Act of April 11, 1940, Public No. 450, 76th Congress)

Article 546 is deleted.

Paragraph (f) of article 818 [§ 14.2 (e)], as redesignated by T.D. 49658, is amended to read as follows:

(f) [§ 14.2 (e)] When the amount of duty assessed by the collector in a tentative liquidation of an entry does not differ by so much as one dollar from the total estimated duties (including any supplemental estimated duties deposited), the liquidator shall endorse the entry "as entered" over his initials in red ink. If there is a difference of one dollar or more between the duties so assessed and the total estimated duties the liquidator shall make a new statement of duties over his initials in red ink. The same procedure shall be followed with respect to internal-revenue taxes, but the assessment of duties and internal-revenue taxes shall be separately stated when both accrue on the same importation. The preparation of mail and informal entries, the acceptance of baggage entries, and the computation of duty made by the entry clerk after return of appraisement entries by the appraiser shall be the tentative liquidation of the collector for such entries, but such tentative liquidations may be revised before submission to the comptroller if the collector's attention is called to an error amounting to more than one dollar. In the case of mail entries, duty and internal-revenue tax shall be exactly assessed when the importer so requests, even though the change between the estimated and liquidated amounts is less than one dollar. (Sec. 7, 52 Stat. 1081, secs. 505, 624, 46 Stat. 732, 759; 19 U.S.C. Sup. V, 1321, 19 U.S.C. 1505, 1624)

Paragraph (i) of article 818 [not in CFR], as redesignated by T.D. 49658, is amended to read as follows:

(i) The comptroller shall ascertain by original computation the amount of duties and internal-revenue taxes due.

Verification of the collector's tentative liquidation shall be suspended until the disagreement is disposed of locally or after reference to the Bureau of Customs as provided for in paragraph (g) above (1) when there is a difference of one dollar or more between the comptroller's computation and the collector's tentative liquidation, and (2) when an error in computation or statement of rate of duty is manifest in a new statement of duties made by the collector's liquidator pursuant to paragraph (f) above. When there is no such disagreement, the tentative liquidation shall be verified as submitted, and the comptroller's liquidator shall endorse the collector's copy of the entry "verified" and with the date of verification over his initials in red ink. The comptroller's copy of a formal entry shall be endorsed "as entered" or with a new statement of duties (and a new statement of internal-revenue taxes if required) over the liquidator's initials and date of verification in red ink. The comptroller's copies of informal, mail, and appraisement entries shall likewise be endorsed with new statements of duties or taxes as the case may be if an increase or refund of duties or taxes will result from the liquidation. (Secs. 505, 624, 46 Stat. 732, 759; 19 U.S.C. 1505, 1624)

Paragraph (c) of article 837 [§ 14.16 (b)], as amended by T.D. 49658, is further amended to read as follows:

(c) [§ 14.16 (b)] The liquidation of entries, other than warehouse entries, should not be suspended merely because the merchandise covered thereby is reported to be not legally marked, but upon special application the liquidation may be deferred for a reasonable time to permit the marking, destruction, or exportation of the merchandise. Warehouse entries covering merchandise not legally marked should not be liquidated prior to the withdrawal of the merchandise from warehouse for consumption, exportation, or destruction. (Sec. 304, 46 Stat. 687, sec. 3, 52 Stat. 1077; sec. 624, 46 Stat. 759; 19 U.S.C. 1304 and Sup. V, 19 U.S.C. 1624)

Article 852 [§ 15.4], as amended by T.D. 49833, is further amended by redesignating paragraph (b) as paragraph (c) and by inserting a new paragraph (b), as follows:

(b) [§ 15.4 (b)] If a laboratory report or analysis is involved, the appraiser will, before making his report to the collector, transmit customs Form 4371 to the chief chemist of the customs laboratory. The chief chemist will attach his comments in a separate memorandum and promptly return all papers to the appraiser. (Secs. 514, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1624)

Paragraph (b) of article 868 [§ 15.13 (a)] is amended by changing the comma after the word "arose" in the fourth sentence to a period and deleting the bal-

ance of the paragraph, and by adding the following provisions at the end of said paragraph:

When a copy of a petition for remission of additional duty is received by the collector, he shall promptly forward it, together with the related entry papers, to the appropriate customs agent for investigation and report to the Assistant Attorney General. Such agent shall give the case preferred attention and upon completion of the investigation he shall forward his report to the Assistant Attorney General, send the related entry papers direct to the clerk of the Customs Court, and return the copy of the petition to the collector, together with a copy of the covering report. (Secs. 489, 624, 46 Stat. 725, 759; 19 U.S.C. 1489, 1624)

Article 1169½ [§ 22.2a], inserted by T.D. 49833, is amended by deleting the last sentence thereof and by adding in lieu thereof the following:

The above requirement of filing a copy of customs Form 5101 for use as a memorandum of the entry shall not apply to entries covering shipments declared to be for more than one actual owner. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Paragraph (a) (12) of article 1254 [§ 23.4 (a) (12)] is amended to read as follows:

(12) Warehouse entry bond, customs Form 7555, in an amount equal to the aggregate sum of double the estimated amount of ordinary customs duties on the merchandise (including any taxes imposed thereon which are required by law to be treated as duties imposed by the Tariff Act of 1930), plus the estimated amount of any other tax or taxes on the merchandise collectible by the collector of customs. (Sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 19 U.S.C., Sup. V, 1623)

Paragraph (f) of article 1371 [§ 24.12 (e)] is amended to read as follows:

(f) [§ 24.12 (e)] When practicable, packages of distilled spirits shall be gauged by the weight method when the gross and net weights and the tare are available or can be ascertained. When the weight method is used, each package shall be weighed and the actual gross weight shall be determined. A test shall be made of a representative number of packages for verification of any tare marked on the packages or stated on the entry papers by dumping the contents and weighing the empty packages. If the test shows the marked or stated tare to be correct, such tare shall be used; but, if found to be inaccurate or if there is no marked or stated tare, the actual tare of packages shall be taken; or the tare shall be estimated from data obtained by determining the actual tare of a representative number

of the packages. If the tare cannot be ascertained by one of the methods described above, the packages shall be gauged by the rod method. (R.S. 161, 251, sec. 624, 46 Stat. 1624; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

W. R. JOHNSON,
Commissioner.

Approved, July 23, 1940.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc 40-3113; Filed, July 27, 1940;
10:26 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS¹

§ 204.30 Chesapeake Bay.

(c) Fort Story Military Reservation, Va.

THE DANGER ZONE

(1) The firing range off Fort Story includes the waters of the Chesapeake Bay and Atlantic Ocean within the following areas:

A sector, the northerly limit of which bears North 15 degrees West from Cape Henry Light, and the southerly limit bears North 70 degrees West from Cape Henry Light, both limits having a length of 5,000 yards; and within another sector, the northerly limit of which bears North 45 degrees East from Cape Henry Light, and the southerly limit of which bears South 30 degrees East from Cape Henry Light, both limits having a length of 30,000 yards. All bearings refer to true meridian.

