REFERENCE

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VOLUME 14 NUMBER 134

Washington, Thursday, July 14, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10053

REGULATIONS GOVERNING THE TRANSPORTATION OF HOUSEHOLD GOODS OF MEMBERS OF THE AIR FORCE, ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

Correction

In Executive Order 10053, published at page 1941 of the issue for Friday, April 22, 1949, the following change should be made: In the last column on page 1943, the 7th figure, now reading "9,000", should read "9,500".

EXECUTIVE ORDER 10068

REVOKING EXECUTIVE ORDER NO. 2458 OF SEPTEMBER 20, 1916, ESTABLISHING AN INTER-DEPARTMENTAL BOARD ON INTERNATIONAL SERVICE OF ICE OBSERVATION, ICE PATROL, AND OCEAN DERELICT DESTRUCTION

By virtue of the authority vested in me as President of the United States, Executive Order No. 2458 of September 20, 1916, entitled "Inter-Departmental Board on International Service of Ice Observation, Ice Patrol and Ocean Derelict Destruction," is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 13, 1949.

[F. R. Doc. 49-5813; Filed, July 13, 1949; 10:34 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

PART 352—POLICIES

LIMIT ON USE OF WATER FACILITIES FUNDS

Section 352.7 in Title 6, Code of Federal Regulations (13 F. R. 9427) is amended to read a follows:

§ 352.7 *Limit on the use of water facilities funds.* Not more than $100,000 of Federal funds may be expended for the construction, repair, enlargement, and maintenance or financial assistance to any one project.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Applies sec. 7, 54 Stat. 1124; 16 U. S. C. 590z-5; Pub. Law 99, 81st Cong.)

DERIVATION: § 352.7 contained in FHA Instruction 442.2.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JUNE 30, 1949.

Approved: July 8, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5740; Filed, July 13, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 162—REGULATIONS FOR THE ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

AMENDMENT OF INTERPRETATION WITH RESPECT TO LABELING OF INSECTICIDES CONTAINING DDT

Interpretative Statement No. 16 (7 CFR, § 162.114, 13 F. R. 4228-4230), is hereby amended as follows:

1. Paragraph (j) (2) is amended by changing the term "1% of DDT" to "0.5% of DDT" so that the paragraph will read:

§ 162.114 *Interpretation with respect to labeling of insecticides containing DDT.* * * *

(j) *Directions for use against clothes moths and carpet beetles.* * * *

(2) DDT is also known to have mothproofing properties—that is, residues as, for example, 0.5 percent of DDT based on the weight of the fabric, remaining in the fabric, will give lasting effect up to one year. Any directions for such use should provide for a thorough contact with the fibers of the articles to be protected. Since the DDT will be removed by dry cleaning, by washing, or by other agents, instructions should be included to repeat the treatment after dry cleaning, washing, or other exposure.

2. Paragraph (k) is amended to read as follows:

(Continued on p. 3885)

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(k) *Directions for use against insects infesting livestock.* (1) DDT in the form of a wettable powder or emulsion may be used to protect livestock, other than dairy animals, from hornflies, mosquitoes, and nats, as well as to control lice and sheep ticks. It may be used either as a spray, wash, or dip. Directions should provide that the animal be thoroughly soaked with the insecticide. For hornflies, mosquitoes, and gnats, a dilution containing as little as 0.2% DDT may be used. Directions should recommend that treatment be repeated every 2 to 3 weeks during the hornfly season. For lice on cattle, other than dairy animals, the dilution should contain at least 0.5% DDT and directions should provide that the treatment be repeated once or twice at 10-day intervals. For lice on sheep and goats, except dairy goats, a 0.2% dilution may be recommended, with repeated treatments as for cattle lice. A single thorough treatment by dipping, or a driving spray with 0.2% dilution, may be recommended for sheep ticks. Repellent oil-base sprays côntaining up to 0.5% DDT and suitable amounts of repellents or toxicants may be recommended at the rate of 1 oz. of spray per adult horse or cow, except dairy cattle, with not over 2 applications a day, as temporary repellents for hornflies, stable flies, and houseflies.

(2) Treatment of livestock is not an effective control for flies, other than hornflies.

(3) Insecticides containing DDT should not be used on dairy animals, or on forage to be fed dairy animals or animals being finished for slaughter. They should not be used in dairy barns pending the carrying out of adequate tests which show that under the proposed conditions of use, they will not cause contamination of milk.

This amendment to Interpretative Statement No. 16 shall become effective on publication thereof in the FEDERAL REGISTER.

(61 Stat. 163; 7 CFR 162.3, 12 F. R. 6493)

Issued this 11th day of July 1949.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-5759; Filed, July 13, 1949; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Bulletin NSCP-1301, Supp. 2]

PART 706—NAVAL STORES CONSERVATION PROGRAM

CONSERVATION PRACTICES AND RATES OF PAYMENT

Section 706.2 (c) is hereby amended, as follows: Delete the sentences, which read:

(c) *Cupping only trees 11 inches or over d. b. h., 4¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed on round trees for the first working during the 1949 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no working faces on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: * * *

and substitute therefore:

(c) *Cupping only trees 11 inches or over d. b. h., 4¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no working faces on round trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: * * *

(Sec. 4, 49 Stat. 164. Applies or interprets secs. 7-17, 49 Stat. 1148; 52 Stat. 746; 62 Stat. 507, 1,247; 16 U. S. C. 590g to 590q)

Issued at Washington, D. C. this 8th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5738; Filed, July 13, 1949; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 283]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 49-5645, appearing at page 3798 of the issue for Saturday, July 9, 1949, the code designation "§ 966.428" should read "§ 966.429".

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

REVOCATION OF DESIGNATION OF DOUGLAS AIRPORT, DOUGLAS, ARIZONA, AS AN AIRPORT OF ENTRY FOR ALIENS; DESIGNATION OF BISBEE-DOUGLAS AIRPORT, DOUGLAS, ARIZONA, AS AN AIRPORT OF ENTRY FOR ALIENS

JULY 11, 1949.

Section 110.3 *Airports of entry*, Chapter I, Title 8 of the Code of Federal Regulations, is amended by deleting "Douglas, Ariz., Douglas Airport" from the list in paragraph (a) of permanent airports of entry for aliens and by adding "Douglas, Ariz., Bisbee-Douglas Airport" to the same list.

Notice of the proposed revocation of the designation of the Douglas Airport, Douglas, Arizona, as an airport of entry for aliens and the designation of the Bisbee-Douglas Airport, Douglas, Arizona, as an airport of entry for aliens, was published in the FEDERAL REGISTER dated June 18, 1949 (14 F. R. 3314), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003). No representations have been received concerning the proposed amendment.

The revocation of the Douglas Airport and designation of the Bisbee-Douglas Airport is based on a determination that there is not sufficient need for two airports in the area involved and the latter airport is deemed to be the most suitable airport in such area.

The revocation of the designation of the Douglas Airport shall be effective at the close of business on July 14, 1949. The designation of the Bisbee-Douglas Airport shall be effective July 15, 1949. The delayed effective date requirement of section 4 (c) of the Administrative Procedure Act is dispensed with because the aforementioned revocation and designation for customs purposes have been made effective on the dates specified, and for practical administrative reasons the dates of revocation and designation for immigration purposes should be the same as those for customs purposes.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d))

TOM C. CLARK,
Attorney General.

Recommended: July 11, 1949.

WATSON B. MILLER,
Commissioner, Immigration and Naturalization.

[F. R. Doc. 49-5742; Filed, July 13, 1949; 8:49 a. m.]

PART 160—IMPOSITION AND COLLECTION OF FINES

DISPOSITION OF QUADRUPLICATE NOTICE OF INTENTION TO FINE

JULY 6, 1949.

The last sentence of § 160.16 *Notice of intention to fine; procedure*, Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows: "The quadruplicate shall be forwarded to the Commissioner immediately after service of notice."

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the regulation hereby prescribed pertains solely to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER,
Commissioner,
Immigration and Naturalization.

Approved: July 8, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-5743; Filed, July 13, 1949; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 7, Amdt. 4]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.103-1, as follows:

1. Amend the Holtville, California, area (1) by changing the "Description by Geographical Coordinates" column to read:

(1) A circular area with a 1,000 yard radius centered at lat. 32°56'45" N., long. 115°12'30" W.

2. Amend the Fallon, Nevada, area (2) by changing the "Description by Geographical Coordinates" column to read:

(2) Target No. 17: A circular area having a radius of 5 miles centered at lat. 39°15'00" N., long. 118°15'00" W.

3. A Warren Grove, New Jersey, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Warren Grove (Washington Chart).	Beginning at lat. 39°45'28" N, long. 74°18'26" W; SSE to lat. 39° 42'18" N, long. 74°17'18" W; SW to lat. 39°38'07" N, long. 74°25'27" W; NW to lat. 39°42'12" N, long. 74°27'41" W; NE to lat. 39°45'28" N, long. 74°18'26" W, point of beginning.	Surface to 10,000 feet.	Continuous	Department of Navy, Bureau of Ordnance.

4. A Queets, Washington, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Queets (Seattle Chart).	Beginning at lat. 47°29'25" N, long. 124°25'00" W; clockwise along the arc of a circle with a 3 mile radius centered at lat. 47°27'00" N, long. 124°24'15" W to lat. 47°24'25" N, long. 124°24'30" W; northerly paralling the shoreline at a distance of 3 nautical miles to lat. 47°29'25" N, long. 124°25'00" W, point of beginning.	Surface to 20,000 feet.	Continuous.	ComFair Wing 4, ComFair Seattle, Seattle NAS, Wash.

5. Amend the Sheboygan-Port Washington, Wisconsin, area by changing the "Designated Altitudes" column to read: "Surface to 25,000 feet."

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on July 22, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-5729; Filed, July 13, 1949; 8:47 a. m.]

[Supp. 7, Amdt. 5]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.103-1, as follows:

1. Camp Polk, Louisiana, areas are added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Camp Polk (Beaumont Chart).	Area I N boundary: lat. 31°05'00" N. E boundary: long. 93°07'00" W. S boundary: lat. 31°01'00" N. W boundary: long. 93°12'30" W.	Surface to 20,000 feet.	Daylight and darkness, July 17 through Aug. 14, 1949.	Camp Polk, La.
	Area II: Beginning at lat. 31°10'00" N., long. 93°01'00" W; due E to long. 92°58'00" W; SE to lat. 31°03'30" N, long. 92°51'30" W; SW to lat. 31°01'00" N, long. 92°54'00" W; due W to long. 92°57'00" W; NW to lat. 31°07'00" N, long. 93°04'00" W; NE to lat. 31°10'00" N, long. 93°01'00" W, point of beginning.	Surface to 30,000 feet.	do	Do.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on July 17, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-5730; Filed, July 13, 1949; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52265]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

ARTICLES MANUFACTURED IN BOND

Section 19.15 (f), Customs Regulations of 1943, relating to articles manufactured in customs bonded manufacturing warehouses and rewarehoused at an exterior port for the sole purpose of immediate export therefrom, amended.

The last sentence of § 19.15 (f), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.15 (f)), is hereby amended by deleting the last clause of the quotation and inserting in lieu thereof "or, in default thereof, if the obligors shall pay to the collector as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so exported or withdrawn, plus the amount of any internal-revenue tax assessable thereon;".

(Sec. 311, 46 Stat. 691, sec. 404, 49 Stat. 1960; 19 U. S. C. 1311)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 7, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-5757; Filed, July 13, 1949; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9120]

PART 1—PRACTICE AND PROCEDURE

HANDLING OF MOTIONS AND INITIAL AND PROPOSED DECISIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1949;

The Commission having under consideration the revision of § 1.858 of the Commission's rules and regulations by the deletion of paragraphs (c) and (d) and the amendment of paragraph (a) to read as follows:

§ 1.858 *Separation of functions.* (a) No hearing examiner shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission.

It appearing, that the revision provided for herein relates to procedure alone, and thus the requirements of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that public interest, convenience and necessity will be served by the aforesaid amendment of paragraph (a) and the deletion of paragraphs (c) and (d) of § 1.858 of the Commission's rules and regulations, and that authority therefor is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 5 of the Administrative Procedure Act;

It is ordered, That effective immediately § 1.858 of the Commission's rules and regulations is revised by amending paragraph (a) as aforesaid and by deleting paragraphs (c) and (d).

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i) and 303 (r) 50 Stat. 191; 47 U. S. C. 303 (r))

Released: July 7, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5746; Filed, July 13, 1949; 8:51 a. m.]

[Docket No. 7858]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ELECTRIC WELDING DEVICES USING RADIO FREQUENCY ENERGY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1949;

The Commission having before it an informal report of a meeting held May 23, 1949, between representatives of the High Frequency Stabilized Arc Welders Industry and Commission representatives, wherein representatives of the welding industry informally requested suspension of the effective date of Part 18 of the Commission's rules and regulations insofar as it applies to arc welding using radio frequency energy and consideration by the Commission of the advisability of holding hearings in order to ascertain whether it would be in the public interest to amend the mentioned rules insofar as they may affect such welding equipment; and

It appearing, that extensive research has been undertaken designed to bring such welding equipment into conformity with the provisions of Part 18; that such equipment is of strategic importance in welding processes utilized for matériel manufactured and developed for the national defense; and that the testing of the welding potentialities of equipment conforming to the provisions of Part 18 has not been completed, and that an additional period is necessary for the proper testing and evaluation of such equipment; and

It further appearing, that prior to passing upon questions involved in whether it would be in the public interest to amend Part 18 of the Commission's rules and regulations insofar as it applies to electric welding devices using radio frequency energy, a comprehensive testing of the potentialities of type approved arc welding equipment should be undertaken and the information submitted to the Commission; and

It further appearing, that petitions supported by the results of the comprehensive tests of the potentialities of the type approved arc welding equipment, and concerning amendments to Part 18 of the Commission's rules and regulations insofar as it applies to arc welding equipment using radio frequency energy may be entertained by the Commission; and

It further appearing, that Part 18 of the Commission's rules and regulations with respect to arc welding devices using radio frequency energy becomes effective July 30, 1949; that for the reasons set forth above the suspension of Part 18 for a limited period with respect to such devices is warranted; and that because of the imminent effective date of Part 18 for such welding devices, it is impracticable to give notice and invoke the procedure set forth above of the Administrative Procedure Act; and

It further appearing, that authority for the proposed amendment as contained in section 301, 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Part 18 of the Commission's rules and regulations is amended so that the asterisk footnote added to § 18.1 (a) is amended to read as follows:

*The effective date of Part 18, with respect to electric welding devices using radio frequency energy, is January 31, 1950.

(Sec. 303 (r) 50 Stat. 191; 47 U. S. C. 303 (r). Applies 301, 48 Stat. 1081 and 303 (f), 48 Stat. 1082, 47 U. S. C. 301, 303 (f))

Released: July 7, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5744; Filed, July 13, 1949; 8:50 a. m.]

[Docket No. 9304]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

PUBLICATION AND POSTING OF NOTICES

In the matter of amendment of § 63.90 of the Commission's rules and regulations regarding publication and posting of notice of the filing of applications to close, or reduce hours of service at, branch telegraph offices.

