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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF NORMAL YIELDS OF COMMERCIALY RECOVERABLE SUGAR PER ACRE FOR SUGAR BEETS, 1939 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:

§ 802.15b (a) *Determination of normal yields of commercially recoverable sugar per acre for sugar beets—1939 sugar beet program.* The normal yield of commercially recoverable sugar per acre for a farm on which sugar beets were planted for harvest in 1939 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," approved March 28, 1938 (Sec. 802.15a), 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 1932-38, 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 1932-38, 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 1932-38, 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 1939, 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 1939, 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 harvest in 1939, 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 1932-38, 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 1932-38, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1939, the simple average of the county average yields (as defined in subparagraph 2), for all of the years 1932-38, 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 1932-38, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1939, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for the years 1932-38, inclusive, in the county and in adjacent

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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 1939 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 1934-38, 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 1934-38, 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 1939, 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 1939, and for 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 1939, 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 1934-38, 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 1934-38, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1939, the simple average of the county average percentages of sugar content of sugar beets (as defined in subdivision ii), for such years (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 1939), and for a county in which sugar beets were not so marketed in at least three of the years 1934-38, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1939, 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 1934-38, 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 1939 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 1939), which district normal percentage shall be:

(i) For districts in which beet sugar factories were operated in three or more of the years 1932-38, 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 1932-38, inclusive, the percentage of sugar content of sugar beets established by the Sugar Division 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 1932-38, inclusive. (Sec. 303, 50 Stat. 911; 7 U.S.C., Sup. IV, 1133)

Done at Washington, D. C., this 25th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-2736; Filed, July 25, 1939; 10:16 a. m.]

AGRICULTURAL MARKETING SERVICE

PART 29—THE TOBACCO INSPECTION ACT

ORDER OF DESIGNATION OF TOBACCO MARKETS

Greenville, North Carolina

Whereas the Act of Congress approved August 23, 1935 (49 Stat., 731; 7 U.S.C., Sup. I, Chap. 21A) entitled "The Tobacco Inspection Act" contains the following provisions:

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not ob-

tainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

and
Whereas pursuant to said Act a referendum has been held among the growers of flue-cured tobacco who sold tobacco at auction on the Greenville, North Carolina market during the last marketing season, in which referendum said growers were given an opportunity to vote for or against the designation as provided in Section 5 of said Act; and

Whereas more than two-thirds of the growers voting in said referendum and who sold tobacco at auction on said market during the last marketing season voted in favor of said designation,
§ 29.301 (m) *Designation of tobacco market.*

Now, therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendum conducted thereunder, the flue-cured tobacco market of Greenville, North Carolina is designated as a market where tobacco bought and sold thereon at auction, or the products manufactured therefrom, moves in commerce.

It is hereby ordered, That effective 30 days from this date no tobacco shall be offered for sale at auction on the above-named market until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act: *Provided, however*, That the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein. (49 Stat., 731: 7 U.S.C., Sup. I, Chap. 21A)

Done at Washington, D. C., this 24th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

[F. R. Doc. 39-2731; Filed, July 24, 1939; 4:05 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

JULY 24, 1939

To UNION STOCKYARDS OF BASSETT, INC.,
Bassett, Calif.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Union Stockyards of Bassett, at Bassett, State of California, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

[F. R. Doc. 39-2735; Filed, July 25, 1939; 10:16 a. m.]

**TITLE 30—MINERAL RESOURCES
BITUMINOUS COAL DIVISION**

AN ORDER REPEALING RULE IV-B-3 OF THE RULES OF PRACTICE AND PROCEDURE PROMULGATED JUNE 23, 1937, AS AMENDED, OF THE NATIONAL BITUMINOUS COAL COMMISSION

Whereas, The Secretary of the Interior on June 29, 1939, issued and promulgated an Order² governing appearance and practice before the Department of the Interior or any bureau, board, division or other agency thereof, and related matters, which rule is applicable to the Bituminous Coal Division of the Department:
Now, therefore, Sub-paragraph 3 of paragraph b of Rule IV³ of the "Rules of Practice and Procedure" promulgated June 23, 1937, as amended, of the National Bituminous Coal Commission, is hereby repealed, the matters to which said paragraph relates being governed by the aforesaid Order of the Secretary of the Interior.