THE REGULATIONS

(2) (i) Except as hereinafter provided, the above-described waters are open throughout the year to the public for fishing and traffic from 12:00 Noon Saturdays to 7:00 a. m., Mondays, and National (not State) Holidays, from 6:00 p. m., of the preceding day to 7:00 a. m., on the day following the holiday. Announcements of schedule of firing will be made in advance in local newspapers, the daily Hydrographic Bulletin, and by Government radio.

(ii) On days of firing a large red flag will be displayed from the old Coast Guard Station tower on the Fort Story Military Reservation and from the observation tower known as Granite located approximately 5,000 yards east of Lynnhaven Inlet. These flags will be displayed not later than 7:00 a. m., of that day, and will be removed when firing ceases for the day.

¹ § 204.30 is supplemented.

(iii) When night firing is scheduled, large white flags will be displayed from the same towers at 4:00 p. m., of that day.

(iv) With reference to the provisions contained in Section 1, Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), the authority of the War Department to issue permits to food fishermen for operating within the restricted areas so far as they pertain to the Fort Story Firing Ranges, is hereby delegated to the Commanding General, Fort Monroe, Virginia.

(v) Fishermen desiring to set pound nets within the above restricted waters are required in every case to have a written permit. These permits may be obtained by written application to the Commanding General, Fort Monroe, Virginia. Application for such permits will state the proposed location of their pound nets. Holders of pound net permits must comply with the regulations stated herein. No permit is required for fishing with equipment other than pound nets.

(vi) On days and nights when firing is in progress, no boat or vessel will enter and remain in the restricted areas above described, except under the written authority of the Commanding General, Fort Monroe: *Provided, however*, That the Commanding General may designate, from time to time, by suitably posted bulletins at fishing docks and elsewhere, and at the Commission of Fisheries of Virginia, certain times within which the public, including trawler fishermen and other food fishermen, may enter upon such waters without the necessity of securing individual written permits.

(vii) Any vessel capable of being propelled by mechanical power at a speed of 5 miles per hour or more may proceed directly through the firing areas without restriction, except when notified to the contrary.

(viii) These regulations shall be enforced by the Commanding General at Fort Monroe, Virginia, through such officers, enlisted men, and employees as may be assigned thereto. (40 Stat. 892; 33 U.S.C. 3) [Regs., May 25, 1940 (E.D. 7221 (Chesapeake Bay) 114/6)]

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

[F. R. Doc. 40-3104; Filed, July 26, 1940;
2:40 p. m.]

TITLE 47—TELECOMMUNICATION
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND
REGULATIONS

FREQUENCIES MODIFIED

The Commission on July 24, 1940, effective immediately, modified Appendix

B to read, with respect to the particular frequencies hereinafter designated, as follows:

Frequency (kilocycles)	Allocation
j 3030	Ship telegraph, coastal telegraph and Govt.
an 4115	Aviation and Government
4120	
an 4125	4122.5 Aviation
4145	Aviation and Government
4150	Government
4165	Ship telegraph
j 4170	Ship telegraph and Government
4185	Government
j 5505	Ship telegraph and Government
5512.5	Ship telegraph
5527.5	Ship telegraph
n 5540	Coastal telegraph and Government
n 8230	Aviation and Government
j 8250	Ship telegraph and Government
8290	Government
8300	Ship telegraph
8340	Government
11020	Ship telegraph
11030	Ship telegraph
11050	Ship telegraph
11060	Ship telegraph
11080	Government
j 11085	Ship telegraph and Government
j 12345	Ship telegraph and Government
j 12375	Ship telegraph and Government
12435	Government
12440	Ship telegraph
12450	Ship telegraph
12460	Ship telegraph
j 12510	Coastal telegraph and Government
j 16460	Ship telegraph and Government
j 16500	Ship telegraph and Government
16530	Ship telegraph
16575	Ship telegraph
16580	Government
16590	Ship telegraph
16600	Ship telegraph
16605	Ship telegraph
j 16680	Ship telegraph and Government
22040	Ship telegraph
22060	Ship telegraph
22110	Ship telegraph
22120	Ship telegraph
22140	Ship telegraph

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3136; Filed, July 29, 1940;
11:50 a. m.]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

EFFECTIVE DATE OF COMMERCIAL BROADCASTING PROHIBITION

The Commission on July 24, 1940, advanced the effective date of § 3.32 (b), which prohibits broadcasting of commercial programs on experimental authori-

zations, from August 1, 1940, to October 1, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3137; Filed, July 29, 1940; 11:50 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

FREQUENCIES ASSIGNED TO NONCOMMERCIAL EDUCATIONAL BROADCASTS

The Commission on July 24, 1940, effective immediately, repealed § 4.137 and substituted therefor, the following:

§ 4.137 *Frequencies.* (a) The following frequencies are allotted for assignment to noncommercial educational broadcast stations:

Kilocycles

- 42100
- 42300
- 42500
- 42700
- 42900

(b) Stations serving the same area will not be assigned adjacent frequencies.

(c) Frequency modulation shall be employed exclusively unless it is shown that there is a special need for the use of amplitude modulation.

(d) Only one frequency will be assigned to a station. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3138; Filed, July 29, 1940; 11:50 a. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES MODIFICATION

The Commission on July 24, 1940, effective immediately, modified § 7.58 (a) by deleting "4185", "4b 3120" kilocycles, and footnote 4b, and by adding "4b 3030" kilocycles and a new footnote to read: "4b Available for use only on the Mississippi River and tributaries subject to the condition that no interference is caused to Canadian stations." (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3139; Filed, July 29, 1940; 11:50 a. m.]

PART 8—RULES GOVERNING SHIP SERVICE AMENDMENTS OF REGULATIONS

The Commission on July 24, 1940, effective immediately, took the following actions:

Amended § 8.81 (a) to read:

(a) To ship telegraph stations for communication primarily with coastal telegraph stations upon condition that emission on frequencies within the band 143-160 kilocycles, inclusive, shall be A-1 only:

- 143 Calling
- 152
- 153
- 154
- 155
- 156
- 157
- 158
- 160
- 365
- 375 Direction finding only
- 394
- 400
- 410
- 425
- 454
- 468
- 500 Calling only
- 2274
- 3030 Calling
- 4145
- 4150
- 4160
- 4165
- 5510
- 5512.5
- 5515
- 5520 Calling
- 5525
- 5527.5
- 5530
- 5535
- 6210 Calling
- 6220
- 6230
- 6240
- 8240
- 8250
- 8260
- 8280 Calling
- 8290
- 8300
- 8320
- 8330
- 11020
- 11025
- 11030
- 11040 Calling
- 11050
- 11055
- 11060
- 11070
- 11085
- 12360
- 12375
- 12390
- 12420 Calling
- 12435
- 12440
- 12450
- 12460
- 12480
- 16480
- 16460
- 16500
- 16520
- 16530
- 16560 Calling
- 16575
- 16580
- 16590
- 16600
- 16605
- 16640
- 16660
- 16680
- 22025
- 22025
- 22040
- 22050
- 22060
- 22075
- 22080 Calling
- 22100
- 22110

- 22120
- 22125
- 22140
- 22150

⁷ Available for non-Government stations for assignment only to United States Maritime Commission vessels for communication with Government stations.