At a session of the Federal Communication Commission, held at its offices in

Washington, D. C., on the 6th day of July 1949;

The Commission, having under consideration the matter of the amendment of § 63.90 of the Commission's rules and regulations; and having also under consideration its notice of proposed rule making adopted herein on May 4, 1949, and published in the FEDERAL REGISTER on May 12, 1949 (14 F. R. 2529), in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on June 6, 1949, and that comments upon the proposed amendment were filed with the Commission by the American Communications Association, C. I. O., opposing the elimination of provisions in the rules requiring that notice of applications affecting branch offices be published in a newspaper having general circulation in the community or part of the community affected and requesting that the Commission retain its present requirements and add to such requirements additional provisions under which it would be necessary for an applicant to give individual notice to tie-line and call box customers and to submit to the Commission signed delivery sheets with the list of customers who are served either by tie-line or call box from the branch office affected;

It further appearing, that adequate notice of the filing of applications to close, or reduce the hours of service at, branch offices would be given to the public under the requirements of § 63.90 if amended as proposed in the aforesaid notice of proposed rule making, and that the provision as to certification by the applicant that it has complied with such requirements, as now set forth in § 63.90 (e), is adequate and proper;

It further appearing, that the amendment herein ordered relieves a restriction and may, therefore, be made effective immediately without the advance notice required by section 4 (c) of the Administrative Procedure Act;

It is ordered, That, effective immediately, § 63.90 (b) of the Commission's rules and regulations is amended by changing the last semicolon to a colon and adding the following additional provision: "*Provided, however*, That in the case of an application or informal request pertaining to a branch office, other than a request under § 63.68, the applicant may, in lieu of causing a notice to be published, mail or deliver by messenger a notification containing information similar to the notice form specified in paragraph (a) of this section to each telegraph user served by messenger call box circuit or tie-line terminating at the branch office affected;"

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

Released: July 7, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5745; Filed, July 18, 1949; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Ex Parte No. MC-2]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicle

PART 191—HOURS OF SERVICE OF DRIVERS

MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of June A. D. 1949.

It appearing, that § 191.5 (b) of Title 49, Code of Federal Regulations (Rule 5 (b) of Part 5, MCSR, Rev.) requires motor carriers to file monthly reports of time on duty and time of driving in excess of the hours permitted by § 191.3 (a) and (b) (Rules 3 (a) and (b), MCSR, Rev.); that § 191.6 of Title 49 (Rule 6 (b), MSCR, Rev.) requires motor carriers to file reports of driving time in excess of the daily driving limitation of § 191.3 (b) caused by adverse weather or traffic conditions; and that by an order herein of August 22, 1944 (9 F. R. 12093), the Commission adopted Form BMC-55 (§ 7.55) *Carrier's Monthly Report of Excess Driving Time and of Excess Time on Duty of Drivers;* Form BMC-56 (§ 7.56) *Hours of Service Report;* Form BMC-57 (§ 7.57) *Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty by Drivers*, as required by said § 191.5; and Form BMC-58 (§ 7.58) *Report on Driving Hours*, as required by § 191.6 (Rule 6 (b), MCSR, Rev.), and prescribed the use thereof by motor carriers in complying with the said rules; and

It further appearing, that there is a need for modifying the form of, and the method of filing such reports, thereby necessitating the use of new forms and requiring appropriate revision of said §§ 191.5 (b) and revocation of § 191.6 (b);

And it further appearing, that after consultation with a representative number of carriers the forms hereinafter described have been approved, and that the changes proposed will result in clarification and more simple forms.

It is ordered, That the said order of August 22, 1944, in so far as it applies to the use of said Forms BMC-55, 56, 57, and 58 (§§ 7.55 to 7.58) is vacated as of the effective date of this order, thus canceling §§ 7.55 to 7.58;

And it is further ordered, That Forms BMC-60 (§ 7.60), *Hours of Service Report*, BMC-61 (§ 7.61) *Carrier's Monthly Report of Excess on Duty Time and of Excess Driving Time of Drivers*, and BMC-62 (§ 7.62), *Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty by Drivers*, of which one copy each is attached hereto and made a part hereof,[1] are approved, adopted, and prescribed for appropriate use by motor carriers in filing reports as required by § 191.5 (b) (Rule 5 (b), MCSR, Rev.) and § 191.6 (Rule 6 (b), MCSR, Rev.) as hereinafter amended. Part 7 is hereby amended by the addition of the following:

§ 7.60 *BMC-60*. Form used in certifying correctness of information in Form BMC-61 (§ 7.61).

§ 7.61 *BMC-61*. Form used by carriers for monthly reports of excess on-duty time and of excess driving time of drivers.

§ 7.62 *BMC-62*. Form used by carriers for monthly reports of no excess driving time and no excess time on duty by drivers.

Section 191.5 (Rule 5 (b) of Part 5 of Motor Carrier Safety Regulations, Revised) is hereby amended to read:

§ 191.5 *Driver's log; monthly reports; form prescribed; exceptions.* * * *

(b) Every motor carrier, other than a private carrier of property, shall file on Form BMC-61 (§ 7.61), a monthly report of every instance during the calendar month covered thereby in which a driver in his or its employ has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 191.3 and shall indicate therein the reasons for such excess hours.

Form BMC-60 (§ 7.60) shall be used in certifying to the correctness of information in attached reports on Form BMC-61 (§ 7.61) in transmitting such reports for filing.

Every Class I motor carrier, as defined in the Commission's orders of November 29, 1937, as amended December 15, 1943 (49 CFR 181, 1947 Supp.) and of November 21, 1947 (49 CFR, 1947 Supp., Part 182) prescribing Uniform System of Accounts for such carriers, shall file on Form BMC-62 (§ 7.62) a report for every calendar month in which no driver in his or its employ has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 191.3.

Forms BMC-60 (§ 7.60), BMC-61 (§ 7.61), and BMC-62 (§ 7.62), shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and the original and one copy thereof shall be filed by mailing or otherwise with the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which his or its principal place of business is located not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carrier for a period of three years.

Motor carriers having their principal places of business outside the borders of the United States shall file the reports referred to in the preceding paragraphs (Forms BMC-60, 61, and 62 (§§ 7.60, 7.61, and 7.62) with the District Director of the Bureau of Motor Carriers of the district appearing in the column opposite thereto in the following paragraph not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of

[1] Filed as a part of original document.

each such report shall be retained in the files of the motor carrier for a period of three years:

Carriers with principal places of business in—	District No.	File reports with District Director, Bureau of Motor Carriers, Interstate Commerce Commission at—
Canada:		
Alberta	14	420 Continental Bank Bldg., Salt Lake City 1, Utah.
British Columbia	15	323 Pittock Block, Portland 5, Oreg.
Manitoba	9	107 Federal Office Bldg., Minneapolis 1, Minn.
New Brunswick	1	Room 1220, North Station Office Bldg., 150 Causeway St., Boston 14, Mass.
Nova Scotia	1	Do.
Ontario	8	852 U. S. Customhouse Bldg., 610 South Canal St., Chicago 7, Ill.
Prince Edward Island	1	Room 1220, North Station Office Bldg., 150 Causeway Street, Boston 14, Mass.
Quebec	2	641 Washington St., New York 14, N. Y.
Saskatchewan	9	107 Federal Office Bldg., Minneapolis 1, Minn.
All other Canadian Provinces and British Colonies north of U. S. A.:		
West of 95° west longitude.	15	323 Pittock Block, Portland 5, Oreg.
East of 95° west longitude.	1	Room 1220, North Station Office Bldg., 150 Causeway St., Boston 14, Mass.
Baja California, Mexico.	16	166 Federal Office Bldg., Fulton and Leavenworth Sts., San Francisco 2, Calif.
Sonora, Mexico	16	Do.
All other Mexican States.	12	627 Texas and Pacific Bldg., Fort Worth 2, Tex.

Section 191.6 (b) (Rule 6 (b) of Part 5 of Motor Carrier Safety Regulations, Revised) is hereby revoked.

NOTE: Motor carriers shall provide their own supplies of the forms referred to in §§ 191.5 and 191.6 (Rules 5 (b) and 6 (a) of Part 5 of the Motor Carrier Safety Regulations, Revised). The forms may be reproduced by typing, mimeographing, or printing provided that such reproduction of Forms BMC-60 and BMC-62 (§§ 7.60 and 7.62) shall be on paper approximately 8½ x 11 inches. Form BMC-61 (§ 7.61) may be similarly reproduced provided paper approximately 8½ x 13 inches is used. Forms BMC-60 and BMC-61 (§§ 7.60 and 7.61) shall be reproduced on white paper only. Form BMC-62 (§ 7.62) shall be reproduced on yellow paper only.

(Sec. 204, 49 Stat. 546, 54 Stat. 921, 56 Stat. 176; 49 U. S. C. 304)

And it is further ordered, That this order shall be effective September 1, 1949 and shall continue in effect until the further order of the Commission; and

It is further ordered, That a copy of this order be served upon all the parties of record herein, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-5741; Filed, July 13, 1949; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

NOTICE OF PROPOSED ADDITION OF CERTAIN RHODODENDRONS TO LIST OF PLANTS ENTERABLE INTO THE UNITED STATES ONLY UNDER POSTENTRY QUARANTINE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 1 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. Sup. I 154) is considering amending § 319.37-19 (c) of the regulations supplemental to the quarantine relating to nursery stock, plants, and seeds for importation into the United States (7 CFR 319.37-19 (c)) by revising the list of rhododendrons that may enter this country from Europe, Japan, and Siberia, only under postentry quarantine conditions, to read as follows:

Rhododendron brachycarpum D. Don.
Rhododendron calostrotum I. B. Balf. & F. K. Ward.
Rhododendron cantabile I. B. Balf.
Rhododendron dauricum L.
Rhododendron fastigiatum Franch.
Rhododendron ferrugineum L.
Rhododendron hippophaeoides I. B. Balf. & W. W. Smith.
Rhododendron hirsutum L.
Rhododendron indicum Sweet.
Rhododendron intermedium Tausch.
Rhododendron kaempferi Planch.
Rhododendron keleticum I. B. Balf. & Forrest.
Rhododendron kotschyi Simonk.
Rhododendron kiusianum Makino.
Rhododendron micranthum Turcz.
Rhododendron myrtifolium Lodd.
Rhododendron oldhami Maxim.
Rhododendron parvifolium Adams.
Rhododendron ponticum L. var. baeticum Boiss. & Reut.
Rhododendron pruniflorum Hutchinson & F. K. Ward.
Rhododendron racemosum Franch.
Rhododendron roylei Hook. f.
Rhododendron suave Hort.

The purpose of this proposed change is to add 12 rhododendron species and a rhododendron botanical variety to those now subject to postentry quarantine. Observations in Europe and published references in foreign scientific literature show these to be susceptible to the rust disease Chrysomyxa rhododendri (DC.) De Bary.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 1, 37 Stat. 315, as amended; 7 U. S. C. Sup. I 154)

Done at Washington, D. C., this 8th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5739; Filed, July 13, 1949; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1949-50 SEASON

Consideration is being given to the following proposals which were submitted by the Industry Committee, functioning under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Part 951), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $29,175.00 are likely to be incurred by said committee during the season beginning April 1, 1949, and ending March 31, 1950, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.02 per hundred pounds of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than midnight of the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. Sup. I 601 et seq.; 7 CFR, Part 951)

Issued this 11th day of July 1949.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 49-5737; Filed, July 13, 1949; 8:48 a. m.]

[7 CFR, Part 992]

[Docket No. AO-200]

Handling of Irish Potatoes Grown in the State of Washington

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.; 13 F. R. 8585), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), hereinafter called the "act". Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and the proposed marketing order (hereinafter called the "order") were formulated was held at Yakima, Washington, on April 4-5, 1949, pursuant to notice thereof which was published in the FEDERAL REGISTER (14 F. R. 1131). Such notice contained a draft of a proposed marketing agreement and order and was presented to the Secretary of Agriculture (hereinafter called the "Secretary") by growers and shippers of Irish potatoes grown in the State of Washington, as represented by officials of the Washington State Potato Growers Association, Inc., with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to accomplish the declared objectives of the act;

(3) The identity of the persons and transactions to be regulated;

(4) The definition of the commodity and determination of the smallest regional production area to be affected by the proposed regulatory program;

(5) The specific terms and provisions of the proposed marketing agreement and order necessary and incidental to attain the declared objectives of the act, including, among others, those applicable to:

(a) The establishment of, maintenance, composition, powers, duties, and operation of the administrative agency;

(b) The method for limiting shipments of Irish potatoes grown in the production area;

(c) The establishment of minimum standards of quality and maturity;

(d) The method of determining the existence and extent of the surplus of Irish potatoes grown in the production area and for controlling and disposing of such surplus with the burden thereof equalized among the producers and handlers thereof;

(e) The handling under special regulations, under certain circumstances, and the procedure applicable thereto, of specified shipments of Irish potatoes grown in the production area;

(f) The relaxation of regulations in hardship cases and the procedure applicable thereto; and

(g) The requirement that all handling of Irish potatoes grown in the production area must be in accordance with the provisions of the proposed marketing agreement and order, and that inspection and certification of shipments of such potatoes and the payment of assessments must be accomplished in connection therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(a) It is necessary to define the terms set forth in the notice of hearing so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the marketing agreement and order. The definitions of Secretary, act, person, potatoes, producer, fiscal year, and varieties, as set forth in the notice of hearing, were not in controversy at the hearing. These terms are generally understood by members of the Washington potato industry and the use of such terms in the marketing agreement and order is essential as the basic framework thereof.

(b) A definition of "production area" is incorporated in the marketing agreement and order to specify and delineate the area in which potatoes must be grown before the handling thereof is subject to regulation. Evidence shows that the production, harvesting and marketing conditions and methods are essentially the same throughout the State. Potatoes from each part of the State compete in markets both within and outside the State during each season. Exclusion of any portion of the State from the production area would make the administration of the marketing agreement and order unreasonably difficult and impractical. The State of Washington, therefore, constitutes the smallest regional production area.

(c) A definition of "handler," which is synonymous with shipper, is incorporated in the marketing agreement and order because the burden of regulation falls upon handlers. This term should have a broad and comprehensive meaning and should include all persons (except common or contract carriers) who are responsible in any way, as principals or agents, for shipping potatoes. Such exception should be limited to common and contract carriers because they transport the potatoes for a monetary consideration, and do not have a proprietary interest in the commodity moved.

It is a common practice in marketing potatoes grown in the production area for more than one person to participate in the function of marketing or moving such potatoes in the normal channels of commerce. Therefore, each such person should be included within the definition of handler.

Producers in the production area often operate their own packing sheds where they prepare potatoes of their own production for market. Such producers are handlers by reason of the fact that in operating their own packing sheds to grade such potatoes they thereby place such potatoes in the channels of commerce. After the potatoes are prepared for market, they may be sold through an agent for the account of such producer or sold to an itinerant trucker or a cash buyer. Such agent, itinerant trucker or cash buyer participates in the function of placing potatoes in the channels of commerce and each is, along with the producer who operates as a packer, within the definition of a handler.

