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be made normally only after the need has been confirmed by the Red Cross under the procedure set forth in the 1938 agree-

ment with the Red Cross approved by the Secretary of War and the Chairman of the American National Red Cross. (R.S. 161; 5 U.S.C. 22) [Par. 2b, c, A.R. 500-60, Dec. 1, 1939]

§ 2.3 *Supplies*—(a) *Not issued to employers.* In no case will relief supplies of any description be issued to employers for their employees.

(b) *Relief limited to those entitled to it.* Care should be taken to see that aid is extended solely to those actually in need of relief, and it must be ascertained not only that the need really exists but that the needy condition is due to the flood, fire, or other catastrophe which made Government aid necessary.

(c) *Reimbursement for losses not authorized.* In no case will Government supplies or funds be used to reimburse sufferers for losses sustained. The Army's mission in the territory affected is to save life and prevent suffering, and not to replace losses.

(d) *Sale.* If the catastrophe is of such a character that no supplies are available except those in possession of the military authorities, such supplies may be sold, in the discretion of the corps area commander, at cost to those who are able to pay for same, but such sales must be made under the restrictions heretofore laid down that the supplies are needed to prevent suffering directly resulting from the catastrophe. The funds received from this source will be deposited with the Treasurer of the United States in accordance with regulations. These sales are here authorized in order to meet unforeseen contingencies but should rarely be necessary. (R.S. 161; 5 U.S.C. 22) [Par. 3c, 4h, i, k, A.R. 500-60, Dec. 1, 1939]

§ 2.4 *Local relief committees; composition and functions.* Rescinded. [Omitted in revision of A.R. 500-60, Dec. 1, 1939]

§ 2.5 *Camps and cantonments.* Whenever conditions permit, sufferers will be assembled in camps, cantonments, or large buildings where proper supervision can be given to the distribution and use of supplies, sanitation, general welfare conditions, and the safeguarding of non-expendable Government property. If a tent camp is established, it should be arranged and operated substantially as an ordinary military camp with the following modifications.

(a) Tents assigned to families with certain streets reserved for unmarried men and other streets for unmarried women, not assigned to family tents. Ordinarily four persons to a tent.

(b) Sufficient military personnel to operate the camp and enforce police, property, and sanitary regulations.

(c) Cooking arrangements preferably handed by one of the relief organizations, furnishing them, if necessary, with Government stoves and utensils.

(d) Necessary steps will be taken, by the posting of sentries around the camp or by other practicable available means,

to prevent the theft of property and to enforce regulations regarding entrance or egress. (R.S. 161; 5 U.S.C. 22) [Par. 2f, A.R. 500-60, Dec. 1, 1939]

[SEAL]

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

[F. R. Doc. 39-4683; Filed, December 16, 1939; 11:11 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

AMENDMENT OF THE REGULATIONS GOVERNING THE LEASING OF TRIBAL LANDS FOR MINING

DECEMBER 2, 1939.

Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 186, leasing of tribal lands for mining, is amended by adding the following:

§ 186.27A *Prospecting permits.* With the consent of the Tribal Authorities the Superintendent may issue permits to prospect for minerals other than oil and gas upon tribal lands. Such permits must describe the area to be prospected and definitely state the period of time within which such work is permitted. No ores shall be removed from the reservation under such permits, except samples for assay and experimental purposes. A prospecting permit will not give the permittee any preference right to a lease, unless specifically so stated in the permit, and all permits granting a preference right to a lease must comply with all the laws and regulations applicable to mineral leases on tribal Indian lands.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 39-4682; Filed, December 16, 1939; 9:22 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 5 FOR MINIMUM WAGE RATES IN THE MILLINERY INDUSTRY

WAGE ORDER

DECEMBER 15, 1939.

Whereas, on March 7, 1939, pursuant to Section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 17,¹ appointed Industry Committee No. 5 for the Millinery Industry, hereinafter called the Committee, and directed the Committee to recommend

¹ 4 F.R. 1187 DI.

minimum wage rates for the millinery industry in accordance with the provisions of Section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public and a like number of persons representing employees in the millinery industry and a like number representing employers in the millinery industry, and each group was appointed with due regard to the geographical regions in which the millinery industry is carried on; and

Whereas, on August 25, 1939, the Committee filed with the Administrator a report containing its recommendation for a 40-cent an hour minimum wage rate in the millinery industry; and

Whereas, after notice published in the FEDERAL REGISTER on September 15, 1939,² Mr. Paul Sifton, Deputy Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., which commenced on October 2, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before Mr. Sifton was transmitted to Mr. Harold D. Jacobs, who had become Acting Administrator; and

Whereas, all persons appearing at said public hearing before Mr. Sifton were given leave to file briefs on or before November 15, 1939; and

