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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.311 *Department of Agriculture.*

* * *

(p) *Office of the Director, Agricultural Credit Services.* (1) The Director, Agricultural Credit Services.

(2) One Confidential Assistant to the Director.

(3) One Private Secretary to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-8426; Filed, Sept. 30, 1953; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 7]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CLEANING AND DISINFECTING VEHICLES AND FACILITIES USED IN CONNECTION WITH INTERSTATE MOVEMENT OF SWINE AND CERTAIN SWINE PRODUCTS

Pursuant to the authority conferred upon the Secretary of Agriculture by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), § 76.35 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR Supp., Part 76, Subpart B; 18 F. R. 3636, 3829, as amended) is hereby amended as follows:

1. Paragraph (b) of § 76.35 is amended to read:

(b) Except as provided by the Chief of Bureau, each railroad car, boat, truck, or other vehicle, and its equipment, used in connection with the interstate movement of swine from a stockyard, sale barn, auction market, or other concentration point, for a distance of 200 miles or more from such point shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section immediately before each such use, if such vehicle was used in connection with any movement of livestock since it was last cleaned and disinfected as prescribed in said paragraph (g).

2. Paragraph (d) of § 76.35 is amended to read:

(d) The Chief of Bureau may require the thorough cleaning and disinfecting as prescribed in paragraph (g) of this section of any vehicle or facility which has been used, or which he has reason to believe may have been used, in connection with the interstate movement of any swine or swine products affected with or exposed to vesicular exenthema, or of any swine fed any raw garbage or swine products other than specially processed swine products derived from such swine.

The amendment of paragraph (b) of § 76.35 eliminates certain requirements for cleaning and disinfecting vehicles after their use in connection with the interstate movement of swine from stockyards, sale barns, auction markets, and other concentration points. Inasmuch as this amendment relieves restrictions, under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) it may be made effective less

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CODIFICATION GUIDE—Con.

then 30 days after publication in the FEDERAL REGISTER.

The amendment of paragraph (d) of § 76.35 adds specific authority for the Chief of the Bureau of Animal Industry to require cleaning and disinfecting of any vehicles and facilities used, or believed to have been used, in the interstate movement of raw garbage fed swine or swine products thereof, which have not been specially processed. This amendment should be made effective immediately in order to adequately protect the livestock industry of the United States. Accordingly, under section 4 (c) of the Administrative Procedure Act good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, 1265, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125)

The foregoing amendments shall become effective upon issuance.

Done at Washington, D. C., this 25th day of September 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-8402; Filed, Sept. 30, 1953; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-1]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

POSTPONEMENT OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of September, 1953.

On April 13, 1953, the Civil Aeronautics Board rescinded Part 61 and adopted a revision of Part 40 of the Civil Air Regulations effective October 1, 1953. The revision of Part 40 consolidates the general substance of Part 40 and Part 61 of the Civil Air Regulations. At the time of adoption of revised Part 40 it was considered that the October 1, 1953, effective date would provide sufficient time to enable implementation of revised Part 40. It has become apparent, however, that unforeseen delays in publication of manual material and issuance of operation specifications make it extremely doubtful that such materials will be in the hands of the air carriers sufficiently in advance of the October 1, 1953, effective date to enable orderly implementation of revised Part 40 on October 1, 1953. In view of the foregoing, the Board is postponing the effective date of revised Part 40 to January 1, 1954, and will continue presently effective Parts 40 and 61 in effect until January 1, 1954.

Since the time remaining prior to October 1, 1953, is insufficient to permit normal rule making procedure and delay beyond that date would operate contrary to the purpose of the amendment, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no burden on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of revised Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) from October 1, 1953, to January 1, 1954.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-8428; Filed, Sept. 30, 1953; 8:54 a. m.]

[Civil Air Regs., Amdt. 61-1]

PART 61—SCHEDULED AIR CARRIER RULES

POSTPONEMENT OF EFFECTIVE DATE OF REVOCATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of September 1953.

On April 13, 1953, the Civil Aeronautics Board adopted Civil Air Regulations Amendment 61-11 rescinding Part 61 of the Civil Air Regulations effective October 1, 1953. The purpose of that amendment was to discontinue these operating rules since they had been revised and transferred to revised Part 40, effective October 1, 1953, and no useful purpose would be served by the continued effect of Part 61 after that date.

It has become apparent, however, that unforseen delays in publication of manual material and issuance of operations specifications make it extremely doubtful that such materials will be in the hands of the air carriers sufficiently in advance of the October 1, 1953, effective date to enable orderly implementa-

tion of revised Part 40 on October 1, 1953. In view of the foregoing, the Board is postponing the effective date of revised Part 40 to January 1, 1954, and it is thereby necessary that Part 61 be retained in effect until January 1, 1954. This amendment is for the purpose of changing the date of rescission of Part 61 to correspond with the effective date of revised Part 40.

Since the time remaining prior to October 1, 1953, is insufficient to permit normal rule making procedure and delay beyond that date would operate contrary to the purpose of this amendment, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no additional burden on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Civil Air Regulations Amendment 61–11 (14 CFR Part 61, as amended) from October 1, 1953, to January 1, 1954.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-8429; Filed, Sept. 30, 1953; 8:54 a. m.]

[Reg. No. SR-393A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO ADMINISTRATOR TO AUTHORIZE COMPLIANCE WITH REVISED PART 40, EFFECTIVE JANUARY 1, 1954, IN LIEU OF PRESENTLY EFFECTIVE PARTS 40 AND 61

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of September 1953.

On April 13, 1953, the Board adopted a revision to Part 40 which contains major changes to the certification and operating rules applicable to domestic scheduled interstate air carriers. Revised Part 40 was made effective October 1, 1953. Present Parts 40 and 61 were accordingly rescinded effective that date.

In order to permit the orderly transition of air carrier operations from presently effective Parts 40 and 61 to the revised Part 40, it was considered desirable that the Administrator of Civil Aeronautics be permitted, upon application by a domestic scheduled interstate air carrier, to amend the operations specifications of such air carrier to authorize compliance with selected provisions of revised Part 40 in lieu of the provisions of presently effective Parts 40 and 61 prior to October 1, 1953. In view of the foregoing, the Board adopted Special Civil Air Regulation SR–393 on April 13, 1953, authorizing the Administrator to permit operation in compliance with revised Part 40 prior to October 1, 1953. It has now become apparent, however, that unforeseen delays in publication of manual material and issuance of operations specifications make it extremely doubtful that such materials will be in the hands of the airlines sufficiently in advance of the October 1, 1953, effective date to enable orderly implementation of revised Part 40 on October 1, 1953. The Board, therefore, is postponing the effective date of revised Part 40 and extending the authority provided by SR–393 to January 1, 1954. It is anticipated that the Administrator, in exercising this authority with respect to any particular provision, will require compliance with all related provisions of revised Part 40.

Since the purpose of this rule is to provide a means of orderly transition from presently effective to newly adopted rules, notice and public procedure hereon are considered impracticable and unnecessary and the Board finds that good cause exists for making the regulation effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective immediately:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator of Civil Aeronautics may, upon application, amend the operations specifications of an air carrier coming under the provisions of § 40.1 of revised Part 40, effective January 1, 1954, to authorize such air carrier to operate, prior to January 1, 1954, in compliance with selected provisions of Part 40, effective January 1, 1954, in lieu of the equivalent provisions of presently effective Parts 40 and 61.

This regulation supersedes Special Civil Air Regulation SR–393 and shall terminate January 1, 1954, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 555, 559)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN. *Secretary.*

[F. R. Doc. 53-8430; Filed, Sept. 30, 1953; 8:55 a. m.]

[Reg. No. SR-396A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of September 1953.

Special Civil Air Regulation SR–396, which terminates October 1, 1953, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. At the time SR–396 was adopted, it was anticipated that revised Part 40, which incorporates similar provisions, would be in effect on October 1, 1953. It has become apparent, however, that unforeseen delays in publication of manual material and issuance of operations specifications make it extremely doubtful that such materials will be in the hands of the air carriers sufficiently in advance of the October 1, 1953, effective date to enable orderly implementation of revised Part 40 on October 1, 1953. In view of the foregoing, the Board is postponing the effective date of revised Part 40 to January 1, 1954, and it is, therefore, desirable to extend the rules provided in SR–396 until January 1, 1954, at which time revised Part 40 will apply.

Since the time remaining prior to October 1, 1953, is insufficient to permit normal rule making procedure and delay beyond that date would operate contrary to the purpose of the regulation, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no additional burden on any person, the regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective immediately:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

a. Such flights need not comply with the requirements of § 60.45, § 61.252, or any sections of Parts 40 and 61 concerning civil airways.

b. Such flights need not comply with the requirements of § 60.21, § 60.43, § 60.47, and § 61.171 (c), except to the extent which the Administrator may prescribe.

c. Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

d. Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR–396 and shall terminate January 1, 1954, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-8431; Filed, Sept. 30, 1953; 8:55 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF NATIONAL AND AFFILIATED SECURITIES ASSOCIATIONS

Purpose of amendment. The Securities and Exchange Commission announced the adoption of amendments to paragraph (b) of its § 240.15aj-1 (Rule X-15AJ-1) and to Forms X-15-AA-1 and X-15AJ-2 (17 CFR 249.801 and 249.803) under the Securities Exchange Act of 1934. The amendments make it unnecessary for an association of brokers or dealers to furnish in its application for registration as a national securities association, or in any amendatory or supplementary statement: (1) A list of members arranged on a geographical basis, or (2) the classification of each member for dues-paying purposes.

An association of brokers or dealers applying for registration as a national securities association is required to file an application for registration on Form X-15AA-1. Prior to the amendments mentioned above, the form required such an association to furnish two lists of members: One arranged on an alphabetical basis and one arranged on a geographical basis. The form also required the association to classify each member for dues-paying purposes. In addition, Rule X-15AJ-1 required (1) that this information be kept current by filing supplementary statements and (2) that similar information be furnished each year in the annual consolidated supplement filed on Form X-15AJ-2.

Form X-15AA-1 and Form X-15AJ-2 have been amended to eliminate the requirement to file a list of members arranged on a geographical basis and the requirement to furnish information concerning the amount of dues payable each fiscal year by each member. These amendments were requested by the National Association of Securities Dealers, Inc., the only association of brokers or dealers registered with the Commission, because it is difficult and expensive to prepare such information for filing and it is of very limited value.

A securities association subject to the rules mentioned will still be required to furnish to the Commission in an original application, and in appropriate amendatory or supplementary statements, (1) a list of all members, arranged on an alphabetical basis (2) a statement of the standards used by the association for assessing and allocating dues among its members and (3) a balance sheet as of the close of the last fiscal year and a statement of income and expense for such year.

Statutory basis. The amendments to § 240.15aj-1 and to Form X-15AA-1 and Form X-15AJ-2 are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 15A and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and necessary for the execution of the functions vested in it under the act. The Commission finds that notice and public procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the amendments are minor in nature, the one national securities association now registered has requested the modification, and it is improbable that its adoption will be objectionable to any person. The Commission further finds that the amendments have the effect of relieving restriction or granting exemption and that they may be declared effective immediately under section 4 (c) of the Administrative Procedure Act.

Text of amendment. Paragraph (b) of § 240.15aj-1 is hereby amended to read as follows:

§ 240.15aj-1 *Amendments and supplements to registration statements of securities associations.* * * *

(b) *Current supplements.* Promptly after any change which renders no longer accurate any information contained or incorporated in the registration statement or in any amendment or supplement thereto the association shall file with the Commission a current supplement setting forth such change, except that:

(1) Supplements setting forth changes in the information called for in Exhibit C need not be filed until 10 days after the calendar month in which the changes occur.

(2) No current supplements need be filed with respect to changes in the information called for in Exhibit B.

(3) If changes in the information called for in items (1) and (2) of Exhibit C are reported in any record which is published at least once a month by the association and promptly filed in triplicate with the Commission, no current supplement need be filed with respect thereto.

The above amendment shall become effective September 22, 1953.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

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

SEPTEMBER 22, 1953.

[F. R. Doc. 53-8398; Filed, Sept. 30, 1953; 8:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

SUBPART I—FORMS FOR REGISTRATION OF AND REPORTING BY NATIONAL SECURITIES ASSOCIATIONS AND AFFILIATED SECURITIES ASSOCIATIONS

Form X-15AA-1, described in § 249.801, is hereby amended as follows:

a. Items (3) and (4) of Exhibit C are hereby deleted.

b. Exhibit D is hereby deleted.

Form X-15AJ-2, described in § 249.803, is hereby amended as follows:

a. Item (3) of Exhibit C is hereby deleted.

b. Exhibit D is hereby deleted.

The above amendments shall become effective September 22, 1953.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

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

SEPTEMBER 22, 1953.

