



# FEDERAL REGISTER

VOLUME 4 NUMBER 43

Washington, Saturday, March 4, 1939

**Rules, Regulations, Orders**

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**SECURITIES AND EXCHANGE COMMISSION**

**PUBLIC UTILITY HOLDING COMPANY ACT OF 1935**

**RESCISSION OF RULES U-6B-1, U-7A-1 AND FORMS U-6B-1 AND U-7**

**ADOPTION OF RULE U-6B7-1 AND FORM U-6B7-1**

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7 and 20 (a) thereof, and finding that such action is appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby rescinds, as of April 1, 1939, Form U-6B-1 [Sec. 17.U-6B-1], adopted October 30, 1936, Form U-7 [Sec. 17.U-7], adopted April 1, 1936, and also Rules U-6B-1 [Sec. 15.U-6B-1] and U-7A-1 [Sec. 15.U-7A-1] and hereby adopts Form U-6B7-1 and Rule U-6B7-1, the Rule to read as follows:

**SEC. 15.U-6B7-1 (Rule U-6B7-1).** *Form for use by a registered holding company or subsidiary company with respect to security transactions.* (a) Applications and declarations filed with the Commission after April 1, 1939 pursuant to Section 6 (b) [c. 687, sec. 6, 49 Stat. 814; 15 U. S. C., Sup. III, 79f] or 7 [c. 687, sec. 7, 49 Stat. 815; 15 U. S. C., Sup. III, 79g] of the Act with respect to an issue or sale of securities or an exercise of any privilege or right to alter the priorities, preferences, voting power or other rights of the holders of an outstanding security shall comply with the requirements of Form U-6B7-1 [Sec. 17.U-6B7-1], designated "Adopted February 21, 1939," and the instructions for the use of that form.

(b) A declaration on Form U-6B7-1 [Sec. 17.U-6B7-1] shall become effective only at such time as the Commission

shall fix by order. Every order for hearing on a declaration shall include an order to declarant to show cause why such declaration shall become effective.

(c) Until April 1, 1939, any application or declaration subject to paragraph (a) of this rule may be filed either on Form U-6B-1 [Sec. 17.U-6B-1] or Form U-7 [Sec. 17.U-7], whichever is appropriate, or on Form U-6B7-1 [Sec. 17.U-6B7-1].

(d) This rule shall become effective forthwith. (C. 687, sec. 6, 49 Stat. 814; 15 U. S. C., Sup. III, 79f; c. 687, sec. 7, 49 Stat. 815; 15 U. S. C., Sup. III, 79g; c. 687, sec. 20, 49 Stat. 833; 15 U. S. C., Sup. III, 79t) [Gen. Rules and Regs., Rule U-6B7-1, effective March 2, 1939]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 39-725; Filed, March 2, 1939; 1:47 p. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**INTERSTATE COMMERCE COMMISSION**

**ORDER RELATIVE TO FREIGHT COMMODITY STATISTICS OF CARRIERS BY WATER**

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 21st day of February, A. D. 1939.

The subject of freight commodity statistics of carriers by water being under consideration:

*It is ordered,* That the Commission's order of January 31, 1929, in the matter of freight commodity statistics of carriers by water be amended as follows:

Beginning with the calendar year 1939, and thereafter until further order, carriers by water, subject to the provisions of section 20 of the Interstate Commerce Act, shall report annually the tonnage of revenue freight carried and the freight revenue separated between "joint rail and water traffic," and "all other traffic," for each of the several classes of commodities named in the order of January 31, 1929.

**CONTENTS**

**RULES, REGULATIONS, ORDERS**

<b>TITLE 17—COMMODITY AND SECURITIES EXCHANGES:</b>	
Securities and Exchange Commission:	Page
Public Utility Holding Company Act of 1935, rescission of rules and forms; adoption of Rule U-6B7-1 and form.....	1115
<b>TITLE 49—TRANSPORTATION AND RAILROADS:</b>	
Interstate Commerce Commission:	
Freight commodity statistics of carriers by water.....	1115

**NOTICES**

Civil Aeronautics Authority:	
Special Traffic Rule (Pan American Airways, Inc.).....	1116
Department of the Interior:	
National Bituminous Coal Commission:	
Blue Star Coal Co., et al, continuance of hearing.....	1116
Securities and Exchange Commission:	
Consolidated Grain Corp., hearing.....	1116
Drake-Jones Co., withdrawal of application.....	1117
York Railways Co., admission of Pennsylvania Public Utility Commission as a party to proceeding.....	1117
United States Civil Service Commission:	
Apportionment at close of business, February 28, 1939.....	1117

The separation as between "joint rail and water traffic" and "all other traffic" may be omitted for L. C. L. freight which is not distributed among the other designated classes.