Packing house operators who grade and pack potatoes on a custom basis for other persons or who buy such potatoes from other persons and grade and pack them are handlers. In such instances, the packing house operator is responsible for the grade and size of the final sacked product and frequently sells and places such potatoes aboard cars or trucks for shipment to market. These packing house operators also may sell through agents or to truckers or cash truck buyers operating in the area.

A few sales of potatoes are made by producers to truckers at the producer's field and such potatoes move to market without any additional grading or preparation. In such transactions both the producer and the trucker are handlers since there is a joint responsibility in placing such potatoes in the channels of commerce.

Shipments are made of ungraded or partially graded potatoes grown in the production area to produce wholesalers operating in terminal markets in the production area who grade and prepare potatoes for market and sell them. Such wholesalers are handlers under the definition because they take title to the potatoes and are responsible for the grade and size of the potatoes which they market. They are required to comply with the same regulations with respect to the shipping of potatoes in the production area as any other handler under this definition.

(d) A definition of "ship" or "handle" is incorporated in the marketing agreement and order to indicate the particular phases of potato marketing and the specific activities of persons engaged in marketing potatoes which are to be subject to regulation under the marketing agreement and order.

Except as particular types of transactions are excluded by law from regulation under marketing agreements and orders or are hereinafter excluded from the definition of ship or handle, all transactions in potatoes grown in the production area are in interstate or for-

eign commerce, or directly burden, obstruct, or affect such commerce and are subject to the terms and provisions of the marketing agreement and order. (The term "in commerce", as used herein, means all transactions in interstate or foreign commerce or that directly burden, obstruct or affect such commerce.)

The shipping or handling of potatoes in commerce begins with the preparation of such potatoes for market. Operations involved in preparing potatoes for market consist of washing, if washing is accomplished, sizing, grading and packing, all of which are a part of a continuous process. After preparation for market, the potatoes are then moved to a railroad car or truck, loaded on such car or truck, and transported to market. Each and all such transactions are included within the definition of ship or handle because each represents a phase of the marketing of potatoes.

The definition of ship or handle includes the sale of potatoes because the act of selling under certain circumstances places such potatoes in commerce. The sale, however, of ungraded potatoes that are to be subsequently prepared for market should not be so included because such potatoes are not in commerce and the seller thereof is in no way responsible for the way they are later sized and graded for market.

The movement of ungraded potatoes from a producer's field, or any other point, to market for sale in commercial channels in their then existing form is a shipment within the definition of ship or handle. Such potatoes are in commerce in that they do not require or receive further preparation for market and any act in connection therewith, involving sale at the field, or at any other point, is included within the definition of ship.

The movement of potatoes within the production area for the purpose of having such potatoes prepared for market should not come within the definition of ship or handle. The movement of such potatoes within the production area for storage likewise should be excluded from such definition. Such movements are excluded for the reason that the potatoes so moved are not intended for market in their then present form but it is intended that such potatoes are to be graded and sorted prior to marketing. If such intent is realized, such potatoes are not in commerce until the preparation for market is initiated.

Potatoes which are prepared for market and are moved for the purpose of loading should be included within the definition of ship or handle. Potatoes that move within the production area ordinarily are not loaded on cars or trucks until after being run over a grader and packed. Such movement for the purpose of loading is usually from the end of the grader to a loading platform of the packing house and is a phase of the marketing of such potatoes. Since the potatoes so moved are ready for market and transactions in such potatoes place them in the channels of commerce such potatoes should be subject to regulation under the marketing agreement and order. The regulation of the movement of potatoes for this purpose would not place an unreasonable and unnecessary burden upon handlers subject to the order.

The movement, except such movements as are excluded above, of potatoes grown in the production area to markets within Washington directly burdens, obstructs, and affects interstate and foreign commerce in such potatoes. The market for Washington potatoes is national in scope and prices at markets both within the State and outside the State are closely related, and prices in both markets are related, in turn, to f. o. b. shipping point prices in the production area. Every movement of such potatoes, except such movements excluded above, whether to a market within the State or to an out-of-State market, affects the price structure for Washington potatoes and for potatoes grown in competing States.

In many cases, the shipper of potatoes does not necessarily know the ultimate destination of potatoes grown in and shipped from the production area. Diversions are often made of shipments intended for an out-State market to markets within the State. Likewise, a shipment intended for a Washington market may be diverted instead to a market in some other State or in Canada.

Because movements of potatoes, except movements excluded above, to markets within the State and to markets outside the State are inextricably intermingled (and intermingled with potato shipments from other States to Washington) it is impractical to effectively regulate the interstate and foreign commerce therein without regulating all commerce therein.

It is concluded, therefore, that with respect to potatoes all handling thereof, except as excluded above, should be included within the definition of ship and handle.

(e) A definition of "committee" is incorporated in the marketing agreement and order to identify the administrative body which acts as agent of the Secretary. This committee is named the "State of Washington Potato Committee." Such committees are authorized by the act and are necessary and incidental to the operation of the marketing agreement and order.

(f) Definitions of "seed potatoes," "table stock" potatoes, "wholesale pack," and "consumer pack" are incorporated in the marketing agreement and order because regulation is provided, under certain circumstances, differently for each. Special regulation for seed potatoes is justified because such potatoes are produced for a specialized use but, under certain circumstances, such potatoes may be used for table stock purposes. Potatoes legitimately produced for specialized seed purposes should be identified as "seed potatoes" and defined to include such potatoes as are certified, tagged, or otherwise appropriately identified by the official seed certifying agency of the State of Washington or such seed certifying agency as the Secretary may recognize. Table stock potatoes should be defined as all potatoes other than seed potatoes. The sum total of the table stock and seed potatoes so defined will equal "potatoes" otherwise defined in the marketing agreement and order.

Consumer packs of potatoes require different size composition than wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and irregular sizes in consumer packs than in wholesale packs because the former are accepted "sight unseen," while the latter are subject to selection in retail outlets. Due recognition of these factors requires different regulations, under certain circumstances, on the basis of the pack and the consumer pack should be defined to include packs of all sizes up to fifty pounds; wholesale packs should be defined to include all packs of fifty or more pounds.

(g) It is necessary to define "grade" and "size" in the marketing agreement and order so that all individuals affected thereby may determine the requirements thereof and interpret specifically and intelligibly regulations issued pursuant thereto. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalent of the meanings assigned to these terms in the official standards for potatoes issued by the United States Department of Agriculture and the official standards for potatoes issued by the State of Washington Director of Agriculture. Such standards are generally accepted and recognized by the potato industry in Washington. Official inspectors are qualified to certify to the grade and size of Washington potatoes in terms of any one of the standards, or to modifications thereof and variations based thereon which may be incorporated in regulations issued under the marketing agreement and order.

(h) A definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipments than for domestic shipments. Export markets have certain requirements which differ from the domestic market and special regulations for export shipments are, therefore, justified. Export should be defined to include all shipments of potatoes outside of the continental United States.

(i) A definition of "district" is incorporated in the marketing agreement and order to delineate the geographical division of the production area for purposes of electing nominees for membership on the committee. The districts established correspond with those commonly used in Washington for determining membership on potato groups. Production and marketing problems within each of the established districts are similar.

(j) The marketing agreement and order should provide for the selection by the Secretary of Agriculture of an administrative committee, called the State of Washington Potato Committee, composed of 10 producers to represent producers and 5 handlers to represent handlers. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act.

Provision is made for an alternate for each member of the committee, and such alternate is to have the same qualifications as the member. Circumstances arise when it is impossible for a member, or members, to attend particular meetings of the committee and where position vacancies occur because of death, resignation, or for other reasons. In such situations it is desirable for the respective alternates to act in lieu of the member so that there will be no interruption of committee operations and to assure producers and handlers in all districts of the production area representation in the conduct of all committee business. Such alternates shall have the same qualifications as committee members in order that the interests of all producers and handlers will be adequately and continuously considered in the administration of the marketing agreement and order.

A committee of 15 members will be sufficiently small to permit it to operate in an efficient manner and at the same time, on the basis of the division of the production area into districts and representation therefrom, will be of sufficient size to give adequate representation to all producers and handlers in the production area. Handler representation on the committee is desirable to provide the committee with expert advice regarding the marketing of Washington potatoes. Joint representation on the committee of producers and handlers in the manner provided should result in fair and appropriate recommendations and regulations under the marketing agreement and order.

Members and alternates selected to represent producers in each district shall be producers of potatoes, or officers or employees of a corporate producer, in such district and residents thereof. Persons with such qualifications will be intimately acquainted with the particular problems of producing and marketing potatoes in such district and for that reason can be expected to present accurately the views, problems, and economic conditions of producers in such district with respect to committee actions.

One of the producer representatives from District 5, the most important seed producing area of the State, should be a producer of seed potatoes in order that the problems of seed growers will be given due consideration by the committee in administering the marketing agreement and order. The committee needs the counsel of a producer experienced in the seed growing phase of the potato business in Washington in formulating its recommendations to the Secretary for regulation of seed potato shipments or for exempting such shipments from regulation.

Committee members and alternates representing handlers shall be persons who are handlers, or officers or employees of corporate handlers, in the State of Washington and residents therein. Such representatives should be handlers in the State so that they will have the requisite background knowledge and current information on the marketing of Washington potatoes to enable them to advise the committee with respect to regulations that will most effectively carry out the objectives of the marketing agreement and order. Handler representatives should be residents of the State in order that they will be readily available for committee meetings and will have, by reason of such residence, a direct interest in the problems of marketing Washington potatoes.

A nomination procedure is provided for in the marketing agreement and order to assure the Secretary that the names of appropriate prospective members and alternates will be brought to his attention. The nomination of prospective committee members and alternates by producers at producer meetings and by handlers at handler meetings within their respective districts is a practical means of providing the Secretary with names of such members and alternates. Such procedure will insure that the Secretary has available a list of nominees whose qualifications have been reviewed by and acted upon by producers, in the case of producer members and alternates, and by handlers, in the case of handler members and alternates, within the production area.

The Secretary may appropriately select initial committee members and alternates from nominations which may be made by producers and handlers, or groups thereof. The State of Washington Potato Committee, however, does not come into existence until selection by the Secretary of the initial committee; therefore, the marketing agreement and order should make adequate provision to permit the selection of said initial committee in the absence of nominations.

Nomination meetings for the purpose of nominating succeeding members of the committee and their alternates shall be held or caused to be held by the State of Washington Potato Committee prior to April 1 of each year. Such meetings should be held prior to this date in order to allow sufficient time for the Secretary to make the appointments by the beginning of the new fiscal year and in the event a nominee declines to serve for the Secretary to make another appointment.

At least two nominees should be designated for each position as member and each position as alternate member so that the Secretary will have a choice in making his selection.

Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters. Such nominations should be presented to the Secretary at least thirty days prior to the end of each fiscal year so that selection of the members and alternates for the new term of office which begins with the new fiscal year may be made prior to such date.

The marketing agreement and order provides that only producers shall participate in designating nominees for producer members and their alternates and handlers in designating handler members and their alternates. This is necessary to insure that the interests in each group is properly safeguarded and that the nominees truly reflect the choices of each group.

A producer or handler should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives, in designating nominees for committee members and alternates regardless of the number of districts in which he produces or handles potatoes. Voting on any other basis would not provide for equitable representation. If, for example, voting was on the basis of production, in the case of producers, or on volume shipped, in the case of handlers, a few large producers or handlers could dominate the elections and nominate producers or handlers not favored by a majority of producers or of handlers. Likewise, if a producer or handler could vote in each district in which he operates, he would have an advantage in selecting nominees over a producer or handler who operated in only one district. The producer or handler who operates in more than one district should be permitted to elect from among the districts in which he produces or handles potatoes, the district in which he shall vote in order that he may cast his ballot for nominees for committee members and alternates where he believes his main interest lies.

The one-vote limitation applies to any one position to be filled in the respective district in which such producer or handler elects to vote. Each producer or handler is allowed one vote and only one vote for each such position as a committee member and each such position as a committee alternate to be filled at a nomination meeting.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be allowed to select committee members and alternates without regard to nominations should the committee for some reason fail to carry out the nomination procedure prescribed herein. Such selection, however, should be on the basis of the representation provided in the marketing agreement and order.

Any person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of willingness and intention to serve in such capacity. The ten-day period prescribed is reasonable for qualification and will not unduly retard composition of a qualified committee.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operation. The marketing agreement and order provides several alternative procedures which may be followed by the Secretary in making such selections. The administrative flexibility thus prescribed is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means of obtaining the names of qualified persons to fill such vacancy.

Except for initial members, the proposed marketing agreement and order provides that members and alternates shall serve for three-year terms, and until their successors have been selected and have qualified. Three-year terms are provided so that members and alternates will have adequate time to become thoroughly familiar with the administration of the program and thereby

will be in a position to render the most effective service in aiding the Secretary in carrying out the declared policy of the act. Provision for a term longer than three years is not desirable since producers and handlers in the area should have an opportunity to vote for a change in their representation at more frequent intervals. A three-year term appears to be a reasonable compromise to carry out these two objectives.

Provision is made in the marketing agreement and order for staggered terms of office of committee members and alternates. Under this provision, two-thirds of the committee in office at the end of a fiscal year will continue in office through the new fiscal year, and one-third will carry over through the succeeding fiscal year. Proponents of the marketing agreement and order favor such an arrangement in order that the program will be administered in the most effective and efficient manner. By having staggered terms of office the new members and alternates, constituting one-third of the committee membership, selected to serve at the beginning of each fiscal year will benefit from the guidance of the experienced members. This provision for the carry over of experienced members and alternates will help insure continuity in the policies and procedures established by the committee. Such continuity is an essential ingredient in the successful administration of the marketing agreement and order.

To facilitate the establishment of staggered terms of office for committee members and alternates the marketing agreement and order provides that the terms of office of one-third of the initial members and alternates shall be for one year, one-third for two years, and one-third for three years so that one-third of the total committee membership will terminate thereafter at the end of each succeeding fiscal year. Such provision is fair and equitable and will permit the establishment, on a practical basis, of a committee with the members and alternates thereon holding office for staggered terms.

A quorum of the State of Washington Potato Committee should consist of nine members, and nine concurring votes should be necessary for passing any motion or approving any action of the committee. These requirements are reasonable and are necessary to insure that any action of the committee will be representative of more than a bare majority of the producer and handler representatives on the committee. Only members present at an assembled meeting of the committee should be entitled to vote. This requirement will encourage greater attendance at meetings and will therefore promote fuller discussion of committee actions. It will also tend to minimize the exercise of undue influence by members present, which number may be short of a quorum, on decisions of the committee.

Provision is made, however, for meetings of the committee by telephone, telegraph, or other means of communication to meet practical situations where rapid action is necessary. Any votes cast at such meetings should be promptly confirmed in writing to provide a written record of the action taken.

Committee members and alternates should be compensated at not to exceed $10.00 per day and should be reimbursed for expenses necessarily incurred, when they are acting on committee business. Such members and alternates ordinarily would have a farm or packing house to operate and it would be necessary for them to hire replacements while attending committee meetings. Such compensation and reimbursement will, to some extent, compensate for losses sustained through committee service.