[F. R. Doc. 53-8399; Filed, Sept. 30, 1953; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES FOR PROPERTY DAMAGED, LOST, DESTROYED, CAPTURED, OR ABANDONED INCIDENT TO THEIR SERVICE

In § 536.27 (g), subparagraph (1) is revised to read as follows:

§ 536.27 *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned incident to their service.* * * *

(g) *Claimants*—(1) *Personnel.* Only military personnel or civilan employees of the Department of the Army or of the Army and civilian employees of the Department of Defense (or their duly authorized agent or legal representative (see § 536.4 (a) (1)) may be claimants under this section.

* * * * *

[AR 25-100, Aug. 20, 1953] (59 Stat. 225, as amended; 31 U. S. C. 222c)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-8404; Filed, Sept. 30, 1953; 8:50 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1000—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 1000.101 is changed as follows:

§ 1000.101 *Purpose.* The Air Force Procurement Procedures are designed to

implement Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) and to prescribe detailed procurement procedures for the Department of the Air Force, as contemplated by § 400.106 of this title. Detailed procurement procedures are those policies and instructions prescribed by the Secretary, Under Secretary, or Assistant Secretary of the Air Force.

2. Section 1000.102 is changed as follows:

§ 1000.102 *Applicability of procedures.* These procedures apply to the procurement by the Department of the Air Force of all supplies and services which obligate appropriated funds, whether such supplies and services are procured by formal advertising or by negotiation.

3. Section 1000.103 is changed as follows:

§ 1000.103 *Effective date of procurement procedures.* These procurement procedures will be effective on and after November 15, 1950.

4. Section 1000.109 is changed as follows:

§ 1000.109 *Deviation from Armed Services Procurement Regulation and the Air Force Procurement Procedures.* (a) Deviations from the requirements of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) and/or the provisions of this subchapter (Air Force Procurement Procedures) will be made only by and with the approval of the Director of Procurement and Production Engineering, Headquarters USAF. Requests for authority to make such deviations will be forwarded through the head of the procuring activity concerned.

(b) Any basic legal question involved in deviation from the requirements of these regulations will be referred, in the case of Headquarters USAF, direct to the General Counsel, Department of the Air Force, and in the case of other components of the Air Force, to the Staff Judge Advocate, Air Materiel Command, for reference, if required or desirable, to the General Counsel. For this purpose and any other purpose involving policy having legal implications, direct communication is authorized between the Staff Judge Advocate, Air Materiel Command and the General Counsel.

(c) Reports of deviations from the requirements of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) to the other Departments and the Munitions Board, as set forth in § 400.108 of this title, will be made by the Director of Procurement and Production Engineering.

5. Section 1000.202 is added to Subpart B as follows:

§ 1000.202 *Purchasing offices*—(a) *Purchasing office.* A purchasing office is any Air Force installation or activity, or a division office, branch, section, or unit of an Air Force installation or activity, charged with a purchasing or procurement function, including base purchasing and contracting offices.

(b) *Principal purchasing office.* The following office is designated the principal purchasing office of the Air Force Establishment:

Procurement Division, Headquarters,
Air Materiel Command,
Wright-Patterson Air Force Base,
Ohio.

6. Section 1000.300 is changed as follows:

§ 1000.300 *Methods of procurement.* Notwithstanding the provisions of § 400.301 of this title, during the period of the National Emergency declared by the President on December 16, 1950, the Assistant Secretary of the Air Force has authorized the negotiation of all purchases and contracts under section 2 (c) (1) of the Armed Services Procurement Act of 1947 (sec. 2 (c) (1), 62 Stat. 21; 41 U. S. C. 151). Procurement may continue to be effected by formal advertising only when time permits and delivery requirements are not jeopardized by such action, and when such method will not adversely affect the broadening of the industrial base. (See §§ 1001.102 and 1002.201 of this subchapter).

7. Paragraph (a) of § 1000.302 is amended as follows:

§ 1000.302 *Small business concerns.* (a) Full consideration will be given to the stated policy of the Department to place with small business concerns a fair proportion of the total procurement of supplies and services for the Department. In view of the fact that a very high percentage, in dollar value, of Air Force requirements can be suitably produced only by large plants, and only a correspondingly small percentage, in dollar value, can be suitably produced by small plants, the policy of the Department of the Air Force is to place as many contracts as possible in this latter category with competent small plants. However, the awarding of contracts to other than the low bidder, in those cases where formal advertising is required, solely on the basis that a bidder qualifies as a small business concern, is not authorized (see 28 Comp. Gen. 662). For awards to small business concerns in the case of equal low bids see § 1001.405 of this subchapter.

* * * * *

8. Paragraph (d) of § 1000.303 is amended by adding a new subparagraph (1) (iv) as follows:

§ 1000.303 *Ineligible contractors and disqualified bidders.* * * *

(d) *Action by procurement activities.* * * *

(1) *Ineligible contractors.* * * *

(iv) When a National Production Authority allocation order is received by an Air Force base for issuance of scrap steel or other critical materials to a firm whose name appears on the Air Force List of Ineligible Contractors and Disqualified Bidders, the Directorate of Procurement and Production Engineering, Headquarters USAF will be advised promptly by telephone or electrical means. A full letter report will follow. The issuance of the allocation will not be made until clearance in writing for the issuance has been granted by the Directorate of Procurement and Production Engineering, Headquarters USAF, and received by the person authorized to issue the allocation.

* * * * *

9. Section 1000.306 is changed as follows:

§ 1000.306 *Hospitalization and medical care for contractor's employees at oversea installations.* (a) Under existing statutes and procurement regulations, the Military Departments have the authority, under certain circumstances, to contract for the hospitalization and medical care of employees of contractors with the United States at oversea locations, as a part of the consideration for such contracts.

(b) During the present shortage of medical personnel, all practicable means should be employed to reduce the workload of the medical departments of the services and to make the most efficient use of available personnel. Accordingly, in negotiating such contracts, it is requested that all procurement authorities in the Military Departments be instructed to avoid conditions which would place upon the services the responsibility of providing medical and dental care and hospitalization for contractors' employees; except where isolation and lack of civilian facilities for hospitalization or economic advantage to the Government become overriding factors of importance.

(c) This policy does not apply to preventive medical functions overseas, which should remain the responsibility of the Military Departments.

(d) In negotiating contracts, all procurement personnel will avoid, to the extent possible, including conditions which would place upon the services the responsibility of providing medical and dental care (out patient), and hospitalization (in patient) for contractor's employees at oversea locations.

10. Paragraph (d) of § 1000.307 is amended as follows:

§ 1000.307 *Neutrality Act (International Traffic in Arms).* * * *

(d) *Registration of certain manufacturers.* The Chief, Munitions Division, Department of State, has advised that:

The Department of State is of the opinion that the following, among others, are not obligated to register as manufacturers under the terms of the act:

(1) Producers or suppliers of articles or equipment, of common military use, but not specifically listed in Proclamation 2776.

(2) Producers or suppliers of small parts or components of the articles or major units enumerated in Proclamation 2776, when such small parts or components have been interpreted as coming outside the purview of the Proclamation.

(3) Persons or firms engaged solely in research and development with resultant production for experimental or scientific purposes, when such production is not followed by manufacture in quantity for sale.

(4) Producers or suppliers of articles classified from the standpoint of military security if such articles are not adaptable to "use in warfare" in the sense of direct or indirect combat operations.

(5) Persons or firms engaged solely in the manufacture of arms, ammunition, and implements of war outside the jurisdiction of the United States.

In connection with the foregoing, it is my understanding that an administrative de-

termination by the Department of State that a particular person or firm is not obligated to register under the provisions of the act will serve to relieve procurement officers of the Military Establishment of any responsibility in so far as applying the conditions of subsection (g) in their dealings with persons seeking military contracts, providing such persons present a statement by the Department of State expressing such an exemption. It is further understood that the foregoing arrangement is acceptable to the Office of the Comptroller General.

In cases of persons or firms required to register, they will be authorized to present in evidence thereof either a photostatic copy of their Certificate of Registration, or a statement from the Department certifying that they are registered, to that part of the Military Establishment from which they desire to obtain manufacturing or supplying contracts.

* * * * *

11. Section 1000.312 and the heading thereof is changed to read as follows:

§ 1000.312 *Place of delivery*—(a) *Domestic shipments.* Unless there are valid reasons to the contrary (such as, but not restricted to, industry practice, applicability of State taxes, or destination unknown) the procurement of supplies for delivery within the continental United States will be in accordance with the following policy:

(1) When it is estimated that any shipment to a single destination will not equal a minimum carload or truckload lot (a minimum lot shall be considered to weigh approximately 20,000 pounds), delivery will be made on the basis of all transportation charges paid to destination.

(2) When it is estimated that any single contract will require a shipment of a minimum carload or truckload lot, delivery may be either on the basis of:

(i) F. o. b. carrier's equipment, or wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point, or

(ii) On the basis of all transportation charges paid to destination, whichever is most advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both bases set forth in this paragraph. Bids shall be evaluated on the basis of over-all cost to the Government.

(b) *Oversea shipments.* In case of supplies destined for overseas, wherever possible, regardless of the quantity of the shipment, delivery will be made on the basis of f. o. b. carrier's equipment, or wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Oversea shipments include those supplies shipped direct to a port area for export or to storage areas for subsequent reshipment to a port area for export.

12. Section 1000.314 is added to Subpart C as follows:

§ 1000.314 *Synopses of proposed procurements*—(a) *Statement of policy.* (1) The policy of the Military Departments is that all unclassified, negotiated, and advertised procurements exceeding $10,000 made in the continental United States be publicized, except:

(i) Research and development projects which are not susceptible of accomplishment by small business.

(ii) Procurements for studies or surveys.

(iii) Major items, of equipment, such as tanks, engines, airframes, ships, and so forth, when it can clearly be demonstrated that the item can only be manufactured, produced, or developed by large firms.

(iv) Other items which small business firms could not supply because of patent rights, copyrights, or secret processes.

(v) Purchases which must be made too quickly to permit prospective contractors, dependent on the synopses for information, to obtain Invitations for Bids or Requests for Proposals and to prepare and submit them.

(2) Synopses of Proposed Procurements, which are designed to furnish potential suppliers with sufficient information to determine whether they will be interested in bidding or quoting, will be prepared in accordance with the instructions set forth in this section.

(3) Policies with respect to dissemination of information to unsuccessful bidders and suppliers concerning awards are set forth in Subchapter A, Chapter IV of this title, and §§ 1001.407 and 1002.104 of this subchapter. Instructions pertaining to synopses of awards are set forth in § 1000.315.

(b) *Applicability.* In accordance with the policy stated in paragraph (a) of this section, instructions in this section shall apply to all proposed procurements (including procurements for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property), whether negotiated or formally advertised, when:

(1) The estimated amount exceeds $10,000;

(2) The procurement is unclassified;

(3) The procurement is effected by any purchasing office in the continental United States, including (i) the principal purchasing office listed in § 1000.202 and (ii) all other field purchasing offices and activities located in the United States; and

(4) None of the exceptions set forth in paragraph (a) (1) of this section, are applicable to the procurement.

(c) *Action by Small Business Specialists.* The Small Business Specialist in the purchasing office mentioned in paragraph (b) (3) of this section will be responsible for screening all proposed procurements and taking necessary action to see that all procurements coming within the above cited policy are promptly publicized in the Department of Commerce Synopsis of Proposed Procurements. Proposed procurements will be screened immediately upon receipt of procurement directive, purchase request, or similar purchase authorization, so that there will be no delay in the procurement action.

(d) *Action by purchasing offices.* (1) Purchase requests and similar documents which authorize or direct the initiation of purchase actions will be made available to the Small Business Specialist, simultaneously with receipt thereof by contracting officers, for examination and determination as to whether the proposed procurement is required to be publicized in accordance with this section.

(2) Purchasing offices will prepare and forward synopses of proposed procurements at the earliest practicable time prior to issuance of invitations for bids or requests for proposals (quotations), or prior to commencement of negotiations in any form; and, in any event, immediately on completion of final drafts of any written solicitation.

(3) Synopses of proposed procurements will be teletyped at the end of each day (or as they occur), in accordance with instructions issued by the Commanding General, Air Materiel Command, to the following address:

Synopsis, Commerce Department, Field Service, Chicago, Ill.

(4) Where access to the Air Force comunications network is not available, synopses will be dispatched via air mail to the following address:

Field Service, Administrative Office, U. S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Ill.

(5) A copy of each synopsis forwarded will be made available at purchasing offices for examination by interested persons. These copies will contain columnar headings and a statement to the effect that further information will be supplied upon request, if available.

(6) In addition, one copy of each synopsis will be sent at the end of each day (or as they occur) to the Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, 12th Street and Pennsylvania Ave. NW., Washington 25, D. C.

(7) A reasonable number of copies of each letter of Proposal, Request for Proposal, and Invitation for Bids, publicized in the Department of Commerce Synopsis of Proposed Procurements, including data and specifications, will be maintained by each purchasing office for supplying requests of prospective bidders.

(8) One copy of each Letter of Proposal and Request for Proposal (negotiated procurement), including data, publicized in the Department of Commerce Synopsis of Proposed Procurements, will be forwarded to the Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, 12th Street and Pennsylvania Ave. NW., Washington 25, D. C. See § 1000.204 (a) (1) for instructions as to forwarding a copy of each invitation for bids (formal advertisement) to the Procurement Information Center.

