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Washington, Thursday, December 31, 1953

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3041

IMPOSING A QUOTA ON IMPORTS OF OATS  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, re-enacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and as amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), the Secretary of Agriculture has advised me that he has reason to believe that oats are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to oats pursuant to sections 301 and 401 of the Agricultural Act of 1949 (63 Stat. 1053, 1054), or to reduce substantially the amount of products processed in the United States from domestic oats with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on June 6, 1953, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to hulled and unhulled oats and unhulled ground oats; and

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that hulled and unhulled oats and unhulled ground oats are practically certain to be imported into the United States during the period December 23, 1953, to September 30, 1954, inclusive, under such conditions and in such quantities as to render or tend to render ineffective, or materially inter-

fere with, the said price-support program with respect to oats; and

WHEREAS, I find and declare that the imposition of quantitative limitations not in excess of 23,000,000 bushels of the product of Canada and not in excess of 2,500,000 bushels of the product of other foreign countries are shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of oats described in the preceding paragraph of this proclamation during the period December 23, 1953, to September 30, 1954, will not render or tend to render ineffective, or materially interfere with, the said price-support program; and I further find and declare such permissible total quantity to be proportionately not less than 50 percentum of the total average aggregate annual quantity of such oats entered, or withdrawn from warehouse, for consumption during the representative period July 1, 1948, to June 30, 1951, inclusive;

WHEREAS Canada has undertaken to limit exports of oats to the United States to 23,000,000 bushels during the period from midnight December 10, 1953, to midnight September 30, 1954:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the total aggregate quantity of hulled and unhulled oats and unhulled ground oats, other than oats the product of Canada, entered, or withdrawn from warehouse, for consumption during the period December 23, 1953, to September 30, 1954, inclusive, shall not be permitted to exceed 2,500,000 bushels of 32 pounds each.

The provisions of this proclamation shall not apply to certified or registered seed oats for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production: *Provided*, (a) that the individual shipment amounts to 100 bushels (of 32 pounds each) or less, or (b) that the individual shipment amounts to

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more than 100 bushels (of 32 pounds each) and the written approval of the Secretary of Agriculture or his design-

nated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within 6 months from the date of entry.

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

DONE at the City of Washington this 26th day of December in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,  
Secretary of State.

[F. R. Doc. 53-10902; Filed, Dec. 30, 1953; 9:44 a. m.]

**RULES AND REGULATIONS**

**TITLE 5—ADMINISTRATIVE PERSONNEL**

**Chapter I—Civil Service Commission**

**PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

**MISCELLANEOUS AMENDMENTS**

Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (b), and (c) of § 6.153 are revoked; paragraph (e) (1), (2), (3), (4) and (5) of § 6.311 is revoked; § 6.105 (h) (1) is amended; § 6.314 (a) (3) is amended; and the positions listed below are added to §§ 6.304, 6.312, 6.314, 6.353, 6.363, and 6.365.

§ 6.105 *Department of the Army.* \* \* \*

(h) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

§ 6.304 *Department of Defense—(a) Office of the Secretary.* \* \* \*

(5) One Administrative Secretary to the Secretary.

(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Legislative and Public Affairs.

§ 6.312 *Department of Commerce—(a) Office of the Secretary.* \* \* \*

(21) One Associate General Counsel (Defense Production Activities).

(22) One Private Secretary to the Associate General Counsel (Defense Production Activities).

§ 6.314 *Executive Office of the President—(a) Bureau of the Budget.* \* \* \*

(3) Two Private Secretaries to the Director.

(5) One Private Secretary to each of the two Assistant Directors.

(6) One Private Secretary to the Assistant to the Director.

§ 6.353 *Subversive Activities Control Board.* \* \* \*

(b) One Private Secretary to each Member of the Board.

(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.363 *United States Information Agency.* \* \* \*

(c) One Secretarial Assistant to the Deputy Director.

§ 6.365 *Farm Credit Administration.* \* \* \*

(d) One First Deputy Governor.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 53-10849; Filed, Dec. 30, 1953; 8:49 a. m.]

**TITLE 7—AGRICULTURE**

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

**PART 728—WHEAT**

**SUBPART—1954-55 MARKETING YEAR**

The regulations contained in § 728.409 are issued pursuant to the Agricultural

Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1954, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available or in which there was no actual yield.

Prior to preparing the regulations in § 728.409, public notice (18 F. R. 8585) was given in accordance with the Administrative Procedure Act. The data, views, and recommendations pertaining to the regulations in § 728.409, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.409 *Determination of county normal yields for 1954 crop of wheat.*

(a) A normal yield for each wheat-producing county shall be determined on the basis of the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions, (a) if the yield in any year of the ten-year period is less than 75 per centum of the average (computed without regard to such year) on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, such year shall be eliminated in calculating the normal yield per acre; and (b) if the yield in any year of the ten-year period is more than 125 per centum of the average (computed without regard to such year) on account of abnormal weather conditions, there shall be substituted for such year a yield equiv-

alent to 125 per centum of the average (computed without regard to such year) in calculating the normal yield per acre.

(b) The adjustment for trends in yields shall be made by averaging the average yield per acre of wheat for the ten-year period, adjusted for abnormal weather conditions as indicated above, with the average yield per acre of wheat for the last three years of such ten-year period, adjusted for abnormal weather conditions.

(c) If for any year of such ten-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby or adjacent counties, or crop reporting districts of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) in which the type of soil, topography, and farming practices associated with the production of wheat are similar.

(d) County normal yields shall be determined by the Director, Grain Division, Commodity Stabilization Service (formerly the Production and Marketing Administration). The normal yield determined for each county shall be kept readily available to the public in the county Agricultural Stabilization and Conservation office, and in the applicable State Agricultural Stabilization and Conservation office.

Done at Washington, D. C., this 30th day of December 1953.