The powers of the committee, as set forth in the notice of hearing, should be granted to the committee because such powers are authorized by the act and are essential to the committee in order for it to discharge its responsibilities under the marketing agreement and order.

Each and all of the duties set forth in the notice of hearing should be given to the committee because such duties are necessary and essential to the accomplishment of the declared policy of the act and for the committee to discharge its obligations to the Secretary. These duties are similar to duties given to other administrative committees under other marketing agreement and order programs.

(k) Operation of the committee and the marketing agreement and order requires funds for payment of necessary administrative expenses. It is necessary and appropriate that such expenses be incurred under the direction of the committee and that assessments be levied against the handler who first ships potatoes for his pro-rata share of the administrative expenses, which will preclude double assessments on any shipments of potatoes. The levying of an assessment at a stated rate per car or per package or unit of potatoes is the logical way of accomplishing the desired result. This method corresponds to that used in Washington for raising funds under voluntary programs for purposes of promoting the potato industry.

It is good business practice to require the committee to prepare and submit an annual budget of expenses and revenue to the Secretary. The budget of expenses and revenue should recommend the rate of assessment against regulated handling which the Secretary can consider and, if he approves, fix as the rate per given unit of shipment which first handlers must pay, to establish the basis for appropriate pro-rata assessment.

The Secretary should be authorized to increase the rate of assessment if it is found that the then current rate is insufficient to cover expenses. Such increased rate should apply on a retroactive basis to potatoes previously handled and subject to assessment during the current fiscal year to preclude inequities among handlers.

Revenue collected through assessments in excess of expenses for any fiscal year should at the end of such fiscal year be credited pro-rata to each contributing handler's account, or refunded to any handler upon demand. If, upon termination of the marketing agreement and order program and after reasonable effort, the committee is unable to return excess funds that may be due a handler or handlers, such excess funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving the potato industry in the production area. Experience in operating other marketing agreement and order programs indicates that the total amount of such funds and the amounts due individual handlers therefrom are relatively small and that it is impossible by reasonable effort to locate certain handlers to whom refunds are due because they either do not have an established place of business or because they have moved out of the area without leaving a forwarding address.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro-rata share of the committee's expenses to assure each handler that he will not have to pay more than his pro-rata share of such expenses.

The committee should be permitted to make such expenditures during the applicable fiscal year as are authorized and are necessary for effective administration and proper functioning of the marketing agreement and order program, within the limitations of the budget submitted by the committee and approved by the Secretary.

Any committee member or alternate responsible for or having in his custody any of the property, funds, records, or any other possessions of the committee should be required to transfer it to his successor or to such person as may be designated by the Secretary, or to execute such instruments as may be necessary to effect such transfers. The committee and such members and alternates should be required to give an accounting for all committee receipts and disbursements and for all committee property whenever, requested by the Secretary and whenever in the case of members and alternates, they cease to be such members or alternates. These transfer and accounting requirements represent good business practice and are necessary in order that there will be an unbroken succession in committee possessions.

(l) The declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes. The regulation of shipments of potatoes by grade and size authorized in the marketing agreement and order provides a means of carrying out such policy.

The limitation of shipments of the poorer grades and less desirable sizes of potatoes grown in the production area will tend to increase the price of the better grades and more desirable sizes and to increase the returns to producers. Such restriction of shipments also will tend to improve the long-run demand for and competitive position of potatoes grown in the production area. The record shows, for example, that Idaho potatoes, during some seasons, outsell Washington potatoes on the Seattle and

Portland markets because the potatoes from Idaho are better graded and sized than those from Washington. By restricting the shipment of inferior potatoes, the Washington potato industry can improve its pack and thus compete successfully with Idaho on a price and volume basis in such markets as Seattle and Portland, as well as other markets.

The interests of consumers will best be served under conditions of a larger than average crop if poor grades and small sizes are prohibited from shipment because such grades and sizes have less edible product per pound than better grade and average size or large potatoes, and because the cost of distribution on these poor grades and small sizes is proportionately larger with respect to edible product than for the better quality, larger size commodity.

Authority is provided in the marketing agreement and order for the committee to recommend and for the Secretary to establish grade and size regulations with respect to all shipments of potatoes during the entire shipping season and from all portions of the production area. Such authority is necessary to carry out the declared policy of the act and for effective administration of the program and should include authority for the committee to recommend and the Secretary to establish different regulations applying to: (1) Different time periods within the shipping season; (2) different varieties; (3) table stock and seed potatoes; (4) wholesale and consumer packs; (5) different portions of the production area; and (6) any combination of the above. Such administrative flexibility is needed in the marketing agreement and order so that appropriate regulations may be issued and adapted to different and changing circumstances encountered in the marketing of potatoes. It may be desirable, for example, to have a different grade and size regulation in effect during the early part of the shipping season than during the latter part because of a change in the supply and demand situation for potatoes.

Authority should be provided for different regulations applicable to different varieties of potatoes since varieties differ in particular characteristics and some are more susceptible than others to diseases and other factors that influence market quality.

Different regulations should be permitted for table stock than for seed. The preferred grades and sizes, which provide a premium pack for seed potatoes frequently, if not usually, differ from the preferred grade and sizes of table stock. Potatoes may be certified as and highly satisfactory for seed, but such potatoes, because of undersize, sunburn, or certain other defects, would be inferior and unsatisfactory potatoes for table stock purposes.

It is necessary to provide for different regulations, under appropriate circumstances, for consumer packs than for wholesale packs to preserve consumer acceptance of Washington potatoes. Consumer packs of potatoes require different size composition than wholesale packs. Authority should be provided, therefore, to establish regulations with respect to minimum or maximum sizes of potatoes, or both, differently for consumer packs than for wholesale packs. Consumer acceptance of potatoes is more adversely affected by inferior grades and undesirable sizes in consumer packs than in wholesale packs. In the case of consumer packs, the consumer accepts the package "sight unseen" and does not have an opportunity of making a selection of individual potatoes. Potatoes in wholesale packs, on the other hand, are dumped from the package into a bin, from which the consumer can make the desired selection. Consumers demand a better and more uniform grade and quality of potatoes in consumer packs than in wholesale packs and failure to maintain such grade and quality in consumer packs will disproportionately decrease the total returns of farmers from Washington potatoes.

The potato industry in Washington desires to establish a reputation for quality in consumer packs in order to improve the returns to producers on a long-time basis. Such distinction in regulations would enable the committee to improve returns to producers by limiting the grade, size and quality of potatoes shipped in consumer packages.

Regulations should be authorized to apply differently to different portions of the production area in the event a particular portion or portions of the area have adverse growing conditions which cause an abnormally high percentage of the potatoes produced in such portion or portions to fall within the restricted grades or sizes. Such authority would greatly simplify the administrative problems of meeting a situation of this kind.

It is in the public interest to provide that the committee may recommend and the Secretary establish regulations which will limit shipments of potatoes to not less than specified minimum standards of quality and of maturity during any and all periods of marketing, and even when prices for potatoes are above parity. Some potatoes are of such defective quality that they do not give consumer satisfaction because of the great waste and time involved in their preparation. Potatoes, for example, showing serious damage from decay at time of shipment deteriorate rapidly thereafter, and cause damage to potatoes of good quality with which they may be commingled or with which they may come in contact. The cost of such potatoes to the consumer per edible unit is frequently greater than the cost per edible unit of potatoes of the better grades and more desirable sizes. In fact, potatoes with decay or certain other defects may represent a total loss to the purchaser due to the rapid break-down that may occur in such potatoes after purchase. Immature potatoes should not be shipped because such potatoes deteriorate rapidly in transit and develop a rubbery texture which makes them undesirable for cooking purposes. The shipment of such potatoes causes an adverse consumer reaction to potatoes from the production area and tends to demoralize the market for later shipments of mature potatoes. Continued shipments of low quality and immature potatoes may result in a permanent reduction in demand for potatoes from the production area. The committee, therefore, should be authorized to recommend, and the Secretary to issue, appropriate regulations limiting shipments of potatoes below certain specified standards of maturity as well as quality.

The committee, with the approval of the Secretary, should be authorized to recommend the exemption of shipments of small quantities of potatoes grown in the production area from the provisions of the marketing agreement and order. The difficulties involved in attempting to regulate small lots of potatoes would render regulation impractical and be so expensive as to outweigh whatever benefits might accrue from the regulation thereof. The committee should be authorized to use its discretion and judgment in recommending such minimum quantities.

In order to provide producers and handlers with advance information regarding possible regulations for the ensuing season: *It is provided*, That the committee shall prepare and submit to the Secretary a report of its proposed policy, and amendments to such policy, for the marketing of potatoes during each fiscal year. *It is further provided*, That the contents of such reports be made available to producers and handlers in the production area.

In making recommendations for regulations: *It is provided*, That the committee shall investigate relevant factors pertinent to supply and demand conditions for potatoes. This requirement is necessary so that the committee will be in the best position to develop sound and practical recommendations for regulations and to advise the Secretary with respect to such supply and demand factors. Consideration of all factors relating to marketing policy and to recommendations for regulations, as set forth in the notice of hearing will enable the committee to arrive at sound marketing policies and to recommend regulations which will tend to effectuate the declared policy of the act; therefore, such factors should be set forth in the marketing agreement and order.

On the basis of the aforesaid marketing policies, committee recommendations for regulation, and other available information, the Secretary should be authorized to issue regulations on as flexible a basis as the committee recommendations, for the same reasons heretofore set forth in connection with such recommendations, to effectuate the declared policy of the act. The Secretary should notify the committee of regulations so issued and the committee shall give reasonable notice thereof to handlers so that all parties affected thereby may be apprised of requirements applicable to their activities. Reasonable notice for such purpose shall be such notice as is conveyed by newspapers, radio, or mail, or such additional media as the committee deems appropriate.

(m) Provision is made in the marketing agreement and order for inspection of all shipments of potatoes grown in the production area by the Federal-State Inspection service. Inspection certificates issued by this service are a common and usual means of specifying the grade and size of potatoes being shipped

and are generally used and recognized in the production area. Such certificates constitute prima facie evidence of the grade and size of the commodity to which they apply and they are accepted in court as such evidence. Such evidence is necessary to provide the handler, the committee, or any other interested party with a means of determining whether a shipment, or shipments, of potatoes conforms with or qualifies under particular grade and size regulations which may be issued. The Federal-State Inspection service can provide reasonably prompt inspection at all points within the production area and at a reasonable fee. A provision in the marketing agreement and order to permit inspection of potatoes by an inspection service other than the Federal-State Inspection service, when approved by the Secretary, is desirable to provide sufficient flexibility for successful operation if, for some reason, the Federal-State Inspection service could not perform its duties.

Handlers should be required, whenever the handling of potatoes is regulated, to have all such potatoes inspected and to be responsible for furnishing the committee a copy of the inspection certificate upon any and all of such handler's potato shipments during any period of regulation. In cases where potatoes shipped by a handler have been previously inspected such handler should not be required to go to the expense of having another inspection made but he should be required to furnish evidence to the committee of such fact in the manner prescribed by the committee. However, in instances where potatoes that have been previously inspected are regraded, resorted, or in any other way subjected to further preparation for market, the handler shipping such potatoes is required to have such potatoes inspected and is responsible for furnishing the committee with a copy of the inspection certificate. Such requirements are necessary for proper administration and enforcement of the provisions of the marketing agreement and order.

(n) Certain hazards are encountered in the production and storing of potatoes grown in the production area which are beyond the control or reasonable expectation of the grower of such potatoes or the handler who may store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to applicants to permit such applicants to ship their equitable proportion of all shipments from the production area.

The committee, by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the production area and the information which it will have available in each case, will be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted potatoes which each such applicant may ship.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in transferring such certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind the procedure established by the Committee for granting of exemptions and of exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(o) A material issue at the hearing was whether the committee should be authorized to recommend, and the Secretary to issue, regulations with respect to control of surplus. Evidence in the record on this issue shows that the potato industry in Washington is not prepared at this time to develop the basis for such surplus regulation or to provide a plan for equalizing the burden of any such surplus regulation among producers and handlers. Therefore, the proposed provision relating to surplus regulation is not included in the marketing agreement and order.

(p) Shipments of potatoes for specified purposes usually are outside normal commercial market channels and for this reason and the reasons hereinafter set forth, the Secretary, upon the basis of recommendations of the committee or other available information, should be authorized to modify, suspend, or terminate grade and size regulations with respect to shipments for such specified purposes.

The committee should be qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations of grade and size regulations as will be in the best interests of the potato industry in the production area and will tend to effectuate the declared policy of the act. Shipments of potatoes to non-competitive outlets which otherwise could not be marketed under the regulations will tend to increase the average price received by producers in the production area.

Export requirements for potatoes differ materially, on occasions, from domestic market requirements. The Canadian market and Pacific off-shore markets offer price preferences for certain grades and sizes of potatoes which usually sell at a discount in the domestic market. Such shipments to export tend to increase prices to producers and result in added increments to the value of the crop in the production area, thereby tending to effectuate the declared policies of the act.

Shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions should be subject to regulation, under appropriate circumstances, in a manner similar to that set forth herein for shipments for export. The volume of shipments for such purposes from the production area is relatively insignificant and because of the transportation charges involved any savings that might accrue to such agencies or institutions from utilizing low-grade potatoes would not be commensurate with the difference in quality. If, however, a relaxation of regulation is needed in order to supply these outlets with potatoes at prices they can afford to pay, such relaxation should be authorized to accomplish this objective and to tend to effectuate the declared policy of the act.

Substantial shipments of potatoes to the Federal government have been made in recent years in carrying out the obligations of agriculture price support legislation. It is necessary, therefore, to authorize, when necessary, special regulations to terminate regulations under the marketing agreement and order to facilitate such shipments. Such provision will tend to effectuate the declared policy of the act and still permit orderly operation of the price support program. Modification, suspension, or termination of regulations also should be authorized with respect to shipments of potatoes from the production area to the Army and Navy. Purchases by these agencies are based on bids and specifications, which may include grade and size, that they establish. If such modification, suspension, or termination were not authorized with respect to such shipments, handlers in the area might be unable to make competitive bids on Army and Navy purchases and thereby might lose this business.

Under certain circumstances, potatoes shipped for manufacture or for conversion into specified products or by-products should not be regulated, or regulations should be modified or suspended. Shipments of potatoes for manufacturing or conversion into specified products or by-products reduce the supply of such potatoes available for shipment to the table stock market and, therefore, such shipments tend to raise prices to producers and increase the value of the crop. The committee, in fulfilling its duties and responsibilities, is obligated to determine the supply and demand for potatoes which includes investigations relating to each outlet for such potatoes. The committee, therefore, is given authority to recommend which shipments should be classed hereunder because such potatoes are shipped for the purpose of changing them into various end products, some of which compete on a basis virtually equal to fresh table stock potatoes. It is not possible to specify at this time all the manufactured products for which shipments of fresh potatoes are made, the shipments of which compete on a basis virtually equal to such table stock potatoes, because new developments may bring forth new manufactured products which would fall within the aforesaid competitive category.

