

UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

NOTICE OF HEARING

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE HANDLING, PACKING, SHELLING OR OTHER PROCESSING, OR STORING OF PECANS, FILBERTS, OTHER TREE NUTS, AND PEANUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS INDUSTRIES OF A SEASONAL NATURE, PURSUANT TO SECTION 7(b)(3) OF THE ACT AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER.

WHEREAS, applications have been filed by the National Pecan Growers Exchange of Albany, Georgia, the North Pacific Nut Growers Co-operative of Dundee, Oregon, the Macon Peanut and Storage Company of Macon, Georgia, and sundry other parties for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938, of the handling, packing, shelling or other processing, or storing of pecans, filberts, other tree nuts, and peanuts, as industries of a seasonal nature pursuant to Section 7(b)(3) of the Act and Part 526 as amended of the regulations issued thereunder; and

WHEREAS, it is deemed advisable, in view of the fact that the above applications present related issues of fact and law, to hold a combined hearing under the provisions of Section 526.6(a) of the regulations, wherein separate opportunity will be given each of the said industries or branches thereof to give testimony, to argue, or to file written statements.

NOW, THEREFORE, notice is hereby given of a public hearing to be held at the Willard Hotel, Washington, D. C., to commence at 10:00 a.m., September 16, 1940, before Harold Stein, an authorized representative of the Administrator, who shall take testimony, hear arguments, and receive written statements, and determine:

Whether the handling, packing, shelling or other processing, or storing of pecans, filberts, other tree nuts, or peanuts, or any subdivisions or combinations thereof are industries of a seasonal nature within the meaning of Section 7(b)(3) of the Act and Part 526 as amended of the regulations issued thereunder, and if so the appropriate limits of such industries.

Any person desiring to appear at the aforesaid hearing may appear on his own behalf or on behalf of any other person or may file a written statement. Notice of intention to appear or written statement in lieu of personal appearance shall be filed with the Administrator at his office in Washington, D. C., prior to 1:00 p.m., September 14, 1940.

All appearances and all written statements shall furnish the following information:

1. The name and address of the appearance or person filing statement.
2. If personal appearance is in a representative capacity, the name and address of the person or persons whom he is representing.
3. If personal appearance, the approximate length of time which presentation will consume.
4. If personal appearance, whether he is appearing in support of or in opposition to application for exemption.
5. A description of the specific operations with respect to which appearance is made or written statement applies.

Evidence will be received on all relevant factors and should include the following:

- a. Length of operating season in weeks for each commodity and operation for past several seasons.
- b. Length of operating season in weeks in plants operating on more than one commodity and performing more than one operation for past several seasons.
- c. Proportion of total volume of all commodities handled, packed or stored which are received for packing or storing during the 14 week period or periods of maximum operations during the past several seasons.
- d. In the case of shelling or other processing, reasons for cessation of operations.

Signed at Washington, D. C., this 26th day of August, 1940.



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Philip B. Fleming, Administrator  
Wage and Hour Division  
Department of Labor

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