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

[F. R. Doc. 53-10905; Filed, Dec. 30, 1953;  
11:19 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 814.21]

#### PART 814—ALLOTMENT OF SUGAR QUOTAS MAINLAND CANE SUGAR AREA, 1954

**Basis and purpose.** This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing preliminary allotments of the 1954 sugar quota for the mainland cane sugar area.

Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that allotment is necessary, among other things, to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Current estimates of sugar production from the 1953 mainland sugarcane crop indicate that approximately 290,000 tons of sugar from that crop will be available for marketing in 1954. Should production from 1954-

crop cane be no larger than that from the smallest recent crop (417,000 tons from the 1951 crop) there will be available for marketing in 1954 a quantity of sugar far in excess of the 500,000 short tons, raw value, quota for the area. Inventories of sugar which will be on hand January 1, 1954, together with production in early 1954 may make it possible for some allottees to market shortly after January 1, 1954, a quantity of sugar larger than their eventual allotment. To meet this situation the Department has requested and received from each allottee a stipulation as follows:

If the Secretary of Agriculture determines that the allotment of the 1954 sugar quota for the mainland cane sugar area is necessary, it is stipulated and agreed by the undersigned allottee as follows:

(1) Pending the holding of a public hearing and the issuance of an allotment order for 1954 based on the record of such hearing, the Secretary of Agriculture may issue a preliminary order under the Sugar Act of 1948, as amended, effective January 1, 1954, establishing a 1954 allotment for each allottee equal to 80 percent of the 1953 allotment for such allottee as established in Sugar Regulation 814.20 effective September 2, 1953.

(2) The allotment order issued following the aforesaid public hearing will not be made on the same basis as the preliminary order was made.

(3) The undersigned hereby waives its right to a hearing prior to the issuance of such preliminary allotment order and its right to object to the validity of such preliminary order issued in conformity with the terms of this stipulation.

It is found that allotment of the 1954 Mainland Cane Sugar quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in that area. In order to prevent an allottee from marketing a quantity of sugar in excess of its allotment under the allotment order for 1954, to be issued after a public hearing and based on the record of such hearing, it is further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall become effective on January 1, 1954.

**Order.** Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, and in accordance with the foregoing stipulation, it is hereby ordered:

§ 814.21 *Allotment of the 1954 sugar quota for the Mainland Cane Sugar Area—(a) Allotments.* The 1954 sugar quota for the Mainland Cane Sugar Area is hereby allotted, to the extent shown herein, to the following processors in amounts which appear opposite their respective names:

[Short tons, raw value]	
Processor	Allotment
Albania Sugar Cooperative, Inc.	4,274
Alice C. Plantation & Refinery, Inc.	5,188
Alma Plantation, Ltd.	4,965
J. Aron & Co., Inc.	8,272
Billeaud Sugar Factory	6,186
Breaux Bridge Sugar Cooperative, Inc.	5,132

[Short tons, raw value]

Processor	Allotment
Burton-Sutton Oil Co., Inc.	4,290
Caire & Graugnard	2,764
Caldwell Sugar Cooperative, Inc.	6,322
Catherine Sugar Co., Inc.	4,474
Columbia Sugar Co.	3,443
Cora-Texas Manufacturing Co.	1,905
Cypremort Sugar Co., Inc.	3,806
Dugas & LeBlanc, Ltd.	7,561
Duhe & Bourgeois Sugar Co.	5,883
Erath Sugar Co., Ltd.	3,890
Evan Hall Sugar Cooperative, Inc.	13,468
Evangeline Pepper & Food Products, Inc.	4,326
Fellsmere Sugar Products Association	6,550
Frisco Cane Co., Inc.	511
Glenwood Cooperative, Inc.	6,706
Godchaux Sugars, Inc.	25,178
Helvetia Sugar Cooperative, Inc.	4,673
Iberia Sugar Cooperative, Inc.	10,141
Lafourche Sugar Co.	8,755
Harry L. Laws & Co., Inc.	6,182
Levert-St. John, Inc.	7,069
Loisel Sugar Co.	4,633
Louisiana State Penitentiary	2,860
Louisiana State University	120
Lulu Factory, Inc.	8,112
Meeker Sugar Cooperative, Inc.	3,255
Milliken & Farwell, Inc.	7,661
Okeelanta Sugar Refinery, Inc.	8,284
M. A. Patout & Son, td.	5,979
Poplar Grove Planting and Refining Co., Inc.	4,270
E. G. Robichaux Co., Ltd.	2,916
St. James Sugar Cooperative, Inc.	7,545
St. Mary Sugar Cooperative, Inc.	9,706
Slack Bros., Inc.	2,205
Smedes Bros., Inc.	3,323
The South Coast Corp.	27,626
Southdown Sugars, Inc.	26,353
Sterling Sugars, Inc.	7,449
J. Supple's Sons Planting Co., Inc.	2,824
United States Sugar Corp.	76,417
Valentine Sugars, Inc.	7,397
Vermillion Sugar Co., Inc.	2,117
Vida Sugars, Inc.	3,626
A. Wilbert's Sons Lumber & Shingle Co.	5,456
Young's Industries, Inc.	5,060
All other persons	0
Total allotted	407,808
Unallotted	92,192
Total quota	500,000

(b) *Restrictions on shipment and marketing.* Pursuant to section 209 of the act, and subject to the applicable provisions of Sugar Regulation 816 (14 F. R. 2163), all persons are hereby prohibited, during the calendar year 1954, from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the mainland cane sugar area after the allotment established for such persons in paragraph (a) of this section has been filled.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 29th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 53-10887; Filed, Dec. 30, 1953;  
8:52 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 877.6]

PART 877—SUGARCANE: PUERTO RICO

1953-54 CROP

Pursuant to the provisions of Section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in San Juan, Puerto Rico, on October 22 and 23, 1953, the following determination is hereby issued:

§ 877.6 *Fair and reasonable prices for the 1953-54 crop of Puerto Rican sugarcane.* A producer of sugarcane in Puerto Rico who processes sugarcane purchased from other producers (hereinafter referred to as "processor"), shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1953-54 crop if he pays, or contracts to pay, for such sugarcane in accordance with the requirements set forth herein.