The committee should have authority to recommend modification, suspension, or termination of regulations with respect to shipments of potatoes to potato chip manufacturers. The potatoes required by such chip manufacturers differ from normal table stock requirements and it may be in the interest of the Washington potato industry to permit

special treatment of such potatoes under the regulations.

Livestock feed provides an outlet for shipments of potatoes which ordinarily does not compete with shipments of potatoes for table stock use. When such outlets are available it will tend to promote objectives sought under regulation to exempt shipments for this purpose from grade and size regulations. Under certain circumstances, shipments of potatoes for particular purposes or types of utilization should not be regulated, or regulation thereon should be modified or suspended when and to the degree that it is found that such shipments are not competitive with table stock shipments.

It is necessary for effective administration of the marketing agreement and order that the committee, with the approval of the Secretary, be authorized to establish adequate safeguards, and procedures applicable thereto, to prevent any potatoes, including seed potatoes, which may be subject to special regulation from entering the current of commerce contrary to the provisions of such special regulation, as hereinafter indicated.

Inspection should be required, where deemed necessary by the committee, to provide the committee with an accurate record of shipments of potatoes which are subject to special regulation and for determining the quality and size of potatoes shipped for certain purposes. Shipments of potatoes which are not subject to grade and size regulation or which are subject to modified regulation should be required, where deemed necessary by the committee, to bear their equitable share of the expense of operating the marketing agreement and order. In order to maintain appropriate identification of shipments of potatoes which are not subject to regulation or are subject to modified regulations, the committee should be authorized to issue Certificates of Privilege to handlers and require that handlers obtain such certificates on all such shipments.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed, procedure applicable thereto, or Certificates of Privilege issued by the committee, and he should give prompt notice to the committee of any action taken by him in connection therewith in order that the Secretary retain all rights vested in him by the act to carry out the declared purposes thereof, that handlers be assured of fair and equitable treatment under the marketing agreement and order, and that the committee may currently notify all persons affected by regulatory actions under the marketing agreement and order.

The committee should be authorized to rescind or deny Certificates of Privilege if evidence is obtained that a holder thereof or applicant therefor has used such certificates contrary to the purpose for which they were issued.

(q) For the proper and efficient administration of the marketing agreement and order, the committee needs information on potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, with the approval of the Secretary, and every handler should be required to furnish to the committee, any information which is required for the committee to exercise its powers and perform its duties under the marketing agreement and order. The Secretary retains the right to modify, change, or rescind any request by the committee for information in order to protect handlers from unreasonable requests for reports.

(r) The provisions of sections 8 through 20 as published in the FEDERAL REGISTER of March 12, 1949 (14 F. R. 1131) are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order, and to effectuate the declared policy of the act. Therefore such provisions should be included in the marketing agreement and order exactly as set forth in the notice of hearing, except for renumbering sections required by the elimination of provisions applicable to surplus regulation.

(s) The base period for potatoes, as stated in the Agricultural Marketing Agreement Act of 1937, as amended, is the period August 1919–July 1929. The seasonal average farm price for potatoes grown in the State of Washington for the base period is $1.02 per bushel. For the 18 seasons, 1930–47, inclusive, seasonal average farm prices per bushel for Washington potatoes have been below parity for thirteen seasons and above parity in only five, four of which were during the late war. Seasonal average prices were below parity in both 1946 and 1947, the latest seasons for which price data are complete. Based on the level of United States current production, the prospective acreage of potatoes in the State of Washington and competing States, the reduction in support prices for the 1949 crop of potatoes, and on the relationship between farm prices and parity prices for potatoes which exists in the majority of seasons, it can be reasonably anticipated that prices received by Washington farmers for potatoes will be below parity during the 1949 season.

Rulings on proposed findings and conclusions. Interested parties were allowed until April 15, 1949, by the presiding officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings are necessary.

Recommended marketing agreement and order. The following proposed marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

§ 992.1 *Definitions.* As used herein, the following terms have the following meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Washington.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Washington.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(g) "Ship" or "handle" means to transport, sell, or any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not include the transportation of potatoes within the production area for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 992.5 (c), with respect to such potatoes.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginnnig on June 1 of each year and ending May 31 of the following year.

(j) "Committee" means the administrative committee, called the State of Washington Potato Committee, established pursuant to § 992.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) 'Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Washington or other seed certification agencies which the Secretary may recognize.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modification thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Washington Standards for Potatoes issued by the State of Washington Director of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area established pursuant to § 992.2 (h).

§ 992.2 *Administrative committee*—(a) *Establishment and membership.* (1) The State of Washington Potato Committee consisting of fifteen members, of whom ten shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(b) *Procedure.* (1) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

(c) *Selection.* (1) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(2) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Washington, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Washington.

(3) The Secretary shall select committee membership so that, during each fiscal period, each district, as designated in paragraph (h) of this section, will be represented by two producer members and one handler member, with their respective alternates: *Provided,* That one producer member of the committee from District No. 5, with his respective alternate, shall be a certified seed producer.

(4) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(d) *Term of office.* (1) The term of office of committee members and alternates shall be for three years beginning on the first day of June and continuing until the end of the second fiscal year following, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of one third of the initial members and alternates shall be for one year, one third for two years, and one third for three years.

(2) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(e) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(f) *Duties.* It shall be the duty of the committee:

(1) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler ;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(g) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(h) *Districts.* (1) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: The counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, and Adams;

District No. 2: Kittitas County;

District No. 3: The counties of Yakima and Klickitat;

District No. 4: The counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, and Whitman; and

District No. 5: All of the remaining counties in the State of Washington not included in Districts 1, 2, 3, and 4 of this section.

(2) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to: (i) The relative importance of new areas of production; (ii) changes in the relative position, with respect to production, of existing districts; (iii) the geographic location of production areas as it would affect the efficiency of administering the marketing agreement and order; and (iv) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

(i) *Nomination.* The Secretary may select the members of the State of Washington Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Washington Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof a meeting or meetings of producers and of handlers respectively in each of the districts designated in paragraph (h) of this section in which the terms of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(3) If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 992.2 (i) (2), the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(j) *Vacancies*. To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (i) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

§ 992.3 *Expenses and assessments*—(a) *Expenses*. The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments*. (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting*. (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, upon termination of the marketing agreement and order program and after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds, shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds*. All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 992.4 *Regulation*—(a) *Marketing policy*. At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall make the contents of such reports available to producers and handlers by mail, radio, newspapers, or such other or further means as the committee deems desirable.

(b) *Recommendation for regulations*. (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping units;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Washington and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(c) *Issuance of regulation*. (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the com-

mittee, or from other available information, that it would tend to effectuate the declared policy of the act;

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 992.3 and this section.

(e) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this section, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate: *Provided, however,* That (1) each handler making shipments of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determinations shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (2) each handler who first ships potatoes after such potatoes are regraded, resorted, repacked or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

(f) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee; (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 992.5 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 992.3 or § 992.4, or both, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(4) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 992.3 or § 992.4, or both, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 992.4 (e) and pay the pro rata share of expenses provided by § 992.3, in connection with potato shipments effected under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certifi-

cates issued by the committee pursuant to the provisions of this section.

§ 992.6 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 992.7 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 992.8 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 992.9 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided;* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.[1]

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 992.10 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 992.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except, with respect to acts done under and during the existence hereof.

§ 992.12 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 992.13 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 992.14 *Personal liability* . No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 992.15 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 992.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 992.17 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 992.18 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 992.19 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 8th day of July 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administraor.

[F. R. Doc. 49-5760; Filed, July 13, 1949; 8:55 a. m.]

[1] Applicable only to the proposed marketing agreement.

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 3, 4b]

COCKPIT STANDARDIZATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Parts 3 and 4b as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 60 days from the date of this publication will be considered by the Board before taking further action on the proposed rules.

In the past several years considerable attention has been given to the problem of cockpit standardization, including questions of uniformity in instrument and power control arrangement and in control knob shapes. Obviously, the armed services have been vitally interested in promoting such standardization, and through the Cockpit Layout Panel of the Aircraft Committee of the Munitions Board they have reached agreement on an appropriate cockpit arrangement for all aircraft used by the military services. The regulation herein proposed follows this arrangement as closely as possible, not only because we believe the cockpit layout agreed on is a suitable one, but also because of the advantages from a national defense standpoint of a substantial similarity between military aircraft and civilian aircraft of which a considerable number may, as in the past, be turned over for the use of the armed services.

If such a standardized cockpit regulation is adopted, it is intended that it will be made fully applicable to all airplanes for which applications for type certificates under Parts 3 and 4b and their successor parts are filed after its effective date; or, in other words, the regulation will be made fully effective only to aircraft still on the drawing boards at the time it is adopted. The Board is also of the opinion that some standardization requirements should be made applicable to existing transport category aircraft, although there is still some question as to the degree of standardization and the date by which compliance should be required. The views of the industry on these problems would be most welcome.

It should also be noted that the Board currently believes that requirements for cockpit standardization will aid in resolving the safety aspects of equipment interchange agreements. Compliance with cockpit standardization requirements, if such requirements are adopted, undoubtedly would be a condition to approving such agreements.

We believe it desirable to point out further that we would expect synthetic training devices to conform to the standardized cockpit if, and when, appropriate regulations are promulgated.

The following rules are proposed to effect an appropriate degree of uniformity in cockpit instrument and power control arrangement and control knob shapes:

COCKPIT LAYOUT RULES

SECTION 1. *Location of controls; general.* (a) All controls shall be so located as to permit their use within the normal reach of a pilot when seated with harness locked.

(b) All controls of a like function shall be grouped together.

SEC. 2. *Actuation of controls; general.* (a) All controls shall be so designed that the actuation thereof forward, upward, or clockwise shall result in increased performance of the component or the aircraft.

(b) All controls shall be so designed that the actuation thereof aft, downward or counter clockwise shall decrease the performance of the component or the aircraft.

(c) All controls of a variable nature induced by a rotary motion shall move clockwise from the off position, through low or dim, to high or bright.

MAIN POWERPLANT GROUP

SEC. 3. *Power control (throttles).* (a) The power control or composite (single) power control unit, when used, shall be on the left-hand side of the cockpit, except in dual control (side-by-side) aircraft where a pedestal, outboard or center instrument panel mounting is utilized. A brake lock or irreversible lock mechanism shall be incorporated on all power controls.

(b) Power controls shall be actuated forward to increase forward thrust. Where reverse pitch propellers are used, the reverse pitch control motion shall be rearward to give rearward thrust. If the normal throttle control is used as a reverse thrust control a radial or lateral detent shall be provided between power off and application of reverse thrust pitch. The motion of the friction lock or irreversible lock mechanism shall be forward or clockwise to tighten.

SEC. 4. *Water injection control.* (a) The water injection control shall be incorporated in the power control. It shall be actuated by a switch operated in the forward end of travel of the power control lever. A master on-off switch for the water injection pump shall be located on or adjacent to the power quadrant.

(b) The water injection control shall be actuated by the passing of the master power control through a detent or gate in the increased thrust direction.

SEC. 5. *Water quantity and water injection system warning indicator.* The water quantity and water injection system warning indicator shall be located adjacent to the water injection master switch.

SEC. 6. *RPM control.* (a) Where an RPM control is required it shall be placed on the right of and shorter than the power control lever. Where an RPM control is replaced by a composite (single) power control unit such control lever shall be placed as provided in section 3.

(b) An RPM control shall be actuated forward for increased RPM.

SEC. 7. *Mixture control.* (a) The mixture control shall be located to the right of and shorter than the RPM control. Where a mixture control is replaced by a composite (single) power control unit, it shall be placed as provided in section 3.

(b) Where a composite power control unit is used the idle cut-off condition shall be separated from the operating settings by a safety guard which may be overridden only by deliberate movement of the control. The control shall be so designed that a forward movement thereof shall provide increasingly rich conditions. The maximum rich conditions shall be obtained by a full forward movement thereof. Any intermediate position which automatically provides a present carburetor condition will be so indexed as to provide both sensory and visual identification of the position.

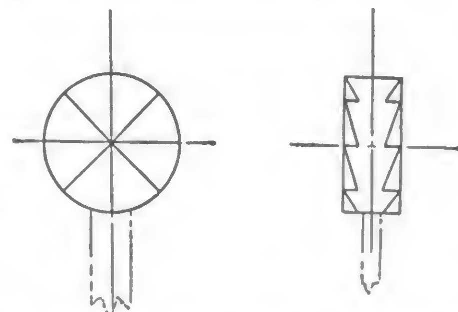
SEC. 8. *Superchargers.* (a) The supercharger control shall be located to the left and below the throttle control or on the aft side of the pedestal. Where a spring-load mechanism in the supercharger control is used to permit such control to automatically snap into forward low position when released from high position, a positive notch for securing the control lever in the take-off position is required.

(b) The actuation motion of the supercharger control shall be upward or forward for take-off. No locking device provided to secure the power control, RPM control, or mixture control shall be applied to the supercharger control.

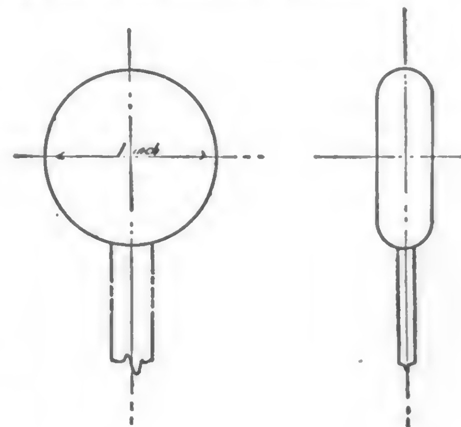
CONTROL KNOB SHAPES

In the case of electrically operated controls, such as landing gear, landing flaps, etc., the same knob shapes shall obtain in miniature form.

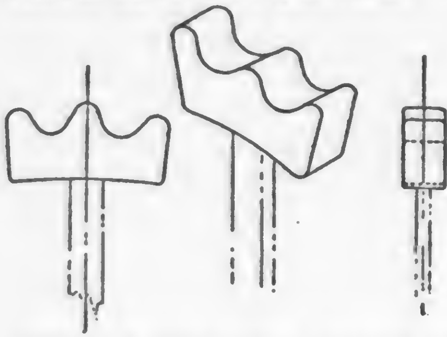
SEC. 9. *Supercharger control knobs.* A supercharger control knob shall take the shape of a 2-sided fluted impeller.



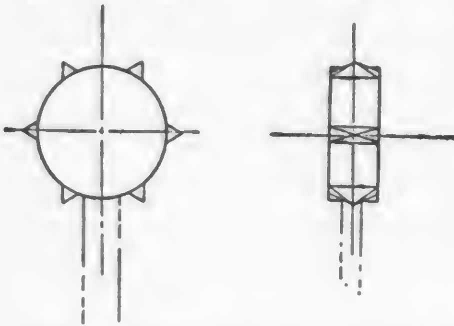
SEC. 10. *Power control (throttles).* Power control knob shall be a horizontal cylinder sectioned not less than one inch thick; the maximum thickness dependent upon the number of engines.