(e) *Contents of synopses of proposed procurements.* Each synopsis will include:

(1) Name and location of purchasing office;

(2) Description of item to be procured. The description will be clear, concise, and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested parties; it will consist of a minimum general description and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, and gen-

eral size or dimensions. Citation to specification and/or drawing numbers or other identifying data will be included, if this information will assist prospective suppliers in determining whether they are interested in the procurement.

(3) When purchasing offices believe it advisable for security reasons, quantities may be published as "more than_____"

(4) Number or identification of invitation for bids or request for proposals. Invitation-for-bids numbers will be followed by the letter "B". Request for proposals or quotations will be indicated by the letter "Q" or, if numbered, the number will be followed by the letter "Q".

(5) Date of opening of bids or last date for submission of proposals or quotations.

13. Section 1000.315 is added to Subpart C as follows:

§ 1000.315 *Synopses of contract awards*—(a) *Statement of policy.* The policy of the military Departments is to disseminate as widely as possible information relating to awards of unclassified contracts exceeding $25,000, whether entered into by formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.

(b) *Applicability.* In accordance with the policy stated in paragraph (a) of this section, instructions in this section apply to all contracts (including contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property), whether entered into after formal advertising or negotiation, when:

(1) The contract exceeds $25,000;

(2) The contract is unclassified, and

(3) The contract is entered into by any purchasing office in the continental United States.

(c) *Action by purchasing offices.* Purchasing offices will prepare and forward single copies of synopses of contract awards to each of the addressees listed in subparagraphs (1) and (2) of this paragraph, before the close of business at the end of each week.

(1) Field Service Administrative Office, U. S. Department of Commerce, 433 W. Van Buren Street, Chicago 7, Illinois.

(2) Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D. C.

(d) *Contents of synopses of contract awards.* Synopses of contract awards will contain the following information:

(1) Name of purchasing office.

(2) Brief description of the commodity or service procured, followed in parentheses by the applicable Invitation for Bid number or Request for Proposal number. Description will be clear, concise, and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons. It will include, where appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, and so forth.

(3) Quantity of items.

(4) Statement of dollar amount.

(5) Name and address of the contractor.

(e) *Repeating synopsis of prime contracts.* When a contractor indicates need for assistance in letting subcontracts, a synopsis of award of the prime contract will be repeated as long as the need for such assistance continues. Purchasing offices will aggressively encourage the contractor to employ this medium of publicizing his subcontracting requirements. When repeating the synopsis of award of prime contract, a statement of industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired by prime contractors will be included, in substantially the following form: "Prime contractor has subcontracts open for the following: (Insert here industries, crafts, processes, or component items applicable)," (insert the following clause where applicable) "and desires that subcontractors be located in (insert here general area indicated by prime contractor, if any, such as: Southeast States, New England, west coast, etc.)."

14. Section 1000.316 is added to Subpart C as follows:

§ 1000.316 *Defense Production Pools*—(a) *Statement of principles of contracting with defense pools*—(1) *Definition.* A Defense Production Pool consists primarily of a group of manufacturing concerns having among themselves production facilities, whose owners have associated together to obtain and perform jointly, or in conjunction with each other, contracts for the production of articles, equipment, supplies, and materials, and the furnishing of services for defense use, and who have agreed among themselves concerning their organization, relationship, and procedure, and which has been approved as a Defense Production Pool in accordance with the Defense Production Act of 1950, as amended.

(2) *Exemption from Walsh-Healey Act.* Approved Production Pools and members thereof are not required to conform to the definition of "regular dealer or manufacturer" as set forth in § 400.201–9 of this title by reason of an exemption granted by the Secretary of Labor by order dated June 14, 1951, with respect to section 1 (a) of the Walsh-Healey Act. In all other respects, financial responsibility and performance capability of the Production Pool will be determined as for any contractor in accordance with departmental procedures.

(3) *General policy.* The general policy of the Departments of Defense and the Air Force is to conduct business with Defense Production Pools on the same basis as with all other bidders and contractors. Pools will neither be discriminated against nor favored over other bidders and contractors solely by reason of the form of their organization.

(4) *Determination of status.* The contracting officer is responsible for determining whether a group of firms seeking to do business with the Government is an authorized Defense Production Pool. In the absence of official notification as provided below, a Defense Production Pool will be required to inclose a photostatic copy of its notification of approval when applying for inclusion on appropriate bidders' lists. (The list of approved Defense Production Pools will be published in Air Force Procurement Instructions.)

(5) *Solicitation of bids and quotations from pools.* On request, duly authorized Defense Production Pools will be placed on appropriate bidders' lists. Invitations for bids and requests for proposals (quotations) will be furnished to Defense Production Pools on an appropriate bidders' list for a specified item or group of items. Each Defense Production Pool normally will be considered as one source of supply, irrespective of the number of its membership, and generally will be furnished with one set of bid or proposal (quotation) forms. Membership in a pool will not of itself preclude individual members from bidding on procurements for which they are qualified.

(6) *Award of contracts.* (i) Bids and quotations submitted by Defense Production Pools will be analyzed pursuant to the same procedures and principles which pertain to all other prospective contractors.

(ii) Defense Production Pools will be granted the preferences and privileges accorded to small business concerns when the Administrator of Small Defense Plants Administration designates a particular pool "small business." Contracting officers are responsible for ascertaining whether the pool has been so designated.

(iii) Where the pool will substantially perform a contract in plants located in areas of labor surplus, the preferences granted to contractors performing work in such areas will be applied to the award of the contract.

(iv) Before awarding a contract to a pool, the contracting officer will insure that:

(*a*) There will be performance, both as to quality and delivery. Pre-award surveys and facilities capability surveys will be conducted to determine the capability of performance of a pool in the same manner as for any other contractor. To insure the uninterrupted production of the manufacture of supplies or the furnishing of services to be undertaken by a pool, the financial resources to be employed in or available for the performance of the contract will be examined just as in the case of an individual contractor, to determine whether they are sufficient to give reasonable assurance of unsatisfactory performance.

(*b*) The Pool Agreement adequately binds each participating member who agrees to undertake part of the work on a contract to comply with his obligation to do so.

(7) *Execution of contracts with pools.* Contracts awarded to Defense Production Pools normally will be made in the name of the Defense Production Pool. A written statement will be submitted by the pool and signed by each member of the pool who is to participate in the performance of the Government contract. This statement, which will cer-

tify to current membership in the pool, will be appended to the contract, will contain a guarantee or other assurance by each signatory firm that it will satisfactorily perform its allotted portion of the contract, and will also set forth the extent of each participant's financial liability for such performance. If the terms of the Pool Agreement provide for a member to enter into a contract in the name of the member, a copy of the Pool Agreement will be submitted with the bid, together with evidence of specific authorization of the individual member to so act, and the contract may be executed in the name of the individual member, who in so doing will be required to assume full responsibility for performance of the contract.

15. Subpart D of Part 1000 is changed as follows:

SUBPART D—PROCUREMENT RESPONSIBILITY AND AUTHORITY

Sec.

§ 1000.401 *Secretary.* The Secretary establishes policies for, and directs and supervises, the Department's activities with respect to procurement and related matters. The General Counsel, as his legal advisor, is the final authority on all legal questions relating thereto. By delegation of authority from the Secretary, policies established by him are implemented and other appropriate instructions are issued to lower echelons by the Chief of Staff, USAF, through the Deputy Chief of Staff, Materiel.

§ 1000.402 *Designation of contracting officers.* (a) Contracting officers, as defined in § 400.201–5 of this title, will be those designated by the persons listed in subparagraphs (1) to (6) of this paragraph, or by persons who are authorized in writing by the persons listed below to designate contracting officers within the meaning of that term as used throughout Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) and the procedures of this subchapter:

(1) The Secretary of Air Force (as defined in § 400.201–2 of this title).

(2) Chief of Staff, USAF.

(3) Vice Chief of Staff.

(4) Deputy Chief of Staff, Materiel.

(5) Director of Procurement and Production Engineering, Office of the Deputy Chief of Staff, Materiel.

(6) Head of any procuring activity. (See § 1000.201)

(b) The designation of contracting officers and the revocation of such designation will be in writing and may be accomplished by letter, or special orders.

(c) Purchases will be made only by contracting officers duly designated as such.

§ 1000.403 *Responsibility of procuring activity*—(a) *Commanding General, Air Materiel Command.* The Commanding General, Air Materiel Command, as sole "head of a procuring activity," is responsible for the procurement of supplies and services assigned to the procurement cognizance of the Department of the Air Force, except for the supplies and services assigned to the procurement cognizance of a jointly-staffed and financed procuring activity established under the provisions of section IV of the Armed Services Procurement Regulation. This responsibility includes the authority to issue appropriate delegations of authority, to impose limitations upon the authority to enter into contracts, and to require such business clearance and approval as he may prescribe in procuring activity instructions (Air Force Procurement Instructions). This responsibility and authority extends over all activities of the Air Force, including oversea commands, air attaches, and foreign missions.

(b) *Authority to delegate and redelegate.* Except as specifically limited or prohibited herein, by Subchapter A, Chapter IV of this title, or by law, the authorities vested in the heads of procuring activities by the Armed Services Procurement Regulation or by the procedures of this subchapter, may be delegated and redelegated.

(c) *Qualifications for contracting officers.* In view of the responsibility accompanying the appointment of a contracting officer and to properly safeguard the interest of the Government, care will be exercised in making appointments of contracting officers to insure that only the best qualified persons are appointed. Following are some of the general qualifications which should be considered when appointing a contracting officer:

(1) Substantial business experience (preferably in purchasing, contracting, or other allied fields).

(2) Professional and specialized experience, including work as a lawyer, or accountant where, in connection with such work, it was necessary to have a knowledge of contractual matters.

(3) Educational background consistent with duties to be performed.

(4) Evidence of business acumen and high degree of intelligence.

(5) Knowledge of the basic policies, procedures, and instructions set forth in Subchapter A, Chapter IV of this title, this subchapter, and procuring activity instructions.

§ 1000.404 *General authority of contracting officers.* In accordance with the provisions of Subchapter A, Chapter IV of this title, and the procedures set forth in this subchapter, and procuring activity instructions prescribed by the head of the procuring activity concerned, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter IV of this title, and the procedures set forth in this subchapter, or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor, or authorized representative.

§ 1000.405 *Purchase activities at Air Force installations.* (a) All local purchase functions involving appropriated funds will be centralized and accomplished by the headquarters, depot, or base contracting officer.

(b) Headquarters, depot, or base contracting officers will:

(1) Receive purchase requests requesting the procurement of all materials, supplies, equipment, and services.

(2) Accomplish procurements by formal advertising or negotiation procedures, strictly in accordance with Pub. Law 413, 80th Cong. (62 Stat. 21; 41 U. S. C. 151–161), Subchapter A, Chapter IV of this title, the procedures set forth in this subchapter, and implementing instructions issued by the head of the procuring activity.

(3) Administer to completion of all contracts.

§ 1000.406 *Representatives of contracting officers.* (a) The head of any procuring activity may designate or direct the designation of, in writing, any officer or civilian official, or any airman who is classified a Procurement Supervisor and whose primary duty is in the contracting office, to act as representative of the contracting officer or his duly designated successor.

(b) A designation so authorized will be made by written instructions referring to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. A representative by virtue only of his designation as such will not be empowered to execute any contract or supplemental agreement on behalf of the United States.

§ 1000.407 *Requirements to be met before entering into contracts.* Whether procurement is to be effected by formal advertising or by negotiation, no contract shall be entered into unless:

(a) All applicable requirements of law, of Subchapter A, Chapter IV of this title, the procedures set forth in this subchapter, and of the appropriate procuring activity instructions have been met; and

(b) Such business clearance or approval as is prescribed by applicable procuring activity instructions has been obtained.

§ 1000.408 *Responsibility for insuring the availability of funds.* Contracting officers will obtain, prior to the incurrence of a legal obligation, from the fiscal officer a citation of the proper

funds to be charged. The fiscal officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred.

16. Section 1000.502 is changed as follows:

§ 1000.502 *Responsibility.* (a) The preparation, review, and execution of new construction work will be in accordance with applicable Department construction policies. The Director of Installations, Office of Deputy Chief of Staff, Operations, Headquarters USAF, is charged with the application of the policies, including the determination of military necessity for any construction requested by major elements of the Department which has not been included in construction programs, as authorized by Congress.

(b) Contracting officers will seek the technical advice of air installations officers or Air Force installations representatives when executing contracts for construction, maintenance, and repair work at Air Force installations. In view of the technical aspects of this work, close coordination between contracting officers and air installations officers and Air Force installations representatives is essential.

17. Section 1000.601 is changed as follows:

§ 1000.601 *Scope.* This subpart relates to administrative requirements and procedures in connection with the execution, approval, numbering, and distribution of contracts. It implements Subchapter A, Chapter IV of this title, generally, rather than a specific subpart of Part 400 thereof.