⁸ See Section 8.90.

⁹ See Section 8.82.

¹⁰ Not available for use on the Great Lakes or on inland waters.

^{10a} Available for use only on the Great Lakes or on inland waters subject to the condition that no interference is caused to Canadian stations.

^{10b} Available for use only on the Mississippi River and tributaries subject to the condition that no interference is caused to Canadian stations.

¹¹ Available for use by ship telegraph stations provided no interference is caused to the operation of any coastal telegraph station.

^{11a} The frequencies 4145, 8290, 11085, 12435, 16460, 16580, 16680 and 22150 kilocycles are allocated for use by ship telegraph stations until not later than September 24, 1940.

Amended § 8.81 (e) by adding "10b 3030" and footnote 10b, to read: "Available for use only on the Mississippi River and tributaries subject to the condition that no interference is caused to Canadian stations."

Changed footnote indicator on "3120" from "13a" to "13" and deleted footnote 13a.

Amended § 8.96, to read as follows:

§ 8.96 *Frequency tolerance.* The licensee of each ship station shall maintain the operating frequency within a tolerance of plus or minus the assigned frequency as specified in the following table:

Tolerance Table

[Not applicable to lifeboat emergency transmitters]

BELOW 30000 KILOCYCLES

Frequency bands (inclusive) and specified frequencies	Tolerances	
	Column 1	Column 2
	Transmitters first licensed for ship service prior to Jan. 1, 1940, and until Jan. 1, 1944, after which date they shall conform to the tolerances indicated in column 2	New transmitters first licensed for ship service after Jan. 1, 1940
	Percent	Percent
From 110 to 160 kilocycles.....	0.5	0.3
355 kilocycles.....	.5	.1
From 365 to 515 kilocycles.....	.5	.3
From 1,500 to 3,500 kilocycles.....	.05	.04
From 4,000 to 4,115 kilocycles.....	.04	.02
From 4,115 to 4,165 kilocycles.....	.05	.05
From 4,165 to 5,500 kilocycles.....	.04	.02
From 5,300 to 5,550 kilocycles.....	.05	.05
From 5,550 to 5,940 kilocycles.....	.04	.02
From 6,000 to 30,000 kilocycles:		
(a) Ship stations when using frequencies other than those specified below.....	.04	.02

Frequency bands (inclusive) and specified frequencies	Tolerances	
	Column 1	Column 2
	Percent	Percent
(b) Ship stations when using frequencies within the following bands:		
(1) 6,200 to 6,250 kilocycles.	.1	.05
(2) 8,250 to 8,330 kilocycles.	.05	.05
(3) 11,000 to 11,100 kilocycles (except 11,070 kc)	.1	.05
11,070 kilocycles.	.05	.05
(4) 12,340 to 12,500 kilocycles (except 12,440 kc and 12,460 kc)	.1	.05
12,440 and 12,460 kilocycles.	.02	.02
(7) 16,400 to 16,700 kilocycles (except 16,530, 16,575, 16,590, 16,600, 16,605 and 16,640 kc)	.1	.05
16,530 and 16,590 kilocycles.	.025	.025
16,575 kilocycles.	.02	.02
16,600, 16,605, and 16,640 kilocycles.	.05	.05
(8) 22,000 to 22,200 kilocycles.	.1	.05

ABOVE 30000 KILOCYCLES

[No change in existing tolerances]

The frequency tolerance for lifeboat emergency transmitters licensed to operate in the band 365 to 515 kilocycles shall be 0.5 per cent as determined during performance or maintenance tests of such transmitters.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3140; Filed, July 29, 1940; 11:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER RELATING TO THE CLASSIFICATION OF STEAM RAILWAY EMPLOYEES AND REPORTS OF THEIR SERVICE AND COMPENSATION

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of July A. D. 1940.

The subject of the revision of the rules governing the classification of steam rail-

way employees and reports of their service and compensation being under consideration:

It is ordered, That—

1. The Order of this Commission, dated April 18, 1921, prescribing certain "Rules Governing the Classification of Steam Railway Employees and Reports of Their Service and Compensation" and also the Order of October 20, 1932, supplementary thereto, be, and they are hereby, annulled, effective August 1, 1940.

2. The annexed revised form of "Rules Governing the Classification of Steam Railway Employees and Reports of Their Service and Compensation" is hereby approved and made a part hereof to become effective on August 1, 1940, and all carriers by steam railway within the scope of section 20, Part I, of the Interstate Commerce Act shall be governed by such rules in the preparation and submission of their annual and other periodical reports to the Interstate Commerce Commission in accordance with forms adopted for such returns, and also with respect to any other matters covered by these rules.

3. All carriers of Class I included under this order shall continue to render monthly reports of employees, service, and compensation in accordance with forms outlined in connection with the rules specified in article 2 above. Such reports shall be made under oath and filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., within thirty days after the end of the month to which they relate. Steam railways of Classes II and III and lesser companies shall include a statement of employees, service, and compensation in their annual reports to this Commission in accordance with the requirements of the annual report forms prescribed for such carriers.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

RULES GOVERNING THE CLASSIFICATION OF STEAM RAILWAY EMPLOYEES AND REPORTS OF THEIR SERVICE AND COMPENSATION

Part I

1. *Definition of employees.* The word *employees*, as used herein, is intended to include every person in the service of the reporting carrier subject to its continuing authority to supervise and direct the manner of rendition of his service. Persons engaged to render only specifically defined service and not subject to the continuing authority of the carrier to supervise and control their acts, such as customhouse brokers, lawyers retained only for specific cases and not under general or continuing retainer, etc., are not employees in the meaning of the term used herein.

2. *Counting employees.* Since the number of employees fluctuates, carriers are required to classify and count all of their employees at twelve different times

each year. In addition Class I roads are required to report monthly the number of employees who received any pay.

3. *Joint employees.* Each person jointly employed shall, if carried on the pay rolls of the several joint employers, be counted by each employer and represented in its return of number of employees by a fraction based on the number of employers reporting him; if a person, for example, is reportable by three employers, each should include him in its number of employees as one-third of an employee. When the entire compensation of a joint employee is shown on the pay roll of a single joint employer and is paid to the employee by that employer such employee should, for the purpose of returns, be treated as if employed solely by such employer.