By the Commission, division 4.  
[SEAL] W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 39-730; Filed, March 3, 1939; 11:26 a. m.]



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

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

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

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

### Notices

#### DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket Nos. 528-FD to 537-FD, incl., and 605-FD]

#### IN THE MATTER OF APPLICATIONS FOR DETERMINATION OF STATUS UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

*Blue Star Coal Co., Swords Creek, Va.; Stanton Coal Co., St. Paul, Va.; C. P. Harmon, Swords Creek, Va.; Whited Coal Co., Swords Creek, Va.; Reedy Coal Co., Swords Creek, Va.; Belcher & Hughes, Swords Creek, Va.; E. Duncan, Swords Creek, Va.; Charles Compton, Swords Creek, Va.; Rufus Whited, Swords Creek, Va.; Church & Baldwin, Swords Creek, Va.; Flat Rock Coal Co., Flat Rock, Va.*

#### NOTICE OF ORDER FOR CONTINUANCE OF HEARING

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Congress, 1st Session), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the hearings in the matter of the above entitled applications originally noticed for March 6, 1939, at 10 o'clock a. m. at the hearing room of the Commission in the Martha Washington Inn, Abingdon, Virginia, by Order of the Commission dated the 15th day of February, 1939,<sup>1</sup> be and the same hereby are con-

<sup>1</sup> 4 F. R. 957 DI.

tinued to March 20, 1939, at the same place.

2. That the Secretary of the Commission is directed forthwith to mail a copy of this Notice and Order for Continuance to the applicants and their attorneys of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.  
Dated this 3rd day of March, 1939.  
[SEAL] F. WITCHER McCULLOUGH,  
Secretary.

[F. R. Doc. 39-732; Filed, March 3, 1939; 12:39 p. m.]

#### CIVIL AERONAUTICS AUTHORITY.

#### SPECIAL TRAFFIC RULE C. A. A. No. 2 UNDER SECTION 601-A-7

PAN AMERICAN AIRWAYS, INC.

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 2nd day of March, 1939.

It appearing that: (a) An application has been made by Pan American Airways, Inc., for a special air traffic rule for the purpose of affording protection to aircraft of the United States NC-18603, Boeing flying boat, Model 314, during its operation at the United States Naval Air Base, Anacostia, D. C. and in the general vicinity of Washington, D. C. on March 3, 4 and 5, 1939;

(b) The unusual public interest in such flying boat may result in numerous aircraft attempting to maneuver near it in order better to observe its operation;

(c) Because such flying boat will not be operating under routine flight conditions, safety requires that protection be provided for such flying boat in addition to that now provided by the Civil Air Regulations;

(d) In order to provide such protection and to insure safety in air commerce, no other aircraft should be permitted to operate with 1,000 feet of such flying boat under these special circumstances.

The Authority finds that: To promote safety of flight in air commerce it is necessary to promulgate a special air traffic rule prohibiting operation of any aircraft within 1,000 feet of aircraft of the United States, NC-18603, Boeing flying boat, Model 314, during its operation by Pan American Airways, Inc., at the United States Naval Air Base, Anacostia, D. C., and in the general vicinity of Washington, D. C., on March 3, 4 and 5, 1939.

Now, therefore, the Civil Aeronautics Authority, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly Section

205 (a) and Section 601 (a)-(7) of said Act hereby makes and promulgates the following order:

*It is ordered,* That no aircraft shall be flown closer than 1,000 feet to aircraft of the United States, NC-18603, Boeing flying boat, Model 314, during its operation by Pan American Airways, Inc., at the United States Naval Air Base, Anacostia, D. C. and in the general vicinity of Washington, D. C. on March 3, 4 and 5, 1939.