Whereas, oral argument was held on November 20, 1939, before the Administrator who was then Acting Administrator and has since been appointed Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to Sections 5 and 8, concludes that the Industry Committee recommendation for the millinery industry, as defined in Administrative Order No. 23,³ is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas, the Administrator has set forth his decision in an opinion, entitled "Administrator's Findings and Opinion in the Matter of the Recommendation of Industry Committee No. 5 for Minimum Wage Rates in the Millinery Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered that

(1) The Committee's recommendation is hereby approved and, in accordance with such recommendation,

(2) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the millinery industry

² 4 F. R. 3926 DI.
³ 4 F. R. 1953 DI.

who is engaged in commerce or in the production of goods for commerce; and

(3) Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the millinery industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(4) The Millinery Industry, to which this Order shall apply, is hereby defined as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of felt hat bodies of fur or wool.

(5) This Wage Order shall become effective on the 15th day of January, 1940.

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

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4679; Filed, December 15, 1939; 3:56 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR
CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1320a]

REGULATIONS GOVERNING SIMULTANEOUS APPLICATIONS UNDER THE MINERAL LEASING LAWS¹

Regulations amended. Circular 1320, dated March 29, 1934, instructions governing simultaneous applications for oil and gas prospecting permits, was incorporated into the Code of Federal Regulations as Sec. 192.26. In order that the instructions may govern the disposition of conflicting applications for leases, permits and licenses filed pursuant to regulations under the mineral leasing acts, this regulation is hereby amended to read as follows:

§ 191.14 *Determination of priority.* In case two or more applications are received in the same mail, or are presented at the counter by persons present at the land office at the same time for the purpose of filing their applications, or when one or more applications are received by the same mail and one or more are presented at the counter when the mail is received, which applications conflict in whole or in part, and in which no preference rights are claimed, the applications so received will be considered as filed simultaneously and the right of priority of filing will be determined by a public drawing in the manner provided by Circular No. 324, dated May 22, 1914, 43 L. D.

¹ These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; Sec. 5, 44 Stat. 302, Sec. 5, 44 Stat. 1058; 30 U.S.C., 189, 275, 285.

254 (Sec. 295.8). Applications received through the mail after the close of business on a particular day and those received through the mail prior to the opening of the land office on the next succeeding business day, will be considered as having been filed at the opening of business on such next succeeding day.

The drawing will be held on the seventh day after the day the applications were filed unless such day falls on a holiday, in which case the drawing will be held on the following day. No notice to the applicants when a drawing will be held will be required, but the register will post notice thereof in a conspicuous place in his office for a period of five days prior to the date set for the drawing.

The register will issue his official receipt for the fees paid by each applicant and will arrange for the return of the fees paid by the unsuccessful applicants, noting on the abstract of moneys returned or applied opposite the refund voucher number, the word "drawing". He will note on the applications the word "drawing", and the date, amount and number of the voucher.

At the completion of a drawing, the register will furnish the General Land Office a list of the applications involved therein showing: (a) date of drawing, (b) description of the land involved, (c) names of successful applicants and serial numbers of applications, and (d) names of unsuccessful applicants and serial numbers of their applications.

FRED W. JOHNSON,
Commissioner.

Approved, December 8, 1939,

W. C. MENDENHALL,
Acting Under Secretary.

[F. R. Doc. 39-4680; Filed, December 16, 1939; 9:22 a. m.]

TITLE 45—PUBLIC WELFARE
CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES¹

§ 203.15 *Procurement of Quartermaster Corps supplies.*

* * * * *

(c) *Lumber.* (1) Lumber for Civilian Conservation Corps purposes will be procured as follows:

(i) All lumber required in the fabrication of portable demountable buildings will be in accordance with applicable Federal Specifications and ECW Specification No. 1, February 20, 1936.

(ii) All lumber required for any other new construction will be grade marked or may be furnished on a certificate of inspection.

(ii) When a carload or more of lumber is required for general maintenance

¹ These regulations supersede paragraph (c), Section 203.15, Chapter II, Title 45, Code of Federal Regulations.

and repair purposes it will be grade marked or may be furnished on a certificate of inspection. When required in less than carload lot the method of inspection will be as permitted by the applicable Federal Specification. Careful consideration should be given to the matter of electing the method of inspection as permitted by such specification. By reason of the fact that the inspection of various species of wood requires specialized personnel which may not be available, it is generally advisable to avoid the use of the option permitting inspection to be made by the purchasing agency, particularly when there is a quantity of lumber being procured.