Dated at Washington, D. C., this 22nd day of July 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-2730; Filed, July 24, 1939; 2:16 p. m.]

¹ Modifies list posted stockyards 9 CFR 204.1.

² 4 F.R. 3141 DL.

³ 3 F.R. 1840 DL.

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES*†

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*Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f), rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i).

†Adopted by the FCC, July 12, 1939, effective Oct. 1, 1939.

DEFINITIONS

§ 7.1 *Coastal service.* The term "coastal service" means a radiocommunication service carried on by means of coastal stations of any class with maritime mobile stations.*†

§ 7.2 *Public coastal service.* The term "public coastal service" means a radio communication service open to public correspondence, carried on by means of coastal stations with maritime mobile stations.*†

§ 7.3 *Private coastal service.* The term "private coastal service" means a limited private radiocommunication service not open to public correspondence, carried on by means of coastal stations with maritime mobile stations.*†

§ 7.4 *Maritime mobile service.* The general term "maritime mobile service" means a radio service carried on between maritime mobile stations and land stations, and by maritime mobile stations communicating among themselves.*†

§ 7.5 *Coastal station.* The term "coastal station" means a land station used for radiocommunication with maritime mobile stations.*†

§ 7.6 *Coastal-telegraph station.* The term "coastal-telegraph station" means a coastal station used for radiotelegraph communication with maritime mobile stations.*†

§ 7.7 *Coastal-telephone station.* The term "coastal-telephone station" means a coastal station used for radiotelephone communication primarily with ship telephone stations on board ocean-going vessels and with radiotelephone stations on board aircraft at sea.*†

§ 7.8 *Coastal-harbor station.* The term "coastal-harbor station" means a coastal station used primarily for radiotelephone communication with ship telephone stations which, by reason of the assigned frequency or frequencies, have a limited communication range.*†

§ 7.9 *Hours of service.* The term "hours of service" or "duration of service" means the time during which a coastal station is held open for the exchange of message traffic with other stations in the maritime mobile service.*†

GENERAL

§ 7.21 *Order of priority of communications.* The order of priority of radio telegraph and radio telephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

- (a) Distress calls, distress messages, and distress traffic.
- (b) Communications preceded by an urgent signal.
- (c) Communications preceded by a safety signal.
- (d) Communications relative to radio direction-finder bearings.

(e) Government radiotelegrams for which priority right has not been waived.

(f) All other communications.*†

§ 7.22 *Points of communication.* Unless otherwise specified in the license, a coastal station is authorized to communicate with maritime mobile stations, without regard to the country to which these stations belong.*†

§ 7.23 *Watch on distress frequency.* Except as otherwise required by the necessity of handling distress, urgent, or safety signals and messages, all coastal-telegraph stations licensed for public coastal service on frequencies within the band 365 to 515 kilocycles shall maintain a listening watch on the frequency 500 kilocycles (410 kilocycles on the Great Lakes) by a licensed radiotelegraph operator during the hours of service of the coastal station as follows:

(a) At least during each international silent period, as specified by the General Radio Regulations in force annexed to the International Telecommunication Convention in force.

(b) At all other times when the coastal station is not engaged in calling, transmitting to, or communicating with other stations in the maritime mobile service.*†

§ 7.24 *Station not maintaining continuous hours of service.* Coastal stations licensed for other than continuous hours of service shall not discontinue operation before having:

(a) Finished all operations called for by a distress call;

(b) Exchanged all communications originating in or destined to maritime mobile stations which are within the normal communication range of the coastal station and have signalled their presence before the effective cessation of operation of the coastal station.*†

§ 7.25 *Transmission of call lists.* Coastal telegraph stations are authorized to transmit call lists of maritime mobile stations for which they have messages, on one or more of their assigned working frequencies. The use of calling frequencies for this purpose is prohibited; however, these stations are authorized to announce on a calling frequency, including 500 kilocycles (410 kilocycles on the Great Lakes), that they are ready to begin transmission of such call lists on a specified working frequency or frequencies, using the proper procedure signals.*†

§ 7.26 *Transmission of press.* Upon application a coastal telegraph station open to public correspondence may be authorized to communicate secondarily with fixed points for transmission to such points of press material which is transmitted regularly by the coastal station simultaneously and primarily to maritime mobile stations, provided a sufficient need for such authorization is shown to exist.*†

