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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 175]

APPROVAL OF ACTS OF RECEIVERS OF JOINT STOCK LAND BANKS; AUTHORIZATION FOR JOINT STOCK LAND BANKS TO HOLD TITLE TO REAL ESTATE FOR A LONGER PERIOD THAN FIVE YEARS

JUNE 7, 1940.

Section 3.7¹ of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 3.7 *Approval of acts of receivers of joint stock land banks.* Authorization is given, severally and not jointly, to the Land Bank Commissioner and W. E. Rhea, Deputy Land Bank Commissioner, to approve, on such terms as either one of them shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381, 12 U.S.C. 961-967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29.

Authorization is given, severally and not jointly, to any other deputy land bank commissioner, M. E. Menk, Assistant Deputy Land Bank Commissioner, the Chief, Appraisal Subdivision, and the Assistant to Chief, Joint Stock Land Bank Section, to approve, on such terms as any one of them shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381, 12 U.S.C. 961-967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29, in the event Deputy Land Bank Commissioner W. E. Rhea is absent or unable, for any reason, to exercise the authority vested in him. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940) [FCA Order No. 287, June 7, 1940]

¹ 4 F.R. 4675.

Section 3.10² of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 3.10 *Authorization for joint stock land banks to hold title to real estate for a longer period than five years.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, M. E. Menk, Assistant Deputy Land Bank Commissioner, James B. Davis, Assistant Deputy Land Bank Commissioner, and the Assistant to Chief, Joint Stock Land Bank Section, to authorize, on such terms as any one of them shall direct, the joint stock land banks to hold title and possession of real estate for a period longer than five years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 "Fourth" (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric. Jan. 6, 1940) [FCA Order No. 287, June 7, 1940]

[SEAL]

A. G. BLACK,
Governor.

[F. R. Doc. 40-2283; Filed, June 7, 1940; 11:32 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3868]

IN THE MATTER OF SOUTHERN VITRIFIED PIPE ASSOCIATION, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* (1) Fixing or establishing, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals,

² 4 F.R. 4676.

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officers thereof, etc., by concerted action, agreement or understanding between any two or more of them, prices, terms and conditions of sale at which they will sell vitrified clay sewer pipe products to the purchasing public; or (2) entering into, etc., and as above set forth, through respondent association, etc., or otherwise, discussions and exchanges of information concerning proposed or future prices, terms and conditions of sale at which they will sell vitrified clay sewer pipe products to the purchasing public; or (3) promising, as above set forth, to adhere to filed prices, terms and conditions of sale for their said products, pending filing of changes therein with their said association; or (4) pursuant to any promise, etc., adhering to filed prices, etc., of sale in the making of quotations or sales of their said products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* (1) Making quotations and sales, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action,

agreement or understanding between any two or more of them, of their said products upon a delivered basis only, with freight equalized from their respective shipping points, so that the cost of their said products to any given buyer, when delivered from any point, will be identical at any given destination, regardless of variations in freight from different places of production and shipment; or (2) fixing, in said connection and as above set forth, arbitrary weights to be used in the calculation of freight charges and freight equalizations so that delivered prices and discounts are made uniform; or (3) refusing to quote and sell to Government purchasing agencies on an f. o. b. mill basis; or (4) exchanging among themselves, in advance of the submission and opening of sealed bids on Federal, State and municipal projects requiring vitrified clay sewer pipe, the prices which they propose to quote in such bids; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

§ 3.27 (c10) *Combining or conspiring—To enforce or bring about resale price maintenance:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.63 (c) *Maintaining resale prices—Combination.* (1) Fixing and establishing differentials in price, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action, agreement or understanding between any two or more of them, to be charged on sales to dealers as compared with sales to building contractors; or (2) agreeing, in said connection and as above set forth, with their respective dealer customers as to the prices to be quoted by such dealers on the resale of vitrified clay sewer pipe; or (3) determining what concerns shall be recognized as dealers and entitled to purchase at dealers' prices, terms and discounts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Restricting the quantity, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action, agreement or understanding between any two

or more of them, of vitrified clay sewer pipe to be produced by the respondent manufacturers or any of them, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Collaborating, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action, agreement or understanding between any two or more of them, with trade associations composed of manufacturers of vitrified clay sewer pipe located in other sections of the United States, but who sell vitrified clay sewer pipe in the territory served by said respondent manufacturers east of the Mississippi River and south of the Ohio and Potomac Rivers, for the purpose and with the effect of restricting and restraining competition as to prices, terms and conditions of sale of said products in said territory, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