4. *Time on duty.* The actual number of hours on duty, or held for duty, is to be ascertained and recorded for every class of employees required to be on duty at regular times. For enginemen and trainmen, the actual number of miles run is to be recorded, as well as the number of hours on duty.

Whenever an employee works at more than one occupation, or in more than one class of service, both the number of hours worked and the compensation paid, should be separated and reported under the proper Reporting Divisions. For example, if an employee is paid a day's wage for a smaller number of hours than constitutes a day's work, the number of hours paid for as well as the actual number of hours the employee is on duty should be ascertained and recorded. Time allowed for meals, part holidays, holidays, absences on leave, vacations, etc., should be excluded from time actually worked, unless such time is paid for, in which case it should be appropriately reported. These requirements apply to enginemen and trainmen paid on the basis of trips or of miles run, and to employees paid at piece rates, as well as to employees paid on hourly, daily, weekly, monthly, or other time basis. For general officers, division officers, traveling agents and solicitors, and other classes of employees, whose duties are of such a nature that it is impracticable to record accurately the number of hours during which they are on duty, the return should show the number of days on duty, as well as the number of days paid for. Employees whose time on duty and time paid for are measured in days are indicated on Form A by the letter (D), following the title of the Reporting Division. Total overtime hours paid for should be reported separately between pro-rata and punitive rates paid therefor, except in Train and Engine Service.

5. *Compensation.* The compensation of employees as defined in these rules is to be stated in such manner and detail as the forms adopted for periodical returns require.

Part II

1. There are presented in Part II outlines of two forms for the report of in-

formation to the Interstate Commerce Commission on railway employees, their service and compensation, designated as Form A, which relates to employees other than train and engine service employees, and Form B, which relates to train and engine service employees. These forms are explained by instructions, in order that the intent of the forms may be correctly understood.

2. With general reference to the statement of the compensation of employees in Forms A and B, it should be understood that the total compensation received by the employees in each Reporting Division, as well as the amount of work they perform, should be shown properly distributed under the prescribed column heads as indicated by the forms. It should be noted that if the work of an employee varies during a report period, his time and compensation should be apportioned accordingly.

Illustrations. (a) In the course of a month, an employee works as a Machinist, and as such earns \$65 and he works also as a Gang Foreman and earns \$35. The pay received by him in the occupation of Machinist with corresponding time should be included in returns for Division 61, "Machinists," and his other pay and time as indicated should be included in returns for Division 53, "Gang Foremen and Gang Leaders." (b) When an employee works at two or more of the occupations of engineer, fireman, conductor, and brakeman his time and compensation should be assigned in accordance with the facts. For example, in a certain period an employee earns as a Through Freight Engineer \$30, as a Local or Way Freight Engineer \$26, as a Yard Engineer \$15, and as a Local or Way Freight Fireman \$16. The time and the compensation of this employee should be correspondingly distributed among Reporting Divisions 122, 123, 124, and 127 as they are respectively applicable, without regard to the predominance of the time worked or the amount earned by him in one occupation.

3. As elsewhere indicated, the statement of the number of employees in the service of a company with respect to Reporting Divisions depends upon the allocation of the individual employees as of the day of count.

4. The Reporting Divisions shown in Forms A and B following will also be used in connection with the employees' schedule in the annual reports of steam roads of Classes I and II to the Commission. Steam roads of Class III and lesser companies shall report only the information required in the annual report forms prescribed for such companies.

Explanatory Instructions Pertaining to Form A

Column 1. Employees should be classified for reporting purposes in accord-

ance with the reporting divisions shown in this column.

Column 2. The 15th day of a month is to be taken as the middle of the month, except when it falls on a Sunday or a holiday, in which case the count should be made as of the last preceding business day. The count should not be restricted to employees actually on duty as of the day of the count, but should cover all employees, including employees under pay on vacation or sick leave. Employees who are not subject to call for duty, such as employees not under pay, absent on definite leave or under suspension, and pensioners not bound to render service, should be excluded.

Employees whose duties are such as to make them includible in two or more Reporting Divisions should be reported in that Division indicated by the greater part of their duties during the period covered by a report.

Column 3. Enter number of employees who made time during the month, no matter for how short a period, classified by reporting divisions. Employees who worked in more than one occupation during the month should be assigned according to the preponderance of their duties.

Column 4. There should be stated for each of the Reporting Divisions the total number of straight-time hours actually worked by the employees whose service is includible in the particular Division.

Column 5. Enter the total number of overtime hours paid for at pro-rata rates.

Column 6. Enter the total number of overtime hours paid for at punitive rates.

Column 7. Enter the totals of time paid for and not worked, such as payment for part holidays, holidays, absence on definite leave, vacations, miscellaneous time paid for but not worked, such as pay for attending court, suspensions, sickness, time allowed for meals, and other time that can properly be considered constructive, such as allowance to complete a minimum day when less than a minimum day is worked.

Illustrations. (a) Certain employees are required to work only four hours on Saturday, but are allowed eight hours' pay. Enter 4 hours in column 4 and 4 hours in column 7. (b) Certain shop employees work seven hours on Saturday and are allowed eight hours' pay. Enter 7 hours in column 4 and 1 hour in column 7.

Column 8. Enter the total of columns 4 to 7.

Column 9. Enter the compensation for the time shown in column 4.

Column 10. Enter the compensation for the time shown in column 5.

Column 11. Enter the compensation for the time shown in column 6.

Column 12. Enter the compensation for the time shown in column 7.

Column 13. Enter the total of columns 9 to 12.

Explanatory Instructions Pertaining to Form B

Column 1. Employees should be classified for reporting purposes in accordance with the reporting divisions shown in this column.

Column 2. Enter the total number of employees in service or available for service as of the middle of the month. Employees whose duties are such as to make them includible in two or more Reporting Divisions should be included in that Division indicated by the greater part of their time during the month.

The count should not be restricted to employees actually on duty as of the day of the count, but should cover all employees, including employees under pay on vacation or sick leave, as well as "extra" men in train and engine service, who are subject to call for duty. Employees who are not subject to call for duty, such as employees not under pay, absent on definite leave or under suspension, and pensioners not bound to render service, should be excluded.

Column 3. Enter number of employees who made time during the month, no matter for how short a period, classified by reporting divisions. Employees who worked in more than one occupation during the month should be assigned according to the preponderance of their duties.

Column 4. Enter the number of straight-time hours actually worked.

Column 5. Enter the total straight-time hours paid for.

Column 6. Enter the number of hours of overtime paid for.

Column 7. Enter the number of constructive hours allowed which does not represent actual train service and for which mileage is not allowed, such as pay under "Held away from home terminal" rule, called and not used, run-around, deadheading, attending court, suspensions, investigations, and claim and safety meetings.

Column 8. Enter the total of amounts shown in columns 5, 6, and 7.

Column 9. Enter the straight-time compensation for the time shown in column 4.