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Raw sugar" means raw sugar of 96° polarization.

(2) "Sugar yield period" means the 2-week, 4-week, semi-monthly or monthly period, as agreed upon between the producer and the processor, in which sugarcane is delivered by the producer to the processor. Semi-monthly means (i) the first 15 days of a 29, 30, 31 day month, or the first 14 days of a 28 day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Branch determines that such price does not reflect the true market value of raw sugar, the Director may designate the price to be effective under this determination.

(4) "Inferior varieties of sugarcane" means sugarcane of the *Saccharum Spontaneum* or *Saccharum Sinense* variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caladonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means (1) for varieties other than inferior varieties of sugarcane, the yield of raw sugar per one hundred pounds of sugarcane determined for the sugar yield period in accordance with the following formula:

$$R = (S - 0.3E)F$$

where:

R = Recoverable sugar yield, 96° polarization.

S = Polarization of the crusher juice obtained from the sugarcane of each producer.

B = Brix of the crusher juice obtained from the sugarcane of each producer.

F = Factor obtained from the fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during the sugar yield period in which the

sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice, minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the sugar yield period in which the sugarcane of the producer has been ground;

and (ii) for inferior varieties of sugarcane, the yield of raw sugar per 100 pounds of sugarcane determined for the sugar yield period in accordance with the formula used during the 1950-51 crop grinding season.

(b) *Basic payment.* (1) The basic payment for sugarcane delivered by the producer (colono) to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar packed in customary bags, or by the payment to the producer of the money value of his share of raw sugar.

(2) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, such basic payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar less than 9 pounds, such basic payment shall be not less than the quantity determined by subtracting 3 1/3 pounds of raw sugar from the yield of raw sugar of the producer's sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay, or contract to pay, the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period March 1, 1954, through February 28, 1955, converted to an f. o. b. mill price by subtracting applicable admissible deductions for selling and delivery expenses on raw sugar listed in Schedule A attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1953-54 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of sugarcane of the 1953-54 crop processed at each mill. A processor operating more than one mill may compute the net proceeds on the basis of the average gross proceeds from the sales of molasses produced at all mills operated

by such processor. Admissible deductions for selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule B attached hereto and made a part hereof.

(d) *Charges, services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure (or agree to store and insure) all such sugar through December 31, 1954, free of charge to the producer: *Provided*, That the producer shall bear any charges arising out of the necessity of utilizing outside storage facilities for such sugar prior to January 1, 1955.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share (or agree to share) with the producer on a prorata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1949-50 crop shall be made for the 1953-54 crop at the rates which were effective under comparable conditions in 1949-50; services performed, the costs of which were absorbed by the processor for the 1949-50 crop, shall be performed for the 1953-54 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico.

(e) *Reporting requirements.* (1) The processor shall submit to the Caribbean Area Office, PMA, within a reasonable time prior to the commencement of grinding, a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar.

(2) The processor shall submit in duplicate to the Caribbean Area Office, PMA, statements verified by a certified public accountant of the deductions made in determining the f. o. b. mill price and net proceeds from molasses.

(f) *Agency.* If sugarcane is delivered to the processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the processor shall make payment to the producer of such sugarcane in accordance with the provisions of this section.

(g) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

*Statement of Bases and Considerations*

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid for sugarcane of the 1953-54 crop purchased from other producers by a processor who is also a producer of sugarcane. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the Act.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on October 22 and 23, 1953, a public hear-

ing was held in San Juan, Puerto Rico, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1953-54 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Puerto Rico. In this price determination, consideration has been given to testimony presented at the hearing and to information resulting from the investigations.

(c) 1953-54 price determination. The 1953-54 price determination is the same as the 1952-53 price determination except that the provision relating to the price of sugarcane from which is made raw sugar sold through programs involving the use of foreign aid funds of the United States is omitted. A price for such sugarcane originally was provided as an amendment to the 1951-52 crop determination, and continued in the 1952-53 determination, because of the over-burdened supply situation in Puerto Rico. This provision is eliminated as it no longer is applicable. The provisions of the determination relating to the calculation of net proceeds for sugar and molasses by processors operating more than one mill have been clarified.

At the public hearing, a representative of the Puerto Rico Grower-Processor Committee, a newly formed Committee representing growers of the Puerto Rico Farm Bureau and growers and processors of the Association of Sugar Producers of Puerto Rico, recommended that the provisions of the 1952-53 price determination be continued for the 1953-54 crop.

In this determination consideration has been given to the recommendation made at the public hearing, to information obtained as a result of investigations and to returns, costs and profits data of the Puerto Rican sugar industry obtained by survey during prior years and restated in terms of prospective conditions for the 1953-54 crop. Analysis of the economic position of producers and processors indicates that the sharing provisions and other requirements of this determination are fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 24th day of December 1953.

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

#### SCHEDULE A

##### ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1953-54 crop raw sugar which commence with the unstacking of raw sugar at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Necessary outside storage;
2. Freight from warehouse to dock, including covering cars where necessary;

3. Handling at dock, including unloading and stacking;

4. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;

5. Ocean freight;

6. Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 8.7 cents per hundred-weight of 96° raw sugar in lieu of:

7. Unstacking, tallying and loading;

8. Shore risk, marine and war risk insurance;

9. Rebagging and mending whenever and wherever incurred;

10. Brokerage or commissions and exchange;

11. Weighing, testing, sampling, mending and taring at destination;

12. All other expenses not itemized herein;

and the following additional expenses incurred between January 1, 1955, and February 28, 1955:

13. Personal property tax;

14. Storage not covered by item 1;

15. Insurance on stored sugar.

When any of the necessary services included in items 1 through 6 and item 14 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;

2. Maintenance labor and supplies required for the facilities used;

3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;

4. Direct supplies;

5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director, Caribbean Area Office, PMA, San Juan, Puerto Rico, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

#### CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1953-54 crop of Puerto Rican sugarcane.

#### SCHEDULE B—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1953-54 price determination, are limited to the sum of the following expenses

actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);

3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

4. Weighing and testing;

5. Wharfage;

6. Shore risk insurance (limited in coverage from mill to shipside);

7. Freight demurrage resulting from causes beyond the control of the shipper;

8. Insular taxes on molasses produced, used, sold, brought into or consumed in Puerto Rico;

9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items 1 through 9 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;

2. Maintenance labor and supplies required for the facilities used;

3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions;

4. Fuel, energy or direct supplies;

5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes and property insurance of such facilities properly apportionable to the necessary service, shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

#### CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1953-54 crop of Puerto Rican sugarcane.

[F. R. Doc. 53-10876; Filed, Dec. 30, 1953; 8:52 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6090]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL ELECTRONIC DISTRIBUTORS ASSN., INC., ET AL.

Subpart—Coercing and intimidating: § 3.370 Suppliers and sellers: To adopt and enforce resale price program, contracts, or agreements; To adopt desired marketing practice; To cut off supplies of or otherwise discipline price cutters; To grant uniform discounts and allow-

ances; To limit sale and distribution to member or acceptable distributors. Subpart—Combining or conspiring: § 3.397 To control marketing methods, practices, and conditions; § 3.425 To enforce or bring about resale price maintenance; § 3.430 To enhance, maintain, or unify prices; § 3.445 To force guarantee against price decline; § 3.450 To limit distribution or dealing to regular, established, or acceptable channels or classes; § 3.470 To restrain and monopolize trade. Subpart—Cutting off competitors' or others' access to customers or market: § 3.560 Interfering generally with distributive outlets; § 3.600 Withholding patronage from recalcitrant suppliers. Subpart—Cutting off competitors' or others' supplies or service: § 3.655 Threatening disciplinary action or otherwise. In connection with the purchase, offering for sale, sale, or distribution in commerce, of electronic equipment and supplies, and on the part of respondent association, its representatives, officers, directors, and members, directly or indirectly, jointly or severally, etc., entering into, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents and any other respondents named or referred to in the order, or with two or more persons not parties to the proceeding, to (1) restrict membership in respondent National Electronic Distributors Association, Inc., by denying membership therein to wholesale distributors in electronic equipment and supplies for competitive reasons, or for any other reason which departs from respondent National Electronic Distributors Association, Inc.'s then published or generally accepted standards governing admission of new members; (2) compel, or attempt to compel, by any means or method, manufacturers of electronic equipment and supplies, to sell such products solely through members of the respondent National Electronic Distributors Association, Inc., or through established legitimate wholesale distributors, not members of respondent Association, but recognized by respondents; (3) prevent, or attempt to prevent, manufacturers of electronic equipment and supplies from selling such products to any wholesale distributors in same because such wholesale distributors are not members of respondent Association, or because they are not recognized by respondents as legitimate wholesale distributors; (4) compel, or attempt to compel, by any means or methods, manufacturers of electronic equipment and supplies to protect distributors against price decline on unsold inventory, or to grant uniform discounts or terms and conditions of sale; (5) adopt, enforce, or utilize any means or method which has as its purpose or effect the compelling, or attempting to compel, any manufacturer of electronic equipment and supplies to fix or maintain resale prices suggested by respondents; (6) originate, compile, publish and distribute, or attempt to originate, compile, publish and distribute, by any means or

methods, substantially identical price lists for electronic equipment or supplies; (7) adopt, enforce or utilize any means or methods (including, without limitation, the means and methods referred to in prohibition (6) above) to fix or maintain, or attempt to fix or maintain the prices, terms or conditions of sale at which wholesalers of electronic equipment and supplies offer for sale or sell any such products; (8) give sales or any other promotional preferences to the types of electronic equipment and supplies sold by manufacturers who agree to refrain from selling merchandise to wholesale distributors who are not members of respondent Association or who are not recognized by respondents as legitimate wholesale distributors; and (9) give sales, or any other promotional preferences, to the types of electronic equipment and supplies sold by manufacturers who agree to grant and who do grant uniform cash discounts, terms, conditions of sale, or who agree to maintain resale prices, terms or conditions of sale suggested by respondents; prohibited, subject to the proviso, however, that nothing contained in the foregoing provisions of the order shall be construed to prohibit any of the respondents from acting independently, and not in combination with others, in doing any of the acts prohibited thereby.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Electronic Distributors Association, Inc., et al., Chicago, Ill., Docket 6090, November 5, 1953.]

*In the Matter of National Electronic Distributors Association, Inc., a Membership Corporation, Its Officers, Directors, and Members*

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 4, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 5, 1953, and ordered entered of record as the Commission's findings as to the facts,<sup>1</sup> conclusion,<sup>1</sup> and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondent National Electronic Distributors Association, Inc., sometimes hereinafter referred to as respondent Association, a membership corporation, its representatives, its respondent officers, directors and members, directly or indirectly, jointly or severally, or through any corporate or other means or device, in connection

<sup>1</sup> Filed as part of the original document.

with the purchase, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of electronic equipment and supplies, do forthwith cease and desist from entering into, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents and any other respondents named or referred to in this order, or with two or more persons not parties hereto, to do or perform any of the following acts, policies or practices:

(1) Restricting membership in respondent National Electronic Distributors Association, Inc., by denying membership therein to wholesale distributors in electronic equipment and supplies for competitive reasons, or for any other reason which departs from respondent National Electronic Distributors Association, Inc.'s then published or generally accepted standards governing admission of new members;

(2) Compelling, or attempting to compel, by any means or method, manufacturers of electronic equipment and supplies, to sell such products solely through members of the respondent National Electronic Distributors Association, Inc., or through established legitimate wholesale distributors, not members of respondent Association, but recognized by respondents;

(3) Preventing, or attempting to prevent, manufacturers of electronic equipment and supplies from selling such products to any wholesale distributors in same because such wholesale distributors are not members of respondent Association, or because they are not recognized by respondents as legitimate wholesale distributors;