§ 3.24 (a) (1.7) *Coercing and intimidating—Competitors—By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Obtaining adherence, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action, agreement or understanding between any two or more of them, to prices, terms and conditions of sale of their said products filed by said manufacturers with the respondent association or any other central agency, by exchanging information at meetings held under the auspices of said association, or otherwise, as to prices, terms and conditions of sale at which said products have been sold by respondent manufacturers; by making and investigating complaints of alleged deviations in prices, terms and conditions of sale by said manufacturers; by the examination of books and records of the suspected offenders and by threats of legal action against such offenders; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association et al., Docket 3868, May 31, 1940]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Employing, among various other acts and things set forth, and in connection with offer, etc., in interstate commerce or in District of Columbia, of vitrified clay sewer pipe, and on the part of respondent nine manufacturers, their officers, etc., and whether directly or through their respondent association or through certain individuals, officers thereof, etc., by concerted action, agreement or understanding between any two or more of them, "The Byrne Organization", of which respondents D. M. Strickland and John M. Byrne [officers of respondent association] are part owners, or any other person, partnership or corporation, to act as an agency for putting into effect or carrying out, directly or indirectly, any of the policies, rules, practices or methods of competition forbidden by order in question, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Southern Vitrified Pipe Association, et al., Docket 3868, May 31, 1940]

IN THE MATTER OF SOUTHERN VITRIFIED PIPE ASSOCIATION, ITS OFFICERS, BOARD OF DIRECTORS AND MEMBERS; CLIFF B. BEASLEY, PRESIDENT; W. CLEMENT BOREN, JR., VICE-PRESIDENT; D. M. STRICKLAND, SECRETARY-MANAGER, AND JOHN M. BYRNE, TREASURER; BOTH SEPARATELY AND AS REPRESENTATIVES OF THE FOLLOWING MEMBERS OF SAID ASSOCIATION; W. S. DICKEY CLAY MANUFACTURING COMPANY, LEE CLAY PRODUCTS COMPANY, POMONA TERRA COTTA COMPANY, PINE HALL BRICK AND PIPE COMPANY, THE COLUMBIA CLAY COMPANY, GEORGIA VITRIFIED BRICK AND CLAY COMPANY, OONEE CLAY PRODUCTS COMPANY, CANNELTON SEWER PIPE COMPANY, OWENSBORO SEWER PIPE COMPANY, P. BANNON PIPE COMPANY, BOTH SEPARATELY AND AS REPRESENTATIVES OF THE OTHER MEMBERS

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and the answers of respondents, in which answers all of the respondents except P. Bannon Pipe Company admit all the material allegations of fact set forth in said amended complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents, except P. Bannon Pipe Company, have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, W. S. Dickey Clay Manufacturing Company, Lee Clay Products Company, Pomona Terra Cotta Company, Pine Hall Brick and Pipe Company, The

Columbia Clay Company, Georgia Vitrified Brick and Clay Company, Oonee Clay Products Company, Cannelton Sewer Pipe Company, Owensboro Sewer Pipe Company, and their officers, representatives, agents and employees, directly or through respondent Southern Vitrified Pipe Association, or through respondents Cliff B. Beasley, W. Clement Boren, Jr., D. M. Strickland, or John M. Byrne, or through any corporate or other device, do forthwith cease and desist, in connection with the offering for sale or sale and distribution of vitrified clay sewer pipe in interstate commerce or in the District of Columbia, from doing and performing by concerted action, agreement or understanding between any two or more of them, the following acts and things:

(a) Fixing or establishing prices, terms and conditions of sale at which they will sell vitrified clay sewer pipe products to the purchasing public;

(b) Entering into, participating in or carrying on, through the respondent Association or under its auspices or through any other central agency, meetings, or otherwise, discussions and exchanges of information concerning proposed or future prices, terms and conditions of sale at which they will sell vitrified clay sewer pipe products to the purchasing public;

(c) Promising to adhere to filed prices, terms and conditions of sale for their said products pending the filing of changes therein with respondent Southern Vitrified Pipe Association;

(d) Pursuant to any promise of assurance, adhering to filed prices, terms and conditions of sale in the making of quotations or sales of their said products;

(e) Making quotations and sales of their said products upon a delivered basis only, with freight equalized from their respective shipping points, so that the cost of their said products to any given buyer, when delivered from any point, will be identical at any given destination, regardless of variations in freight from different places of production and shipment;

(f) Fixing arbitrary weights to be used in the calculation of freight charges and freight equalizations so that delivered prices and discounts are made uniform;

(g) Refusing to quote and sell to Government purchasing agencies on an f. o. b. mill basis;

(h) Exchanging among themselves, in advance of the submission and opening of sealed bids on Federal, State and municipal projects requiring vitrified clay sewer pipe, the prices which they propose to quote in such bids;

(i) Fixing and establishing differentials in price to be charged on sales to dealers as compared with sales to building contractors;

(j) Agreeing with their respective dealer customers as to the prices to be quoted by such dealers on the resale of vitrified clay sewer pipe;

(k) Determining what concerns shall be recognized as dealers' prices, terms and discounts;

(l) Restricting the quantity of vitrified clay sewer pipe to be produced by the respondent manufacturers or any of them;

(m) Collaborating with trade associations composed of manufacturers of vitrified clay sewer pipe located in other sections of the United States, but who sell vitrified clay sewer pipe in the territory served by said respondent manufacturers east of the Mississippi River and south of the Ohio and Potomac Rivers, for the purpose and with the effect of restricting and restraining competition as to prices, terms and conditions of sale of said products in said territory;

(n) Obtaining adherence to prices, terms and conditions of sale of their said products filed by said manufacturers with the respondent Association or any other central agency, by exchanging information at meetings held under the auspices of said Association, or otherwise, as to prices, terms and conditions of sale at which said products have been sold by respondent manufacturers; by making and investigating complaints of alleged deviations in prices, terms and conditions of sale by said manufacturers; by the examination of books and records of the suspected offenders and by threats of legal action against such offenders;

(o) Employing "The Byrne Organization," of which respondents D. M. Strickland and John M. Byrne are part owners, or any other person, partnership or corporation, to act as any agency for putting into effect or carrying out, directly or indirectly, any of the policies, rules, practices or methods of competition prohibited by this order.

It is further ordered, That the amended complaint herein be, and the same hereby is, dismissed as to P. Bannon Pipe Company.

It is further ordered, That all of the respondents, except P. Bannon Pipe Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2282; Filed, June 7, 1940; 11:08 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES
GENERAL RULING No. 5 UNDER SECTION 5(B) OF THE ACT OF OCTOBER 6, 1917 (40 STAT. 411), AS AMENDED, EXECUTIVE ORDER No. 8389 OF APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, AND UNDER ALL OTHER AUTHORITY OF LAW

JUNE 6, 1940.

The sending, mailing, importing or otherwise bringing into the United States,

on and after June 7, 1940, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States is prohibited, except on condition that such securities and evidences thereof be immediately delivered for examination to a Federal Reserve bank as fiscal agent of the United States. Such Federal Reserve bank, as fiscal agent of the United States, shall hold such securities and all evidences thereof until the Treasury Department is satisfied as to whether or not any of the countries named in Executive Order No. 8389, as amended, or any national thereof has at any time on or since the date specified in such Order, as amended, had any interest of any nature whatsoever, direct or indirect, in such securities or evidences thereof. Proof as to whether or not any of such countries or any national thereof has had any such interest may be submitted to the Federal Reserve bank holding such securities or evidences thereof.

