THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 2 NUMBER 61

Washington, Wednesday, March 31, 1937

PRESIDENT OF THE UNITED STATES.

ENLARGING THE DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA AND NEVADA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public lands contiguous to the Death Valley National Monument, established by the Proclamation of February 11, 1933 (47 Stat. 2554), have situated thereon various objects of historic and scientific interest, and are necessary for the proper care, management and protection of unusual features of scientific interest within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Death Valley National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C. title 16 sec. 431), do proclaim that, subject to the provisions of the Act of Congress approved June 13, 1933 (48 Stat. 139), and to all valid existing rights, the following described lands in California and Nevada be, and the same are hereby added to and made a part of the Death Valley National Monument:

MOUNT DIABLO MERIDIAN—CALIFORNIA

T. 18 S., R. 44 E., that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 44 E., that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 45 E., that part southwest of former west boundary of Monument.
T. 20 S., R. 45 E., that part west of former west boundary of Monument.

SAN BERNARDINO MERIDIAN—CALIFORNIA

T. 25 N., R. 3 E., those parts of secs. 5, 8, 16 and 17 lying southwest of a line parallel to and 500 ft. northeasterly from the center line of Dante's View highway.
T. 18 N., R. 4 E., secs. 1 to 12, inclusive; N½ sec. 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17; N½ sec. 18 (partly unsurveyed).
Tps. 19, 20 and 21 N., R. 4 E. (partly unsurveyed).
T. 22 N., R. 4 E., secs. 31 to 36, inclusive (partly unsurveyed).
T. 18 N., R. 5 E., secs. 1 to 12, inclusive; N½ sec 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17, N½ sec. 18 (partly unsurveyed).
T. 19 N., R. 5 E. (partly unsurveyed).
T. 20 N., R. 5 E., secs. 25 to 36, inclusive (unsurveyed).
T. 18 N., R. 6 E., W½ sec. 5; secs 6 and 7; W½ sec 8; NW¼ sec. 17, N½ sec. 18 (partly unsurveyed).
T. 19 N., R. 6 E., W½ sec. 5; secs. 6 and 7; W½ sec. 8; W½ sec. 17; secs. 18 and 19; W½ sec. 20; W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).
T. 20 N., R. 6 E., W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).

MOUNT DIABLO MERIDIAN—NEVADA

T. 11 S., R. 42 E. (unsurveyed).
Tps. 11 and 12 S., R. 43 E. (unsurveyed).
Tps. 11, 12 and 13 S., R. 44 E. (unsurveyed).
Tps. 11, 12, 13 and 14 S., R. 45 E. (partly unsurveyed), containing approximately 305,920 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C. title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended, and Executive Order of December 1, 1913, creating Public Water Reserve No. 13.

IN WITNESS WHEREOF, I have hereunto set by hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of March, in the year of our Lord nineteen hundred and [SEAL] thirty-seven and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

The President,
CORDELL HULL
Secretary of State.

[No. 2228]

[F. R. Doc. 37-909; Filed, March 30, 1937; 12:21 p. m.]

EXECUTIVE ORDER

AUTHORIZING CERTAIN EMPLOYEES OF THE NATIONAL LABOR RELATIONS BOARD TO ACQUIRE A COMPETITIVE CLASSIFIED CIVIL SERVICE STATUS

By virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes (5 U. S. C., sec. 631), it is hereby ordered that the employees, exclusive of the attorneys, examiners, regional directors, and an executive secretary, who were transferred, pursuant to the provisions of section 4 (b) of the National Labor Relations Act, approved July 5, 1935 (49 Stat. 449), from the National Labor Relations Board created by Executive Order No. 6763 of June 29, 1934, to the National Labor Relations Board created by the said Act, and who, by virtue of such transfer, now occupy positions in the National Labor Relations Board which are subject to the Civil Service Act and Rules, may acquire a competitive civil service status upon compliance with the

FEDERAL REGISTER

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

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

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1 per month or $10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

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

TABLE OF CONTENTS

provisions of section 6 of Civil Service Rule II, as amended by Executive Order No. 7408 of July 6, 1936.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 27, 1937.

[No. 7587]

[F. R. Doc. 37-900; Filed, March 29, 1937; 3:49 p. m.]

EXECUTIVE ORDER

RESTORING TO THE TERRITORY OF HAWAII A PORTION OF THE FORT SHAFTER MILITARY RESERVATION

By virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered that the following-described parcel of land, situate at Kahauiki, Oahu, Territory of Hawaii, be, and it is hereby, restored to its previous status for the use of the Territory of Hawaii in connection with the extension of Middle Street by the diversion of Kahauiki Stream, and to provide for road to Mokumoa Island:

Beginning at the west corner of the tract, on the seashore of Mokumoa Island, the coordinates of which, referred to Government Survey Triangulation Station "Salt Lake", are 9,435.9 feet south and 5,615.8 feet east (which corner is identical with the south corner of the tract described in Executive Order No. 5521, dated December 26, 1930); from this corner the azimuth (measured clockwise from true south) and distance to Pipe "Cyril", at the end of course 68 of Land Court Application 1074, is 312°17', 107.78 feet;

Thence from said initial point by true azimuths and distances as follows:

241°30', 15.0 feet, to a point;
206°47', 18.88 feet, to a point;
348°50', 57.55 feet, to a point on the seashore of Mokumoa Island;

Thence along the seashore of Mokumoa Island, which is the boundary between the lands of Kahauiki and Moanalua, the direct azimuth and distance being 134° 40', 46.17 feet to the point of beginning.