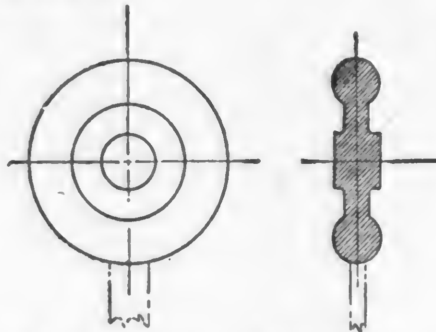
SEC. 11. *RPM control knob.* The RPM control knob shall be the shape of an expanded segment of a gear wheel.



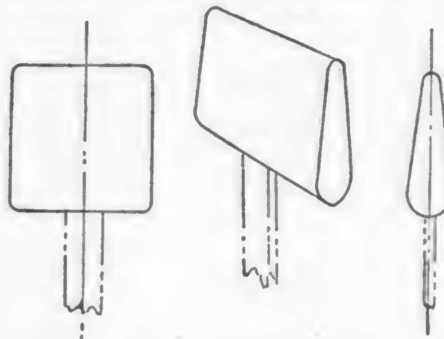
SEC. 12. *Mixture control.* The mixture control knob shall be a disk with one-eighth inch high protuberances.



SEC. 13. *Landing gear control knob.* The control knob shall be a wheel shaped knob, radially mounted. The control knob shall incorporate a red warning light which will be on when any gear is not exactly consistent with the lever position. The warning light shall incorporate an intensity control to meet night, day and dusk light intensity light requirements. The landing gear control shall be on the left and separated from the flap control by a minimum of six inches horizontally. Actuation: Down for gear down.

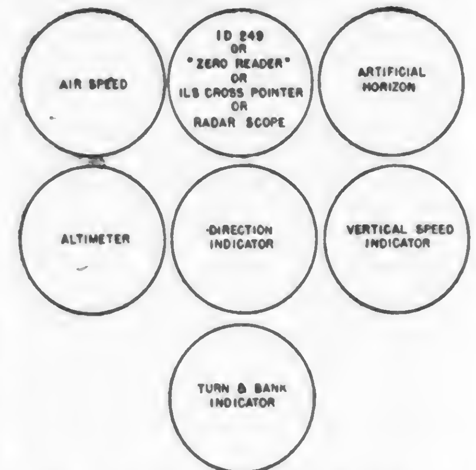


SEC. 14. *Landing flap control knob.* The control knob shall be an airfoil shape, mounted to correspond to actual flap position. A preselective and/or partial flap feature shall be incorporated in the landing flap control at the discretion of the operating service. The landing flap control shall be to the right and separated from the landing gear control by a minimum of six inches horizontally. Actuation: Down for flaps down.



FLIGHT INSTRUMENTS

SEC. 15. *Flight instrument panel arrangement.* Vertical centerline of middle row of instruments not to be displaced more than 2 inches right or left of centerline of pilot position.



Any rule adopted by the Board in relation to the foregoing will be promulgated pursuant to Title VI of the Civil Aeronautics Act of 1938, as amended, and will affect Parts 3 and 4b of the Civil Air Regulations.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: June 28, 1949, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-5779; Filed, July 13, 1949; 9:01 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 29, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 164.76 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 169

For lease only for homesite purposes:

T. 3 S., R. 4 E., S. B. M.,
Sec. 18, Lot 1 of the NW¼, and Tracts numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, (formerly S½ Lot 2 of NW¼ and N½ Lot 2 of SW¼).

The lands are situated in Riverside County, California, about one mile east of the town of Whitewater. They can be reached over U. S. Highway 60-70-99, and are in an area where the climate is considered ideal for health and recreational purposes. There is a possibility that a cement plant may be built near the lands, and if this happens, the attractiveness of the area for homesite purposes will be decreased considerably.

2. As to applications regularly filed prior to 3:24 p. m., April 16, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 31, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 31, 1949, to the close of business on November 29, 1949.

(b) Advance period for veterans' simultaneous filings from 3:24 p. m., April 16, 1948, to the close of business on August 31, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 30, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:24 p. m., April 16, 1948, to the close of business on November 30, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated

statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the lease. If not so located, they may be subject to location after lease is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5758; Filed, July 13, 1949; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

[Amdt.]

VOLUNTARY STEEL ALLOCATION PLAN FOR WARM AIR HEATING EQUIPMENT (AMENDED)

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress (as amended by Public Law 6, 81st Congress), and Executive Order 9919, after consultation with representatives of the steel producing industry and manufacturers of warm air heating equipment for residential housing, and after notice duly given in the FEDERAL REGISTER (14 F. R. 2048), has determined that the following action with respect to the previously approved Voluntary Steel Allocation Plan for Warm Air Heating Equipment (Amended), approved April 4, 1949, is practicable and is appropriate to the successful carrying out of the policies set forth in said Public Law 395, as amended:

Therefore, paragraph 1 of the said Voluntary Steel Allocation Plan for Warm Air Heating Equipment (Amended) is amended to read as follows:

1. *Scope and purpose of plan.* In order to provide for the minimum required supply of building materials for (1) the construction of new residential housing and (2) the essential maintenance, repair and conversion of existing residential housing, the steel producers participating herein will, in addition to the quantities made available before February 28, 1949, make steel products available, or will cause such steel products to be made available (out of the production of their own mills or the mills of their subsidiaries or affiliates), at the rate of approximately 26,400 tons per month for the months of April, May, and June, 1949, to manufacturers of the kinds of warm air heating equipment for residential housing listed in Schedule A hereto who comply with the provisions of this amended plan and at the rate of approximately 9,000 tons of galvanized and coated sheets per month for the months of July, August, and September, 1949, to manufacturers of residential furnace pipe, fittings, and duct work who comply with the provisions of this amended plan. Such manufacturers are hereinafter referred to as participating manufacturers.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, the Secretary of Commerce will request each of the participating steel producers and each of the participating manufacturers to comply therewith. Such request will be effective as to all such producers and manufacturers, except those who notify the Secretary of Commerce in writing, within ten (10) days of the date of each such request, of their refusal to comply therewith.

Approved: May 31, 1949.

CHARLES SAWYER,
Secretary of Commerce.

Approved: May 27, 1949.

TOM C. CLARK,
Attorney General.

JUNE 3, 1949.

GENTLEMEN: Attached is a copy of an amendment to the Voluntary Steel Allocation Plan for Warm Air Heating Equipment (Amended), which amendment has been duly approved by the Attorney General and myself, pursuant to Public Law 395, 80th Congress (as amended by Public Law 6, 81st Congress), and Executive Order 9919.

I hereby request compliance by you with the amendment and shall consider that you have agreed to comply therewith, unless you notify me, in writing, within ten days from the date hereof, that you do not wish to comply.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above amendment and request for compliance with Department of Commerce Voluntary Plan for Warm Air Heating Equipment (Amended) was sent to companies listed on attachments filed with the original document.

[F. R. Doc. 49-5726; Filed, July 13, 1949; 8:46 a. m.]

[Amdt.]

VOLUNTARY STEEL ALLOCATION PLAN FOR BASEBOARD RADIATION

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress (as amended by Public Law 6, 81st Congress), and Executive Order 9919, after consultation with representatives of the steel producing and steel baseboard radiation manufacturing industries, and after notice duly given in the FEDERAL REGISTER (14 F. R. 2048), has determined that the following action with respect to the previously approved Voluntary Steel Allocation Plan for Baseboard Radiation (14 F. R. 1992), is practicable and is appropriate to the successful carrying out of the policies set forth in said Public Law 395, as amended:

2. *Agreement by steel producers.* During the period April through September 1949, Producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to participating Manufacturers up to a total of approximately 950 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
1" & 1¼" steel pipe	60
C. R. sheet and strip	890
Total Net Tons Per Month	950

After approval of this amendment by the Attorney General and by the Secretary of Commerce, the Secretary of Commerce will request each of the participating steel producers and each of the participating manufacturers to comply therewith. Such request will be effective as to all such producers and manufacturers, except those who notify the Secretary of Commerce in writing, within ten (10) days of the date of each such request, of their refusal to comply therewith.

Approved: May 31, 1949.

CHARLES SAWYER,
Secretary of Commerce.

Approved: May 27, 1949.

TOM C. CLARK,
Attorney General.

JUNE 1, 1949.

DEAR MR. ——— : Attached is your copy of an amendment to the Voluntary Steel Allocation Plan for Baseboard Radiation, which amendment has been duly approved by the Attorney General and myself, pursuant to Public Law 395, 80th Congress (as amended by Public Law 6, 81st Congress), and Executive Order 9919.

I hereby request compliance by you with the amendment and shall consider that you have agreed to comply therewith, unless you notify me, in writing, within ten days from the date hereof, that you do not wish to comply.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above amendment and request for compliance with Department of Commerce Voluntary Steel Allocation Plan for Baseboard Radiation was sent to consumer and producer participants listed on attachments filed with the original document.

[F. R. Doc. 49-5725; Filed, July 13, 1949; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9362]

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT ET AL.

ORDER PROVIDING FOR PUBLIC HEARING

In the matter of International Bank for Reconstruction and Development and International Monetary Fund, complainants, v. All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., and The Western Union Telegraph Company, defendants; Docket No. 9362.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1949;

The Commission, having under consideration the above-entitled complaint filed on June 21, 1949, by International Bank for Reconstruction and Development and International Monetary Fund, as Complainants, against All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., and The Western Union Telegraph Company, as Defendants, requesting that the Commission suspend the operation of revised tariff schedules filed by said defendants, to become effective July 1, 1949, eliminating certain specific rates accorded to outbound international telegraph communications of the complainants at the same level accorded to the United States Government for similar communications, and requesting further that the Commission enter an order (a) determining that such revised tariff schedules would be unjustly and unreasonably discriminatory against the complainants and would deny to the complainants the rights to which they are allegedly entitled under their respective Articles of Agreement, the so-called Bretton Woods Agreement Act and the International Organizations Immunities Act, and (b) prohibiting the defendants from putting such revised tariffs into effect; it being alleged in said complaint that defendants are by law required to charge rates for the transmission of official communications of the complainants which are no greater than the rates charged by the defendants for the transmission of similar communications of any Government other than the United States which is a member of the complainant organizations; that the complainants, as instrumentalities of the United States, are entitled to the benefit of the so-called United States Government rates for the transmission of their official communications; that the application to official communications of the complainants of the rates proposed in the above mentioned revised tariff schedules would constitute an unlawful discrimination against the complainants; and that the defendants should not be permitted to increase their rates for the transmission of official communications of the complainants pending the conclusion of the International Telecommunications Union Administrative Conference to revise the International Telegraph and Telephone Regulations now being held in Paris, France; and also having under consideration statements filed by the defendants with respect to the above complaint;

It appearing, that the above complaint should be made the subject of a public hearing for the purpose of determining whether, by virtue of the above-mentioned Agreements and statutes or by virtue of any other applicable law or laws, complainants should be accorded the special rates provided for in the currently effective tariff schedules of defendants and whether the failure of the defendants to accord such special rates to complainants constitutes an unjust and unreasonable discrimination against the complainants in violation of section 202 (a) of the Communications Act of 1934, as amended;

It further appearing, that the request of the complainants that the above-mentioned revised tariff schedules be suspended should not be granted since, under the provisions of sections 206 to 209 of the Communications Act, complainants have an adequate remedy for obtaining reparations in the event that it is determined herein that complainants should be accorded rates which are at the same level as those accorded to governments or other international organizations; and since defendants, during the period of suspension, will have irretrievably lost such additional revenues as they might be entitled to from complainants if it is determined herein that the complaint should not be sustained;

It is ordered, That the request in said complaint that the above-mentioned revised tariff schedules be suspended, is denied;

It is further ordered, That, pursuant to sections 201, 202, 204 and 205 of the Communications Act of 1934, as amended, a public hearing on the matters presented by the above complaint shall be held at a time and place to be hereinafter designated.

It is further ordered, That a copy of this order shall be served upon each of the defendants; and upon the Secretary of State and Attorney General who are hereby given leave to intervene and participate fully in the proceedings;

Notice is hereby given, that § 1.858 (a) and (b) are not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5747; Filed, July 13, 1949; 8:51 a. m.]

[Docket No. 9189]

HUSH-A-PHONE CORP. ET AL.

ORDER DELETING ISSUES

In the matter of Hush-A-Phone Corporation and Harry C. Tuttle, complainants, v. American Telephone and Telegraph Company et al., defendants; Docket No. 9189.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1949;

The Commission having under consideration a motion filed on May 27, 1949, on behalf of the complainants in the above-entitled proceeding, for a continuance of the hearing herein; for leave to drop the Associated Telephone Company, Ltd., as a defendant herein; for an order requiring the remaining defendants to answer paragraph 22 of the complaint; and for an order requiring the remaining defendants to answer certain interrogatories attached to such motion; and having also under consideration a consent to the granting of the motion to drop Associated Telephone Company, Ltd., as a defendant filed by that company on June 1, 1949, and an opposition filed on June 16, 1949, in behalf of the Bell System defendants to the complaints' motion for an order requiring defendants to answer paragraph 22 of the complaint and to answer the interrogatories attached to the complainants' motion; having also under consideration the Commission's order of May 13, 1949, designating this proceeding for hearing; and having also under consideration the Commission's order of June 9, 1949, continuing the hearing in this proceeding until August 23, 1949;

It appearing, that no opposition has been filed to the motion insofar as it requests leave to drop Associated Telephone Company, Ltd., as a defendant;

It further appearing, that the form of the answer of the Bell System companies is in substantial compliance with the Commission's rules and regulations;

It further appearing, that complainants will have full opportunity at the hearing to adduce through their own witnesses or through cross-examination of the defendants' witnesses all material and relevant evidence bearing upon the issues in this proceeding;

It is ordered, That the above motion is granted insofar as it requests leave to drop the Associated Telephone Company, Ltd., as a defendant and the issues specified in the Commission's order of May 13, 1949, are deleted insofar as they relate to the Associated Telephone Company, Ltd.;

It is further ordered, That the above motion insofar as it requests an order requiring the remaining defendants to file a further answer to paragraph 22 of the complaint is denied;

It is further ordered, That the above motion insofar as it requests an order requiring the remaining defendants to answer certain interrogatories attached to said motion is denied, without prejudice to a renewal at the hearing herein of the questions included in the interrogatories attached to said motion.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5748; Filed, July 13, 1949; 8:51 a. m.]

[Docket Nos. 9315, 9366, 9367]

WESTERN GATEWAY BROADCASTING CORP. (WSNY)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of transfer of control of Western Gateway Broadcasting Corporation (WSNY), Schenectady, New York, Docket No. 9315, File No. BTC-710, and in re applications of Western Gateway Broadcasting Corporation, Schenectady, New York, Docket No. 9367, File No. BR-1181, for renewal of license of station WSNY, and Public Service Broadcasting Corporation, Schenectady, New York, Docket No. 9366, File No. BP-7072, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of June 1949.