Customs officers and postal employees are instructed to deliver any such securities or evidences thereof to a Federal Reserve bank. Any articles arriving from any foreign country on or after June 7, 1940, which in the opinion of customs officers or postal employees contain such securities or evidences thereof, shall be subjected to customs inspection in accordance with the Customs Regulations of 1937.¹ If any article opened by an addressee or his agent in the presence or under the supervision of a customs officer or postal employee is found to contain such securities or evidences thereof, such securities or evidences thereof shall be surrendered forthwith to such customs officer or postal employee for delivery to a Federal Reserve bank, as above provided.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved, June 6, 1940.

FRANKLIN D. ROOSEVELT

[F. R. Doc. 40-2274; Filed, June 7, 1940; 9:51 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

The Commission on June 4, 1940, effective June 18, 1940, amended Appendix B in part to read as follows:

Frequency (kc)	Allocation
116050	Special Services and Experimental.
116100	Police.
116250	Experimental.
116350	Coastal and Ship Harbor.
116450	Special Services and Experimental.
116550	Police.

¹ 2 F.R. 1444.

Frequency (kc)	Allocation
116650	Special Emergency.
116750	Relay Press.
116850	Special Services and Experimental.
116950	Police.
117050	Experimental.
117150	Relay Press.
117250	Special Services and Experimental.
117350	Police.
117450	Forestry.
117550	Marine Fire.
117650	Special Services and Experimental.
117750	Police.
117850	Special Emergency.
117950	Relay Press.
118050	Special Services and Experimental.
118150	Police.
118250	Experimental.
118350	Coastal and Ship Harbor.
118450	Special Services and Experimental.
118550	Police.
118650	Experimental.
118750	Relay Press.
118850	Special Services and Experimental.
118950	Forestry.
119000	to
129000	Government.
129060	Guard Band.
132000	to
140000	Government.
140100	Aviation.
144000	to
156000	Government.
156075	Broadcast.
156225	Fixed.
156375	Fixed.
156525	Special Services and Experimental.
156675	Broadcast.
156825	Broadcast.
156975	Experimental.
157125	Fixed.
157275	Fixed.
157425	Special Services and Experimental.
157575	Broadcast.
157725	Experimental.
157875	Fixed.
158025	Fixed.
158175	Special Services and Experimental.
158325	Broadcast.
158475	Broadcast.
158625	Police.
158775	Fixed.
158925	Fixed.
159075	Special Services and Experimental.
159225	Broadcast.
159375	Broadcast.
159525	Fixed.
159675	Fixed.
159825	Special Emergency.
159975	Broadcast.
160125	Fixed.
160275	Fixed.
160425	Special Services and Experimental.
160575	Fixed.
160725	Fixed.
160875	Forestry.
161025	Broadcast.
161175	Broadcast.
161325	Special Services and Experimental.
161475	Fixed.
161625	Fixed.
161775	Experimental.
161925	Broadcast.

^a All frequencies allocated between 129000 and 132000 kc. and between 140000 and 144000 kc. are also available for assignment to stations in the experimental service in accordance with the rules and regulations governing that service; however, all such instruments of authorization will be limited to experimentation in the specific service for which the frequencies are allocated herein.

^b Frequencies allocated between 116000 and 119000 kc. are available for assignment to stations in the services shown, on an experimental basis only, and assignments made

prior to January 1, 1941, will be on a basis of non-interference to existing broadcast stations on frequencies between 116000 and 118000 kc., and to existing Government stations on frequencies between 118000 kc. and 119000 kc.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2284; Filed, June 7, 1940; 11:48 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on June 4, 1940, effective June 18, 1940, took the following actions:

Amended § 4.23 (a) by substituting for the frequencies shown in Groups H and I, the following:

Group H Kilocycles	Group I Kilocycles
156075	156750
157575	158400
159975	159300
161925	161100

Amended § 4.94 (a) by deleting all frequencies shown in Group C.