§ 7.27 *Transmission of alarm signal.* When a distress call has been transmitted and was not preceded by the international auto-alarm signal, a coastal station located in the general vicinity of the station which transmitted the distress call, except in the Great Lakes region, may transmit the alarm signal (using A-2 emission) on 500 kilocycles, upon authorization of the station licensee or the representative thereof.*†

§ 7.28 *Repetition of distress call.* If a coastal station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and the coastal station itself is not in a position to render assistance, the coastal station subject to authority of the licensee or his representative shall make every effort possible to attract the attention of any station in the maritime mobile service which appears to be in a position to render assistance, and for this purpose transmission of the distress call and distress message may be repeated on 500 kilocycles (410 kilocycles on the Great Lakes) and on such other frequencies as may be deemed necessary. Except on the Great Lakes, the coastal station if authorized by the station licensee or representative thereof may transmit for this purpose the international automatic-alarm signal on the frequency 500 kilocycles (using A-2 emission) prior to repetition of the distress call and message. In the event the alarm signal is transmitted, a sufficient period of time to allow operators warned by the alarm signal to go on watch shall be observed after transmission of the alarm signal and before retransmission of the distress message.*†

§ 7.29 *Repetition of alarm signal.* A coastal station (other than in the Great Lakes region) intercepting an international automatic-alarm signal which appears to be not duly effective by reason of improper timing, improper type of emission, insufficient signal strength, interference, or excessive deviation from 500 kilocycles, if authorized by the station licensee or representative thereof, and if located in the general vicinity of the station which transmitted the alarm signal, may repeat the transmission of this signal (using A-2 emission) to be followed by a repetition of the distress call and distress message provided all reasonable precaution is taken by such station not to interfere with acknowledgment of receipt of the distress call or distress traffic already in progress.*†

§ 7.30 *Use of A-1 and A-2 emission by coastal telephone and coastal harbor stations.* Coastal telephone and coastal harbor stations are authorized to use types A-1 and A-2 emission for calling, for brief testing, for the transmission of brief service messages, and for communication in an emergency involving the safety of life or property.*†

§ 7.31 *Interference from A-2 emission.* Beginning January 1, 1940, the use of A-2 emission, which is generated by abrupt¹ interruptions or reductions of the carrier wave, at an audible frequency or frequencies, without reference to the usual interruptions caused by ordinary telegraphic keying, shall be prohibited for coastal stations on frequencies below 30000 kilocycles except when necessary for emergency communication.*†

§ 7.32 *Operating power.* The operating power of coastal stations shall be computed in conformity with the terms of Section 2.79 of Part 2; provided, however, that for coastal stations the multiplying factor to which reference is made in paragraph (a) and the method of measuring field intensity to which reference is made in paragraph (c) of Section 2.79 shall be as specifically determined from time to time by the Commission.*†

§ 7.33 *Use of special emission.* Upon application, coastal telephone stations normally licensed to transmit on frequencies above 4,000 kilocycles may be granted authority to use special emission upon a secondary basis, providing the applicant makes a satisfactory showing of the need for this type of emission and upon condition that no increase in interference to the service of other stations will result.*†

LICENSE

§ 7.41 *Coastal station license.* All coastal station licenses normally will be issued to expire at 3:00 A. M., E. S. T., February 1st, of each year except as otherwise provided by Section 2.46 of Part 2.*†

§ 7.42 *Posting of station license.* The original of each coastal station license shall be posted in a conspicuous place either in the room housing the transmitting equipment, or at the control point for the station when the station license authorizes operation by remote control in accordance with Section 2:53 of Part 2; provided, however, that when such authorized remote control operation is used and the transmitting equipment is unattended by a licensed operator of the required class, the coastal station license shall be posted at the control point.*†

§ 7.43 *Posting of operator license.* The original license of each operator of a coastal station while he is on duty therein, shall be posted in a conspicuous place at the operator's regular point of duty, either in the room housing the transmitting equipment or at the control point for the station, when the station license authorizes operation by remote control in accordance with Sec-

tion 2.53 of Part 2, except when any operator license has been submitted to the Commission in accordance with relevant provisions of Part 13.*†