The direction of the lines refer to the true meridian, and all azimuths were measured clockwise from true south. The tract as described contains an area of 806 square feet and is shown on drawing C. F. S. No. 7316–7320 entitled: "Proposed Canal (50 feet wide) for Diversion of Kahauiki Stream in connection with Middle Street Extension Project (King Street to Dillingham Boulevard) Kahauiki and Moanalua, Honolulu, Oahu, T. H." (scale 1 inch equals 40 feet), dated November 13, 1934, on file in the office of the Survey Department, Territory of Hawai.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 27, 1937.

[No. 7588]

[F. R. Doc. 37-899; Filed, March 29, 1937; 3:49 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4914 OF JUNE 23, 1928, WITHDRAWING PUBLIC LANDS

Wyoming

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 4914 of June 23, 1928, withdrawing, together with other lands, the public lands in the following-described townships in Wyoming, pending a resurvey, is hereby revoked as to said townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 24 N., Rs. 99 and 100 W.
T. 23 N., R. 100 W., secs. 1 to 14, inclusive.

This order shall become effective upon the date of the official filing of the plats of the resurvey of said townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 27, 1937.

[No. 7589]

[F. R. Doc. 37-898; Filed, March 29, 1937; 3:49 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6119 OF MAY 2, 1933, WITHDRAWING PUBLIC LANDS

California

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6119 of May 2, 1933, withdrawing, together with other lands, the public lands in the following-described township in California, pending resurvey, is hereby revoked as to said township:

SAN BERNARDINO MERIDIAN

T. 22 N., R. 9 E., secs. 1, 2, and 12.

This order shall become effective upon the date of the official filing of the plat of the resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 29, 1937.

[No. 7590]

[F. R. Doc. 37-908; Filed, March 30, 1937; 10:29 a. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 250

CALIFORNIA NO. 19

MARCH 18, 1937.

It appearing that the following-described public land in California is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights:

MT. DIABLO MERIDIAN

T. 45 N., R. 1 E.,
sec. 8, S½SE¼,
sec. 9, SW¼SW¼, 120 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-906; Filed, March 30, 1937; 9:39 a. m.]

Office of Indian Affairs.

SAN CARLOS PROJECT, ARIZONA

ORDER FIXING MAINTENANCE AND OPERATION CHARGES CALENDAR YEAR 1937

MARCH 23, 1937.

In compliance with the provisions of the Act of June 7, 1924 (43 Stat., 475–476) and acts supplementary thereto and the repayment contract of June 8, 1931, between the United States and the San Carlos Irrigation and Drainage District made pursuant to said act, the maintenance and operation charges assessable against the 50,000 acres of privately owned lands of the San Carlos project within the boundary of said San Carlos Irrigation and Drainage District for the calendar year 1937, based upon a total project area of 100,000 acres under constructed works, are hereby fixed as follows:

1. A fixed or basic charge of $1.80 per acre which shall entitle each acre in the District to have delivered for use thereon two acre feet of water per acre or its proportionate share of the available water supply. This fixed or basic charge shall be paid whether or not the land is in cultivation and whether or not the landowner uses any water.

2. Fifty cents per acre foot or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar per acre foot or fraction thereof for water delivered in excess of three (3) acre feet per acre, except such free water as may be delivered in accordance with the provisions of the repayment contract whenever such free water is available.

Conditions—The fixed or basic charge of $1.80 per acre shall be paid for each assessable acre within the San Carlos Irrigation and Drainage District on or before March 1, 1937.

Payments for excess water as herein provided for shall be made at the time of request for delivery thereof.

Payments made on account of the 50,000 acres of lands within the San Carlos Irrigation and Drainage District shall be paid to the Project Engineer of the Indian Irrigation Service, or other proper officer, by the San Carlos Irrigation and Drainage District.

The United States will make available for expenditure on account of the maintenance and operation of this project the $1.80 per acre fixed or basic charge for the 50,000 acres of Indian land in the project, and also the charge for excess water.

The per acre charges herein fixed are based upon the assessment of the entire area of 100,000 acres within the project under constructed works and the following estimated cost of maintaining and operating the works of the project exclusive of the maintenance and operation of the Project Power System which cost is payable from collections from the sale of power.

Estimated Operation and Maintenance expenditures for the Calendar Year 1937, exclusive of Power System, Inventory Adjustments and Administrative Expense of District Office	$198,000
Anticipated Collections for Excess Water	18,000
Balance	$180,000
Appropriations requested for the Indian part	90,000
Payment required for District part	90,000

Per acre cost for 100,000 acres, $1.80.

The San Carlos Irrigation and Drainage District upon request of its Board of Directors may continue for the period of this order to operate the canals serving lands in private and public ownership within its boundary, and in the event said District elects to continue such operation a credit of 70 cents per acre shall be allowed from the said basic charge for the area of district lands so operated and the basic charge to be paid to the Government by the District will accordingly be reduced to $1.10 per acre.