Amended § 4.154 (a) by deleting all frequencies between 132000 and 140000 kilocycles and adding the following frequencies: 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325 and 161775. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2285; Filed June 7, 1940; 11:48 a. m.]

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

The Commission on June 4, 1940, effective June 18, 1940, took the following actions:

Amended § 5.21 (a) by deleting all frequencies between 132000 and 140000 kilocycles and adding the following frequencies: 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325 and 161775.

Amended § 5.21 (b) to read as follows:

"In addition, class 2 stations may operate on 129000-132000 kilocycles and 140000-144000 kilocycles."

^c Appendix B of Part 2, General Rules and Regulations provides that all frequencies between 129000-132000 kilocycles and between 140000-144000 kilocycles are also available for

assignment on an experimental basis to stations engaged in the development of a specific service in accordance with the rules and regulations governing that service.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2286; Filed, June 7, 1940;
11:48 a. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on June 4, 1940, effective June 18, 1940, amended § 7.58 (c) by deleting frequencies 132540 and 137160 kilocycles and adding 116350¹⁴ and 118350¹⁴ kilocycles.

¹⁴ Available for assignment to coastal harbor stations on an experimental basis only.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2287; Filed, June 7, 1940;
11:48 a. m.]

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on June 4, 1940, effective June 18, 1940, amended § 8.81 (c) by deleting frequencies 132540 and 137160 kilocycles and adding 116350¹⁷ 118350¹⁷ kilocycles.

¹⁷ Available for assignment on an experimental basis only.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2288; Filed, June 7, 1940;
11:48 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

NOTICE OF INFORMAL HEARING UNDER THE MEAT INSPECTION ACT

On June 18, 1940, beginning at 10 a. m., in room 3106, South Building, Department of Agriculture, Mr. Claude R. Wickard, Under Secretary of Agriculture, will conduct an informal hearing upon a proposal to issue, under the fifth paragraph of the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1262, 21 U.S.C. 75), regulations defining the meat food products which may be sold or offered for sale in interstate or foreign commerce under the names

"lard" and "rendered pork fat", respectively. The proposed definitions are as follows:

Lard. The fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearin or hardened lard. The tissues do not include bones, skin, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like and are reasonably free from muscle tissue and blood.

Rendered pork fat. The fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that bones from the head and those from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hardened lard and/or rendered pork fat stearin and/or hardened rendered pork fat. If desired, it may be labeled "edible rendered hog fat" or "pork fat shortening" or "shortening—a rendered hog fat" or "shortening—composed of pork fat" and the like.

All interested persons, including hog producers, consumers of meat food products, and processors of meat food products, or their respective representatives, may attend the hearing and give relevant and material evidence with respect to the proposed definitions quoted above. Interested persons who are unable to attend the hearing, but who desire to submit relevant and material evidence, may do so by forwarding written statements to Mr. Claude R. Wickard, Under Secretary of Agriculture, Department of Agriculture, Washington, D. C. Such written statements, in order to be considered, must be received by Mr. Wickard on or before June 18, 1940.

Done at Washington, D. C., this 6th day of June 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2275; Filed, June 7, 1940;
10:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 72]

COMMUNICATIONS WITH FOREIGN RADIO OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the fourth day of June 1940:

Pursuant to authority contained in Section 303 of the Communications Act of 1934 and in accordance with Article 8, Section 1, General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1934),

It is ordered, That amateur radio operators and amateur radio stations licensed by the Federal Communications Commission shall not exchange communications with operators or radio stations of any foreign government or located in any foreign country: *Provided, however,* That this Order is not intended to prohibit the exchange of communications between licensed amateur operators and licensed amateur stations in the continental United States and licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States, or between licensed amateur operators and licensed amateur stations in the Continental United States and United States citizens authorized to operate amateur stations in the Philippine Islands or the Canal Zone, or between licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States.

It is further ordered, That all Rules and Regulations of the Commission inconsistent with this Order, be and the same are hereby, suspended, pending the further Order of the Commission.