Column 10. Enter the straight-time compensation for the time shown in column 5.

Column 11. Enter the overtime compensation for the time shown in column 6.

Column 12. Enter the compensation for the time shown in column 7.

Column 13. Enter the sum of the amounts shown in columns 10, 11, and 12. The sum of the amounts in this column must agree with the total pay roll.

Column 14. Enter the number of miles run in performing actual train service.

Column 15. Enter the number of miles paid for but not run in connection with actual train service.

Monthly Report of Employees Service, and Compensation

(I. C. C. Wage Statistics)

Form A
Month of 19

Division No.		Reporting division (1)	Column headings
New	Old		
1		I. EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS	(2) Number of employees middle of month.
2		Executives, general officers, and assistants.	(3) Number of employees who received pay during month.
3		Division officers, assistants, and staff assistants.	SERVICE HOURS (OR DAYS)
4		Total (executives, officials, and staff assistants)	(4) Straight time actually worked.
5		II. PROFESSIONAL, CLERICAL, AND GENERAL	(5) Overtime paid for at pro rata rates.
6		Professional and subprofessional assistants	(6) Overtime paid for at punitive rates.
7		Supervisory or chief clerks (major departments)	(7) Time paid for but not worked.
8		Chief clerks (minor departments) and assistant chief clerks and supervising cashiers	(8) Total time paid for.
9		Clerks and clerical specialists (A)	COMPENSATION
10		Clerks (B and C)	(9) Straight time actually worked.
11		Mechanical device operators (office)	(10) Overtime paid for at pro rata rates.
12		Stenographers and secretaries (A)	(11) Overtime paid for but not worked.
13		Stenographers and typists (B)	
14		Storekeepers, sales agents, and buyers	
15		Ticket agents and assistant ticket agents	
16		Traveling auditors or accountants	
17		Telephone switchboard operators and office assistants	
18		Messengers and office boys	
19		Elevator operators and other office attendants	
20		Lieutenants and sergeants of police	
21		Patrolmen and watchmen	
22		Traffic and various other agents, inspectors, and investigators.	
23		Claim agents or investigators.	
24		Freight claim agents or investigators.	
25		Chief claim agents or investigators.	
26		Miscellaneous trades workers (other than plumbers)	
27		Motor vehicle and motor car operators.	
28		Teamsters and stablemen	
29		Janitors and cleaners	
30		Total (professional, clerical, and general):	
31		Daily basis.	
32		Hourly basis.	
33		III. MAINTENANCE OF WAY AND STRUCTURES	
34		Roadmasters, general foremen and assistants.	
35		Maintenance of way and scale inspectors.	
36		Bridge and building gang foremen (skilled labor)	
37		Bridge and building carpenters.	
38		Bridge and building ironworkers.	
39		Bridge and building painters.	
40		Masons, bricklayers, plasterers, and plumbers.	
41		Maintenance of way and structures helpers and apprentices.	
42		Portable steam equipment operators.	
43		Portable steam equipment operator helpers.	
44		Pumping equipment operators.	
45		Gang foremen (extra gang and work train laborers)	
46		Gang foremen (bridge and building, signal and telegraph laborers).	
47		Gang or section foremen.	
48		Extra gang men.	
49		Section men.	
50		Maintenance of way laborers (other than track and roadway) and gardeners and farmers.	

Column 16. Include in this column the number of trips made for which not less than a minimum day is paid.

Monthly Report of Employees Service, and Compensation

(I. C. C. Wage Statistics)

Form A
Month of 19

Division No.		Reporting division (1)	Column headings
New	Old		
44	54, 55	General and assistant general foremen and inspectors (signal, telegraph, and electrical transmitters)	(2) Number of employees middle of month.
45	56	Gang foremen (signal and telegraph skilled trades labor)	(3) Number of employees who received pay during month.
46	57	Signalmen and signal maintainers	SERVICE HOURS (OR DAYS)
47	58	Signalmen and groundmen	(4) Straight time actually worked.
48	59	Assistant signalmen and assistant signal maintainers	(5) Overtime paid for at pro rata rates.
49	60	Signalmen and signal maintainer helpers	(6) Overtime paid for at punitive rates.
		Total (maintenance of way and structures):	(7) Time paid for but not worked.
		Daily basis.	(8) Total time paid for.
		Hourly basis.	COMPENSATION
50	61, 62	IV. MAINTENANCE OF EQUIPMENT AND STORES	(9) Straight time actually worked.
51	63, 64	General, assistant general, and department foremen	(10) Overtime paid for at pro rata rates.
52	65, 66	Equipment and assistant general foremen (stores)	(11) Overtime paid for at punitive rates.
53	67	Inspectors, shop, electrical, material and supplies	(12) Time paid for but not worked.
54	68	Gang foremen and gang leaders (skilled labor)	(13) Total.
55	69	Blacksmiths.	
56	70, 71	Boilermakers.	
57	72, 73	Carmen (A and B).	
58	74	Carmen (C and D).	
59	75	Electrical workers (A)	
60	76	Electrical workers (B)	
61	77	Electrical workers (C)	
62	78	Machinists.	
63	79	Molders.	
64	80	Sheet-metal workers	
65	81	Skilled trades helpers (M. of E. and Stores)	
66	82	Helper apprentices (M. of E. and Stores)	
67	83	Regular apprentices (M. of E. and Stores)	
68	84	Couch cleaners	
69	85	Gang foremen (shops, engine houses, and power plants)	
70	86	Gang foremen (stores and ice, reclamation, and timber-treating plants)	
71	87	Classified laborers (shops, engine houses, and power plants)	
72	88	General laborers (shops, engine houses, and power plants)	
73	89	General laborers (stores and ice, reclamation, and timber-treating plants)	
74	88, 89	Stationary engineers (steam)	
		Stationary firemen, oilers, coal passers, and water tenders.	
		Total (maintenance of equipment and stores):	
		Daily basis.	
		Hourly basis.	
		V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)	
75	90	Chief train dispatchers	
76	91	Train dispatchers	
77	92	Train directors	
78	93	Station agents (supervisory—major stations—nontelegraphers)	
79	94	Station agents (smaller stations—nontelegraphers)	
80	95	Station agents (telegraphers and telephoners)	
81	96	Chief telegraphers and telephoners or wire chiefs	
82	97	Clerk-telegraphers and clerk-telephoners	
83	98	Telegraphers, telephoners, and towermen	
84	99	Station masters and assistants	
85	100	Supervising baggage agents	
86	101	Baggage agents and assistants	
87	102	Baggage, parcelroom, and station attendants	
88	103	General foremen (freight stations, warehouses, grain elevators, and docks)	
89	103	Assistant general foremen (freight stations, warehouses, grain elevators, and docks)	