It should be understood that the provisions of this order requiring funds to be made available by the United States are dependent upon appropriations being made by Congress therefor; that the charges based upon the conditions defined shall apply to the calendar year 1937 only, and that nothing herein shall be construed as establishing a precedent for future years.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 37-905; Filed, March 30, 1937; 9:39 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO A PROPOSED ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment

Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and an approved order with respect to the handling of milk in the Fall River, Massachusetts, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929, gave, on the 5th day of February, 1937, notice of a hearing,[1] which was held on the 11th day of February, 1937, at North Westport, Massachusetts, on a proposed amendment to the tentatively approved marketing agreement and approved order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed amendment; and

Whereas, after such hearing and after the tentative approval by the Secretary, on the 16th day of March, 1937, of an amendment to the tentatively approved marketing agreement, handlers of more than 50 per centum of the volume of milk covered by such order, as amended, which is produced or marketed within the Fall River, Massachusetts, Marketing Area refused or failed to sign such marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement, as amended, tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929; and

2. That the issuance of the amendment to the order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to the order is approved or favored by over 79 per centum of the producers who, during the month of January 1937, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of March, 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: March 25, 1937.

[F. R. Doc. 37–903; Filed, March 29, 1937; 4:35 p. m.]

AMENDMENT TO ORDER NO. 5, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the "act", the Secretary of Agriculture, hereinafter called the "Secretary", on April 3, 1936, tentatively approved a Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area;[1] and

Whereas, on April 15, 1936, the Secretary issued order No. 5,[2] regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, said order being effective 12:01 a. m., e. s. t., May 1, 1936; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and said approved order, gave, on the 5th day of February 1937, notice of a hearing[3] to be held on the 11th day of February 1937, at North Westport, Massachusetts, on a proposed amendment to said tentatively approved marketing agreement and said approved order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said tentatively approved marketing agreement and said approved order; and

Whereas, after such hearing and after the approval, on the 16th day of March 1937, by the Secretary of an amendment to said tentatively approved marketing agreement, handlers of more than 50 percentum of the volume of milk covered by such order, as amended, which is marketed within the Fall River, Massachusetts, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary, determined on the 24th day of March, 1937, said determination being approved by the President of the United States on the 25th day of March 1937, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over 79 per centum of the producers who, during the month of January 1937, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Fall River, Massachusetts, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order:

1. That the method of calculating the bases of producers as herein set forth is fair and reasonable;

2. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

3. That the issuance of the amendment to the order and all the terms and conditions of the order, as amended, will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that order No. 5, regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, issued by the Secretary on April 15, 1936, be and it is hereby amended as follows:

---

[1] 2 F. R. 290.

[1] 1 F. R. 139.
[2] 1 F. R. 235.
[3] 2 F. R. 290.

Delete sections 4 and 5 of article VII and substitute therefor the following:

SEC. 4. *Bases.*—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner: Multiply the base rating, if any, in effect for such producer pursuant to section 5 of this article by the number of days on which such producer delivered milk during such delivery period.

SEC. 5. *Base-Ratings.*—For the purpose of calculating, pursuant to section 4 of this article, the bases of producers, the Market Administrator shall determine a base rating with respect to deliveries of milk in bulk to handlers from the farm currently (except as otherwise provided) operated by each producer as follows:

1. The rating in effect up to and including January 31, 1937, shall be such producer's average delivery per day during the calendar year 1935 or months thereof for which information is in the files of the Market Administrator;

2. The rating in effect for the months of February and March, 1937, shall be such producer's average delivery per day during that quarter of 1936 which is lowest of the three quarters beginning April 1, July 1, and October 1, 1936, respectively, or, at the option of such producer, 85 percent of his average delivery per day during the months of 1936 for which the information is in the files of the Market Administrator, exclusive of the month which immediately follows a month when such producer has the first tuberculin test of his herd;

3. The rating in effect for each calendar quarter subsequent to March 31, 1937, except as set forth in paragraph 5 of this section, shall be determined for each farm from which deliveries were made on not less than ten consecutive days of the first five delivery periods of the preceding calendar quarter, so that such new rating will be the rating which was in effect, or the average delivery per day for the days on which deliveries were made if less than the rating which was in effect during such five delivery periods, adjusted by a uniform quantity per farm which will bring the total of all such new ratings equal to 110–115 percent of the average daily Class I milk sold by handlers during the last calendar quarter of the preceding calendar year;

4. In the case of any producer who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the Marketing Area, and who operates a farm for which no rating is in effect, the rating in effect until the next succeeding calendar quarter shall be the percentage of his average delivery per day, during the period of time when he receives the Class II price pursuant to paragraph 3 of section 1 of article VIII, computed by dividing the total deliveries, during such period of time, of all producers for whom ratings were in effect not in excess of their bases by the total deliveries of all such producers;

5. In the case of a producer who as a tenant moves his entire herd from one farm to another farm, the rating in effect for him during the remainder of the calendar quarter during which he moves may, at the option of such producer, be the rating for the farm previously operated by such producer instead of the rating, if any, which would otherwise be in effect for the newly occupied farm, in which event the rating for the previously operated farm shall cease to be in effect;

6. In the case of any producer for whom no rating is required to be in effect for any calendar quarter, pursuant to paragraphs 3, 4, or 5, the rating in effect for each delivery period during such calendar quarter shall be the percentage of his average delivery per day computed by dividing, for such delivery period, the total deliveries of all producers, for whom ratings are in effect pursuant to paragraphs 3, 4, and 5, not in excess of their bases by the total deliveries of all such producers.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, approved May 12, 1933, as amended, does hereby execute in duplicate and issue this amendment to the order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, issued on the 15th day of April, 1936, in the city of Washington, District of Columbia, on the 29th day of March 1937, and pursuant to the provisions hereof, declares this amendment to the said order to be effective on and after 12: 01 a. m., e. s. t., April 1, 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37–904; Filed, March 29, 1937; 4:35 p. m.]