§ 7.44 *Special temporary authorization.* Requests for special temporary authority must comply with the applicable provisions of Section 1.365 of Part 1 and must be accompanied by a showing that interference will not be caused to the coastal service for which the station is primarily licensed; in addition, such requests must be accompanied by the following:

(a) A statement of the call letters and location of the transmitting station and designation of the frequency, or frequencies, which it is desired to use under temporary authority;

(b) A statement of the period for which the temporary authority is desired;

(c) A statement describing the service which is to be rendered under temporary authority.*†

§ 7.45 *Equipment and service tests.* Equipment and service tests are authorized to be carried on by coastal stations in accordance with the provisions of Sections 2.42 and 2.43 of Part 2.*†

§ 7.46 *Experimental research.* The licensee of a coastal station may be authorized to use a transmitter, which is licensed for coastal service, for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the coastal service for which the station is licensed.*†

FREQUENCIES

§ 7.51 *International calling and distress frequency.* The international calling and distress frequency is 500 kilocycles. In the Great Lakes region, the frequency 410 kilocycles shall be used for calling and distress purposes in lieu of the international calling and distress frequency 500 kilocycles.*†

§ 7.52 *Use of other frequencies for distress.* In case of distress, if it is not possible to use the international distress frequency, any station of the maritime mobile service may use any other frequency available to it to call attention, report the position of the ship or aircraft in distress, and obtain help.*†

§ 7.53 *Use of distress frequency.* The international calling and distress frequency 500 kilocycles (410 kilocycles on the Great Lakes only), shall be used only for calls and replies, for distress traffic, for urgent and safety messages as may be necessary, and for operating signals, including announcements as authorized by Section 7.25.*†

§ 7.54 *Use of 143 kilocycles and other calling frequencies.* In no case shall the calling frequencies 143 and 500 kilocycles (410 kilocycles on the Great Lakes) be used for working purposes except as may be necessary for the han-

dling of distress, urgent, or safety messages. Other calling frequencies may be used for working purposes, provided no interference is caused to calls from mobile stations.*†

§ 7.55 *Use of working frequencies.* Frequencies designated in a coastal telegraph station license as "working" shall be used for the primary purpose of exchanging message traffic with maritime mobile stations; however, these frequencies also may be used for all purposes for which calling frequencies are authorized.*†

§ 7.56 *Emission in the band 100 to 160 kilocycles.* When transmitting on licensed frequencies within the band 100 to 160 kilocycles, coastal telegraph stations shall use A-1 emission only.*†

§ 7.57 *A-2 emission in 365 to 515 kilocycle band.* All coastal telegraph stations open to public correspondence and licensed to operate in the band 365 to 515 kilocycles, shall be capable of transmitting on the frequency 500 kilocycles (410 kilocycles on the Great Lakes) and at least one working frequency within this band by means of A-2 emission. Beginning January 1, 1940, the frequency of modulation of such stations when using A-2 emission on these frequencies shall not be less than 300 cycles per second nor more than 1250 cycles per second.*†

§ 7.58 *Coastal service.* The following frequencies in kilocycles are allocated to the following types of coastal stations:

(a) To Coastal Telegraph Stations

105	165
107	166
109	167
110	168
111	169
112	170
114	171
116	173
117	174
118	176
119	177
120	178
121	179
123	180
124	181
125	182
126	183
127	184
129	186
130	187
131	188
133	189
134	191
135	193
136	392
137	394
138	406
139	408
140	410
141	Calling
143 ²	Frequency
145	(Great Lakes
146	only)
147	418
148	420
149	422
150	425
161	430
162	432
163	436
164	438
	442

² See Section 7.54.

¹ This section relates in particular to the electro-mechanical transmitting device commonly known as a "chopper", employed mainly in connection with arc transmitters and electron-tube transmitters of early design.

(a) To Coastal Telegraph Stations—Con.