(4) Compelling, or attempting to compel, by any means or methods, manufacturers of electronic equipment and supplies to protect distributors against price decline on unsold inventory, or to grant uniform discounts or terms and conditions of sale;

(5) Adopting, enforcing or utilizing any means or method which has as its purpose or effect the compelling, or attempting to compel, any manufacturer of electronic equipment and supplies to fix or maintain resale prices suggested by respondents;

(6) Originating, compiling, publishing, and distributing, or attempting to originate, compile, publish and distribute, by any means or methods, substantially identical price lists for electronic equipment or supplies;

(7) Adopting, enforcing or utilizing any means or methods (including, without limitation, the means and methods referred to in paragraph (6) foregoing) to fix or maintain, or attempt to fix or maintain the prices, terms or conditions of sale at which wholesalers of electronic equipment and supplies offer for sale or sell any such products;

(8) Giving sales or any other promotional preferences to the types of electronic equipment and supplies sold by manufacturers who agree to refrain from selling merchandise to wholesale dis-

tributors who are not members of respondent Association or who are not recognized by respondents as legitimate wholesale distributors;

(9) Giving sales, or any other promotional preferences, to the types of electronic equipment and supplies sold by manufacturers who agree to grant and who do grant uniform cash discounts, terms, conditions of sale, or who agree to maintain resale prices, terms or conditions of sale suggested by respondents.

*Provided*, That nothing contained in the foregoing provisions of this order shall be construed to prohibit any of the respondents from acting independently, and not in combination with others, in doing any of the acts prohibited by this order.

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

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this the 5th day of November 1953.

Issued: December 4, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,  
Secretary.

[F. R. Doc. 53-10851; Filed, Dec. 30, 1953;  
8:49 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### REGISTRATION AND GENERAL EXEMPTIONS

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposal to adopt a new rule (Rule U-13, 17 CFR 250.13), under the Public Utility Holding Company Act of 1935 exempting certain non-utility subsidiary companies and affiliates of registered holding companies from the obligations, duties and liabilities imposed upon them as subsidiary companies or affiliates of registered holding companies. All comments and suggestions received have been carefully considered and the Commission has determined that the proposed rule should be adopted, with certain modifications.

Section 3 (d) of the act provides that the Commission "may, by rules and regulations, conditionally or unconditionally exempt any specified class or classes of persons from the obligations, duties, or liabilities imposed upon such persons as subsidiary companies or affiliates under any provision or provisions of this title \* \* \*." The adopted rule unconditionally exempts every subsidiary company or affiliate of a registered holding company (which subsidiary company or affiliate is not (a) a holding company,

(b) a public-utility company, (c) an investment company or (d) a service company) from all the obligations, duties and liabilities imposed upon it by the act as a subsidiary company or affiliate of a registered holding company: *Provided*, That the company so exempted became a subsidiary or affiliate by reason of the acquisition of its voting securities after October 31, 1953 by a registered holding company: *And provided further*, That such acquisition is in accordance with an investment program permitted by an order of the Commission entered in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the act.

At the present time there are two registered holding companies which, with Commission approval, are in the process of converting into investment companies and there are two other registered holding companies which have indicated an intention to convert into an investment company if permitted by the Commission. One of the former companies has also requested that, in connection with its transformation into an investment company, it be granted an exemption as a holding company from the provisions of the act.

The new rule will avoid the necessity of the acquired subsidiary company obtaining an exemption order otherwise required to be obtained under section 2 (a) (8) (B) of the act.

The text of the rule, as adopted, is set forth below.

The Securities and Exchange Commission, acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 3 (d) and 20 (a) thereof, and deeming such action appropriate in the public interest and in the interests of investors and consumers, hereby adopts Rule U-13 under that act, to read as follows:

§ 250.13 *Exemption of certain non-utility subsidiary companies and affiliates of registered holding companies transforming to investment companies.* Every subsidiary company or affiliate of a registered holding company which subsidiary company or affiliate is not—

(a) A holding company;  
(b) A public-utility company;  
(c) An investment company or investment trust, including one which is a medium for investments in securities for the benefit of a public-utility or holding company or its directors, officers or employees;

(d) A service company performing services or construction for or selling goods to associate companies of any of the classes specified in paragraphs (a) to (c) of this section; or

(e) A person controlling, directly or indirectly, any company specified in paragraphs (a) to (d) of this section;

shall be unconditionally exempt from the obligations, duties and liabilities which would otherwise be imposed upon such company as a subsidiary company or an affiliate by any provision or provisions of the act and shall not be deemed to be a subsidiary company or an affiliate within the meaning of any such provision or provisions, if such

company becomes a subsidiary company or an affiliate by virtue of the direct or indirect acquisition, after October 31, 1953, by a registered holding company of voting securities issued by such subsidiary company or affiliate, and such acquisition has been made in accordance with an investment program permitted by an order of the Commission, which has become final, entered in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the act.

The foregoing action is effective December 24, 1953.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79. Interprets or applies sec. 3, 49 Stat. 810; 15 U. S. C. 79c)

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

DECEMBER 24, 1953.

[F. R. Doc. 53-10903; Filed, Dec. 30, 1953;  
10:17 a. m.]

#### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### EXEMPTION OF CERTAIN ACQUISITIONS FROM NON-AFFILIATES

The Commission, on December 4, 1953, having given notice that it had under consideration a proposed amendment to § 250.40 (Rule U-40) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") which amendment had been proposed in a petition filed by Reddy Kilowatt, Inc. all as more fully set forth in Holding Company Act Release No. 12238;

Due notice of the filing of said petition having been given in which all interested persons were requested to submit on or before December 22, 1953, data, views and comments regarding the requested amendment and no data, views or comments having been received during such period;

The Commission having considered the aforesaid request and the representations contained therein and acting pursuant to the authority conferred upon it by the act, particularly by sections 9 (c) (3) and 20 (a) thereof, and deeming such action appropriate in the public interest and in the interests of investors and consumers;

Notice is hereby given that the Commission has adopted the proposed amendment to Rule U-40 of the general rules and regulations promulgated under the act which amendment renumbers paragraph "(c)" thereof as paragraph "(d)" and which adds a new paragraph "(c)" the text of which is as follows:

§ 250.40 *Exemption of certain acquisitions from non-affiliates.* \* \* \*

(c) Section 9 (a) (1) shall not apply to the acquisition of securities of a company whose principal business is the ownership and/or licensing of trade names, trade-marks and service marks used by public-utility companies in the

ordinary course of their business and the preparation, distribution and/or sale of material and services related wholly to such names and marks.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

This amendment is effective December 23, 1953.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

DECEMBER 23, 1953.

[F. R. Doc. 53-10836; Filed, Dec. 30, 1953;  
8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

#### PART 6—AIR COMMERCE REGULATIONS

##### MISCELLANEOUS AMENDMENTS

Under the authority cited in § 6.1 below, §§ 6.1 to 6.10, § 6.10a-e, and § 6.11, Title 19 of the Code of Federal Regulations, such sections being designated also as §§ 71.501 to 71.516, respectively, in Subpart K, Title 42, of such Code, are hereby amended to read as follows, the sections to be designated §§ 71.501 to 71.514, respectively, for the purposes of Subpart K of Title 42:

§ 6.1 *Regulations and supervision.* Sections 6.1 to 6.14, inclusive, are prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury and the Surgeon General of the Public Health Service with the approval of the Secretary of Health, Education, and Welfare, within their respective authorities, under sections 161 and 251 of the Revised Statutes (5 U. S. C. 22, 19 U. S. C. 66); sections 7 (b) and (c), 9 (b), and 11 (b) and (c) of the Air Commerce Act of 1926, as amended (44 Stat. 572-574, 49 U. S. C. 177 (b), (c), 179 (b), 181 (b), (c)); Reorg. Plan No. 1, 3 CFR, Cum. Supp., Ch. IV, 53 Stat. 1424, 1425, sec. 102, Reorg. Plan No. 3 of 1946, 3 CFR, 1946 Supp., Ch. IV, 60 Stat. 1097; sections 431, 624, and 644 of the Tariff Act of 1930, as amended (46 Stat. 710, as amended, 759, 761, 52 Stat. 1089, 19 U. S. C. 1431, 1624, 1644); and sections 202, 215 and 361-369 of the Public Health Service Act, as amended (58 Stat. 683, 690, 703-706, 63 Stat. 835; 42 U. S. C. 202, 216, 264-272).

§ 6.2 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and clause relates to customs, public health, entry, and clearance, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, and Kingman Reef, the Virgin Islands (except for Public Health purposes), and other insular possessions not specified herein.

<sup>1</sup> These regulations entitled "Air Commerce Regulations" appear under two designations in the Code of Federal Regulations, i. e., 19 CFR 6.1-6.14 (Customs Duties) and 42 CFR 71.501-71.514 (Public Health).

(c) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying air space, but shall not include the Canal Zone.

(d) The term "area" shall mean any one of the following parts of the United States:

- (1) The mainland,
- (2) Alaska,
- (3) Hawaii,
- (4) Puerto Rico,
- (5) The Virgin Islands (for Public Health purposes only).

(e) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, and includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(f) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(g) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(h) The term "international airport" means any airport designated by the Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft, by the Attorney General as a port of entry for aliens arriving on such aircraft, and by the Secretary of Health, Education, and Welfare as a place for quarantine inspection.

§ 6.3 *Landing requirements—(a) Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of the Civil Aeronautics Administration, Washington 25, D. C. The first landing shall be at an international airport unless permission to land elsewhere shall first be granted by the Commissioner of Customs, in cases of aircraft operated by scheduled airlines, and in all other cases by the collector or other customs officer in charge at the port of entry or customs station nearest the intended place of first landing. When the Commissioner of Customs grants permission to land elsewhere than at an international airport, he shall immediately notify the heads of the Public Health Service and of any other agency likely to be concerned with the landing, and, when a collector or other customs officer grants such permission, he shall immediately notify the principal local officer of each such agency. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting

the aircraft, passengers, employees, and merchandise, including baggage, carried therein. When such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers.

(b) *Advance notice of arrival.* (1) Except as hereinafter provided for, no aircraft coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) may land in such area unless timely notice of the intended flight shall have been furnished previously, either by or at the request of the aircraft commander, to the collector or other customs officer in charge at or nearest the intended place of first landing. Notice of the intended flight shall also be furnished to the quarantine officer in charge at or nearest the intended place of first landing in the case of aircraft coming into an area from any place outside the United States, and in the case of aircraft coming to a port under the control of the United States from another such port when conditions cause such aircraft to be subject to quarantine inspection under 42 CFR 71.46. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated. If dependable facilities for giving notice are not available before departure any radio equipment the plane possesses shall be utilized to give notice during its approach so far as feasible. If timely notice has not been given, or if the Government officers have not arrived, the aircraft commander on landing shall hold the aircraft and any merchandise, including baggage, thereon intact and keep the passengers and crew members in a segregated place until the inspection officers arrive. Except where the uncertainty of communication facilities is already known to the Government officers in charge, any aircraft commander for whose aircraft timely notice has not been given shall furnish a statement of the reasons for his failure to do so.

(2) Each notice of an intended flight shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the international airport or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the international airport or such other place of first landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 6.10) shall depart from the place of landing, or discharge any passengers or merchandise, including baggage, without receiving permis-

sion from the customs officers in charge. For quarantine requirements see § 6.12.