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and an approved order, as amended, with respect to the handling of milk in the St. Louis, Missouri, Marketing Area, would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in the said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1919–July 1929, gave, on the 27th day of February 1937, notice of a hearing[1] which was held on the 6th day of March 1937 at St. Louis, Missouri, on a proposed amendment to the tentatively approved marketing agreement, as amended, and the approved order, as amended, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed amendment to the aforementioned marketing agreement and order; and

Whereas, after such hearing and after the tentative approval by the Secretary on March 16, 1937, of an amendment to the tentatively approved marketing agreement, as amended, handlers of more than 50 percentum of the volume of milk covered by the order, as amended, which is produced or marketed within the St. Louis, Missouri, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement, as amended, tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1919–July 1929; and

2. That the issuance of the amendment to the order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to the order, as amended, is approved or favored by over seventy-eight (78) percentum of the producers who, during the month of January 1937, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 24th day of March 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: March 25, 1937.

[F. R. Doc. 37–902; Filed, March 29, 1937; 4:34 p. m.]

AMENDMENT TO ORDER NO. 3 REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the "act," the Secretary of Agriculture, hereinafter

[1] 2 F. R. 507

called the "Secretary," on December 10, 1935, tentatively approved a Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area, and on March 30, 1936, tentatively approved an amendment to said agreement; and

Whereas, on January 30, 1936, the Secretary issued order No. 3, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, said order being effective 12:01 a. m., c. s. t., February 1, 1936, and on April 13, 1936, issued an amendment to said order No. 3,[1] said amendment being effective 12:01 a. m., c. s. t., April 17, 1936; and

Whereas, the Secretary, having reason to believe that further amendment should be made to said tentatively approved marketing agreement, as amended, and said order, as amended, gave, on the 27th day of February 1937, notice of a hearing [2] to be held on the 6th day of March 1937 at St. Louis, Missouri, on a proposed amendment to said agreement and said order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendment to said agreement and said order; and

Whereas, after such hearing and after the approval, on the 16th day of March 1937 by the Secretary of an amendment to said agreement, handlers of more than 50 per centum of the volume of milk covered by said order, as herein amended, which is marketed within the St. Louis, Missouri, Marketing Area, refused or failed to sign said agreement; and

Whereas, the Secretary determined on the 24th day of March 1937, said determination being approved by the President of the United States on the 25th day of March 1937, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923–July 1929, and that the issuance of this amendment to said order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over seventy-eight per centum of the producers who, during the month of January 1937, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the St. Louis, Missouri, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order:

1. That the St. Louis, Missouri, Marketing Area, as herein redefined in terms of presently existing townships to eliminate territory no longer necessary to be included, is the smallest area practicable for the application of the order, as amended;

2. That the prices set forth in the order, as amended, will, over a period of time, tend to give milk marketed in the said marketing area a purchasing power, with respect to articles that producers buy, equivalent to, but not above, the purchasing power of such milk in the base period;

3. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

4. That the issuance of the amendment to the order and all the terms and conditions of the order, as amended, will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923–July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that order No. 3, regulating the handling of milk in the St. Louis, Missouri, Marketing Area, issued by the Secretary on January 30, 1936, be and it is hereby amended as follows:

1. Delete in paragraph 3 of section 1 of article I the words "and Collinsville" and insert the word "and" before Granite City.

2. Delete section 3 of article IV and renumber sections 4 and 5 as sections 3 and 4.

In witness whereof, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, approved May 12, 1933, as amended, does hereby execute in duplicate and issue this amendment to the order regulating the handling of milk in the St. Louis, Missouri, Marketing Area, issued on the 30th day of January 1936, in the city of Washington, District of Columbia, on the 29th day of March 1937, and, pursuant to the provisions hereof, declares this amendment to the said order to be effective on and after 12:01 a. m., c. s. t., April 1, 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37–901; Filed, March 29, 1937; 4:34 p. m.]

[1] 1 F. R. 219.
[2] 2 F. R. 507.

FEDERAL COMMUNICATIONS COMMISSION.

IN THE MATTER OF THE APPROVAL OR DISAPPROVAL OF CERTAIN AUTOMATIC ALARM DEVICES, IDENTIFIED AS MODEL A AND MODEL B

The Telegraph Division, at a special meeting, held on March 10, 1937, adopted the attached Report of the Commission in Docket No. 4409, in the matter of the Approval or Disapproval of certain Automatic Alarm Devices, identified as Model A and Model B.

[Docket No. 4409]

IN THE MATTER OF THE APPROVAL OR DISAPPROVAL OF CERTAIN AUTOMATIC ALARM DEVICES, IDENTIFIED AS MODEL A AND MODEL B

Submitted February 19, 1937. Decided March 10, 1937

Headnotes

Article 29 of the International Convention for Safety of Life at Sea, London, 1929, *held* to require approval of automatic alarm devices where it appears that the conditions set forth in the provisions of the Convention and of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932, have been satisfactorily met.

Having regard for physical limitations fundamental in the conception of an automatic alarm as provided for by treaty, certain automatic alarm devices *held* to comply with the provisions of said Conventions and the Commission's specifications (requirements and type tests) of October 1, 1935 so as to warrant approval of such devices subject to certain conditions.