18. Paragraph (g) of § 1000.602 is amended as follows:

§ 1000.602 *Definitions.* * * *

(g) *Contract change notification.* A written order signed by the contracting officer directing the making of changes of the kind authorized by the provisions of the contract in the supplies or services called for thereunder, but containing no adjustment of price or estimated cost. Following such a written order, the necessary revisions in other provisions of the contract which are brought about by such order will be made by a supplemental agreement or by a change order executed by both parties. Contract change notifications may be used as deemed necessary by the Director of Procurement and Production, Headquarters, Air Materiel Command.

19. Section 1000.604 is changed as follows:

§ 1000.604 *Execution of contracts; requirements*—(a) *Citation of funds chargeable.* A citation of the funds chargeable will be made on all contracts.

(b) *Citation of finance officer.* A citation of the finance officer designated to make payment will be made on all contracts.

(c) *Contracting officer's signature.* The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

(d) *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

(e) *Contracts with an individual trading as a firm.* Such a contract will be signed by the individual in question. The following example illustrates the form that such an execution ordinarily will take:

JOHN DOE COMPANY

By ----------
John Doe (Owner)
Contractor

(Business Address)

(f) *Contracts with partnerships.* (1) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(2) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent.

(3) If contract is executed in the manner specified in subparagraph (2) of this paragraph, there will be filed with the contract a properly certified copy of the power of attorney or other writing showing the authority of the representative or agent executing the contract.

(g) *Contracts with corporations.* (1) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form, followed by the word "by," after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(2) If the contract form being used contains a blank certificate as to the authority of the individual who executed the contract on behalf of the contractor, the completion of this certificate will be obtained, except as provided in subparagraphs (3) and (4) of this paragraph. The contracting officer will in all cases endeavor to satisfy himself that the signer has authority to bind the corporation.

(3) If the execution of the certificate mentioned in subpargaraph (2) of this paragraph, is impracticable, and if the contracting officer is able truthfully to do so, he may affix and sign the following statement on the contract:

I hereby certify that to the best of my knowledge and belief, based upon observation and inquiry, ---------- who signed this
(Name)
contract for ---------- had authority to
(Contractor)
execute the same and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

(4) In lieu of complying with subparagraphs (2) and (3) of this paragraph, the contracting officer may obtain satisfactory evidence of the authority of the signer to bind the corporation and file such evidence with the contract. Such evidence will consist of extracts from the records of the corporation showing either:

(i) The election or appointment of the officer executing the contract on behalf of the corporation and the grant of authority to such officer to execute the contract; or

(ii) If the contract is signed by someone other than an officer of the corporation, the grant of authority to such person to execute the contract. The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

(5) If the contract form being used does not contain a certificate, no certificate need be executed, nor will the evidence specified in subparagraph (4) of this paragraph, be required.

(h) *Contracts with joint venturers.* Contracts are sometimes entered into with joint-venturers, consisting of a corporation and a partnership, or a partnership and an individual, etc. In such cases the contract will be signed by each participant in the joint-venture in the manner indicated for each type of participant in paragraphs (c), (d), (e) and (f) of this section. When a corporation is participating, a certificate should be obtained from the custodian of the records stating that the corporation is authorized to participate in the joint venture.

20. Section 1000.606 is changed as follows:

§ 1000.606 *Numbering of contracts*—(a) *General.* Contracts are numbered with approved letter symbols and serial numbers primarily for use of the General Accounting Office for identification and filing. Documents coming within the purview of this section will include purchase contracts, letter orders, letters of intent, sales contracts, leases, easements, proposal and acceptance documents or other documents evidencing in whole or in part an agreement between the parties which involves the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States and hereinafter referred to as contracts.

(b) *When required.* (1) All contracts involving an amount of $20,000 or more on a single payment or collection voucher shall be numbered and forwarded to the General Accounting Office without delay.

(2) All contracts involving the payment or collection of less than $20,000 on a single payment or collection voucher may or may not be numbered, depending upon the needs of the procuring or sales activity, and shall be attached to the related voucher upon which payment or collection is made and accompany such voucher in the regular transmission of the finance officer's account to the General Accounting Office.

(3) All multiple payment or collection contracts regardless of amount shall be numbered, except as authorized in subdivision (ii) of this subparagraph. In case of doubt as to whether the amount of a contract is more or less than $20,000 or whether more than one payment or

collection may be necessary, the contract shall be numbered.

(i) When any related supplemental document, required to be deposited with the General Accounting Office, is transmitted in connection with an unnumbered contract, and if such related supplemental document serves to remove the contract from the category of contracts not required to be numbered, a number will be assigned to the original contract and will be shown on such supplemental document.

(ii) When later determination is made that more than one payment and/or collection is involved owing to partial deliveries which were not contemplated at the time the contract was executed, payments and/or collections not to exceed five in number may be made on an unnumbered contract, provided that the original signed contract is attached to the first payment or collection voucher, and the following information is included on each subsequent payment voucher with respect to all preceding payments under the contract: name of finance officer, period of account, voucher number, and amount paid.

(iii) When more than five payments and/or collections become necessary, a number must be assigned to such contract.

(iv) When later determination is made that the amount to be paid or collected equals $20,000 or more, a number must be assigned to such contract.

(4) In instances cited in subparagraph (3) (i), (iii) and (iv) of this paragraph, in which payments have been made, a citation to the name of the finance officer, period of account, and number of the disbursement or collection voucher to which the original contract was attached will be furnished promptly to the General Accounting Office by the finance officer.

(c) *When not required.* Contracts not required to be numbered include:

(1) Contracts where it is determined at the time of making that the amount involved is less than $20,000 and only one payment or collection will be made.

(2) Delivery orders evidencing interdepartmental purchases and purchases made against call or requirement type of contracts.

(d) *System of numbering*—(1) *Numbered contracts.* Contract numbers, when required, will be placed in the upper right corner of the contract, separate from all other information, and will consist of the following in the order named:

(i) The capital letters AF, representing the Department of the Air Force;

(ii) Fiscal station number representing the State, or other location, and the station or office. The last three digits of such number will be inclosed in parentheses;

(iii) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession without regard to the fiscal year.

(2) *Unnumbered contracts.* Any contract, purchase order, or delivery order of the type set forth in paragraph (c) of this section, is not required to be numbered by the system prescribed in paragraph (d) (1) of this section, but will be designated as follows:

(i) Station number representing the State or other location, and the station or office, in parentheses;

(ii) The last two digits of the appropriate fiscal year;

(iii) Serial number of the contract of that type entered into by the station for that fiscal year beginning with number 1 for each fiscal year.

(3) *Sales contracts.* The provisions of paragraph (d) of this section, are applicable to the numbering of sales contracts, except that in connection with such contracts a separate series of numbers will be used and the letter "s" will be added immediately after the parenthesis inclosing the last three digits of the station number.

(4) *Supplemental agreements and change orders.* Supplemental agreements and change orders will bear the same identification as the contract which is modified or amended thereby. In addition thereto, such supplemental agreements and change orders will be numbered in the order in which the modifications or amendments to the contract are issued. One continuous series of numbers will be used for each contract, even though it is modified or amended by both supplemental agreements and change orders.

(5) *Subcontracts.* Contracting officers will urge contractors holding prime contracts with the Department to include in their subcontracts a reference to the number of the prime contract involved. Prime contractors also will be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub subcontracts, and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated contracts of all tiers.

(e) *Assignment, cancellation, or alteration of contract number.* Letter symbols and systems used for numbering contracts must be approved by the Comptroller General of the United States prior to use. The elements of a contract number must not be altered in any way without the express approval of the Director of Finance. Requests for assignment, cancellation, or alteration of procurement station numbers should be addressed to the Director of Finance, Headquarters USAF, Washington 25, D. C.

21. Paragraphs (e), (f), and (g) of § 1000.607 are amended as follows:

§ 1000.607 *Distribution.* * * *

(e) *Numbered contracts.* Subject to any special instructions that may be issued by the head of the procuring activity concerned, numbered contracts will be distributed as follows:

(1) The original signed number of each lump-sum (fixed price) contract will be forwarded to the General Accounting Office, Air Force Audit Branch, 3800 York Street, Denver 5, Colorado. If a surety bond or bonds were required in support of a contract whether lump sum or cost-plus-fixed-fee, see paragraph (g) of this section. When the contract covers purchases made for one or more of the other military Departments of the Department of Defense, with payment to be made by the military department or military departments receiving the supplies or services, there also will be forwarded with the original signed number additional certified or photostatic exact copies of the contract in a number equal to the number of receiving military departments.

(2) The duplicate signed number will be filed with the contracting officer or as directed by the head of the procuring activity concerned.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer for his files.

(5) Additional authenticated copies or unauthenticated copies will be distributed as directed in applicable Department publications or procuring activity instructions.

(f) *Unnumbered contracts.* (1) The original signed number will be furnished to the disbursing officer and will be attached to the voucher on which payment is made and will accompany the voucher to the General Accounting Office, Air Force Audit Branch, 3800 York Street, Denver 5, Colorado. If a purchase order covering a negotiated purchase was preceded by a written quotation, or if the contractor delivered some written instrument evidencing the contractor's assent, the original of the written quotation or instrument must be atached to the original purchase order intended for the General Accounting Office. If a surety bond or bonds were required in support of a contract, a suitable notation, by rubber stamp or otherwise, that a bond has been executed (e. g., "Performance Bond Executed"; "Payment Bond Executed") will be placed on the contract for the information of the General Accounting Office.

(2) The duplicate signed number will be forwarded to the contractor.

(3) The triplicate signed number will be filed with the contracting officer or as directed by the head of the procuring activity concerned.

(4) An authenticated copy will be furnished to the disbursing officer for his files.

(5) Additional copies will be prepared and distributed as directed in applicable Department publications or as directed in procuring activity instructions.

(g) *Contracts supported by bonds.* If a surety bond was required in support of a contract or a modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Ohio, Attention: Bonds and Insurance Unit, MCPPXO54, instead of direct to the General Accounting Office. If impracticable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to the Com-

manding General, Air Materiel Command.

* * * * *

22. Section 1000.608 is added to Subpart F as follows:

§ 1000.608 *Standard Form 1036, Statement and Certificate of Award.* During the period of the National Emergency (see § 1002.101 of this subchapter), Standard Form 1036 need not be executed in support of a negotiated contract. Where the contract results from formal advertising, however, a properly executed Standard Form 1036 will be executed and attached to the original copy of the contract forwarded to the General Accounting Office.

[AFM 70-6, as amended] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 53-8384; Filed, Sept. 30, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order No. 3-A]

PAD ORDER 3—AVIATION QUALITY BLENDING AGENTS AND FEED STOCKS

SUSPENSION

The operation of PAD Order No. 3 (16 F. R. 10745) is hereby suspended during the period of October 1, 1953, to and including December 31, 1953.

This order does not relieve any person of any obligation or liability incurred under PAD Order No. 3 as originally issued, nor does this order deprive any person of any rights received or accrued under said order as originally issued prior to the effective date of this suspension.

(Sec. 704, 64 Stat. 816, as amended 65 Stat. 131, 66 Stat. 296, 67 Stat. 129; 50 U. S. C. App. Sup. 2154. E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated this 29th day of September 1953.

J. A. LAFORTUNE,
Deputy Petroleum Administrator.

[F. R. Doc. 53-8465; Filed, Sept. 29, 1953; 4:39 p. m.]

Chapter XIV—General Services Administration

[Revision 1, Amdt. 2]

REG. 2—TUNGSTEN REGULATION: DOMESTIC TUNGSTEN PROGRAM

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

1. In section 1, delete the phrase "fiscal years 1951–1956" and in lieu thereof substitute the phrase "fiscal years 1951–1958."

2. In section 5, delete the date "July 1, 1956" and in lieu thereof substitute the following: "July 1, 1958."

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law, 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8462; Filed, Sept. 29, 1953; 5:03 p. m.]

[Revision 1, Amdt. 2]

REG. 3—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT DEMING, NEW MEXICO

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

1. In section 1, delete the phrase "fiscal years 1952–1956" and substitute in lieu thereof the phrase "fiscal years 1952–1958".

2. In section 5, delete the date "June 30, 1956" and in lieu thereof substitute the following: "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8459; Filed, Sept. 29, 1953; 5:03 p. m.]

[Revision 1, Amdt. 4]

REG. 4—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONTANA

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

1. In section 1, delete the phrase "fiscal years 1952–1956" and in lieu thereof substitute the phrase "fiscal years 1952–1958".

2. In section 5, delete the date "June 30, 1956" and in lieu thereof substitute the following: "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8463; Filed, Sept. 29, 1953; 5:03 p. m.]

[Amdt. 4]

REG. 5—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT WENDEN, ARIZONA

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as amended, is further amended as follows:

In section 5, delete the date "June 30, 1956" and in lieu thereof substitute the following: "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8457; Filed, Sept. 29, 1953; 5:03 p. m.]

[Revision 1, Amdt. 2]

REG. 6—MANGANESE REGULATION: DOMESTIC MANGANESE PURCHASE PROGRAM

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

In section 3, delete the date "June 30, 1956" and in lieu thereof substitute the following: "June 30, 1958".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8460; Filed, Sept. 29, 1953; 5:03 p. m.]