(d) *Permit to proceed; foreign aircraft.* (1) Aircraft are subject to customs entry when brought in for repairs or when otherwise treated as imported articles. Before an aircraft which is not treated as an imported article, which is registered in a foreign country, and which arrives in the United States carrying passengers for hire or merchandise is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the United States, its commander shall obtain from the collector of customs at the airport of first arrival a permit on customs Form 4449 allowing the aircraft to proceed from airport to airport in the United States, which shall be retained on board such aircraft while in the United States. At each airport visited, the customs officer there, or, if there is none, the airport manager, shall make an endorsement on the back of such permit showing the name of the airport, date and time of arrival, date and time of departure, and purpose of the visit. The permit shall be surrendered to the collector of customs at the port of final clearance for a foreign destination, who shall satisfy himself prior to the issuance of clearance that the aircraft received proper customs treatment while in this country. The permit shall then be returned to the collector of customs at the port of issue.

(2) A copy of the permit shall be retained by the collector at the port where issued. If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation.

(3) Civil aircraft registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs and quarantine treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established.

(e) *Monthly and annual requests for overtime services and licenses to unlade and lade.* A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year nor longer than the period of the supporting bond, may be granted to a scheduled airline to unlade passengers or merchandise, including baggage, or to lade merchandise, including baggage, in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 and shall be supplemented by a request on customs Form 3853 (modified) for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) *Monthly and annual permits to unlade and lade.* The collector may also issue a permit running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled airline. Customs Form 3851 shall be used for such purpose.

(g) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make an emergency or forced landing in the United States, the aircraft commander shall not allow any merchandise, including baggage, to be removed from the landing place without permission of the customs and quarantine officers, nor allow any passenger or person employed thereon to depart from the landing place without permission of the quarantine officer, unless such removal or departure is necessary for purposes of safety, communication with health and customs authorities, or the preservation of life, health or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest international airport or other customs port of entry in that area and also with the nearest quarantine officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 6.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) shall be entered in such area if landing is made therein and if carrying passengers for hire or commercial cargo (see § 6.3). Aircraft proceeding from one area into another shall be entered in the latter area if landing is made therein and if carrying residue cargo. Aircraft not required to enter under this paragraph are subject to other customs or applicable quarantine requirements (see § 6.3).

(b) Entry shall be made by the aircraft commander, or by any other authorized agent of the owner or operator of the aircraft (hereinafter referred to as an authorized person),<sup>2</sup> at the international airport at which the first landing is made in the area. If, pursuant

<sup>2</sup> Section 431, Tariff Act of 1930, as amended (19 U. S. C. 1431): "(b) Whenever a manifest of articles or persons on board an aircraft is required for customs purposes to be signed, or produced or delivered to a customs officer, the manifest may be signed, produced, or delivered by the pilot or person in charge of the aircraft, or by any other authorized agent of the owner or operator of the aircraft, subject to such regulations as the Secretary of the Treasury may prescribe. If any irregularity of omission or commission occurs in any way in respect of any such manifest, the owner or operator of the aircraft shall be liable for any fine or penalty prescribed by law in respect of such irregularity."

to § 6.3 (a), the first landing occurs at a place not an international airport, entry shall be made at the nearest international airport or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying merchandise destined to or through Puerto Rico or residue cargo shall be cleared (see § 6.9) in the area from which departing. Clearance is not required of aircraft not carrying passengers for hire or merchandise, but such aircraft are subject to certain requirements under the export and import licensing regulations of the Department of State relating to international traffic in arms.<sup>3</sup>

(d) The clearance shall be obtained by the aircraft commander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled airlines complying with the terms of § 6.5, nor to the clearance of such aircraft complying with the terms of § 6.6, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 6.5 *Entry of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) shall be entered in the area of first landing.

(b) Aircraft operated by scheduled airlines coming from one area into another area shall be entered therein if carrying residue cargo (§ 6.10).

(c) Entry required by this section in an area shall be made at the place of landing provided for under § 6.3.

§ 6.6 *Clearance of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is:

- (1) Beginning a flight in that area; or
- (2) Carrying from that area merchandise which must be listed in its general clearance declaration (§ 6.9).

(b) Aircraft operated by scheduled airlines departing from any area for another area shall clear in the area from which departing if carrying merchandise destined to or through Puerto Rico or residue foreign cargo.

(c) Clearance required by this section may be obtained by the aircraft com-

<sup>3</sup> Information regarding requirements relating to the licensing for export and import of articles defined as arms, ammunition, and implements of war may be obtained at any customhouse.

mander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an international airport) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

**§ 6.7 Documents.** (a) The forms described in §§ 6.8 and 6.9 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon. The forms shall be approximately but not to exceed 8½ inches wide and 14 inches long and shall be on white bond paper that will not discolor or become brittle within 20 years. If these forms are dittoed or if the entries on them are to be dittoed, the paper must be substance 40, 17 x 22 inches, 1,000-sheet basis; if printed or typewritten, at least 25 percent rag, substance 26, 17 x 22 inches, 1,000-sheet basis. These forms and the entries thereon must be dittoed, typewritten, or printed in the English language, with ink or dye that will not fade or "feather" within 20 years. The forms to be used for the entry and clearance of the aircraft, passengers, crew members, and merchandise carried thereon, except the forms of air cargo manifest, shall be forms approved by the Commissioner of Customs and the Surgeon General. The form of air cargo manifest shall be approved by the Commissioner of Customs.

(b) The forms described in §§ 6.8 and 6.9, except the air passenger manifest, may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of each of such forms shall be set aside by collectors of customs for free distribution and official use. The form of air passenger manifest may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The forms of general declaration and air passenger manifest may be printed or dittoed by private parties, provided the forms so printed or dittoed conform to the officially manufactured forms currently in use, with respect to size, wording, arrangement, style, and size of type, and paper specifications.

**§ 6.8 Documents for entry.** (a) At the time any aircraft arriving from outside the United States or from the Virgin Islands (see § 6.2 (b)) lands in any area in which entry is required by § 6.4 or § 6.5, the aircraft commander or an authorized person shall deliver a general declaration on customs Form 7507 in accordance with this section. If an aircraft arrives in an area from another area, the documents specified in § 6.10 (e) shall be delivered.