Appearances

Mackay Radio and Telegraph Company, Federal Telegraph Company, *E. W. Stone, S. D. Browning, H. Pratt, E. G. Ports;* Radiomarine Corporation of America, *Frank W. Wozencraft, H. B. Martin, C. J. Pannill, I. F. Byrnes;* American Radio Telegraphists Association, *Mervyn Rathborne, Mort. Borow;* American-Hawaiian Steamship Company, Inter-Coastal Steamship Freight Association, *M. G. deQuevedo;* American-South African Line, Inc., Argonaut Line, Inc., *F. W. Osburn;* American Steamship Owners Association, *R. J. Baker;* Calmar Steamship Corporation, Ore Steamship Corporation, Ship Owners Association of the Pacific Coast, *George Laing;* C. D. Mallory and Company,

Inc., *H. R. McNulty;* Fairfield Steamship Corporation, Greylock Steamship Corporation, Seas Shipping Company, *Frank B. Lyons, Frank V. Barnes;* Isthmian Steamship Company, *S. A. Medford;* Luckenbach Steamship Company, Inc., *W. G. Winne;* Lykes Brothers-Ripley Steamship Company, Inc., *E. A. Jamison;* Maritime Association of the Boston Chamber of Commerce, Mystic Steamship Company, *F. B. Craven;* Maritime Association of the Port of New York, *Cornelius H. Callahan;* Pacific-American Steamship Association, Waterfront Employers Association of San Francisco, *Ira L. Ewers, M. J. Petersen;* Pennsylvania Shipping Company, *M. A. Mathiasen;* Socony-Vacuum Oil Company, *H. W. Schlichting;* Standard Oil Company of New Jersey, *P. H. Harwood, H. L. Cornell;* The Texas Company, *A. S. Angus;* Tidewater Associated Oil Company, *R. K. Kelly, E. K. Jett, Carl F. Arnold, W. N. Krebs,* and *T. L. Bartlett* on behalf of the Federal Communications Commission.

Report of Commission

By the Commission: Telegraph Division, Commissioners Stewart, Chairman, Case and Prall.

By its Order, dated October 1, 1935, the Telegraph Division approved specifications containing automatic alarm requirements and type tests as complying with the requirements set forth in Article 22, paragraph 21 (4) of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932. Under the provisions of these specifications there were submitted to the Commission for approval certain automatic alarm devices. Thereafter, on January 26, 1937, the Telegraph Division, having under consideration the requests of several organizations to be heard on the question of the approval of these devices, directed that an informal public hearing be held in this matter. Appropriate notice of the time and place of the hearing and of the issues was published and copies of the notice were sent to all parties known to be interested. Pursuant to said notice and informal hearing was held before the Telegraph Division on February 19, 1937.

The International Convention for Safety of Life at Sea, London, 1929, which was ratified by the United States, effective November 7, 1936, provides (Article 29) that each ship required to be fitted with a radiotelegraph installation shall carry a qualified radio operator. Certain ships are further required under Article 29 of the Convention to maintain continuous watches by means of qualified operators, "if not fitted with an automatic alarm." It follows under this language that such a ship, if fitted with an automatic alarm meeting the provisions of the Convention, is exempt from the requirement of maintaining a continuous watch by qualified operators.

Article 29, paragraph 4, of the Safety Convention provides that by an automatic alarm is meant an automatic alarm receiver which complies with the requirements of Article 19, Section 21, of the General Radio Regulations annexed to the International Radiotelegraph Convention, Washington, 1927. The provisions of this article have been substantially carried forward into Article 22, Section 21, of the General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932. Subparagraph 4 of Section 21 of this article discloses the technical requirements to be met and subparagraph 5 contemplates approval by the Administration concerned and a finding, that it is satisfied by practical tests that the apparatus complies with the regulations, is made a condition precedent to such approval. The duty of making that finding is imposed upon this Commission.

Since the Safety Convention confers the privilege of exemption provided certain conditions are met, and since one of those conditions is determination by this Commission of whether or not these auto alarms meet the requirements of the Convention, the parties are entitled to the determination of that question. That question being determined in the affirmative, the right to the exemption is absolute. The questions of policy involved in the substitution of auto alarms for qualified operators is not before the Commission. That question was settled by the ratification of the Safety Convention making it the supreme law of the land. The provisions of the treaty which delegate the power of approval or disapproval, also, in so far as this Commission is concerned, specify the limitations upon the exercise of that power. Consequently, the only question before this Commission is whether the auto alarms now before it meet the requirements of the Conventions.

The Safety of Life at Sea Convention became effective January 1, 1933, for ships of countries which had ratified the Convention at that time. Inquiries by the Federal Radio Commission were made of several manufacturing companies and it appeared that the Radiomarine Corporation of America and the Mackay Radio and Telegraph Company had automatic alarm devices under development which were designed in an effort to meet the requirements of the General Radio Regulations of Madrid.

The Radio Commission's studies of alarm systems continued until the creation of the Federal Communications Commission, and this Commission, in 1934 and 1935, proceeded with the formulation of the appropriate specifications. In February, 1935, the Commission released a proposed outline of type tests for this equipment. On May 23, 1935, a meeting was held with representatives of various communication and shipping agencies and representatives of other departments of the Government, to consider these proposed specifications. The organizations represented at that meeting and also participating in the hearing on this matter on February 19, 1937, were: American Radio Telegraphists Association; American Steamship Owners Association; Mackay Radio and Telegraph Company; Federal Telegraph Company; Radiomarine Corporation of America. Other interested organizations were also present.