448 ⁴	11,175
452 ⁴	11,190
454 ⁴	11,205
460 ⁴	11,220
462 ⁴	11,235
466	11,250
472	11,265
474	11,280
476	11,295
478	11,310
482	11,325
484	12,420 Calling
500 ⁵ Calling only (except on Great Lakes)	12,495
	12,510
	12,525
3120	12,550
4140 Calling	12,555
4185	12,570
4780	12,585
4785	12,630
4790	12,645
5520 Calling	12,660
5540	12,675
5545	12,720
5550	12,735
5555	12,750
5560	13,050
5565	13,065
6210 ⁵ Calling	13,080
6250	13,170
6260	16,560 Calling
6270	16,740
6280	16,760
6290	16,780
6300	16,790
6310	16,800
6320	16,840
6330	16,860
6340	16,880
6350	16,900
6360	16,920
6370	16,980
6380	17,000
6390	21,650
6400	21,675
6410	21,700
8280 Calling	21,725
8370	21,750
8380	21,775
8390	21,800
8420	21,825
8430	21,850
8440	21,875
8450	21,900
8480	21,950
8490	21,975
8500	22,080 Calling
8520	22,275
8570	22,300
8580	22,325
8640	22,350
8670	22,400
8680	22,425
8690	22,450
11,040 Calling	22,475
11,115	22,500
11,130	22,550
11,145	22,600
11,160	22,650

(b) To Coastal Telephone Stations

4177.5	4752.5
4272.5 ⁷	6460
4280	6470
4282.5	6480
4287.5	8540 ⁸

³ See Section 7.51.

⁴ The frequency 455 kilocycles has been recognized as the standard intermediate frequency for superheterodyne receiving equipment and requests for new assignments on the frequencies indicated will be considered in relation to the possibility of general interference to receiving equipment so designed and operated.

⁵ Not available for use on the Great Lakes or on inland waters.

⁶ Available for coastal telephone stations upon the condition that interference will not be caused to inter-continental aeronautical services.

⁷ Available only for assignments that will not cause interference to the service of Canadian stations.

(b) To Coastal Telephone Stations—Con.

8550 ⁸	12,825
8560 ⁸	12,840
8630	17,080
8660	17,090
11,370	17,100
11,385	17,120
11,400	22,675
12,810	22,700

(c) To Coastal Harbor Stations

2506	30,540
2514	31,260
2522	31,660
2530	35,340
2538	35,660
2550	37,260
2558	37,580
2566	37,940
2572	39,220
2582	39,580
2590	132,540
2598	137,160
2738 ⁸	

*†

§ 7.59 *Frequency measurements.* The licensee of each coastal station shall provide for measurement of each operating frequency of the station and shall establish procedure for regular measurement of these frequencies. These measurements shall be made by means independent of the frequency control of the coastal station transmitter and shall be of an accuracy sufficient to detect deviations from the assigned frequency within one-half the authorized tolerance.*†

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

TOLERANCE TABLE

	Tolerances	
	Column I	Column II
From 100 to 30,000 kc	Percent 0.1	Percent 0.1
From 100 to 515 kc.....	0.04	0.02
From 1500 to 30,000 kc.....		
Above 30,000 kc		
From 30,000 to 40,000 kc.....		0.02
From 100,000 to 200,000 kc.....		0.04

*†

INSTALLATION

§ 7.71 *Change from transmission to reception.* All coastal stations shall be so arranged that change from transmiss-

⁸ Available for assignment to coastal harbor stations upon the condition that excessive interference will not be caused to the service of maritime mobile stations.

sion to reception and vice versa can be made from the normal operating position as rapidly as possible and in all cases within not more than ten seconds.*†

§ 7.72 *Percentage of modulation.* Coastal telephone and coastal harbor stations licensed for public coastal service shall be regularly operated at a maximum percentage of modulation of at least 75 per cent, unless otherwise specified by the Commission.*†

§ 7.73 *Clock required.* Prior to January 1, 1940, a reliable clock with a second hand shall be installed at the radio operating control point of each coastal telegraph station licensed for public coastal service on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. Prior to July 1, 1940, in each coastal station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.*†

§ 7.74 *Accuracy of clock.* On each day the coastal station is operated, the time indicated by the clock, specified by Section 7.73, shall be compared with standard time and if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time; provided, however, that this requirement shall not preclude adjustment of this clock to Greenwich Mean Time pursuant to the International Radio Regulations, in force.*†

LOGS

§ 7.81 *Radio log for frequencies below 515 kilocycles.* The licensee of each coastal station authorized to operate on frequencies within the band 100 to 515 kilocycles shall maintain an accurate radio log as follows:

(a) Each sheet of the log shall be numbered in sequence, and shall include official call letters of the coastal station and the name of the operator on watch.