[Revision 2, Amdt. 1]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

DURATION OF PROGRAMS

Pursuant to the authority vested in me by Executive Order 10480, dated

August 14, 1953 (18 F. R. 4939), this regulation, as revised, is amended as follows:

In section 3, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1957".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8461; Filed, Sept. 29, 1953; 5:03 p. m.]

[Amdt. 2]

REG. 9—ASBESTOS REGULATION: PURCHASE PROGRAM FOR NONFERROUS CHRYSOTILE ASBESTOS PRODUCED IN ARIZONA

DURATION OF PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as amended, is further amended as follows:

In section 5, delete the words and figure "three (3) years from the effective date of this regulation" and in lieu thereof substitute the following: "on October 1, 1957".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8458; Filed, Sept. 29, 1953; 5:03 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE AND FIXING RATE OF ASSESSMENT FOR 1953-54 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Raisin Administrative Committee for the 1953-54 crop year and fixed a rate of assessment for such year, as hereinafter set forth. The budget of expenses and rate of assessment are proposed after consideration of the recommendation with respect thereto submitted by the Raisin Administrative Committee, and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1952 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after the date of publication of this notice in the FEDERAL REGISTER except that, if said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission should be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 989.304 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1953-54 crop year*—(a) *Budget of expenses.* Expenses in the amount of $70,000 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning August 15, 1953.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the marketing agreement and order, an assessment rate of 40 cents for each ton of free tonnage raisins acquired by him, and for each ton of reserve tonnage raisins sold to him by the committee, during the crop year beginning August 15, 1953, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Issued at Washington, D. C., this 25th day of September 1953.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-8403; Filed, Sept. 30, 1953; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 40, 50]

CONTROL OF SOURCE MATERIAL AND CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 (Public Law 585, 79th Congress; 60 Stat. 755-ff) and to section 4 (a) of the Administrative Procedure Act of 1946 (Public Law 404, 79th Congress), notice is hereby given that Title 10, Chapter I—Part 40, Code of Federal Regulations, entitled "Control of Source Material", and Part 50, entitled "Control of Facilities for the Production of Fissionable Material", will be amended by the Atomic Energy Commission substantially as follows:

1. Section 40.62 (a), reading:

(a) Transfers, deliveries and receipts of possession of (but not of title to) source material by contractors and agents of the Commission in the authorized course of their business for the Commission:

will be changed to read:

(a) Transfers, deliveries and receipts of possession of (but not of title to) source material by contractors and agents of the Commission, or its subcontractors in any tier, in the authorized course of their business for the Commission;

2. Section 40.62 (c), reading:

(c) Transfers, deliveries and receipts of possession of and title to a quantity of refined source material which contains less than one pound of uranium, thorium, or any combination thereof, from or to any one person during any single calendar month, to the extent that the transaction consists of either:

(1) Transfer to or receipt of possession or title by a licensed dispensing pharmacist solely for the compounding of medicinals for delivery to consumers, or

(2) Transfer to or receipt of possession or title by a physician or consumer for medicinal purposes only, and not for resale, or

(3) Transfer to or receipt of possession or title by an educational institution or hospital for educational or medical purposes only, and not for resale.

will be changed to read:

(c) Transfers, deliveries and receipts of possession of and title to a quantity of refined source material which contains not more than three pounds of uranium, thorium or any combination thereof, from or to any one person during any single calendar year, to the extent that the transaction consists of either:

(1) Transfer to or receipt of possession or title by a licensed dispensing pharmacist solely for the compounding of medicinals for delivery to consumers, or

(2) Transfer to or receipt of possession or title by a physician or consumer for medicinal purposes only, and not for resale, or

(3) Transfer to or receipt of possession or title by an educational institution or hospital for educational or medical purposes only, and not for resale, or

(4) Transfer to or receipt of possession or title by a commercial, industrial, or hospital analytical laboratory, or a Federal, State or other governmental analytical laboratory, for analytical purposes only, and not for resale.

3. Sections 40.20 *Applications for licenses,* 40.51 *Petitions,* and 40.52 *Communications* will be amended by deleting "P. O. (or Post Office) Box 30, Ansonia Station, New York 23, N. Y." as it appears in each of the said sections, and

substituting therefor "Washington 25, D. C., Attention: Licensing Controls Branch," thereby causing these sections as amended to read:

§ 40.20 *Applications for licenses.* Applications for licenses to transfer or deliver, receive possession of or title to, or export source material shall be filed with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch. Applications should be filed on Form AEC–2, copies of which are available at the above address. When it is impracticable to use this form, applications may be made by letter or telegram, giving the information required by Form AEC–2.

§ 40.51 *Petitions.* Petitions for relief from any restriction imposed under the regulations in this part may be made by filing a letter, in duplicate, with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch, stating the reasons why the petition should be granted.

§ 40.52 *Communications.* All communications concerning the regulations of this part or any license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch.

4. Section 50.62 *Communications* will be amended by deleting "Director of Production" as it appears therein and substituting therefor "Licensing Controls Branch," thereby causing the section as amended to read:

§ 50.62 *Communications.* All communications concerning the regulations in this part or any license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch.

The purpose of item numbered 1 in the proposed amendment is to provide explicitly for an extension of the general license in this respect to subcontractors of the Commission.

The purpose of item numbered 2 in the proposed amendment is to provide for an extension of the general license in this respect to certain private and government laboratories having continuing requirements for small quantities of refined source material in the course of normal operations and activities. Another purpose of this item is to reduce the allowable amount to a realistic level in accordance with the actual requirements of the groups for whom the general licenses have been designed.

The purpose of items numbered 3 and 4 is to reflect changes in the designation and address of the organizational unit to which license applications and communications regarding Parts 40 and 50 of the regulations should be addressed.

Comments from persons interested in the proposed amendment will be received by the Commission in writing at any time within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated at Washington, D. C., this 24th day of September 1953.

U. S. ATOMIC ENERGY COMMISSION,
M. W. BOYER,
General Manager.

[F. R. Doc. 53–8385; Filed, Sept. 30, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10651]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of Assignments,* rules governing television broadcast stations; Docket No. 10651.

1. On August 19, 1953, the Commission adopted a notice of proposed rule making (FCC 53–1069, 18 F. R. 5148) in the above-entitled matter which specified that comments were to be filed on or before September 23, 1953. The Midsouth Network has requested that the time for filing comments be extended for 10 days in order to permit the filing of a petition and engineering exhibit under preparation.

2. In view of the above request notice is hereby given that the time for filing comments in the above-entitled matter is extended to October 5, 1953. Replies to such comments may be filed on or before October 15, 1953.

Adopted: September 23, 1953.

Released: September 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53–8417; Filed, Sept. 30, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 130; Delegation of Authority No. 72]

BUREAU OF SECURITY, CONSULAR AFFAIRS, AND PERSONNEL

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

SEPTEMBER 23, 1953.

The functions and responsibilities assigned to the Department of State by section 1, Executive Order 10487, September 16, 1953, pursuant to section 11 (a) of the Refugee Relief Act of 1953 (Pub. Law 203, approved August 7, 1953), to make or prepare investigations and written reports regarding the character, reputation, mental and physical health, history, and eligibility under the said act of persons seeking admission into the United States shall be exercised and performed by the Bureau of Security, Consular Affairs, and Personnel.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53–8400; Filed, Sept. 30, 1953; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1953. 93d Supp.]

FIREMAN'S FUND INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

SEPTEMBER 24, 1953.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $8,433,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

CALIFORNIA

Fireman's Fund Insurance Company.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53–8412; Filed, Sept. 30, 1953; 8:51 a. m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Footwear, embroidered.
Linen manufactures, embroidered.
Sugar, slab and white rock.
Wastepaper baskets, folding, silk and rayon.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 53-8416; Filed, Sept. 29, 1953; 1:01 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GEORGE BAKOS

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

George Bakos, Amsterdam, The Netherlands; Claim No. 6557; property described in Vesting Order No. 205 (7 F. R. 8669, October 27, 1942) relating to Patent Application Serial No. 278,677 (now United States Letters Patent No. 2,308,260).

Executed at Washington, D. C., on September 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-8413; Filed, Sept. 30, 1953; 8:52 a. m.]

LUDWIG WALTHER BRANDT ET AL.

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 the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ludwig Walther Brandt, Micheldever House, Micheldever, Hants, England; Claims Nos. 37670, 37671 and 40087; Walter Augustus Brandt, Clayes, Ashdon, Saffron Walden, Essex, England; Claim No. 37671; Rudolf Alexander Brandt, Aberdare Gardens, London, England; Claim No. 37671; Hermann Wilhelm Brandt, 58, Hillfield Court, Belsize Avenue, London, England; Claim No. 37671; $19,564.03 in the Treasury of the United States, payable as follows: To Ludwig Walther Brandt $15,328.75; to Walter Augustus Brandt $705.88; to Rudolf Alexander Brandt $705.88; to Hermann Wilhelm Brandt $705.88; to Ludwig Walther Brandt, Walter Augustus Brandt, Rudolf Alexander Brandt and Hermann Wilhelm Brandt, $2,117.64, with Ludwig Walther Brandt having a life interest therein and Walter Augustus Brandt, Rudolf Alexander Brandt and Hermann Wilhelm Brandt being entitled, in equal shares, to the remainder.

Executed at Washington, D. C., on September 24, 1953.

For The Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-8414; Filed, Sept. 30, 1953; 8:52 a. m.]

MICHELINA DI MICHELE IACCHETTA ET AL.

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, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Michelina Di Michele Iacchetta, Claim No. 34492; Olanda Iacchetta, Claim No. 44035; Vincenzo Iacchetta, Claim No. 44036; Faustino Iacchetta, Claim No. 44037; all of Santa Iona, Acquilla, Italy; $356.93 in the Treasury of the United States to Michelina Di Michele Iacchetta and $27.43 each to the other three claimants.

Executed at Washington, D. C., on September 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-8415; Filed, Sept. 30, 1953; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 22, 1953.

Notice is given that the plat of dependent resurvey and original survey of the following described lands, accepted September 17, 1952, will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

FAIRBANKS MERIDIAN

T. 4 S., R. 4 E.,
Section 20.
Section 30: Lots 7, 8, 9, 10 and 11,
Section 31: Lots 2 and 3.

The area described contains 697.91 acres.

The lands are located 34 miles southeast of Fairbanks on the Richardson Highway and the lands may be characterized as hilly with very few level areas. The timber on the land consists mostly of cottonwood and spruce with a scattering of birch timber. The soil consists of black loam and is considered fairly suitable for agricultural purposes.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 USC 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 USC 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

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

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

ALFRED P. STEGER,
Manager.

[F. R. Doc. 53-8387; Filed, Sept. 30, 1953; 8:46 a. m.]

Bureau of Reclamation

[Commissioner's Order 25]

REGIONAL DIRECTORS AND SUPERVISING ENGINEER, CALIFORNIA PROJECTS

REDELEGATION OF AUTHORITY WITH RESPECT TO RECLASSIFICATION OF LANDS

SEPTEMBER 23, 1953.

SEC. 1. *Redelegation.* In accordance with the act of May 25, 1926, as amended by the act of April 23, 1930 (44 Stat. 636, 647, 46 Stat. 249; 43 U. S. C. 423b) Regional Directors and the Supervising Engineer, California Projects, may, within their respective administrative jurisdictions, make reclassifications of lands previously classified as Class 5 (temporarily suspended) and when said lands are found to possess sufficient productive power properly to be placed in a paying class, they may so effect their classification as pay class lands.

SEC. 2. *Authority.* This order is issued pursuant to Departmental Order No. 2018 (10 F. R. 259).

H. F. MCPHAIL,
Acting Commissioner.

[F. R. Doc. 53-8388; Filed, Sept. 30, 1953; 8:46 a. m.]

CROOKED RIVER PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JULY 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WILLAMETTE MERIDIAN, OREGON

T. 17 S., R. 16 E.,
Sec. 12, SW¼NW¼.
T. 16 S., R. 17 E.,
Sec. 23, E½SW¼,
Sec. 26, NW¼NW¼ and NE¼SW¼,
Sec. 27, NE¼SW¼ and NW¼SE¼,
Sec. 28, NE¼SE¼ and SW¼SE¼,
Sec. 31, Lot 3,
Sec. 32, S½SW¼.
T. 17 S., R. 17 E.,
Sec. 09, N½NW¼, SE¼NW¼, and NW¼NE¼,
Sec. 10, NW¼NW¼,
Sec. 19, Lots 1 and 2, and SE¼SW¼.
T. 16 S., R. 18 E.,
Sec. 17, SW¼NE¼, and SE¼NW¼.

The above areas aggregate approximately 897.3 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director for Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Crooked River Project, Oregon

JULY 27, 1953.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the proposed Prineville Reservoir, Crooked River Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 53-8389; Filed, Sept. 30, 1953; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-44]

AMERICAN EXPORT LINES, INC.