Dated at Washington, D. C. this 2nd day of March, 1939.

By the Authority.  
[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-731; Filed, March 3, 1939; 11:55 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

#### United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1939.

[File No 2-3930]

#### IN THE MATTER OF CONSOLIDATED GRAIN CORPORATION

#### ORDER FIXING TIME AND PLACE OF HEARING AND DESIGNATING OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Consolidated Grain Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading,

*It is ordered,* That a hearing be held in this matter, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Tuesday, March 14, 1939, at 10 o'clock in the forenoon, in Room 1102-A, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

*It is further ordered,* That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close

the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-727; Filed, March 3, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of March, A. D. 1939.

[File No. 52-12]

IN THE MATTER OF YORK RAILWAYS COMPANY<sup>1</sup>

ORDER ADMITTING AS A PARTY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Pennsylvania Public Utility Commission having requested leave to intervene in the above matter,

It is ordered, Pursuant to Section 19 of the Public Utility Holding Company Act of 1935, that said Commission be, and it hereby is, admitted as a party to this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-729; Filed, March 3, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1939.

[File No. 31-170]

IN THE MATTER OF THE APPLICATION OF DRAKE-JONES COMPANY

ORDER CONSENTING TO WITHDRAWAL UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant, the Commission consents to the withdrawal

<sup>1</sup>Public Utility Holding Company Act of 1935, Sec. 11 (f).

of the application of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-728; Filed, March 3, 1939; 11:11 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, FEBRUARY 28, 1939

**Important.** Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
-------	---------------------------------------	------------------------------

IN ARREARS

1. Puerto Rico.....	594	41
2. Hawaii.....	142	15
3. California.....	2,196	777
4. Alaska.....	23	9
5. Texas.....	2,242	901
6. Louisiana.....	809	383
7. Michigan.....	1,864	885
8. Arizona.....	168	87
9. New Jersey.....	1,556	829
10. South Carolina.....	669	383
11. Ohio.....	2,559	1,528
12. Mississippi.....	774	477
13. Oklahoma.....	922	571
14. Alabama.....	1,019	633
15. Arkansas.....	714	448
16. New Mexico.....	163	104
17. Georgia.....	1,120	749
18. North Carolina.....	1,220	823
19. Kentucky.....	1,007	687
20. Tennessee.....	1,007	768
21. Wisconsin.....	1,131	868
22. Illinois.....	2,938	2,267
23. Connecticut.....	619	495
24. Oregon.....	367	323

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
25. Delaware.....	92	81
26. Indiana.....	1,247	1,106
27. Florida.....	565	531
28. Idaho.....	171	162
29. New York.....	4,846	4,626
30. Pennsylvania.....	3,708	3,540
31. Wyoming.....	87	86
32. Utah.....	196	194
33. West Virginia.....	666	662

QUOTA FILLED

34. Nevada.....	35	35
-----------------	----	----

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
-------	---------------------------------------	------------------------------	-------------------------------------

IN EXCESS

35. Maine.....	307	308	-1
36. New Hampshire.....	179	181	+8
37. Massachusetts.....	1,636	1,658	+22
38. Colorado.....	399	409	+12
39. Missouri.....	1,307	1,439	+30
40. Washington.....	602	621	+46
41. Kansas.....	724	759	+15
42. Minnesota.....	987	1,037	+43
43. North Dakota.....	262	276	+18
44. Vermont.....	138	147	+3
45. Montana.....	207	221	+13
46. South Dakota.....	267	296	+1
47. Rhode Island.....	265	294	+28
48. Iowa.....	951	1,066	-11
49. Nebraska.....	530	626	-17
50. Virginia.....	932	1,940	-30
51. Maryland.....	628	1,884	+16
52. Dist of Col.....	187	8,759	-4

GAINS

By appointment.....	303
By transfer.....	25
By reinstatement.....	3
By correction.....	1
Total.....	332

LOSSES

By separation.....	44
By transfer.....	41
By correction.....	1
Total.....	86
Total appointments.....	48,025

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule II, and the Attorney General's opinion of Aug. 25, 1934, 14,579.

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director and  
Chief Examiner.

[F. R. Doc. 39-726; Filed, March 2, 1939; 3:58 p. m.]