(b) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(c) During the period a watch is maintained by an operator, all calls transmitted to or from the coastal station and all replies transmitted or received, shall be entered, stating the time and frequencies, and the call letters⁹ of the station communicated with or heard. In addition a notation of any messages exchanged shall be entered, stating the

time, the frequency in kilocycles and the call letters of the station(s) heard, or communicated with. In so far as possible, a positive entry with respect to reception on 500 kilocycles (410 kilocycles on the Great Lakes) shall be made at least once in each fifteen minutes. The entries required by paragraph (e) hereof shall be acceptable as positive entries provided operating conditions are such as to prevent additional entries being made.

(d) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich Mean Time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).¹⁰ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(e) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles (410 kilocycles on the Great Lakes) during this period. If no signals are heard on 500 kilocycles (410 kilocycles on the Great Lakes), an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(f) All distress calls, automatic alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(g) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the sources of the interference, if known.

(h) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(i) Any failure of equipment to operate as required, any failure of power

supply, and any incidents tending to unduly delay communication shall be entered.*†

§ 7.82 *Radio log for frequencies above 1500 kilocycles.* The licensee of each coastal station authorized to operate on frequencies above 1500 kilocycles shall maintain an accurate radio log as follows:

(a) Each sheet of the log shall be numbered in sequence and shall include official call letters of the coastal station and the name of the operator on watch.

(b) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(c) During the period a watch is maintained by an operator, all calls transmitted to or from the coastal station and all replies transmitted or received, shall be entered, stating the time and frequencies, and the call letters¹¹ of the station communicated with or heard. In addition, a notation of any messages exchanged shall be entered, stating the time, the frequency in kilocycles and the call letters¹¹ of the station(s) heard or communicated with.

(d) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich Mean Time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).¹² The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(e) All distress calls, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(f) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(g) Any failure of equipment to operate as required, any failure of power supply, and any incidents tending to unduly delay communication shall be entered.*†

MARINE RELAY SERVICE

§ 7.91 *Marine relay service.* The term "marine relay service" means a radiotelegraph service carried on between marine relay stations communicating with one another for the relay of maritime mobile communications or for the interchange of messages or operating signals pertaining to maritime mobile communications only.*†

§ 7.92 *Marine relay station.* The term "marine relay station" means a coastal telegraph station licensed to communicate with other coastal telegraph stations within the same geographical area.*†

§ 7.93 *Licenses and use of frequencies.* A license for marine relay service will be granted only to the licensee of a public coastal telegraph station and only to the following:

(a) A coastal telegraph station licensee, for the transmission of radio operating signals utilizing the coastal calling or individual working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired.

(b) A Great Lakes coastal telegraph station licensee, for the relay of messages either destined to or originating at mobile stations on the Great Lakes, *Provided, however,* That such messages shall be relayed only upon the coastal working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired and provided further that the frequencies are available for both fixed and mobile services under the provisions of the International Radiotelegraph Convention.

(c) Any other coastal telegraph station licensee, for the relay via another marine relay station of messages destined to a mobile station: *Provided, however,* That such messages shall be relayed only upon the coastal working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired and provided further that this service is not to be used for the normal routing of traffic, but only when, for any reason, the initial coastal station has been unable to communicate directly with such mobile station.*†

§ 7.94 *Points of communication.* Marine relay stations are permitted to communicate only with stations of their own class located in the same geographical area: *Provided, however,* That they may also communicate with foreign coastal stations within their geographical areas if no interference with international service results from such com-

* If desired, the names of the stations or ships also may be entered.

¹⁰ For example, 7:01 P. M., Eastern Standard Time would be entered as 0001 GMT; 7:30 A. M., Eastern Standard Time would be entered as 1230 GMT; 6:45 P. M., Eastern Standard Time would be entered as 2345 GMT.

¹¹ If desired, the names of the stations or ships also may be entered.

