

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

IN THE MATTER OF EXEMPTION OF A  
BRANCH OF THE OPEN-CUT PLACER  
GOLD MINING INDUSTRY AS A SEASONAL  
INDUSTRY UNDER SECTION 7(b) (3) OF  
THE FAIR LABOR STANDARDS ACT OF  
1938 AND PART 526 AS AMENDED OF  
REGULATIONS ISSUED THEREUNDER

WHEREAS, a duly authorized representative of the  
Administrator, after a public hearing, has made the follow-  
ing finding and determination:

- "1. The open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska, is a branch of the open-cut placer gold mining industry as defined in the Notice of Hearing; and 1/
- "2. The mining of placer gold from surface or open cuts in the above-defined area is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage; and
- "3. Except for maintenance, repair, and sales work the open-cut mining of placer gold in the above defined area ceases completely at regular recurring times of the year for a period of approximately six months or more in each part of the area, because due to climatic and other natural causes the materials used by the industry are not available in the form in which they are handled or processed; and
- "4. The open-cut mining of placer gold in the above-defined area 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.

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1/ As corrected by Notice of Correction published in the  
Federal Register November 17, 1939.

"The application is granted.

"This determination is without prejudice to a determination on applications from other placer gold producing states and territories"; and

WHEREAS, a notice of opportunity to petition for review of the said finding and determination was published in the Federal Register on November 17, 1939; and

WHEREAS, no petition for review has been filed within the fifteen days allowed under Section 526.7 of the Administrator's Regulations applicable to industries of a seasonal nature, as amended (Title V, Chapter 29, Part 526, Code of Federal Regulations);

NOW, THEREFORE, pursuant to the provisions of said Section 526.7 of the said Regulations, the exemption provided by Section 7(b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice embodying the above-quoted finding and determination appears in the Federal Register. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C. this 26th day of  
December, 1939.

*Harold D. Jacobs*

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Harold D. Jacobs, Administrator  
Wage and Hour Division  
Department of Labor