(2) Invitations for lumber, except for that required by ECW Specification No. 1, will contain the following:

(i) All lumber required herein shall conform to Federal Specifications MM-L-751 for softwood and MM-L-736 for hardwood. All finish and millwork shall be kiln-dried and all other lumber may be either air-dried or kiln-dried. The maximum moisture content shall be as follows:

Rough carpentry (kiln-dried or air-dried)	19 percent.
Finish and millwork (kiln-dried)	12 percent.
Finish flooring and drop siding (kiln-dried or air dried)	15 percent.

When grade marked lumber or that furnished on a certificate of inspection is to be furnished, these moisture content provisions apply at the time of loading the lumber. Where inspection is to be made by the purchasing agency, the moisture content provisions apply at the time of inspection.

(ii) All lumber one inch or less in nominal thickness shall grade No. 2 common of any of the following species: basswood, buckeye, sound wormy chestnut, cypress, southern yellow pine, yellow poplar, redwood, Sitka spruce or No. 1 common of western red cedar, douglas fir, west coast hemlock, eastern hemlock (eastern hemlock will not be used for finish flooring) or No. 3 common of any of the following species: white fir, larch, Englemann spruce, ponderosa pine, Norway pine, eastern spruce, white pine.

(iii) All dimension lumber (material thicker than one inch) shall be No. 2 common of any of the woods of the foregoing species.

(iv) Surfaced lumber shall be dressed to conform to yard size standards given in American Lumber Standards unless standard industrial sizes are specifically required.

(v) In case of equal bids, awards will be made in the following order of preference:

That which is grade marked.

That which is furnished on a certificate of grading by the particular recognizing association.

That which is inspected by the purchasing agency. (This preference is used when the invitation calls for a bid on lumber to be inspected by the purchasing agency only.)

(3) The invitation will further contain the following information:

(i) *Method of inspection.* That is, whether the lumber to be furnished is to be grade marked, furnished on certificate of grading, or to be inspected by the Government. Unless there is some particular reason to the contrary, invitations should permit bidders to bid on furnishing grade marked lumber or lumber furnished on Certificate of grading. Calling for bids in this manner keeps the field of competition as broad as possible.

(ii) *Product.* For example: Flooring, shiplap, molding, drop siding, etc.

(iii) *Quantity.* Feet, board measure (F. B. M.) or number of pieces of each size and length.

(iv) *Sizes and lengths.* In commercial standards.

(v) *Surfacing.* Indicate what surfacing or working is desired. For example: Surfaced four sides (S4S) or surfaced two sides and center matched (S2S&CM).

(vi) *Association rules.* The invitation should specify that bidder agrees to furnish lumber conforming to the grading rules of the particular association in effect at the date of invitation for bids. (50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937, as amended by C 43, Dec. 11, 1939]

[SEAL]

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

[F. R. Doc. 39-4681; Filed, December 16, 1939;
9:22 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 9]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

DECEMBER 16, 1939.

§ 5.82' *American Vessels Denied Clearance to Belligerent States*, is amended to read as follows:

(1) No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to or via any belligerent state, regardless of the ultimate destination of such passengers or articles or materials, with the following exceptions:

(a) Where such American vessel (other than aircraft) proceeds on lakes, rivers, and inland waters bordering on the United States.

(b) Where such American aircraft proceeds on or over lakes, rivers, inland waters and lands bordering on the United States.

(c) Where such American vessel (other than aircraft) carrying mail, passengers or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or imple-

ments of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (a), except to such a port which is included within a combat area.

(d) Where such American aircraft carrying mail, passengers, or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (b), except to such a port which is included within a combat area.

(e) Where such American vessel (watercraft or aircraft) is under charter or other direction and control of the American Red Cross, and while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing for the relief of human suffering, proceeds under safe conduct granted by belligerent states.

(2) No clearance shall be granted to any American vessel (other than aircraft) to or via any neutral foreign port or place, which is not located within any of the areas mentioned in 46 CFR 5.81 (a), while carrying mail or any articles or materials, if the ultimate destination of any such mail or articles or materials is a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a), with the following exception:

(a) Where such American vessel (other than aircraft) will unlade such mail or articles or materials in the United States prior to its final clearance for a foreign port.

(3) No clearance shall be granted to any American aircraft to or via any neutral foreign port or place which is not within any of the areas mentioned in 46 CFR 5.81 (b), while carrying mail or any articles or materials, if the ultimate destination of any such mail or articles or materials is a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (b), with the following exception:

(a) Where such American aircraft will unlade such mail or articles or materials in the United States prior to its final clearance for a foreign port.

§ 5.83 *Declaration as to Right, Title and Interest in Articles or Materials*, is amended to read as follows:

(1) No clearance shall be granted to any vessel (watercraft or aircraft), bound to or via a port in a belligerent state, until all of the declarations required by Section 2 (c) of the Neutrality Act of 1939 have been filed with the collector of