The Commission having under consideration (1) the above-entitled application of Western Gateway Broadcasting Corporation for renewal of license of Station WSNY, Schenectady, New York; and (2) the above-entitled application of Public Service Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 watts power, unlimited time, at Schenectady, New York, the facilities now authorized by the Commission for use by Station WSNY;

It appearing, that on May 5, 1949, the Commission designated for hearing the above-entitled application of Western Gateway Broadcasting Corporation for transfer of control of Station WSNY in a consolidated proceeding presently scheduled to begin August 1, 1949, in Schenectady, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of Western Gateway Broadcasting Corporation for renewal of license and of the Public Service Broadcasting Corporation for a construction permit are designated for hearing in the above-consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant Public Service Broadcasting Corporation to construct and operate the proposed station and of the applicant Western Gateway Broadcasting Corporation to continue to operate Station WSNY.

2. To determine the areas and population which may be expected to receive service from the operation of the station proposed by Public Service Broadcasting Corporation, and which now receives service from Station WSNY, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service to be rendered and whether it would meet the requirements of the population and areas proposed to be served.

4. To determine whether the operation of the station proposed by Public Service Broadcasting Corporation would involve objectionable interference with any existing station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station proposed by Public Service Broadcasting Corporation would involve objectionable interference with the services proposed in any other pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of May 5, 1949, designating for consolidated hearing the above-entitled application of Western Gateway Broadcasting Corporation for transfer of control is amended to include the above-entitled applications of Western Gateway Broadcasting Corporation for renewal of license of Station WSNY and of Public Service Broadcasting Corporation for a construction permit.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5749; Filed, July 13, 1949; 8:52 a. m.]

[Docket No. 9364]

G. W. COVINGTON, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of G. W. Covington, Jr., Gadsden, Alabama, Docket No. 9364, File No. BR-2031; for renewal of license of station WGWD.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1949;

The Commission having under consideration the above entitled application of G. W. Covington, Jr., for renewal of license of AM Broadcast Station WGWD at Gadsden, Alabama;

It appearing, that the license for the operation of WGWD has been extended on a temporary basis to September 1, 1949; and

It further appearing, that the Commission is unable to determine from the consideration of the application that the grant of the renewal of license for the station would be in the public interest:

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled application is designated for hearing at a time and place to be specified by a subsequent order of the Commission upon the following issues:

1. To obtain full information concerning the nature and character of the program service which has been rendered by the station since November 24, 1947, with particular reference to the following:

(a) The amount of time devoted to the following types of programs: entertainment, religious, agricultural, educational, news, discussion, talks (as defined by section IV, part I, par. 2. a. (1)-(7) of the renewal application FCC Form 303).

(b) The amount of time devoted to the following classes of programs: commercial, sustaining, local live (as defined by section IV, page 4, Program Classification of the renewal application FCC Form 303).

2. To obtain full information concerning the applicant's policies with respect to the types and classes of programs set forth in Issue 1.

3. To determine whether the applicant has accurately reported to the Commission in its application for renewal of license the amount of time devoted by Station WGWD to the types and classes of programs set forth in Issue 1.

4. To determine whether the programs broadcast by Station WGWD conform to representations made by the applicant in its application for construction permit (File B3P-4000) filed on September 21, 1945, and its application for modification of construction permit (File BMP-2474) filed on January 30, 1947.

5. To determine, in view of the facts adduced under the foregoing issues, if public interest, convenience and necessity would be served by granting the above entitled application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 49-5750; Filed, July 13, 1949; 8:52 a. m.]

[Docket No. 9006]

TIMES HERALD CO. (WTTH)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of The Times Herald Company (WTTH), Port Huron, Michigan, Docket No. 9006, File No. BP-6575; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of June 1949;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1360 kc to 1380 kc, increase hours of operation from daytime only to unlimited time and utilize a directional antenna both day and night at Station WTTH, Port Huron, Michigan;

It appearing, that on the basis of information contained in the above-entitled application the officers, directors and stockholders of the applicant are legally, financially, technically and otherwise qualified to operate the station as proposed;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any other existing or proposed broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WTTH as proposed would involve objectionable interference with Station CKPC, Brantford, Ontario, Canada, or with any other existing foreign broadcast station and the nature and extent of such interference.

4. To determine whether the existence of the present antenna tower in close proximity to the proposed three element directional array will cause re-radiation resulting in distortion of the directional pattern.

5. To determine whether the installation and operation of station WTTH as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5751; Filed, July 13, 1949; 8:52 a. m.]

[Designation Order 35]

DESIGNATION OF MOTIONS COMMISSIONER FOR JULY, 1949

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1949;

It is ordered, Pursuant to § 0.111 of the Statement of Delegations of Authority, that Robert F. Jones, Commissioner, is hereby, designated as Motions Commissioner for the month of July 1949.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5752; Filed, July 13, 1949; 8:52 a. m.]

[Change List 51]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JUNE 18, 1949.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CKYK	Yellowknife, N. W. T.	810 kilocycles, 250 w		II	Delete assignment.
CKY	Winnipeg, Manitoba	1080 kilocycles, 1 kw	DA-1	II	Assignment of call letters.
CKBB	Barrie, Ontario	1230 kilocycles, 250 w		IV	Do.
CKOY	Ottawa, Ontario	1310 kilocycles, 1 kw; 5 kw-LS.	DA-N	III-B	Change in call letters from CKCO.
CHRL	Roberval, Quebec	1340 kilocycles, 250 w		IV	Change in call letters from CKFL.
CHRL	do	250 w		IV	Now in operation.
CJNT	Quebec, Quebec	250 w		IV	Do.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5753; Filed, July 13, 1949; 8:52 a. m.]

[Docket No. 9368]

WILLIAM C. GROVE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William C. Grove, Denver, Colorado, Docket No. 9368, File No. BP-6608; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of June 1949;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on the frequency 910 kilocycles, with 1 kilowatt power, share time with Station KPOF in Denver, Colorado;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations KGLC, Miami, Oklahoma; KRRV, Sherman, Texas; KLX, Oakland, California; WSUI, Iowa City, Iowa; KALL, Salt Lake City, Utah; KPHO, Phoenix, Arizona, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KFBC, Cheyenne, Wyoming, the nature and extent thereof, and whether such overlap if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That, Miami Broadcasting Company, licensee of Station KGLC, Miami, Oklahoma; Red River Valley Broadcasting Corporation, licensee of Station KRRV, Sherman, Texas; Tribune Building Company, licensee of Station KLX, Oakland, California; The State University of Iowa, licensee of Station WSUI, Iowa City, Iowa; Salt Lake City Broadcasting Company, licensee of Station KALL, Salt Lake City, Utah; and Phoenix Broadcasting Company, Incorporated, licensee of Station KPHO, Phoenix, Arizona, are made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5754; Filed, July 13, 1949; 8:52 a. m.]

CHECK LIST OF RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION

JUNE 30, 1949.

Listed below is identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check for the completeness thereof. This list brings the rules up to date as of June 27, 1949. All rules and regulations here listed are on sale at the Office of the Superintendent of Documents, Washington, D. C., with the exception of those parts opposite which there is placed an asterisk. Copies of those parts opposite which there is an asterisk may be ob-

tained from the Federal Communications Commission on request. Amendments to all parts of the rules and regulations here listed may be secured from the Federal Communciations Commission on request. (Note that all persons who obtain parts of these rules, and regulations from the FCC, or who purchase those parts on sale at the Office of the Superintendent of Documents, who desire amendments to these parts, must fill out and return to the Commission one copy of #86780 (distributed with each part of the rules and regulations) for each part concerning which they desire to receive amendments.)

Part No.	Edition	Amendments outstanding to this edition
0*	Edition effective Nov. 18, 1948 (mimeographed as Amendment No. 1-43).	Nos. 0-1, 0-2, 0-3.
1	Edition revised to Jan. 26, 1949	Nos. 1-1 through 1-6.
2	Edition revised to Apr. 27, 1949	No. 2-1.
3	Edition revised to Jan. 6, 1949	No amendments outstanding.
4*	Edition effective Sept. 10, 1946	Nos. 338, 360, 392.
5	Edition revised to Jan. 16, 1948	Nos. 5-1 and 5-2.
6	Edition revised to Apr. 27, 1949	No amendments outstanding.
7*	Edition revised to Apr. 5, 1941 or	Nos. 77, 90, 116, 127, 198, 223, 279, 316, 340, 389, 394.
	Edition revised to Sept. 30, 1945	Nos. 316, 340, 389, 394.
8	Edition revised to May 31, 1943	Correction Sheet No. 12 and Nos. 184, 222, 231, 234, 247, 248, 252, 268, 280, 308, 317, 322, 343, 356, 358, 362, 369, 371, 377, 381, 390, 391, 393, 395.
9	Edition revised to July 1, 1947	Nos. 9-2 through 9-7.
10	Edition revised to Apr. 27, 1949	No amendments outstanding.
11	do	Do.
12	Edition revised to Nov. 18, 1948	Nos. 12-1 through 12-4.
13	Edition revised to Mar. 30, 1949	No. 13-1.
14	Edition revised to Apr. 2, 1942 or	Nos. 332, 380, 382.
	Effective Dec. 5, 1938	Nos. 118, 332, 380, 382.
15*	Recodified July 21, 1948 (set forth as Amendment 15-1).	No. 15-1.
16	Revised to Apr. 27, 1949	No amendments outstanding.
18	Revised to Apr. 30, 1948	Nos. 18-5, 18-6, 18-7.
19	Edition revised to June 1, 1949	No amendments outstanding.
31	Edition revised to May 12, 1948 and Notice of Errata (substitute pages III-IV, and 1 through 6).	Do.
33**	Effective May 12, 1948	Do.
34	Effective Jan. 1, 1940	Nos. 218, 239, and 318.
35	Revised to Aug. 1, 1947	No amendments outstanding.
41	Revised to Dec. 4, 1947	Do.
42	Revised to May 27, 1943	Nos. 257 and 302.
43	Edition revised to July 21, 1948	No amendments outstanding.
51	Effective July 25, 1944	Do.
52	Effective July 11, 1944	Do.
61	Revised to Aug. 1, 1946	Do.
62	Revised to May 23, 1944	Do.
63*	Revised to Dec. 30, 1946	No. 63-1.
64	Revised to July 16, 1948	No. 64-1.
65*	Effective July 5, 1944 or	No. 277.
	Revised to Sept. 4, 1945	No amendments outstanding.
Standards of Good Engineering Practice—Standard Broadcast Edition revised to Oct. 30, 1947.		Nos. SGEP-AM-1, SGEP-AM-2, SGEP-AM-3.
Section 26 of the Standards of Good Engineering Practice—Standard Broadcast Edition revised to Apr. 20, 1948.		No amendments outstanding.
Standards of Good Engineering Practice—FM Edition revised to Jan. 9, 1946.		Nos. 307, 336, 363, 364, 367, 385.
Standards of Good Engineering Practice—Television Edition effective Dec. 19, 1945.		No amendments outstanding.

*Not available at GPO. May be obtained from the FCC on request.

**Scheduled to be placed on sale at the Office of the Superintendent of Documents, Washington 25, D. C., on June 30, 1949.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5782; Filed, July 13, 1949; 9:04 a. m.]

[Docket No. 9365]

PIONEER FM CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles N. Cutler, Glenroie L. Danner and William M. Poland d/b as Pioneer FM Company, Madison, Indiana, File No. BPH-1513, Docket No. 9365; for class A FM construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1949;

The Commission having under consideration the above-entitled application for a construction permit for a Class A FM broadcast station at Madison, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application be designated for hearing at a time and place to be specified by a subsequent order of the Commission, upon the following issues:

1. To determine the legal, financial, technical, and other qualifications of the applicant, and its partners to construct and operate the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-5755; Filed, July 13, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Project Nos. 2004, 2014]

HOLYOKE WATER POWER CO. AND CITY OF HOLYOKE GAS AND ELECTRIC DEPARTMENT

NOTICE OF FINAL DECISION AND ORDER

JULY 5, 1949.

Notice is hereby given that the initial decision and order granting a major license to Holyoke Water Power Company and denying the application for license, as modified, filed by the City of Holyoke Gas and Electric Department was issued and served upon all parties on June 3, 1949.

No exceptions thereto having been filed or review initiated by the Commission, said initial decision, in conformity with the Commission's rules of practice and procedure, became effective on July 5, 1949, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5727; Filed, July 13, 1949; 8:46 a. m.]

[Docket No. G-1224]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION

JULY 7, 1949.

Take notice that Applicants, The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, both of 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on June 20, 1949, an application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction, abandonment, and operation of certain natural gas transmission pipe line facilities hereinafter described.

Applicants propose to improve their facilities for the transportation of natural gas for resale to their associated companies in the Pittsburgh group of companies owned by The Columbia Gas System, Inc., within the territory presently served by such companies, and for such purpose to construct, abandon, and operate the following transmission pipe line facilities:

A. By Manufacturers:

1. Construction of three segments of 16-inch gas transmission pipe line in Washington County, Pennsylvania, totalling 10.4 miles in length; 800 feet of 12-inch line and 4,250 feet of 10-inch line in Allegheny County, Pennsylvania; 1,500 feet of 8-inch line in McKees Rocks, Pennsylvania, and 6,145 feet of 8-inch line in Westmoreland County, Pennsylvania; 3,106 feet of 6-inch line in New Castle, Pennsylvania, and 3,000 feet of 6-inch line at Mingo Junction, Ohio; 1.5 miles of 4-inch line in Columbiana County, Ohio, and 55 feet of 4-inch line in Westmoreland County, Pennsylvania.

2. Construction of a regulator station, together with appurtenant facilities, in

the vicinity of Mount Pleasant, Pennsylvania.

3. Abandonment of 1.3 miles of 8-inch gas transmission pipe line in Washington County, Pennsylvania, 2,000 feet of 8-inch line at Mingo Junction, Ohio, 4,577 feet of 8-inch line in Allegheny County, Pennsylvania, and 558 feet of 8-inch line in Westmoreland County, Pennsylvania; 3,106 feet of 4-inch line in New Castle, Pennsylvania; and 485 feet of 4-inch line in Westmoreland County, Pennsylvania.

4. Abandonment of 10.7 miles of 1¼-inch to 8-inch gas transmission pipe lines in the South Hills Area of Pittsburgh, Pennsylvania, and 900 feet of 8-inch line and 2,769 feet of 4-inch line in Westmoreland County, Pennsylvania, all of which lines will be converted to gas distribution lines.

B. By Cumberland:

Construction of 2,800 feet of 4-inch gas transmission pipe line extending from a 12-inch gas transmission pipe line in Westernport District, Allegany County, Maryland, to the community of McCoole in said county.

The construction of these facilities is necessary to meet the estimated requirements of Applicants and their associated companies of the Pittsburgh Division of the Pittsburgh Group on a winter peak day in 1950, of 473,700,000 cubic feet.

The estimated net cost of the facilities proposed to be constructed by Manufacturers is $577,637; by Cumberland, $7,125. Manufacturers contemplates borrowing the total over-all capital cost of its projects from its parent corporation, The Columbia Gas System, Inc. Cumberland estimates that it will be able to finance its project out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-5728; Filed, July 13, 1949; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1102]

GREYHOUND CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of July A. D. 1949.