Monthly Report of Employees Service, and Compensation—Continued

Division No.		Reporting division (1)	Column headings	
New	Old			
90	104	Gang foremen (freight stations, warehouse, grain elevator, and dock labor)	(2) Number of employees middle of month.	
91	105	Callers, loaders, scalers, sealers, and perishable-freight inspectors	(3) Number of employees who received pay during month.	
92	106	Truckers (stations, warehouses, and platforms)	SERVICE HOURS (OR DAYS)	
93	107	Laborers (coal and ore docks and grain elevators)	(4) Straight time actually worked.	
94	108	Common laborers (stations, warehouses, platforms, and grain elevators)	(5) Overtime paid for at pro rata rates.	
95	109	Stewards, restaurant and lodging-house managers, and dining-car supervisors	(6) Overtime paid for at punitive rates.	
96	110, 111	Chefs and cooks (restaurants or dining cars)	(7) Time paid for but not worked.	
97	112, 113	Waiters, camp cooks, kitchen helpers, etc.	(8) Total time paid for.	
98	114, 115, 116, 117, 118, 119	Officers, workers, and attendants on barges, launches, ferry boats, towing vessels, steamers, and shore workers	COMPENSATION	
99	120	Transportation and dining-service inspectors	(9) Straight time actually worked.	
100	121	Parlor and sleeping car conductors	(10) Overtime paid for at pro rata rates.	
101	122	Train attendants	(11) Overtime paid for at punitive rates.	
102	123	Bridge operators and helpers	(12) Time paid for but not worked.	
103	124	Crossing and bridge flagmen and gatemen	(13) Total.	
104	125	Foremen (laundry) and laundry workers		
		Total (transportation—other than train, engine, and yard):		
		Daily basis		
		Hourly basis		
		VI (a). TRANSPORTATION (YARD MASTERS, SWITCHTENDERS, AND HOSTLERS)		
105	126	Yardmasters	D	
106	126	Assistant yardmasters	D	
107	127	Switch tenders		
108	128	Outside hostlers		
109	129	Inside hostlers		
110	130	Outside hostler helpers		
		Total (transportation—yardmasters, switch tenders, and hostlers):		
		Daily basis		
		Hourly basis		
		Total, All Groups (except train and engine):		
		Daily basis		
		Hourly basis		

[Form B]

Division No.		Reporting division (1)	Column headings	
New	Old			
		VI (b) TRANSPORTATION (TRAIN AND ENGINE)	(2) Number of employees middle of month.	
111	131	Road passenger conductors	(3) Number of employees who received pay during month.	
112	132	Assistant road passenger conductors and ticket collectors	SERVICE HOURS	
113	133	Road freight conductors (through freight)	(4) Straight time actually worked.	
114	134	Road freight conductors (local and way freight)	(5) Straight time paid for.	
115	135	Road passenger baggagemen	(6) Overtime paid for.	
116	136	Road passenger brakemen and flagmen	(7) Constructive allowances.	
117	137	Road freight brakemen and flagmen (through freight)	(8) Total.	
118	138	Road freight brakemen and flagmen (local and way freight)	COMPENSATION	
119	139	Yard conductors and yard foremen	(9) Straight time actually worked.	
120	140	Yard brakemen and yard helpers	(10) Straight time paid for.	
121	141	Road passenger engineers and motormen	(11) Overtime paid for.	
122	142	Road freight engineers and motormen (through freight)	(12) Constructive allowances.	
123	143	Road freight engineers and motormen (local and way freight)	(13) Total.	
124	144	Yard engineers and motormen	MILES	
125	145	Road passenger firemen and helpers	(14) Actually run.	
126	146	Road freight firemen and helpers (through freight)	(15) Paid for but not run.	
127	147	Road freight firemen and helpers (local and way freight)	(16) Total number of trips for which not less than a minimum day was paid.	
128	148	Yard firemen and helpers		
		Total (Transportation—train and engine)		

[F. R. Doc. 40-3116; Filed, July 27, 1940; 10:39 a. m.]

Notices

WAR DEPARTMENT.

REVOCATION OF REGULATIONS TO GOVERN DREDGING FOR GOLD OR OTHER PRECIOUS METALS IN THE WATERS OF BERING SEA, ALASKA

War Department regulations of August 21, 1934, to govern dredging for gold or

other precious metals in the waters of Bering Sea, Alaska, are hereby revoked to take effect July 18, 1940. (R.S. 161; 5 U.S.C. 22) [6th Ind. Office, Chief of Engineers to the Secretary of War, July 12, 1940 (6188 (Alaska)-17)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3121; Filed, July 27, 1940; 11:27 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF APPLICATIONS OF THE RAW FUR AND WOOL ASSOCIATION OF ST. LOUIS, MISSOURI, INC., AND SUNDRY OTHER PARTIES FOR PARTIAL EXEMPTION OF THE RAW FUR RECEIVING INDUSTRY AS AN INDUSTRY OF A SEASONAL NATURE

NOTICE OF HEARING

Whereas, application was made by the Raw Fur and Wool Association of St. Louis, Missouri, Inc., and sundry other parties for exemption of the raw fur receiving industry as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act and part 526 of the regulations issued thereunder, and

Whereas, a public hearing on the applications was held in Washington, D. C., on December 7, 1939, before the presiding officer, Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division of the Department of Labor, and

Whereas, the said presiding officer determined that the raw fur receiving industry is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and part 526 of the regulations issued thereunder, and

Whereas, subsequent to this determination, the Administrator issued a statement (Release No. R-610) in clarification of certain of the terms embodied in the Findings and Determination of the Presiding Officer, and

Whereas, in the light of the above statement of clarification, the Raw Fur and Wool Association of St. Louis, Missouri, and the American Fur Merchants of New York City, petitioners for the hearing held on December 7, requested a complete re-hearing de novo on the entire matter considered at the above hearing:

Now, therefore, in accordance with the request of the two applicant Associations above cited, notice is hereby given of a public hearing to be held on said applications at Room 3229, United States Department of Labor Building, Washington, D. C., to commence at 10:00 a. m., August 14, 1940, before Harold Stein, an authorized representative of the Administrator, to take testimony, hear argument, and receive written statements for the purpose of determining:

Whether or not raw fur receiving as defined herein is an industry of a seasonal nature within the meaning of section 7(b) (5) of the Fair Labor Standards Act of 1938, and part 526 of regulations issued thereunder, and if so, the appropriate limits of such industry. As used in this notice the term "raw fur receiving" may include the receiving, packing, grading, sorting, appraising, scraping, stretching, or drying of raw furs or any combination of such operations.

Any person interested in supporting or opposing the above application may appear at the hearing or file a written

statement in lieu of appearance. Notice of intention to appear and written statements should be received by the said Harold Stein, Wage and Hour Division, Department of Labor, Washington, D. C., not later than August 12, 1940.