NOTICE OF HEARING

Application of American Export Lines, Inc., for increase in number of subsidized voyages on Lines A, B, C, and E (Trade Routes Nos. 10 and 18).

Notice is hereby given that a public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, at a time and place hereafter to be announced, upon an application of American Export Lines, Inc., for an increase in the number of subsidized voyages on Lines A, B, and C, Trade Route No. 10 (U. S. North Atlantic/Mediterranean and Black Sea) and Line E, Trade Route No. 18 (U. S. Atlantic and Gulf/India, Persian Gulf and Red Sea).

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing will be conducted in accordance with the Board's rules of practice and procedure.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board accordingly on or before October 12, 1953, and should file intervening petitions in accordance with the rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: September 28, 1953.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-8411; Filed, Sept. 30, 1953; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10083, 10697, 10698]

WINNEBAGO BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Vincent S. Barker and Howard H. Monk d/b as Winnebago Broadcasting Company, Rockford, Illinois, Docket No. 10083, File No. BP-8281; Esther Blodgett, Harvard, Illinois, Docket No. 10697, File No. BP-8579; Evanston Broadcasting Company (WNMP), Evanston, Illinois, Docket No. 10698, File No. BP-8861; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of September 1953;

The Commission having under consideration the applications for construction permits of Vincent S. Barker and Howard H. Monk d/b as Winnebago Broadcasting Company, Rockford, Illinois, to operate on 1600 kilocycles, 1 kilowatt power, DA-2, unlimited time; Esther Blodgett, Harvard, Illinois, to operate on 1600 kilocycles, 500 watts

power, daytime only; and the Evanston Broadcasting Company, Evanston, Illinois, licensee of Station WNMP, 1590 kilocycles, 1 kilowatt power, daytime only to increase the power to 5 kilowatts, using a directional antenna.

It appearing, that the applicant, Vincent S. Barker and Howard H. Monk, d/b as Winnebago Broadcasting Company, is legally, technically, financially and otherwise qualified to operate the proposed station at Rockford, Illinois, but the proposed operation is mutually exclusive with the application of Esther Blodgett at Harvard, Illinois; and

It further appearing, that the applicant, Esther Blodgett, is legally, technically, financially and otherwise qualified to operate the proposed station at Harvard, Illinois, but the proposed operation is mutually exclusive with the proposel of Vincent S. Barker and Howard H. Monk d/b as Winnebago Broadcasting Company at Rockford, Illinois; and

It further appearing, that the applicant, Evanston Broadcasting Company, is legally and technically qualified to operate Station WNMP as proposed, but that the proposal would cause interference to Station WTVH, Peoria, Illinois, and the Esther Blodgett proposal; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated June 26, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that replies were received from Esther Blodgett, Evanston Broadcasting Company and Hilltop Broadcasting Company, to the Commission's letter of June 26, 1953, and that the applicant, Vincent S. Barker and Howard H. Monk, d/b as Winnebago Broadcasting Company failed to reply to said letter; and

It further appearing, that, the Commission, after consideration of the replies, is still unable to conclude that a grant of any of the proposals would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the financial qualifications of the Evanston Broadcasting Company.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station WNMP would involve objectionable interference with Station WTVH, Peoria, Illinois, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered by Station WTVH to such areas and populations.

4. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, and if so, the nature and extent thereof, the areas and poulations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

It is further ordered, That, the Hilltop Broadcasting Company, licensee of Station WTVH, Peoria, Illinois, is made a party to this proceeding.

Released: September 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8418; Filed, Sept. 30, 1953; 8:52 a. m.]

[Docket No. 10432]

MEMORIAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. W. Mangum, tr/as Memorial Broadcasting Company, Commerce, Texas, for construction permit; Docket No. 10432, File No. BP-8356.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of September 1953;

The Commission having under consideration a protest filed pursuant to section 309 (c) of the Communications Act of 1934, as amended, on September 10, 1953, by Harwell V. Shepherd, licensee of Radio Station KDNT, Denton, Texas (1440 kc 500 w, 1 kw LS, DA-N, U) requesting that the Commission set aside its action of September 2, 1953, granting the above-entitled application of W. W. Mangum, tr/as Memorial Broadcasting Company for a construction permit for a new standard broadcast station at Commerce, Texas, to operate on 1450 kc, with a power of 250 watts, unlimited time, and to designate the application for hearing:

It appearing, that, field intensity measurements filed by the protestant in a petition for leave to intervene in the previously-scheduled hearing on the application of Memorial Broadcasting Company indicate that interference would be caused within the normally protected daytime service area of Station KDNT as defined by the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that, the Commission is of the opinion that the aforesaid protest meets the requirements of section 309 (c) and that a hearing must be held on the Commerce, Texas, application;

It is ordered, That, the above-described protest of Harwell V. Shepherd is granted;

It is further ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application of W. W. Mangum, tr/as Memorial Broadcasting Company for a construction permit for a new standard broadcast station at Commerce, Texas, is designated for a hearing at a time and place to be designated in a subsequent order upon the following issues:

1. To determine the nature and extent of the interference that will be caused to Station KDNT by the proposed operation of the Memorial Broadcasting Company on 1450 kc with a power of 250 watts, unlimited time, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered by Station KDNT to such areas and populations.

2. To determine the type and character of program service proposed to be rendered by the Commerce station and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether, based on the findings made pursuant to the issues above, the public interest, convenience or necessity would be served by a grant of the above-entitled application.

It is further ordered, That, the above issues having been specified by the Commission, the burden of proceeding with the introduction of evidence and the burden of proof is placed upon Memorial Broadcasting Company.

It is further ordered, That, effective immediately and pending the final determination of the above hearing, the effectiveness of the Commission's action of September 2, 1953, granting the above-entitled application of Memorial Broadcasting Company is postponed.

It is further ordered, That, Harwell V. Shepherd, licensee of Station KDNT, Denton, Texas, and the Chief, Broadcast Bureau, F. C. C. are made parties to the proceeding.

Released: September 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8422; Filed, Sept. 30, 1953; 8:53 a. m.]

[Docket No. 10556, 10557, 10558]

SUPERIOR TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Superior Television, Inc., Corpus Christi, Texas,

Docket No. 10556, File No. BPCT-1031; Keys-TV, Inc., Corpus Christi, Texas, Docket No. 10557, File No. BPCT-1045; K-Six Television, Inc., Corpus Christi, Texas, Docket No. 10558, File No. BPCT-1434; for construction permits for new television broadcast stations.

Having under consideration a petition filed jointly by all three applicants and the Broadcast Bureau on September 23, 1953, requesting a continuance of the hearing date from September 28 to October 26, 1953;

It appearing that an appeal is contemplated from the examiner's Supplemental Statement and Order of September 17, 1953, in connection with a ruling made with respect to inquiries regarding the allocation of funds by opposing applicants and that a decision from the Commission on this question prior to the hearing would expedite the course of the proceeding;

It further appearing that diverse commitments by counsel for the several parties and the Examiner with respect to other hearings make a continuance desirable apart from the aforementioned appeal; and

It further appearing that all parties have joined in this request;

It is ordered, This 24th day of September, 1953, that the joint petition is granted and the hearing is continued to October 26, 1953, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8419; Filed, Sept. 30, 1953; 8:53 a. m.]

[Docket No. 10689]

MOUNTAIN STATES TELEVISION CO.

ORDER SCHEDULING HEARING

In re application of Mountain States Television Company, Denver, Colorado, for additional time to complete construction of television broadcast Station KIRV; Docket No. 10689, File No. BMPCT-984.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of September 1953;

The Commission having under consideration the above-entitled application which was designated for hearing on September 16, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 29, 1953, in Washington, D. C.

Released: September 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8420; Filed, Sept. 30, 1953; 8:53 a. m.]

[Docket No. 10693]

CONTRACT DEVELOPMENT AND SUPPLY CO., AERONAUTICAL ADVISORY STATION KMU4

CORRECTED ORDER ASSIGNING MATTER FOR HEARING

In the matter of revocation of license of Aeronautical Advisory Station KMU4 Contact Development and Supply Company, Box 414, Bishop, California; Docket No. 10693.

The Commission having under consideration the above-designated matter regarding the eligibility of the licensee of Station KMU4 to hold authorization for an aeronautical advisory station;

It appearing, that on May 20, 1953, the Commission issued an authorization to the above-designated licensee for an aeronautical advisory station on the basis of a sworn statement attached to the application and signed by Mr. Robert F. Symons, President of the applicant corporation, showing that the applicant is the operator of the Bishop Airport, Inyo County, Bishop, California, and thereby eligible for an aeronautical advisory station, in accordance with § 9.1001 of the Commission's rules; and

It further appearing, that information subsequently received by the Commission indicated that the above-designated licensee is neither the operator nor the owner of the Bishop Airport and, therefore, not eligible to be a licensee of an aeronautical advisory station; and

It further appearing, that the matter of the above-designated licensee's eligibility was brought to its attention by a letter dated September 3, 1953, and a statement concerning its relationship to the Bishop Airport was requested; and

It further appearing, that the licensee's reply to the above-mentioned letter fails to establish its eligibility initially to receive or now to hold an authorization for an aeronautical advisory station at the Bishop Airport and confirms the information that it is neither the operator nor owner of this airport;

It is ordered, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Contact Development and Supply Company show cause why the license of its aeronautical advisory station KMU4 should not be revoked; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on the 16th day of November, 1953, in order to determine whether an order revoking said license should be issued and that Contact Development and Supply Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, That said Contact Development and Supply Company is directed within thirty (30) days from the date of receipt of this order to inform the Commission in writing (in triplicate) whether it will appear or whether it waives its rights to a hearing. A waiver of the rights to a hearing may be accompanied by a statement (in triplicate) of reasons why said licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified herein. The provisions of § 1.402 of the Commission's rules are applicable to this proceeding; and

It is further ordered, That the Secretary shall mail a copy of this order to the licensee by registered mail, return receipt requested.

Adopted: September 23, 1953.

Released: September 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8423; Filed, Sept. 30, 1953; 8:53 a. m.]

[Docket No. 10694, 10695]

KWTX BROADCASTING CO. AND WACO TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KWTX Broadcasting Company, Waco, Texas, Docket No. 10694, File No. BPCT-814; Waco Television Corporation, Waco, Texas, Docket No. 10695, File No. BPCT-873; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of September 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Waco, Texas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated September 17, 1952, July 27, 1953, August 21, 1953, September 1, 1953 and September 18, 1953, that their applications were mutually exclusive, that a hearing would be necessary, that the question of whether their proposed antenna systems and sites would constitute hazards to air navigation were unresolved; that by the letters of September 18, 1953, they were advised that Channel 10 in Waco had been substituted for the previously assigned Channel 11 in Waco; that KWTX Broadcasting Company was further advised by the letter of August 21, 1953, that certain questions were raised as the result of deficiencies of a legal and financial nature in its application; and that Waco Television Corporation was further ad-

vised by the letters of July 27, 1953, and September 1, 1953, that certain questions were raised as the result of deficiencies of a financial and technical nature in its application; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on October 23, 1953, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the record made with respect to the significent differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

Released: September 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8421; Filed, Sept. 30, 1953; 8:53 a. m.]

[Docket No. 10700]

RADIO ST. LOUIS, INC. (KSTL)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio St. Louis, Inc. (KSTL), St. Louis, Missouri, for construction permit; File No. BP-8381, Docket No. 10700.

1. The Commission has under consideration three separate timely filed section 309 (c) protests filed by Voice of Dixie, Inc., licensee of Station WVOK, Birmingham, Alabama; Mid-West Broadcasting Company, Inc., licensee of Station KGGF, Coffeyville, Kansas; and WMPS, Inc., licensee of Station WMPS, Memphis, Tennessee, all directed against the Commission's action of July 29, 1953, granting the above-entitled application of Radio St. Louis, Inc., for a construction permit to increase the power of Station KSTL from 1 kw to 10 kw daytime only and to install a directional antenna system. Station KSTL filed an opposition to each of the three protests.

2. All three protestants claim interference within their respective normally protected 0.5 mv/m contours. In addition WVOK objects to the granting of the KSTL application on the basis of daytime skywave interference within the WVOK normally protected 0.5 mv/m daytime groundwave contour, reaching a maximum penetration to the 4.67 mv/m contour at sunrise and the 3.8 mv/m contour at sunset. With their respective protests, Stations KGGF and WVOK submitted engineering affidavits of measurements purporting to show the objectionable daytime interference would be received by these two stations respectively from the authorized KSTL operation. In the opposition submitted by KSTL it is alleged that the interpretations made by the engineers for Stations KGGF and WVOK of the measurements submitted in their respective engineering affidavits were not valid and therefore could not be relied upon to establish the existence of the interference alleged. The Commission's analysis of the KGGF and WVOK measurements indicates that although an interpretation of the data as suggested in the KSTL opposition is possible, the submitted data is sufficient and adequate to locate the 0.5 mv/m contours of Stations KGGF and WVOK so as to establish interference to these two stations from the newly authorized KSTL operation. Thus the KGGF and WVOK protests are sufficient to afford these two protestants a hearing on the KSTL application in question on issues set forth in the two protests. With respect to daytime skywave interference, the Commission recently stated in the KSOX case (in re Application of Roy Hofheinz for modification of construction permit for Station KSOX, Harlingen, Texas, adopted on August 11, 1953; 9RR784), "It would be entirely inappropriate for the Commission in the context of a single licensing proceeding such as the present one to render decision adopting standards of protection concerning daytime skywave propagation." Consequently the issue requested by WVOK pertaining to daytime skywave interference is expressly excluded.