¹² For example, 7:01 P. M., Eastern Standard Time would be entered as 0001 GMT; 7:30 A. M., Eastern Standard Time would be entered as 1230 GMT; 6:45 P. M., Eastern Standard Time would be entered as 2345 GMT.

munication. The areas to be designated in licenses, unless otherwise specified, will be as follows:

- (a) Atlantic-Gulf area.
- (b) Great Lakes area.
- (c) Pacific area.*†

§ 7.95 *Logs.* Each licensee shall maintain adequate records of the operation of each station, including (a) hours of operation, (b) frequencies used, (c) points of communication, and (d) estimate of the total volume of traffic transmitted for the periods of time covered. This information shall be made available upon request by authorized government representatives.*†

§ 7.96 *Additional regulations.* The operation of marine relay stations shall be governed in the following matters by the associated provisions of the following designated rules governing the operation of coastal stations:

- (a) Section 7.21—Priority of Communications.
- (b) Section 7.31—Interference from A-2 Emission.
- (c) Section 7.32—Operating Power.
- (d) Section 7.41—Coastal Station License.
- (e) Section 7.42—Posting of Station License.
- (f) Section 7.43—Posting of Operator License.
- (g) Section 7.59—Frequency Measurement.
- (h) Section 7.60—Frequency Tolerance.*†

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-2727; Filed, July 24, 1939; 1:40 p. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

RULES REPEALED

The Commission, on July 12, 1939, repealed the following rules, effective October 1, 1939:

Rule No.:	C. F. R. Sec. No.
263-269, inclusive	70.01-70.07, inclusive.
270-272, inclusive	70.10-70.12, inclusive.
273-274, inclusive	70.20-70.21, inclusive.
275	70.13.
276-277, inclusive	71.01-71.02, inclusive.
278-280, inclusive	71.10-71.12, inclusive.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-2728; Filed, July 24, 1939; 1:40 p. m.]

PART 1—RULES OF PRACTICE AND PROCEDURE

CORRECTION

Attention is directed to the following errors in Sections 1.102 and 1.195, printed in the Wednesday, July 19, 1939, issue of

the FEDERAL REGISTER on pages 3344 and 3345:

Sec. 1.102, line 8: The word "and" should be changed to "or", immediately following the word "subscribed".

Sec. 1.195, line 13: The word "asking" should be changed to "making", immediately following the word "person".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-2726; Filed, July 24, 1939; 1:57 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

CORRECTION

Attention is directed to the following error in footnote 5 on page 3380 of the Thursday, July 20, 1939, issue of the FEDERAL REGISTER:

Footnote 5, line 2: "130 kc" should read "130 mc".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-2729; Filed, July 24, 1939; 1:57 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Order No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. Haden Alldredge, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

And it appearing, That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation had are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of March 12, 1936, and March 15, 1938,¹ be and they are hereby amended as follows, effective October 25, 1939:

¹ 1 F.R. 46; 3 F.R. 764 DI.

PART I—FREIGHT

Superseding and amending Note to 3d subparagraph, paragraph 484, order March 15, 1938, as follows (*packing poisonous liquids, class B*):

NOTE: Shipments of sodium arsenite in specification 5E metal drums, capacity not exceeding 55 gallons, are authorized.

PART IV—SHIPPING CONTAINER SPECIFICATION

Amending paragraph 7, specification 5J, order March 12, 1936 as follows:

(Add) NOTE: Removable-head containers which will pass all required tests are authorized for transportation of inflammable inks.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after October 25, 1939, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 20th day of July 1939.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 39-2741; Filed, July 25, 1939; 11:19 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

CALIFORNIA

JULY 24, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and on the basis of the recommendation of the California State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Sacramento, Stanislaus, and Butte.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

[F. R. Doc. 39-2733; Filed, July 25, 1939; 10:16 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

UTAH

JULY 24, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Utah State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940; (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Millard and Sanpete.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

[F. R. Doc. 39-2734; Filed, July 25, 1939; 10:16 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 154]

IN THE MATTER OF THE PETITION OF TRANSCONTINENTAL & WESTERN AIR, INC., UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, FOR THE DETERMINATION OF FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT ON ROUTES 2, 36, 37, AND 38

NOTICE OF HEARING

The above entitled proceeding is assigned for public hearing on August 28, 1939, 10 o'clock a. m. (Eastern Standard Time), at the offices of the Civil Aeronautics Authority in Washington, D. C., before the Authority.

Dated Washington, D. C., July 24, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2742; Filed, July 25, 1939; 12:13 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5548]

IN THE MATTER OF TENNESSEE UTILITIES CORPORATION

NOTICE OF APPLICATION

JULY 24, 1939.