Signed at Washington, D. C., this 24th day of July, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3115; Filed, July 27, 1940; 10:36 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective July 30, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

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

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

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

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Dexter Knitting Mills, Inc., Dexter, Maine; Hosiery; Knit Socks and Stockings; 17 learners; September 18, 1940.

Marietta Hosiery Company, Burlington, North Carolina; Hosiery; Full Fashioned and Seamless; 18 learners; September 18, 1940.

The Wovenright Knitting Company, 2400 Payne Avenue, Cleveland, Ohio; Hosiery; Seamless; 5 learners; September 18, 1940.

Chic Form Manufacturing Company, 333 South Market Street, Chicago, Illi-

nois; Apparel; Brassieres and Girdles; 3 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Cosmopolitan Manufacturing Company, 56 Amherst Street, Cambridge, Massachusetts; Apparel; Waterproof Clothing; 5 percent; (75% of the applicable hourly minimum wage); October 24, 1940.

Frank Manufacturing Company, 127 East 9th Street, Los Angeles, California; Apparel; Sport Shirts; 3 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Golbro Manufacturing Company, 309 East Eighth Street, Los Angeles, California; Apparel; Coats; 1 learner (75% of the applicable hourly minimum wage); October 24, 1940.

Hollywood Rogue Sportswear, Inc., 1017 North Sycamore Street, Hollywood, California; Apparel; Sport Shirts; 2 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Lassar & Bick Co., Inc., 1013 South Los Angeles Street, Los Angeles, California; Apparel; Trousers; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Randolph Underwear Co., Inc., Randleman, North Carolina; Apparel; Slips; 5 percent (75% of the applicable hourly minimum wage); October 24, 1940.

S. Kantor Company, 31 South 8th Street, Lebanon, Pennsylvania; Apparel; Blouses; 25 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Alabama Bedspread Company, Scottsboro, Alabama; Textile; Chenille Bedspreads (Tufted Bedspread Branch); 50 learners; October 24, 1940.

Picardy Mills, Inc., 2618 Avenue U, Brooklyn, New York; Glove; Knit Fabric Gloves; 5 learners; October 24, 1940.

Picardy Mills, Inc., 3611-14th Avenue, Brooklyn, New York; Glove; Knit Fabric Gloves; 5 percent; October 24, 1940.

Mr. Leon F. Swears, 111-113 North Perry Street, Johnstown, New York; Gloves; Knit Wool Gloves; 15 learners; October 24, 1940.

Cohen, Goldman & Co., Inc., Queen and Pasture Streets, New Bern, North Carolina; Apparel; Trousers; 5 percent (75% of the applicable hourly minimum wage); October 24, 1940.

Signed at Washington, D. C., this 29th day of July 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3134; Filed, July 29, 1940; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Fair Labor Standards Act

of 1938 are issued pursuant to Section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective July 30, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Cairo Pickle Company, Cairo, Georgia; Pickle Packing; 12 learners; 6 weeks for any one learner; 25c per hour; Vegetable Cutter and Pickle Packer (place pack); November 5, 1940.

Marathon Rubber Products Co., Fifth and Sherman Streets; Wausaw, Wisconsin; Rubberized Cloth and Garments; 50 learners; 8 weeks for any one learner; 75% of the applicable hourly minimum wage; Stitching and Cementing; October 24, 1940.

San Jose Potteries; 122 Woodhull Drive, San Antonio, Texas; Faience Tile and Artwear; 1 learner; 8 weeks for any one learner; 25c per hour; Jiggerman and Decorator; December 3, 1940.

Southern Supply Company, East Orleans Street, Jackson, Tennessee; Distributors of Miscellaneous Electrical, Plumbing and Heating Supplies; 1 learner; 6 weeks for any one learner; 25c per hour; Managerial Assistant; September 10, 1940.

Trinacria Specialty Manufacturing Co., Inc., 69½ Rear Mechanic Street, Westerly, Rhode Island; Forming Wire Specialties; 2 learners; 12 weeks for any one learner; 25¢ per hour; Wire Former and Metal Worker; February 11, 1941.

Artco Metalizers, 5309 Wabada Avenue, St. Louis, Missouri; Metalized Baby Shoes and Keepsakes; 1 learner; 4 weeks for any one learner; 25¢ per hour; Baby Shoe Metalizer; January 28, 1941.

Associated Metalcrafts Company, 127-135 Master Street, Philadelphia, Pennsylvania; Manufacture of Metal crosses, candlesticks, and vases; 1 learner; 12 weeks for any one learner; 25¢ per hour; Turning, brazing, and fitting metal church goods; November 19, 1940.

Willauer Paper Box Company, 112 Musgrove Street, Spartanburg, South Carolina; Set up and Folding Boxes; 4 learners; 6 weeks for any one learner; 25¢ per hour; S & S Covering Machine Operator, Topping Machine Operator,

and Stripping Machine Operator; November 5, 1940.

Signed at Washington, D. C., this 29th day of July 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3135; Filed, July 29, 1940;
11:47 a. m.]

CIVIL AERONAUTICS AUTHORITY.

SPECIAL PERMISSION TO AIR CARRIER AIRCRAFT TO ENTER THE AIRSPACE RESERVATION OVER THE DISTRICT OF COLUMBIA

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 23d day of July 1940.

It appearing that:

(1) Under unfavorable weather conditions air carrier aircraft landing at the Washington-Hoover Airport from the north are required to navigate in a small area due to the existence of an airspace reservation over the District of Columbia, thereby creating a hazardous condition.

The Board finds that:

Its action in this matter is necessary in the public interest.

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by Executive Order No. 8378, issues the following special permission.

Air carrier aircraft engaged in air transportation may be operated within that portion of the airspace reservation established by Executive Order No. 8378 lying within the following designated boundaries:

Beginning at the center of the railroad bridge over the channel of water connecting the Tidal Basin and the Washington Channel (Lat. 38°52'58" N.; Long. 77°01'57" W.);

Thence a distance of approximately 0.5 of a mile on a true bearing of approximately 341° to the Washington Monument (Lat. 38°53'22" N.; Long. 77°2'8" W.);

Thence a distance of approximately one mile on a true bearing of approximately 282° to the intersection of Constitution Avenue and the boundary of the airspace reservation (Lat. 38°53'32" N.; Long. 77°3'10" W.).

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3111; Filed, July 27, 1940;
9:45 a. m.]

RADIO EQUIPMENT FOR AIRCRAFT IN CINCINNATI CONTROL ZONE

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority

15 F.R. 1114.

held at its office in Washington, D. C., on the 23d day of July 1940.

It appearing that:

(1) The take-off of seaplanes from the Ohio River adjacent to the Lunken Airport, Cincinnati, Ohio, cannot be observed from either the landing surface of the Lunken Airport or the control tower of the Lunken Airport by reason of the contour of the terrain at that point;

(2) Such condition creates a hazard to air commerce because seaplanes taking off from the river may collide or otherwise interfere with aircraft operating from Lunken Airport;

(3) Air traffic taking off from the seaplane operating area on the Ohio River in the Cincinnati Control Zone should be controlled;

The Board finds that:

Its action in this matter is necessary to promote safety of flight in air commerce.