This Order shall become effective immediately.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2289; Filed, June 7, 1940;
11:49 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4006]

IN THE MATTER OF INDESTRO MANUFACTURING CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of June, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 10, 1940, at nine o'clock in the forenoon of that day (Central Standard Time) in Room No. 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will

then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2280; Filed, June 7, 1940;
11:08 a. m.]

[Docket No. 4022]

IN THE MATTER OF THE HOWELL COMPANY,
A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 12, 1940, at nine o'clock in the forenoon of that day (Central Standard Time) in Room No. 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2281; Filed, June 7, 1940;
11:08 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 1-2055]

IN THE MATTER OF FONDA, JOHNSTOWN &
GLOVERSVILLE RAILROAD COMPANY—
4½% FIRST CONSOLIDATED GENERAL RE-
FUNDING MORTGAGE DUE 1952

ORDER SETTING HEARING ON APPLICATION TO
STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of June, A. D. 1940.

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 4½% First Consolidated General Refunding

Mortgage due 1952 of Fonda, Johnstown & Gloversville Railroad 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 10 A. M. on Tuesday, July 9, 1940, at the office of the Securities & 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 inquiry, and to perform all other duties in connection therewith authorized by law. By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2276; Filed, June 7, 1940;
11:04 a. m.]

[File No. 70-75]

IN THE MATTER OF THE CENTRAL KANSAS
POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Security and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

An application pursuant to 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 under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 20, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., 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 Robert P. Reeder 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.

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 June 15, 1940.

The matter concerned herewith is in regard to the issue and sale by The Central Kansas Power Company, a subsidiary of United Utilities, Inc., a registered holding company, of \$900,000 principal amount of its First Mortgage 4½% Twenty-five Year Bonds, Series A, due July 1, 1956, at the face amount thereof to the following insurance companies in the following amounts:

Bankers Life Company, Des Moines, Iowa	\$250,000
Equitable Life Insurance Company, Des Moines, Iowa	200,000
Great-West Life Assurance Company, Winnipeg, Manitoba, Canada	100,000
Indianapolis Life Insurance Company, Indianapolis, Indiana	60,000
The John Hancock Mutual Life Insurance Company, Boston, Massachusetts	200,000
Modern Woodmen of America, Rock Island, Illinois	90,000

The proceeds from the sale of such First Mortgage 4½% Twenty-five Year Bonds will be used:

(a) To redeem and retire \$780,000 principal amount of First Mortgage 6% Gold Bonds of The Central Kansas Power Company at the face amount thereof;

(b) To pay and retire an outstanding 3½% Note of The Central Kansas Power Company in the face amount of \$28,000 to City National Bank and Trust Company of Kansas City, Missouri, which is due June 15, 1940;

(c) To reimburse the treasury of The Central Kansas Power Company in the amount of \$69,500 for expenditures heretofore made for additions, betterments and improvements;

(d) To pay fees and expenses in the amount of \$22,500, including \$9,000 to Lawrence Stern and Company, Chicago, Illinois, as commission for the sale of such Bonds.

The applicant has stated that Sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-1 of the Rules and Regulations promulgated under the Act are applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2279; Filed, June 7, 1940;
11:04 a. m.]

[File No. 70-76]

IN THE MATTER OF CENTRAL U. S. UTILITIES
COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 7th day of June, A. D. 1940.

An application pursuant to Section 10 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 in such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 17, 1940, 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.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hear-

ings 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 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 June 13, 1940.

The matter concerned herewith is in regard to the proposed acquisition by

Central U. S. Utilities Company of all of the rights, title and interest in and to all of the property, both real and personal, and all other assets, wherever located, of whatever nature now owned, or hereafter acquired, by Hopkinsville Water Company in consideration of the return for cancellation of all of its presently outstanding common capital stock consisting of 1,500 shares, having a par value of \$100 per share. The application states that the open account indebtedness of the Hopkinsville Water Company will, upon completion of the proposed liquidation, be cancelled by operation of law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2278; Filed, June 7, 1940;
11:04 a. m.]