The representatives of these organizations and others held a further meeting on June 20, 1935, at which time agreement was reached as to the principles which were included in the final draft of the specifications. Thereafter, on October 1, 1935, the Telegraph Division, by order, adopted its specifications, entitled "Auto Alarm Requirements and Type Tests", corresponding in substance to the draft prepared by this group. The provisions of Article 22, Sections 21 (1) and 21 (4) of the General Radio Regulations of Madrid were made a part of these specifications.

The specifications provide, in addition to the technical performance to be required of the apparatus, for laboratory tests, manufacturers' tests, and field tests. The auto alarm models were ready for submission for test soon after ratification of the Safety Convention on the part of the United States. The laboratory tests were conducted by the National Bureau of Standards, with a Commission engineering observer present, between September 28, 1936 and October 30, 1936.

The reports submitted by the Bureau of Standards to the Commission, disclose that these laboratory tests were conducted under the conditions stipulated in the specifications adopted October 1, 1935. The nature of the laboratory tests was that described in detail in the specifications, and the results of the tests were published in three reports of the National Bureau of Standards; namely, "Description and Type Tests of Auto Alarm", "Report on Auto Alarm, Mackay Radio and Telegraph Company", and "Report on Auto Alarm, Radiomarine Corporation of America."

The results of these laboratory tests, together with variations disclosed by the tests, were discussed in a report to the Commission entitled "Report of the Engineering Department on the Results of Marine Auto-Alarm Tests", dated January 22, 1937. This report was furnished all parties prior to the hearing. Both the tests and the reports were also made the subject of detailed testimony at the hearing. Aside from certain comparatively minor matters which were corrected by the manufacturers following the laboratory tests and before the field tests, these variations were also disclosed in the field tests and will be hereinafter considered.

As further required by the specifications, reports of manufacturers' tests covering the two automatic alarm devices, together with supporting data were filed with the Commission. These tests, which were also made a part of the record of the hearing, related primarily to matters other than ac-

tual performance and represented the data required under the terms of the specifications.

Beginning on November 24, 1936, and continuing for a period of thirty consecutive days, field tests, as stipulated by the Commission's specifications, were made of these devices. Certain variations between the letter of the specifications and the actual performance of the devices submitted for test became apparent. The nature of these variations requires a consideration of the conditions under which the tests were made, the location at which the tests were made, and also of the interpretation to be given to the General Radio Regulations of Madrid.

The Commission finds that certain fundamental physical limitations are inherent in any automatic alarm device designed to operate on the type of radio signal prescribed in the Regulations. These inherent limitations were known to exist at the time the Regulations were adopted and must be taken into consideration in the interpretation of the requirements. It will be observed that the specifications, paragraph 1, provide that the "auto alarm shall be capable of positive and reliable operation with an input to the antenna of 500 microvolts and with a noise-to-signal ratio of 2 to 1". The term "noise" as used herein means radio frequency energy of every character including atmospherics other than the alarm signal itself. This provision was based on the requirements of the General Radio Regulation of Madrid, Article 22, Section 21 (4)–1 and –3 which read:

> 1. They (the automatic instruments) must be set into operation by the alarm signal even when numerous stations are working and also when there is atmospheric interference.
>
> 3. They must possess a sensitivity equal to that of a crystal-detector receiver connected to the same antenna.

Such devices, from their very nature, cannot be constructed to give positive and reliable operation when the received noise is of a continuous nature and equal to or above the level of the received alarm signal. If, however, the noise is interrupted for a fraction of a second during the spaces between any consecutive four dashes of the twelve dashes composing the alarm signal, such devices properly constructed, will operate regardless of the ratio between noise and signal. This inherent limitation was unquestionably known when the treaty provisions were framed and when the specifications were drawn, and it is the opinion of the Commission that the treaty and specifications provisions must be considered and construed in the light of this and other similar physical limitations in the nature of such devices. Otherwise the provisions of the Convention are a nullity.

The record shows that the field tests provided for in the specifications were of a rigorous and exacting nature. They were conducted under the supervision of the U. S. Coast Guard with an engineer observer of the Commission present. The field test location was the United States Coast Guard Reservation near the western end of the Sandy Hook peninsula at Fort Hancock, N. J. Ambrose and Scotland Lightships are located not far distant and all vessels bound to and from New York Harbor pass close to the test location. In addition to interference caused by those vessels which were equipped with radiotelegraphy and engaged in communication using frequencies within the distress frequency band, strong interference was produced by coastal telegraph stations along the Atlantic seaboard. Both the intensity and the continuity of the interference, particularly at night, were well in excess of that likely to be encountered under actual working conditions while a vessel is under way in the open sea.

Although these tests were made on shore under favorable atmospheric conditions, and although it is recognized that during some seasons of the year and in some areas the alarm would be subjected to strong atmospherics, the Commission nevertheless finds that reliance may be placed upon the "noise" tests conducted by the Bureau of Standards which were used to simulate such atmospherics. These tests, of course, showed that the alarms would not operate when the noise was of a continuous nature and equal to or above the signal level; however, when the supply of noise was interrupted, as by telegraphic keying or by short regular telegraphic dashes, the automatic alarms operated satisfactorily. As has already been explained, this performance must be considered to meet the requirements of the Convention and the specifications in that respect.