3. The basis for WMPS' claim of interference is the Commission's new soil conductivity map which is the subject of a Rule Making Proceeding (Docket No. 10604) but which has not been adopted by the Commission. Using soil conductivities as indicated in the proposed map for the areas in question, WMPS is able to establish interference within its normally protected contour. However, as the Commission has ruled in a previous case, until the new conductivity map is adopted as part of the Engineering Standards it cannot be used to establish interference unless such interference is substantiated by field intensity measurement (In re application of Ville Platte Broadcasting Company Inc; 9RR584).

Accordingly, in view of the above: *It is ordered*, this 23d day of September 1953, that the above described petitions, Voice of Dixie, Inc., and Mid-West Broadcasting Company, Inc., are granted and that the above described petition of WMPS, Inc. is denied;

It is further ordered, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, that the above-entitled application of Radio St. Louis, Inc. for construction permit is designated for hearing at a time and place to be designated in a subsequent order upon the following issues:

1. To determine the nature and extent of the interference that will be caused to Stations WVOK, Birmingham, Alabama, and KGGF, Coffeeville, Kansas respectively by Station KSTL operating as proposed with the power of 10kw daytime only, the areas and population affected, the availability of other primary service to such areas and populations and the nature and character of the program service now being rendered by Stations WVOK and KGGF respectively to such areas and populations.

2. To determine the type and character of the program service proposed to be rendered by Station KSTL operating as proposed and whether or not it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether, based on the findings made pursuant to the issues above, the public interest, convenience or necessity would be served by the grant of the above-entitled application.

4. To determine if the grant to KSTL would provide fair and equitable distribution of radio facilities under section 307(b) of the Communications Act.

5. To determine if the proposed installation of KSTL meets the Standards of Good Engineering Practice concerning Standard Broadcast Stations, and the rules and regulations of the Commission.

It is further ordered, That Voice of Dixie, Inc., licensee of Station WVOK, Birmingham, Alabama, Mid-West Broadcasting Company, Inc., licensee of Station KGGF, Coffeeville, Kansas and the Chief, Broadcast Bureau, Federal Communications Commission, are made parties to this proceeding.

It is further ordered, That issues 1, 2, and 3 as proposed by protestants WVOK and KGGF are adopted by the Commission; therefore, the burden of the proceeding with the introduction of evidence and the burden of proof with respect to those issues is placed upon Radio St. Louis, Inc.

It is further ordered, That issues 4 and 5 as proposed by protestant WVOK are not adopted by the Commission; therefore, the burden of proceeding with the introduction of evidence and the burden of proof with respect to those issues is placed upon Voice of Dixie, Inc.

It is further ordered, That effective immediately and pending the final determination of the above hearing the effectiveness of the Commission's action of July 29, 1953, granting the above-entitled application of Radio St. Louis, Inc. is postponed.

Released: September 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8424; Filed, Sept. 30, 1953; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1448]

SHENANDOAH GAS CO.

NOTICE OF SECOND AMENDED APPLICATION

SEPTEMBER 25, 1953.

Take notice that Shenandoah Gas Company (Applicant), a Virginia corporation, address, Lynchburg, Virginia, filed on September 10, 1953, a second amended application in the above-entitled proceeding for an order pursuant to section 7 (a) of the Natural Gas Act, directing Virginia Gas Transmission Corporation to establish physical connection of its transmission facilities with the proposed facilities of, and to sell natural gas to Applicant; and for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities. Said second amended application is in lieu of and in substitution for Applicant's Amended Application filed herein on June 18, 1952.

Applicant now proposes to construct and operate approximately 38.7 miles of natural-gas transmission pipeline of 6⅝ inch diameter, and one mile of 4½ and 3½ inch lateral pipelines, in lieu of the 39 miles of 8⅝ inch pipeline and 4 miles of 4½ and 3½ inch pipelines proposed in said Amended Application. Applicant's present proposal contemplates the construction of distribution systems for retail gas service in Winchester, Virginia and a number of small communities principally Middletown, Stephens City, Clearbrook, Virginia, and Bunker Hill and Inwood, West Virginia. Applicant now proposes to serve only two industrial customers, M. J. Grove Lime Company and Shenandoah Brick & Tile Corporation, and does not propose to make direct sales of natural gas to Jones & Laughlin Steel Corporation or Standard Lime & Stone Company, as was proposed in its said Amended Application filed on June 18, 1952. Applicant also proposes to supply natural gas to Martinsburg Gas and Heating Company for resale through its distribution system in Martinsburg, West Virginia, as was proposed in said Amended Application.

The facilities proposed by Applicant in its Second Amended Application are designed to deliver a maximum of approximately 11,500 Mcf per day of natural gas, whereas the facilities proposed in its Amended Application were stated to have a maximum capability of approximately 14,000 Mcf per day of natural gas.

Applicant now estimates its annual requirement for the first full year of operation to be approximately 786,245 Mcf, of which approximately 623,000 Mcf represents requirements for direct sales, and approximately 163,000 Mcf represents requirements for sales for resale.

The estimated cost of the facilities now proposed by Applicant is $1,599,050 including working capital of which $908,437 represents Applicant's proposed transmission system. Applicant proposes to finance such cost from the sale of first mortgage bonds in the amount of approximately $1,100,000, and by the sale of junior securities in the amount of approximately $600,000.

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 (18 CFR 1.8 or 1.10) on or before the 15th day of October 1953. The Second Amended Application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-8390; Filed, Sept. 30, 1953; 8:47 a. m.]

[Docket No. G-2055]

UNITED FUEL GAS CO.

ORDER GRANTING IN PART AND DENYING IN PART APPLICATIONS FOR REHEARING AND FIXING DATE OF ORAL ARGUMENT

The Commission issued its Opinion No. 258 and accompanying order in this proceeding on August 7, 1953, fixing just and reasonable rates to be observed by United Fuel Gas Company. On August 31, 1953, United Fuel filed an application for rehearing of the Commission's order of August 7, 1953, and for a stay of such order. On September 4, 1953, Consolidated Gas Electric Light and Power Company of Baltimore and Commonwealth Natural Gas Corporation also filed applications for rehearing and stay of the order. By order issued September 3, 1953, the Commission stayed its order until October 1, 1953.

Upon reconsideration of the record in this proceeding, Opinion No. 258 and accompanying order, and the applications for rehearing, the Commission finds:

(1) It is desirable and in the public interest that the applications for rehearing filed herein be denied, except with respect to the following matters and issues specified in the assignments of error set forth in such applications for rehearing, viz, (i) whether the determination by the Commission that the "local production" of natural gas in the amount of 54,670,655 Mcf is the proper estimate of local production upon which a rate base and cost of service, representative of future conditions, should be based for the purpose of determining just and reasonable rates and charges in this proceeding, (ii) whether in the determination of working capital the Commission erred in the amount of $666,900 in computing the amount of working capital allowable for gas storage for current delivery, (iii) whether the Commission erred in prescribing the form of rate reflected in First Revised Sheets Nos. 12, 13, 14, and 15, as specified in paragraph (F) of the Commission's order issued August 7, 1953, and (iv) whether the Commission erred in its computation of the amount of Federal income tax properly includible in the cost of service.

(2) All issues and matters specified in the assignments of error set forth in the applications for rehearing other than those listed in (1) above are matters and issues which the Commission fully considered prior to the adoption and issuance of Opinion No. 258 and accompanying order, and which now being reconsidered are found to be without merit and should be denied.

(3) Rehearing with respect to the issues specified in paragraph (1) above should be provided by affording opportunity to all parties to present oral argument before the Commission as hereinafter ordered.

The Commission orders:

(A) Oral argument be held on October 13, 1953, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., upon the matters and issues specified in Finding (1) above.

(B) Applications for rehearing filed herein, except with respect to the matters and issues concerning which rehearing is provided for in paragraph (A) hereof, be and the same hereby are denied.

(C) On or before October 5, 1953, each party, including staff counsel, shall notify the Secretary of the Commission, in writing (i) whether it will participate in the oral argument on October 13, 1953, and (ii) the amount of time, if any, desired for such oral argument.

(D) The order in this proceeding issued on August 7, 1953, is hereby further stayed pending further order of the Commission.

Adopted: September 25, 1953.

Issued: September 25, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-8391; Filed, Sept. 30, 1953; 8:47 a. m.]

[Docket No. G-2252]

TENNESSEE GAS TRANSMISSION CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND FIXING DATE OF HEARING

On August 31, 1953, Tennessee Gas Transmission Company (Tennessee), filed with the Commisison proposed rate schedules consisting of tariff sheets contained in Fifth Revised Volume No. 1 and Third Revised Volume No. 2 of its FPC Gas Tariff, to become effective October 1, 1953, whereby Tennessee proposes a system-wide rate increase for the sale for resale and transportation of natural gas in interstate commerce.

According to Tennessee's estimates, the proposed rate schedules would increase the presently effective rates and charges for such sale and transportation by a total of approximately $6,510,000 for the year ending June 30, 1953.

Tennessee avers that the proposed increased rates are required primarily by reason of increases in cost of gas and labor, which increases it anticipates will become effective on January 1, 1954.

Copies of the proposed rate schedules, together with copies of material submitted by Tennessee to this Commission, were transmitted by Tennessee to each of its interstate wholesale customers

and transportation service customers and to the State commissions concerned. Several of the interested parties have protested the increase and have requested suspension and hearing.

The rates, charges and classifications set forth in the rate schedules contained in Fifth Revised Volume No. 1 and Third Revised Volume No. 2 to Tennessee's FPC Gas Tariff, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in Section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Fifth Revised Volume No. 1 and Third Revised Volume No. 2 of Tennessee's FPC Gas Tariff; and that pending hearing and decision thereon, said Fifth Revised Volume No. 1 and Third Revised Volume No. 2 of Tennessee's FPC Gas Tariff be suspended.

The Commission orders:

(A) A public hearing be held commencing on February 8, 1954, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in Fifth Revised Volume No. 1 and Third Revised Volume No. 2 of FPC Gas Tariff, filed by Tennessee Gas Transmission Company and all contracts relating thereto.

(B) At the hearing the parties, including Commission staff counsel, may reserve cross-examination until after Tennessee has presented and completed its case-in-chief.

(C) Tennessee shall serve upon all parties not later than January 8, 1954, copies of the testimony and exhibits proposed to be offered at the hearings, including five (5) copies upon Commission staff counsel.

(D) Pending such hearing and decision thereon, said Fifth Revised Volume No. 1 and Third Revised Volume No. 2 of Tennessee's FPC Gas Tariff, filed on August 31, 1953, be and the same hereby are suspended and the use thereof is deferred until March 1, 1954, and until such further time thereafter as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 23, 1953.

Issued: September 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary,

[F. R. Doc. 53-8392; Filed, Sept. 30, 1953; 8:47 a. m.]

[Docket No. G-2253]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF CHANGES AND FIXING DATE FOR HEARING

On August 31, 1953, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing its Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of September 30, 1953. The proposed increase in rates and charges to Alabama-Tennessee's wholesale customers would result in an estimated increase of approximately $120,204, or 13 percent per year, based upon its sales for the year ending June 30, 1953.

Alabama-Tennessee bases its proposed increase in rates and charges, among other things, upon increased costs of purchased gas from its supplier, Tennessee Gas Transmission Company, which, on August 31, 1953, tendered for filing with the Commission increased rates and charges. Such proposed rates and charges were suspended and set for hearing by order of the Commission entered concurrently herewith In the Matter of Tennessee Gas Transmission Company, Docket No. G-2252. In part, also, Alabama-Tennessee relies upon other claimed increases in its cost of service, including, among other things, a rate of return of 7 percent, and income taxes associated therewith.

Copies of the aforesaid Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, and the supporting data submitted to the Commission, have been served upon Alabama-Tennessee's wholesale customers, as required by section 154 of the Commission's general rules and regulations (18 CFR Part 154). Six of Alabama-Tennessee's wholesale customers have indicated their dissatisfaction with the proposed increases in rates and charges.

Upon consideration of the said filing by Alabama-Tennessee, including all data tendered in support of its proposed revised tariff sheets and increased rates and charges, together with the comments filed by Alabama-Tennessee's customers, and also the order of the Commission entered concurrently herewith with respect to the increased rates and charges proposed by Tennessee Gas Transmission Company on August 31, 1953, of which official notice is hereby taken, it appears that the increased rates and charges proposed in said Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, which were tendered for filing on August 31, 1953, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Unless suspended by order of the Commission, said proposed revised tariff sheets will become effective upon expiration of statutory notice on October 1, 1953, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 (e) of the act, concerning the lawfulness of the rates, charges, classifications, or services contained in Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A, and that said proposed tariff sheets and the rates and charges contained therein be suspended as hereinafter provided, and the use thereof deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 15, and 16 of the Natural Gas Act, a public hearing be held, commencing February 24, 1954, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A.