The Detroit Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $3.00 Par Value, of The Greyhound Corporation, Chicago, Illinois.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange and the San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Detroit Stock Exchange is the State of Michigan; that out of a total of 9,330,090 shares outstanding, 28,238 shares are owned by shareholders in the vicinity of the Detroit Stock Exchange; and that in the vicinity of the Detroit Stock Exchange there were effected 530 transactions involving 57,049 shares from April 1, 1948 to April 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Detroit Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $3.00 Par Value, of The Greyhound Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5732; Filed, July 13, 1949; 8:47 a. m.]

[File No. 70-1825, 70-2091]

NARRAGANSETT ELECTRIC CO. ET AL.

ORDER GRANTING MOTIONS AND APPLICATION

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 July A. D. 1949.

In the matter of the Narragansett Electric Company, File No. 70-2091; Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Eastern Massachusetts Electric Company, Gardner Electric Light Company, Gloucester Electric Company, Gloucester Gas Light Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Salem Gas Light Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Wachusett Electric Company, Weymouth Light and Power Company, Worcester County Electric Company; File No. 70-1825.

The Commission having on April 12, 1949, issued a notice of and order for hearing directing that New England Electric System ("NEES"), a registered holding company, and its subsidiary companies, identified by Commission's File No. 70-1825 and sometimes hereinafter referred to as "respondent subsidiary companies," show cause why the Commission's authorization of March 14, 1949, permitting such subsidiary companies to issue additional promissory notes should not be amended to the extent necessary to terminate, in whole or in part, said authorization with respect to the promissory notes not already issued at the time any such termination, or to impose additional terms and conditions with respect to such notes;

The Commission having consolidated the application of The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of NEES, to issue, from time to time but not later than July 31, 1949, $2,350,000 principal amount of additional unsecured promissory notes maturing not later than six months after their respective issue dates and bearing an effective rate of interest not in excess of 2½% per annum with the proceeding instituted by the Commission by said notice of and order for hearing dated April 12, 1949;

The Commission, by order dated May 19, 1949, having authorized Narragansett to issue $950,000 of additional short-term promissory notes to provide cash for that company's construction needs for the months of April and May;

Narragansett and NEES having moved that the issues with respect to Narragansett's application to issue additional unsecured short-term promissory notes be severed from the issues in the consolidated proceeding and that Narragansett be authorized to issue the remaining $1,400,000 of additional promissory notes and NEES and the respondent subsidiary companies, having moved that the commission withhold its decision with respect to the other issues raised by said notice of and order for hearing dated April 12, 1949 until such time as such companies are in a position to place in the record a definitive system construction program and the contemplated financing thereof and that the hearing on these issues be continued;

NEES and said respondent subsidiary companies having agreed and stipulated that if the Commission grants the motion of NEES and said respondent subsidiary companies, the future bank borrowings of said subsidiary companies under the authority set forth in the Commission's order of March 14, 1949 will be limited to an aggregate amount of $500,000 which stipulation reduces the aggregate amount of promissory notes which the Commission's order of March 14, 1949 authorized said subsidiary companies to issue prior to July 31, 1949 by $9,790,000 and reduces the maximum amount of promissory notes which said subsidiary companies are permitted to have outstanding at any one time prior to July 31, 1949 by $6,885,000 and, in effect, terminates the note borrowing authorization set forth in said Commission's order of March 14, 1949

with respect to all of said respondent subsidiary companies except Worcester County Electric Company and that company's note borrowings during the period from April 22, 1949 to July 31, 1949 are limited by said stipulation to not more than $500,000;

The Commission finding that it is appropriate in the public interest and for the protection of investors or consumers to grant the motions of NEES and Narragansett and NEES and the respondent subsidiary companies and finding the issuance of the remaining $1,400,000 principal amount of additional unsecured short-term promissory notes by Narragansett is appropriate in the public interest and for the protection of investors or consumers:

It is ordered, That the motions of NEES and Narragansett and NEES and the respondent subsidiary companies be, and the same hereby are, granted and that the application of Narragansett be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5735; Filed, July 13, 1949; 8:48 a. m.]

[File No. 70-2120]

AMERICAN POWER & LIGHT CO. AND TEXAS UTILITIES CO.

SUPPLEMENTAL ORDER APPROVING ISSUANCE AND SALE OF STOCK

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 July A. D. 1949.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's registered holding company subsidiary, Texas Utilities Company ("Texas Utilities"), having filed a joint application-declaration, and an amendment thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-23 thereunder proposing that Texas Utilities issue and sell to American and that American acquire 400,000 shares of the authorized common stock of Texas Utilities for a cash consideration of $7,000,000; and

The Commission having on June 21, 1949, issued its order granting and permitting to become effective said joint application-declaration, as amended, and having reserved jurisdiction to enter such further order as may be appropriate upon supplemental application by American and Texas Utilities, containing such recitals or granting such other relief as may be warranted under section 1808 (f) and Supplement R of the Internal Revenue Code; and

American and Texas Utilities having on July 7, 1949, filed a further amendment to said joint application-declaration setting forth that American proposes to use $7,000,000 of the proceeds from the sale of its holdings of the common stock of Kansas Gas and Electric Company, immediately upon completion of such sale, to make the aforesaid investment of $7,000,000 in the common stock of Texas Utilities, and requesting that the Commission enter a supplemental order containing appropriate recitals with respect to said investment by American as are contemplated by the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

The Commission finding that the investment by American of $7,000,000 in the common stock of Texas Utilities through the use of a part of the proceeds of the sale by American of its holdings of the common stock of Kansas Gas and Electric Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the act:

It is ordered, That the issuance and sale by Texas Utilities of 400,000 shares of its common stock to American and the investment by American in Texas Utilities of $7,000,000 in the purchase by American of said 400,000 shares of the common stock of Texas Utilities are necessary or appropriate to the integration or simplification of the holding company system of which American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5731; Filed, July 13, 1949; 8:47 a. m.]

[File No. 70-2147]

NEW JERSEY POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of July 1949.

New Jersey Power & Light Company ("NJP & L"), a subsidiary of General Public Utilities Corporation, a registered holding company having filed an application on May 18, 1949, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the issuance and sale of $3,500,000 principal amount of First Mortgage Bonds, --% series due 1979 and 20,000 shares of --% series preferred stock of a par value of $100 per share; and

NJP & L having on July 5, 1949 filed an amendment to said application proposing only the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50 of $3,500,000 principal amount of First Mortgage Bonds --% series due 1979, the proceeds of which will be deposited with the trustee under NJP & L's indenture of mortgage and deed of trust to be withdrawn by NJP & L from time to time pursuant to the provisions of the mortgage and the funds so withdrawn to be applied by NJP & L in payment of the cost of, or reimbursement of payment made for, the purchase or construction, since April 30, 1949, of new facilities and the betterment of existing facilities, to discharge short term notes the proceeds of which have been or will be used for such purpose; and the Board of Public Utility Commissioners of New Jersey having approved the issue and sale of the new bonds by Order dated July 7, 1949; and

Said application having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amended application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application, as amended, be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of new bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of legal fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5733; Filed, July 13, 1949; 8:47 a. m.]

[File No. 70-2167]

MONTANA POWER CO.

NOTICE OF FILING

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 July A. D. 1949.

Notice is hereby given that a declaration and amendments thereto have been filed by The Montana Power Company ("Montana"), a utility subsidiary of American Power & Light Company and Electric Bond and Share Company, both registered holding companies, under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-62 thereunder. The transactions therein proposed are summarized as follows:

Montana proposes to amend its charter (a) so as to confer upon the holders of common stock and preferred stock of the company the right of cumulative voting;

(b) so as to authorize offerings of additional common stock of the company by public offering or an offering through underwriters or investment bankers who shall have agreed to make such a public offering, without first offering such stock pro rata to holders of the then outstanding common stock of the company; (c) so as to require that the consideration received by the company from the issuance and sale of additional common stock without nominal or par value shall be entered in its capital stock account; and (d) to restrict the right of the board of directors to amend the by-laws in certain respects. The company proposes to amend certain other provisions of said charter in the interest of clarification so that such provisions as amended will be consistent with the provisions outlined above, and to amend the by-laws to change the quorum for stockholders' meetings from 40% of the stock entitled to vote to a majority of such stock and to restrict the right of the board of directors to amend the by-laws in certain respects.

Notice is further given that any interested person may not later than July 15, 1949, at 1:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 1:30 p. m., e. d. s. t., on July 15, 1949, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-5734; Filed, July 13, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

ALLIANCE INDUSTRIELLE & FINANCIERE FRANCAISE, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alliance Industrielle & Financiere Francaise, S. A., Grand Duchy of Luxembourg; 6469; property described in Vesting Order No. 296 (7 F. R. 9842, November 26, 1942), relating to United States Patent Application Serial Nos. 291,636 and 283,844 (now United States Letters Patent No. 2,332,844); property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943), relating to United States Letters Patent No. 2,228,345.

Executed at Washington, D. C., on July 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5672; Filed, July 12, 1949; 8:55 a. m.]

GEORGES KANITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Kanitz, Caracas, Venezuela; 1337 and 4920 Consolidated; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,270,374.

Executed at Washington, D. C., on July 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5673; Filed, July 12, 1949; 8:55 a. m.]

[Vesting Order 13475]

MARIA MEHLENBECK

In re: Life estate in real property, property insurance policies and claim owned by Maria Mehlenbeck.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Mehlenbeck, whose last known address in Berlin Staaken, Germany, is a resident of Germany and a national of a designated enemy country (Germany):

2. That the property described as follows:

a. A life estate in real property situated in the City of Peoria, County of Peoria, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Maria Mehlenbeck in and to the following insurance policies:

Fire and Extended Coverage Policy No. OC526176 issued by Illinois Fire Insurance Company, Chicago, Illinois, in the amount of $3,500.00, which policy expires September 10, 1949, and insures the property described in subparagraph 2-a hereof,

Fire and Extended Coverage Policy No. OC563714 issued by Illinois Fire Insurance Company, Chicago, Illinois, in the amount of $1,500.00, which policy expires January 12, 1951, and insures the property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to Maria Mehlenbeck by Commercial National Bank of Peoria, Peoria, Illinois, arising out of rents collected on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece or parcel of land, situate in the City of Peoria, County of Peoria, State of Illinois, described as follows: Lot Seven (7), in Emerson Place, an Addition to Peoria, as laid out on part of the N. E. ¼ of Section 5, T. 8, N. R. 8, East of the 4th P. M.

[F. R. Doc. 49-5671; Filed, July 12, 1949; 8:54 a. m.]

[Vesting Order 13474]

AGNAS GROND ET AL.

In re: Real property, property insurance policies and a claim owned by Agnas Grond, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agnas Grond, Merie Grond, Tishlarin Anna Exner, Franz Grond, Robert Grond, Pius Grond, Klemens Grond, Maria Simon, Joseph Grond, and Martha Kastl, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City of St. Louis, State of Missouri, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the following insurance policies:

Liability Insurance Policy No. 75494, in the amounts of $25,000/50,000, issued by the Employers' Liability Assurance Corporation, Ltd., 110 Milk Street, Boston, Massachusetts, which policy expired September 26, 1948, and insured the real property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof,

Fire Insurance Policy No. 911427, in the amount of $7,000, issued by the Employers' Fire Insurance Company, 110 Milk Street, Boston, Massachusetts, which policy expired October 27, 1948, and insured the real property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, arising from rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property, situated in the City of St. Louis, State of Missouri, described as follows:

Lot 30 of Deibel's Subdivision according to plat thereof recorded in Surveyor's Record 9 page 159 and in Block 4490-A of the City of St Louis fronting 40 feet on the North line of Cote Brilliante Avenue by a depth northwardly of 144.80 feet on its West line and 144.94 feet on its East line to an alley. Bounded West by Lot 29 of Euclid Park Subdivision in said block, known as 4939 Cote Brilliante Avenue.

[F. R. Doc. 49-5670; Filed, July 12, 1949; 8:54 a. m.]

[Vesting Order 13496]

ALWINE RUNKEN ET AL.

In re: Rights of Alwine Runken, nee Wefer, et al. under insurance contract. File No. F-28-26894-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alwine Runken, nee Wefer, Else Otten, nee Runken, Henry Runken, and Marga Stephniak, nee Runken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John William Runken, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 796967, issued by The Mutual Life Insurance Company of New York, New York, N. Y., to John William Runken, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John William Runken, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5761; Filed, July 13, 1949; 8:56 a. m.]

[Vesting Order 10748, Amdt.]

HERMAN SCHMID ET AL.

In re: Bank account, stock and a bond owned by Herman Schmid, Emma Sigel Bantlin, Pauline Silber, Elise Sigel Stoll, Louise Sigel Krohmer, Louise Koch, Berta Sigel Winter, also known as Bertha Sigel Winter, and Gottlieb Silber, Jr., also known as Gottlieb Sigel, Jr. F-28-15181-A-1; F-28-15181-E-1.

Vesting Order 10748, dated February 24, 1948, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-d of the aforesaid Vesting Order 10748, and substituting therefor the following subparagraph:

d. Forty-five (45) shares of $1.00 par value common stock and four (4) shares of $1.00 par value 6% cumulative preferred stock of Harvill Corporation, 6251 W. Century Blvd., Los Angeles, California, a corporation organized under the laws of the State of California, evi-

denced by certificates numbered NC 0608 and LPB 1994, respectively, registered in the name of A. Emily Schudt, together with all declared and unpaid dividends thereon, and

All other provisions of said Vesting Order 10748 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5762; Filed, July 13, 1949; 8:56 a. m.]

[Vesting Order 12789, Amdt.]

PETER NICKLAS AND ERNEST L. F. NICKLAS

In re: Stock, bonds and bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of Peter Nicklas, deceased, and of Ernest L. F. Nicklas also known as Fritz Nicklas, deceased.

Vesting Order 12789, dated February 1, 1949, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (e) and 2 (f) of said Vesting Order and substituting therefor the following:

(e) Eleven (11) United States Treasury $2\frac{1}{2}$ Bearer Bonds, each of $1000 face value, bearing the numbers as follows:

Bond No.	Date of issue	Date due
194087 H	Apr. 15, 1943	1964-69
194088 J	do	1964-69
194089 K	do	1964-69
194090 L	do	1964-69
202900 L	do	1964-69
202901 A	do	1964-69
167240 L	Dec. 1, 1944	1966-71
167241 A	do	1966-71
167242 B	do	1966-71
167243 C	do	1966-71
167244 D	do	1966-71

and presently in the custody of West Side Trust Company, 59-65 Springfield Avenue, Newark, New Jersey, together with any and all rights thereunder and thereto,

(f) Two (2) United States Treasury $2\frac{1}{2}\%$ Bearer Bonds, each of $500 face value, bearing the numbers 87353 C and 95145 E, issued April 15, 1943, due 1964-69, and presently in the custody of West Side Trust Company, 59-65 Springfield Avenue, Newark, New Jersey, together with any and all rights thereunder and thereto.

All other provisions of said Vesting Order 12789 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5763; Filed, July 13, 1949; 8:56 a. m.]