With respect to the requirement that the devices shall not be made inoperative by any signal, groups of signals, or atmospherics, and must be designed to be set into operation by the alarm signal only, the Commission finds that the alarm will give adequate warning when it ceases to be operative by reason of such causes. In no case was the auto alarm actuated by incoming signals unaided by or unrelated to the local "alarm signal" test transmission.

Except in certain particulars which the Commission finds can be remedied without affecting the efficiency of the alarms, the tests disclose without question that the automatic alarm devices submitted are capable of proper operation within the prescribed audio and radio frequency band, with the types of emission specified; that they contain the prescribed testing devices and controls and equipment for regulating sensitivity, and for disconnecting the system from the regular receiving apparatus, and that they are provided with bells capable of giving a satisfactory audible alarm in the event of failure of important units or component parts. As the nature of the adjustments which must be made and the reasons therefor are more or less self-evident, it will be sufficient to say that in the attached order the Commission has made requirements for the necessary modifications.

There has been published a summary of operating data of the two auto alarms which was compiled from the records maintained during the field tests. These data disclose that a total of 1325 alarm signals were transmitted for testing the Model A alarm and 1246 for testing the Model B alarm. Thirty-two series of tests were conducted, of which in obtaining the percentage figure shown in Column R, thirteen were rejected for the reason that it appeared during these tests extraneous conditions not properly chargeable to either alarm affected the operation.

The following recapitulation represents the overall efficiency expressed in percentage for 1115 of the total of 1325 transmissions to the Model A alarm and 1115 of the total of 1246 test transmissions to the Model B alarm, and represents, as has been stated, the results of the nineteen field test series which were made under conditions regarded as fulfilling the requirements for field tests:

Auto-Alarm Field Test Data

[November 24–December 24, 1936]

Frequencies:
487.5, 500.
512.5 kc.
Strength of signals received from antenna:
442, 770, 1,000, 1,200, 15,000 microvolts.
Model A sensitivity control settings:
400, 500, 600, 750, 1,000.
Model B sensitivity control settings:
45, 50, 60.

A	B	F	L	M	Q	R
Identity of alarm under test	Total number of auto-alarm signals transmitted to each alarm during field test for purposes of official computation	Number of alarm signals which rang bell and were sent during interference	Number of alarm signals which failed to ring bell and were sent during interference	Number of alarm signals which failed to ring bell and were sent when no interfereuce was observed	Number of alarm signals which failed to ring bell in *per cent of total* alarm signals transmitted	Number of alarm signals which rang bell in *per cent of total* alarm signals transmitted
Model A Alarm	1,115	222	155	90	22	78.0
Model B Alarm	1,115	228	152	72	20.1	79.9

The Commission also made a recapitulation of the total of 32 test series, including the 13 rejected series, which shows a slight change in the percentage efficiency reflected in Column R. above. The percentage on a basis of 32 test series for the Model A alarm is 75.5% and for the Model B alarm is 78.7%.

Opposition to the approval of these devices was expressed by the American Radio Telegraphists Association. This opposition, so far as material to the issues, was based on three principal grounds; namely, that the automatic devices are not the full equivalent in the matter of efficiency of a human operator; that the approval of such devices, while no operator now employed would be deprived of his position, would preclude additional operators from obtaining employment in the future; and that the alarms, generally speaking, did not afford the positive and reliable operation contemplated in the specifications.

With regard to the first of these objections, the treaty does not require that these automatic instruments should be the equivalent of a human operator. It should be borne in mind here, as it unquestionably was in drafting the treaty, that a human operator would not be able to receive signals during exceptional periods when static and signal interference are of a high level and of a continuous nature, for this has a bearing on any consideration made in the light of the treaty of the capability of the devices to operate under adverse conditions.

Socially important as the future possibility of employment for operators may well be, there is nothing in the Convention or other legislation which has been called to our attention which permits the consideration of that element here. A contention was also introduced by steamship owners relating to the heavy burden which would be thrown upon them in the employment of additional operators if the alarms were not approved. Neither the cost to the steamship companies nor the possibility of employment for additional operators can be considered here because the law governing the Commission's action provides in substance that the automatic instruments shall be permitted if found to comply satisfactorily with the Madrid Regulations.

The third objection on the part of the operators raises the merits of the question before us.

The Regulations do not expressly require perfect performance. Indeed, in the light of knowledge of things fundamental in the radio art, perfect performance could not be expected of any device capable of receiving the international alarm signal which could be conceived either now or at the time the Regulations were adopted.

The Commission must further recognize as a basic engineering principle the fact that no auto alarm can be designed to function properly in accordance with the requirements of the Convention when the necessary spaces between the dashes prescribed for the international alarm signal are entirely obliterated by interference in the form of signal interference or "noise" of sufficient strength. No showing has been made nor has any information been submitted to refute this basic principle. By far the majority of failures of the alarm to respond to field test transmissions were due to this limitation, and consequently these failures cannot be attributed to the design, construction or installation of the alarms. It follows, therefore, that in a determination of the percentage of efficiency with which the alarms function these failures would be excluded under a reasonable interpretation of the requirements and the resulting efficiency of the field tests in that case would have been considerably higher The overall efficiency of the alarms is shown to be 78% for the Model A alarm and 79.9% for the Model B alarm. In view of what has been stated, the percentage of failure may be said to indicate for the most part only the proportion of time in which such continuity of noise occurred at the location and under the conditions selected for the field tests. These alarms, considered from the point of view of world-wide use, would not ordinarily be required to operate in regions of heavy traffic atmospherics, and, therefore, their average performance efficiency would be higher in actual use than the records show for the tests.