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by sections 205 (a) and 601 (a) of the Civil Aeronautics Act of 1938, issues the following regulation:

"Aircraft taking off from any landing area in the Cincinnati Control Zone other than Lunken Airport shall be equipped with a two-way radio in serviceable condition and authorization shall be obtained from the air-traffic control-tower operator on duty in the airport control tower at Lunken Airport prior to any take-off: *Provided*, That this regulation shall not apply to aircraft receiving special authorization from the air-traffic control-tower operator on duty in the airport control tower at Lunken Airport."

By the Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3112; Filed, July 27, 1940;
9:45 a. m.]

[Docket No. 452]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR A TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for a temporary certificate of public convenience and necessity authorizing transportation of mail from the rooftop of the Philadelphia Post Office Building to the Philadelphia Airport or to such other airport which may be used by the air transport lines as the air mail stop for Philadelphia, Pa., is assigned for public hearing on July 31, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 7057

Commerce Building, Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., July 26, 1940.
By the Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3127; Filed, July 29, 1940;
9:34 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 22nd day of July, A. D. 1940.

It appearing that division 2, on January 9, 1940, made and entered its order in the above-entitled proceeding, requiring each respondent to compile and furnish the information described therein regarding the classification of freight; and that by subsequent orders the date fixed for furnishing the said information has been extended to August 1, 1940;

It further appearing that assurances have been received on behalf of respondents that they or their representatives will compile and furnish, voluntarily and without the necessity of an order, the information desired, which represents a modification of the information described in said order:

It is ordered, That said order of January 9, 1940, as amended, be, and it is hereby, vacated and set aside.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3117; Filed, July 27, 1940;
10:39 a. m.]

[Nos. 28300, 28310]

CLASS RATE INVESTIGATION, 1939

CONSOLIDATED FREIGHT CLASSIFICATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 24th day of July, A. D. 1940.

Upon consideration of the records in the above-entitled proceedings, and of the order by division 2 of January 9, 1940, as modified, in so far as said order fixes August 1, 1940, for compiling the information described therein regarding shipments made on certain days; and good cause appearing therefor:

It is ordered, That the date fixed in said order for compiling the information described therein be, and it is hereby, extended to September 1, 1940.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3118; Filed, July 27, 1940;
10:39 a. m.]

15 F.R. 2432.

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-109, 70-110]

IN THE MATTER OF SOUTHEASTERN INVESTING CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY, LEXINGTON WATER POWER COMPANY, AND FLORIDA PUBLIC SERVICE COMPANY

AMENDED ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of July, A. D. 1940.

The above named parties, having filed declarations and an application on July 3, 1940 and subsequent amendments thereto, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-12B-1, U-12C-1 and U-12F-1 promulgated under section 12 of the said Act:

Rule U-8 of the Rules and Regulations promulgated pursuant to said Act having been made applicable to the said declarations and application, and amendments thereto;

The Commission having on July 11, 1940 given notice that any interested person might, not later than July 22, 1940, request the Commission in writing that a hearing be held on such matter, and that at any time thereafter such declarations and application as filed or as amended, might become effective, as provided in said Rule U-8;

The above named parties having requested that said declarations and application, as filed or as amended, become effective or be granted on or before July 24, 1940;

The Commission not having received any request that a hearing be held with respect to such matters, and not having entered an order for hearing thereon, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to Rules U-12B-1, U-12C-1 and U-12F-1 to become effective,¹ and finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and being satisfied that the effective date of such declarations, as amended, and the date of granting such application, as amended, should be advanced;

It is ordered, That the declarations pursuant to section 7 and Rules U-12B-1, U-12C-1 and U-12F-1, promulgated under section 12 of the Public Utility Hold-

ing Company Act of 1935, be permitted to become effective forthwith, and that the application pursuant to section 10 of said Act be granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

Commissioner Healy dissents for the reasons stated in his memorandum of April 1, 1940.

[F. R. Doc. 40-3130; Filed, July 29, 1940; 11:29 a. m.]

[File No. 1-2681]

IN THE MATTER OF PICTORIAL PAPER PACKAGE CORPORATION \$5 PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1940.

Pictorial Paper Package Corporation having applied to the Commission, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) thereunder, for permission to withdraw from listing and registration on the Chicago Stock Exchange 136,200 shares of the common stock of said registrant, \$5 par value; and

A hearing¹ having been held on due notice before a trial examiner; the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its opinion herein;

It is ordered, That the said application be and the same hereby is granted, effective at the close of business on August 5, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3133; Filed, July 29, 1940; 11:30 a. m.]

[File No. 1-2852]

IN THE MATTER OF EDUCATIONAL PICTURES, INC., 60¢ DIVIDEND CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$5 PAR VALUE; COMMON STOCK, \$1 PAR VALUE

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1940.

The Commission having instituted a proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether the registration on the Chicago Board of Trade of

the 60¢ dividend cumulative convertible preferred stock, \$5 par value, and the common stock, \$1 par value, of Educational Pictures, Inc., should be revoked or suspended; and

A hearing¹ having been held after appropriate notice, and the trial examiner having filed an advisory report to which no exceptions have been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

It is ordered, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration on the Chicago Board of Trade of the 60¢ dividend cumulative convertible preferred stock, \$5 par value, and the common stock, \$1 par value, of Educational Pictures, Inc. shall be and the same is hereby withdrawn, effective at the close of business on the 5th day of August, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3131; Filed, July 29, 1940; 11:29 a. m.]

[File No. 70-119]

IN THE MATTER OF DELAWARE ELECTRIC POWER COMPANY

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1940.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than August 12, 1940, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Delaware Electric Power Company is a holding company subsidiary of The United Gas Improvement Company, which, in turn, is a registered holding company and subsidiary of The United Corporation, a registered holding company. The matter here involved con-

¹ 5 F.R. 2664.

¹ 5 F.R. 1648.

¹ 5 F.R. 1183.

cerns the redemption on October 1, 1940, of \$200,000 principal amount of Delaware Electric Power Company's Gold Debentures 5½% Series Due 1959 at 102 per cent and accrued interest upon giving thirty days' notice. The redemption is to be effected in accordance with the provisions of a Trust Agreement dated January 1, 1929, between Delaware Elec-

tric Power Company and The Chase National Bank, Trustee, pursuant to which such securities were issued. The Debentures to be acquired and retired are to be selected by lot by the Trustee, as provided by said Trust Agreement.

Applicant has designated Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-12C-1,

U-7, U-8, and U-9 promulgated thereunder as applicable to the proposed transaction.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3132; Filed, July 29, 1940;
11:29 a. m.]