(B) Pending such hearing and decision thereon, said Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A be and the same are hereby suspended and the use thereof deferred until March 1, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as said Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Alabama-Tennessee has presented and completed its case-in-chief.

(D) Alabama-Tennessee, on or before January 15, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 23, 1953.

Issued: September 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-8393; Filed, Sept. 30, 1953; 8:47 a. m.]

[Docket No. G-2254]

LAKE SHORE PIPE LINE CO.

ORDER SUSPENDING PROPOSED TARIFF CHANGES AND FIXING DATE FOR HEARING

On August 31, 1953, Lake Shore Pipe Line Company (Lake Shore) tendered

for filing its Fourth Revised Sheets Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of October 1, 1953. The proposed increase in rates and charges to Lake Shore's wholesale customers would result in an estimated increase of about $85,778, or 15.7 percent per year, based upon its estimated sales for the year ending March 31, 1954.

Lake Shore bases its proposed increase in rates and charges, among other things, upon increased costs of purchased gas from its supplier, Tennessee Gas Transmission Company, which, on August 31, 1953, tendered for filing increased rates and charges. Such proposed rates and charges were suspended and set for hearing by the Commission's order, entered concurrently herewith, in the Matter of Tennessee Gas Transmission Company, Docket No. G–2252. In part, also, Lake Shore relies upon other claimed increases in its cost of service, including, among other things, a rate of return of 6½ percent, and income taxes associated therewith.

Copies of the aforesaid Fourth Revised Sheets Nos. 4, 5, 6, and 7 to Lake Shore's FPC Gas Tariff, Original Volume No. 1, and the supporting data submitted to the Commission, have been served upon Lake Shore's wholesale customers, as required by the Commission's general rules and regulations (18 CFR, Part 154).

Upon consideration of the said submittal by Lake Shore, including all data tendered in support of its proposed revised tariff sheets and increased rates and charges, together with the comments filed by customers of Lake Shore, and also the Commission's order entered concurrently with respect to the increased rates and charges proposed by Tennessee Gas on August 31, 1953, of which official notice is hereby taken, it appears that the increased rates and charges proposed in said Fourth Revised Sheets Nos. 4, 5, 6, and 7 to Lake Shore's FPC Gas Tariff, Original Volume No. 1, which were tendered for filing on August 31, 1953, have not been shown to be justified, and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of that act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in Lake Shore's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 4, 5, 6, and 7 thereto, and that said Fourth Revised Sheets Nos. 4, 5, 6, and 7 be suspended as hereinafter provided, and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on February 15, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in the aforesaid Lake Shore Pipe Line Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 4, 5, 6, and 7 thereto.

(B) Pending such hearing and decision thereon, Lake Shore's Fourth Revised Sheets Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until March 1, 1954, and until such further time thereafter as said proposed Fourth Revised Sheets 4, 5, 6, and 7 may be made effective in the manenr prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Lake Shore has presented and completed its case-in-chief.

(D) Lake Shore, on or before January 15, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: September 23, 1953.

Issued: September 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-8394; Filed, Sept. 30, 1953; 8:48 a. m.]

[Docket No. G-2255]

TENNESSEE NATURAL GAS LINES, INC.

ORDER SUSPENDING PROPOSED RATE SCHEDULE AND FIXING DATE FOR HEARING

On August 31, 1953, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) filed Third Revised Sheets Nos. 4, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, which, unless suspended, will become effective October 1, 1953, and will result in an increase of $226,683 annually or 11.1 percent to its affiliate and only resale customer, Nashville Gas Company, based on sales for the year ending June 30, 1953.

The proposed increase in rates and charges is based, among other things, upon claimed increases in the cost of gas purchased from Tennessee Gas Transmission Company which may not be fully realized, claimed increases in wages, taxes and administrative expenses and a rate of return of 6.5 percent.

Tennessee Gas Transmission Company's increased rates and charges were suspended and set for hearing by the Commission order entered concurrently herewith In the Matter of Tennessee Gas Transmission Company, Docket No. G–2252.

The rates, charges and classifications set forth in the rate schedule contained in the foregoing tariff sheets, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

Applicant's one resale customer and affiliate, Nashville Gas Company, and the Tennessee State Railroad and Public Utilities Commission were invited to submit comments with respect to the application for the proposed increase. The Tennessee Commission has protested the increase.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 thereof, concerning the lawfulness of Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as amended by proposed Third Revised Sheets Nos. 4, 6, and 7, and that said proposed revised sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held commencing February 15, 1954, at 10:00 (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of rates, charges, classifications, and services contained in Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 4, 6, and 7.

(B) At the hearing the parties including Commission Staff counsel, may reserve cross-examination until after Tennessee Natural has presented and completed its case-in-chief.

(C) Tennessee Natural shall serve upon all parties not later than January 15, 1954, copies of the testimony and exhibits proposed to be offered at the hearing, including five (5) copies upon Commission Staff counsel.

(D) Pending such hearing and decision thereon, Tennessee Natural's proposed Third Revised Sheets Nos. 4, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1 be and the same are hereby suspended and their use deferred until March 1, 1954, and until such further time as said proposed revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and proceedure.

Adopted: September 23, 1953.

Issued: September 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-8395; Filed, Sept. 30, 1953; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

PRESIDENT, VIRGIN ISLANDS CORP.

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY LOCATED IN ST. CROIX, VIRGIN ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, (hereinafter referred to as "the act"), I hereby authorize the President of the Virgin Islands Corporation, a wholly owned government corporation created by the Act of June 30, 1949 (63 Stat. 350, 48 U. S. C., sec. 1407 et seq.) to determine that those certain parcels of real property owned by said Corporation in St. Croix, Virgin Islands and known as Estate Peter's Rest in Queen's Quarter, Estate Sion Farm in Queen's Quarter, Estate Bonne Esperance in Queen's Quarter, Estate Upper Bethlehem in Queen's Quarter, Estate Upper Love in Prince's Quarter and that portion of Estates Paradise and Downings situate in Prince's Quarter are not required for the needs and responsibilities of Federal agencies, and to dispose of such property by negotiated sale upon such terms as may be deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the President of the Virgin Islands Corporation shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended by section 1 (f) of Public Law 522, 82d Congress.

3. The President of the Virgin Islands Corporation shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, at least thirty (30) days prior to the consummation of any sale negotiated hereunder. A copy of each such statement shall be furnished to this Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 25, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-8456; Filed, Sept. 29, 1953; 4:50 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28497]

PACKING HOUSE PRODUCTS AND FRESH MEATS FROM PACIFIC COAST TO CENTRAL, ILLINOIS, WESTERN TRUNK-LINE AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers to his tariff listed below.

Commodities involved: Lard, N. O. S., lard compounds or substitutes, and rendered pork fats, carloads.

From: South Pacific coast territory.

To: Points in central, Illinois, western trunk-line, and southwestern territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, tariff I. C. C. No. 1552, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8405; Filed, Sept. 30, 1953; 8:50 a. m.]

[4th Sec. Application 28498]

ALUMINA, CALCINED OR HYDRATED, FROM NORTH BATON ROUGE AND BATON ROUGE, LA., TO CORNWELLS HEIGHTS, PA., PORT JERVIS, N. Y., AND WATERTOWN, CONN.

APPLICATION FOR RELIEF

SEPTEMBER 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff listed below.

Commodities involved: Alumina, calcined or hydrated, in bulk or in packages, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Cornwells Heights, Pa., Port Jervis, N. Y., and Watertown, Conn.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, tariff I. C. C. No. 422, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8406; Filed, Sept. 30, 1953; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 51—DPAV-51]

REQUEST TO PARTICIPATE IN THE FORMATION AND ACTIVITIES OF ORDNANCE CORPS INTEGRATION COMMITTEE ON AMMUNITION LOADING (EXCEPT SMALL ARMS AMMUNITION)

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Corps Integration Committee on Ammunition Loading in accordance with the Voluntary Plan entitled, "Plans and Regulations of Ordnance Corps Covering the Integration Committee on Ammunition Loading (except Small Arms Ammunition)" dated March 31, 1953, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization, and was accepted by the companies listed below.

This Voluntary Plan provides for the formation and operations of the Integration Committee on Ammunition Loading and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. The Voluntary Plan has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

Contents of request. You are requested to participate in the formation and activities of the Integration Committee on Ammunition Loading in accordance with the Voluntary Plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on Ammunition Loading (except Small Arms Ammunition)," dated March 31, 1953, a copy of which is herewith enclosed.

In my opinion your participation in the formation and activities of this Committee

will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G–4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on Ammunition Loading and your participation therein are within the limits set forth in the Voluntary Plan.

As you will note, this Voluntary Plan expands the scope of and supersedes the Plan and Regulations of the Ordnance Corps Covering the Integration Committee on Shell Loading dated November 1, 1951, in which you were requested to participate by the Defense Production Administrator on December 17, 1951. Inasmuch as the later plan supersedes the earlier one, this will notify you that the Administrator's request has been withdrawn, and the immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted has likewise been withdrawn except as to those activities performed or omitted by reason of the request which occurred prior to the withdrawal.

Your cooperation relative to this new request will be appreciated. I also desire to thank you for your services as a member of the Integration Committee on Shell Loading.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

List of companies accepting request to participate:

Silas Mason Co., c/o Cornhusker Ordnance Plant, Grand Island, Nebr.

Silas Mason Co., c/o Iowa Ordnance Plant, Burlington, Iowa.

National Gypsum Co., c/o Kansas Ordnance Plant, Parsons, Kans.

American Safety Razor Corp., Kingsbury Division, c/o Kingsbury Ordnance Plant, La Porta, Ind.

Remington Rand, Inc., c/o Louisiana Ordnance Plant, Shreveport, La.

Proctor & Gamble Defense Corp., c/o Milan Arsenal, Milan, Tenn.

National Gypsum Co., c/o Nebraska Ordnance Plant, Wahoo, Nebr.

Ravenna Arsenal, Inc., Subsidiary of Firestone Tire & Rubber, Co., c/o Ravenna Arsenal, Apco, Ohio.

Day & Zimmerman, Inc., c/o Lone Star Ordnance Division, Texarkana, Tex.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong., E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: September 28, 1953.

ARTHUR S. FLEMMING,
Director,

[F. R. Doc. 53–8442; Filed, Sept. 29, 1953; 1:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on September 28, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–8396; Filed, Sept. 30, 1953; 8:48 a. m.]

[File Nos. 30–137, 54–68, 59–55]

COMMUNITY GAS AND POWER CO. ET AL.

ORDER AUTHORIZING CERTAIN FEES AND EXPENSES, RELEASING JURISDICTION, AND DECLARING THAT COMPANY HAS CEASED TO BE HOLDING COMPANY

In the matter of Community Gas and Power Company, American Gas and Power Company, et al., File Nos. 54–68, 59–55; Minneapolis Gas Company, File No. 30–137.

The Commission, by orders dated April 10, 1946, and January 14, 1947, having approved an amended plan of reorganization filed by Community Gas and Power Company ("Community") and American Gas and Power Company ("American"), pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), and said orders, among other things, having reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees, expenses and other remuneration incurred and to be incurred in connection with the plan and the transactions incident thereto; and

Applications for allowance of fees and expenses and amendments thereto having been filed with the Commission by certain persons who participated in the proceedings on the plan; and

The Commission, by order dated May 3, 1950, having authorized the payment of fees and expenses to certain of said applicants and by order dated January 13, 1953, having denied the applications for fees and expenses of certain of said applicants; and

Minneapolis Gas Company ("Minneapolis", formerly American Gas and Power Company) having requested approval of the payment of miscellaneous expenses incurred in connection with the consummation of said plan aggregating $31,385.77; and

All applications for fees and expenses other than those referred to above having been withdrawn;

The Commission, on September 22, 1948 (File No. 30–137, Holding Company Act Release No. 8530), having issued its order pursuant to the provisions of section 5 (d) of the act that Minneapolis has ceased to be a holding company subject to the condition that jurisdiction of the Commission was continued to take appropriate action concerning fees and expenses relating to said plan; and

Minneapolis having requested that said jurisdiction of the Commission reserved by said orders dated April 10, 1946, January 14, 1947, and September 22, 1948, be released and that the Commission declare by order, without condition, that Minneapolis has ceased to be a holding company and that its registration shall cease to be in effect;

The Commission finding that payment of said miscellaneous expenses aggregating $31,385.77 are not unreasonable and that the jurisdiction reserved in said Orders dated April 10, 1946, January 14, 1947, and September 22, 1948, should be released and that Minneapolis has ceased to be a holding company:

It is hereby ordered and declared, That payment of said miscellaneous expenses by Minneapolis be and it hereby is approved, that the jurisdiction reserved in said orders be and it hereby is released, that Minneapolis has ceased to be a holding company, and that the registration of Minneapolis as a holding company is no longer in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

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