Since the alarms cannot be expected to show a performance efficiency of 100% for actual use, it is necessary to arrive at a figure that can be accepted as satisfactory. The Commission is of the opinion that on the basis of technical performance the two alarms submitted for test represent the most efficient and practicable automatic distress alarms which it is possible for American engineering skill to produce at this time in accordance with the Madrid Regulations and the specifications of the Commission. Inasmuch as the decision must be based on the factors hereinabove considered and inasmuch as the Commission finds that the devices meet the standard of good engineering performance under the specifications and Regulations, the Commission finds that the overall efficiency of the alarms is satisfactory.

A collateral element enhancing safety not strictly necessary to be considered here is the fact that an auto alarm device, if approved, would be available as a most valuable supplement to continuous watch aboard ships not required to have either operators or alarms and as a supplement aboard passenger ships in addition to the operators required for continuous watch. It was testified that a number of vessels not required to carry radio apparatus would be voluntarily equipped with automatic alarms if such alarms were made available with government approval. There might not be a sufficient inducement to the manufacturing companies to manufacture alarms for such ships alone if the alarms were not approved. It was testified also that some of the larger passenger vessels would install voluntarily automatic alarms so that while the operator on watch was engaged in handling traffic on other frequencies a means would be provided for a continuous listening watch on the distress frequency.

The record contains a frank statement on the part of both manufacturers that a year's experience with these devices unquestionably will develop important means by which the devices may be improved. No radio-controlled device not subjected to actual use for an extended period can be regarded as perfected to the point of highest attainable efficiency. Consequently it is proper to place such restrictions on approval as will insure improvement.

It further appeared that about four months time will be required to complete the manufacture and installation of these devices aboard ships.

From the facts and circumstances shown by the record in this matter and by the Commission's own investigation, the Commission is of the opinion and so finds that the automatic alarm devices submitted for approval, being Radiomarine Corporation of America "Model AR–8600 Auto Alarm" and "Mackay Radio and Telegraph Company Auto Alarm Type 101–A, manufactured by Federal Telegraph Company" should be approved, subject, however, to the conditions and limitations set forth in the attached Order.

The Order will provide further conditions with respect to reexamination of the alarms during the period ending December 31, 1938. The Commission's Order will be made effective July 10, 1937. Certain safeguards relating to the use of these alarms will be provided by modification of the Ship Radiotelegraph Safety Instructions.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 37–907; Filed, March 30, 1937; 9:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN21

The Securties and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a)

thereof, hereby amends paragraph (a) of Rule AN21 by deleting the words "three hundred and fifteenth" and inserting in lieu thereof the words "four hundred and sixth."

Paragraph (a), as amended, reads as follows:

(a) Evidences of indebtedness (i) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the four hundred and sixth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

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

[F. R. Doc. 37-910; Filed, March 30, 1937; 12:44 p. 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 29th day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-CARTER-MILLER FARM, FILED ON MARCH 17, 1937, BY S. LEROY ESTES, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,[1] be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

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

[F. R. Doc. 37-913; Filed, March 30, 1937; 12:45 p. 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 29th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-DOUGLAS "A" FARM, FILED ON MARCH 18, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,[1] be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

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

[F. R. Doc. 37-912; Filed, March 30, 1937; 12:44 p. m.]

[1] 2 F. R. 695.

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 26th day of March, A. D., 1937.

[File 46-35]

IN THE MATTER OF WASHINGTON GAS AND ELECTRIC COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO SECTION 10 (A) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 UPON REQUEST OF APPLICANT

Washington Gas and Electric Company having filed application for approval of the acquisition of certain securities more particularly described in said application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935; and

Said applicant having asked leave to withdraw said application for the reason that it is of the opinion that Section 9 (a) of the Public Utility Holding Company Act of 1935 does not apply to the acquisition of said securities, by reason of the provisions of Rule 9 C-3;

It is ordered that said application of Washington Gas and Electric Company for approval of the acquisition of certain securities be, and it is hereby considered as having been withdrawn.

By the Commission.

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

[F. R. Doc. 37-911; Filed, March 30, 1937; 12:44 p. 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 29th day of March, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR-PRAIRIE-SKELLY-MARY GRAHAM FARM, FILED ON MARCH 8, 1937, BY R. L. WILLIAMS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,[2] which was last set to be heard at 11:30 o'clock in the forenoon of the 30th day of March, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon of the 14th day of April, 1937, at the same place and before the same trial examiner.

By the Commission.

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

[F. R. Doc. 37-914; Filed, March 30, 1937; 12:45 p. m.]

[1] 2 F. R. 695.
[2] 2 F. R. 630.

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 29th day of April, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE OHIO-DAHL FARM, FILED ON MARCH 22, 1937, BY T. G. WYLIE & CO., INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the date upon which the information disclosed by the offering sheet will expire as stated in Division I, Paragraph 8 is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 28th day of April, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, 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; and

It is further ordered that the taking of testimony in this proceeding commence on the 13th day of April, 1937, at 10:00 A. M. in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

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

[F. R. Doc. 37-915; Filed, March 30, 1937; 12:45 p. m.]