Notice is hereby given that on July 22, 1939, an application was filed with the Federal Power Commission by Tennessee Utilities Corporation, a corporation organized under the laws of the State of Tennessee and having its principal place of business at 241 Market Street, Chattanooga, Tennessee, seeking

such order supplementary to the Federal Power Commission's Order Authorizing and Approving Sale of Facilities, adopted June 29, 1939, upon said Corporation's application filed May 8, 1939, as amended, as the Commission may find necessary to authorize and approve the sale of the facilities, as described in said order, under the contract of May 12, 1939, therein referred to, as extended and modified by a contract dated as of July 19, 1939, between substantially the same parties; said contract of July 19, 1939, extending the said contract of May 12, 1939, from June 30, 1939, to August 15, 1939, and making certain other modifications in said contract on account of the fact that the Congress did not enact legislation in the form necessary to enable certain terms of the contract to be carried out and providing that the purchase prices to be paid by the Tennessee Valley Authority, and the cities of Nashville and Chattanooga, Tennessee, shall not be reduced by their proportionate shares of the amount of \$3,333, daily after April 30, 1939, as provided in subsection B of section V of the contract of May 12; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before 12:00 o'clock noon on the 27th day of July 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-2732; Filed, July 25, 1939; 9:21 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 22nd day of July 1939.

[File No. 1-1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which

all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 2:00 P. M. on Wednesday, August 16, 1939 at the office of the Securities & Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Howard N. Lary, 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.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2737; Filed, July 25, 1939; 11:02 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 22d day of July, A. D. 1939.

[File No. 52-7, 52-8]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER ADOPTING REPORT ON PLAN

Mountain States Power Company, a subsidiary of Standard Gas and Electric Company (a registered holding company), a Preferred Stockholders Committee, and a Bondholders Committee having filed applications and amendments thereto pursuant to Section 11 (g) of the Act¹ and Rule U-12E-4 for a report on a plan of reorganization of the company; and

Public hearings having been held on said applications and the amendments thereto, after appropriate notices;² and

The Commission having prepared its report on said plan of reorganization pursuant to Section 11 (g) of the Act and Rule U-12E-4, said report being in the form of a copy thereof attached to this order;

It is ordered, That said report be and the same hereby is approved and adopted as the report made by the Commission herein, and as the form of a copy of said report to be used by the company in making solicitations of consents in respect of said reorganization plan.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2738; Filed, July 25, 1939; 11:02 a. m.]

¹ Public Utility Holding Company Act of 1935.

² 4 F.R. 1722 DL.

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 24th day of July 1939.

[File No. 1-1515]

IN THE MATTER OF COTY, INC. (ORGANIZED UNDER THE LAWS OF DELAWARE DECEMBER 22, 1922), COMMON CAPITAL STOCK, \$1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Capital Stock, \$1 Par Value, of Coty, Inc. (Organized under Laws of Delaware December 22, 1922); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Friday, August 18, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, 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 in-

quiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2739; Filed, July 25, 1939; 11:02 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 25 day of July, A. D. 1939.

[File No. 32-165]

IN THE MATTER OF EDISON SAULT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 10, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 5, 1939.

The matter concerned herewith is in regard to an application by Edison Sault Electric Company, a subsidiary of American States Utilities Corporation, a registered holding company, pursuant to Section 6 (b) of the Act, requesting an exemption from Section 6 (a) thereof, or in the alternative a declaration pursuant to Section 7 of the Act, in regard to the proposed issue and sale by the applicant of (1) its First Mortgage Sinking Fund Bonds, Series B, 4½%, due October 1, 1961, in the principal amount of \$60,000, and (2) 2,400 shares of its Common Capital Stock without par value (stated value of \$25 per share). The applicant states that it also proposes to increase the stated value of 20,000 shares of its Common Capital Stock now outstanding from \$22 a share to \$25 a share by a charge of \$60,000 to earned surplus, thus making uniform at \$25 per share the stated value of the 32,000 shares of such stock now outstanding. The applicant also states that the Bonds and Common Capital Stock will be sold privately, the Bonds to Wilmington Savings Fund Society for cash at par, plus accrued interest, and the Common Capital Stock to its parent for \$60,000 cash, the stated value of the shares; the net proceeds to be used for the purpose of reimbursing applicant's treasury for expenditures incurred for capital improvements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2740; Filed, July 25, 1939; 11:02 a. m.]