(b) A general declaration shall contain or have attached thereto the following information:

(1) A crew manifest. This manifest is not required if the aircraft is not arriving from outside the United States or from the Virgin Islands (see § 6.2 (b)).

(2) A passenger manifest, which shall show the full name and address in the United States of each arriving passenger.

(3) A cargo manifest. The cargo manifest on the general declaration, properly executed and having airway bills or consignment notes attached, will be acceptable if it bears a notation such as "Express as per airway bills attached" and shows the airway bill or consignment note numbers, if any. If the airway bills or consignment notes are not attached to the general declaration or to the separate form of cargo manifest, the full information indicated in the cargo manifest on the general declaration shall be furnished. Customs Form 5119 may be used in lieu of the cargo manifest if the baggage or other merchandise consists of a single shipment and does not exceed \$250 in value. No cargo manifest or stores list shall be required for merchandise, including baggage, arriving from a foreign country and departing for the same or another foreign country on the same through flight, although any such documents on board may be inspected if necessary. (For rule applicable to arrival in an area from another area, see § 6.9 (e).)

(4) In the case of aircraft arriving in the United States on a trip which started in contiguous foreign territory, the total number of pieces of accompanied checked baggage on board shall be shown on the air cargo manifest, unless the number of pieces of baggage belonging to each passenger and crew member appears opposite the name of the respective passenger or crew member on any passenger or crew manifest required under these regulations. In the case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory or the Virgin Islands (see § 6.2 (b)), the collector may require the pertinent baggage declaration number, or, in the absence of such declaration, the number of pieces of accompanied baggage belonging to each passenger and crew member, to be shown opposite the name of the respective passenger or crew member on the passenger and crew manifest, or, if passengers and crew manifest is not required, on a separate baggage list. At ports where this information is not required, a rubber-stamp endorsement reading "Baggage as per baggage declarations filed on entry" shall be made upon the passenger and crew manifest or the baggage list, as the case may be. The baggage list, if required, shall contain, in addition to the information mentioned above, information identifying the flight as specified in the heading of the form of air passenger manifest, and that form, appropriately modified, may be used for this purpose. Unaccompanied baggage arriving in the United States under a check number from any foreign country or the Virgin Islands (see § 6.2 (b)), by air mail be shown on the air cargo manifest under the following headings:

Check Description Where  
number of package from Destination

On the right of the foregoing information, two blank columns, one headed "Name of examining officer" and on the right thereof another column headed "Disposition" shall be provided on the air cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or air freight shall be manifested as other air express or freight.

(5) A report showing:

(i) Details of any illness suspected of being of an infectious nature that has occurred aboard the aircraft during the flight;

(ii) Details of any other condition on board the aircraft during its flight which may lead to the spread of disease;

(iii) Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight (if no disinsecting has been carried out during the flight give details of most recent disinsecting);

(iv) Any animals (including birds and insects), and cultures of bacteria, fungi, and viruses, and other infectious agents on board.

(6) Such other information and statements as are indicated on the general declaration form.

(c) The general declaration required by this section shall be filed in four copies with two copies of each attached passenger manifest and three copies of each attached cargo manifest. These documents shall be disposed of as follows:

(1) One copy of the general declaration and one copy of each attached passenger manifest shall be delivered by the aircraft commander or an authorized person to the quarantine officer immediately upon the arrival at the international airport or the place of first landing in the area.

NOTE: These copies are not required for flights originating in the Virgin Islands of the United States.

(2) Two copies of the general declaration, one copy of each attached passenger manifest, and two copies of each cargo manifest shall be delivered by the aircraft commander or an authorized person immediately to the customs officer in charge at the airport or other place of arrival. One copy of the general declaration and one copy of each cargo manifest shall be retained by the aircraft commander or authorized person and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(3) One copy of the general declaration and one copy of each attached cargo manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. One copy of the general declaration delivered to the customs officer shall be retained by him as a record of the entry of the aircraft.

(d) The provisions of section 466, Tariff Act of 1930 as amended (19 U. S. C. 257, 258), are applicable to any aircraft of United States registry engaged in trade and arriving in the United States, as defined in section 401 (k), Tariff Act of 1930, as amended (19 U. S. C. 1401

(k), whether from a contiguous or non-contiguous foreign country, and a notation as to any equipment installed on, or repairs made to, any such aircraft in a foreign country shall be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of any necessity therefor. The aircraft commander or an authorized person, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the customs officer at the place of arrival. In no case is the filing of customs Form 3417 required for any such aircraft. Except as specified hereafter in this paragraph, any such equipment purchased or repairs made shall be subject to entry and deposit of duty as prescribed by § 4.14 of this chapter, but the following may be added to the entry in lieu of the filing of customs Form 3415:

This entry contains a complete account of the equipment purchased for and the repairs made to the within-mentioned aircraft during the flight covered hereby, together with the cost of such equipment and the expenses of such repairs (including the cost of installation of equipment and the cost of repair parts and material used). Application is hereby made for the ascertainment of the amount of duty due under section 466, Tariff Act of 1930, as amended.

The filing of customs Form 3415 and entry and deposit of duty on such equipment or repairs shall not be required if (1) the aircraft belongs to a scheduled airline, or to an air carrier generally authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory, (2) the aircraft commander or an authorized person executes and files with the entry of the aircraft a certificate in the form set forth below, and (3) the collector is satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in such certificate.

**CERTIFICATE RESPECTING EQUIPMENT PURCHASED FOR OR REPAIRS MADE TO UNITED STATES AIRCRAFT WHILE IN A FOREIGN COUNTRY**

District No. \_\_\_\_\_  
Port of \_\_\_\_\_  
Date \_\_\_\_\_

I, \_\_\_\_\_, certify that the installation of equipment and making of repairs noted in the journey log book of aircraft No. \_\_\_\_\_, flight No. \_\_\_\_\_, now entering from \_\_\_\_\_, exhibited herewith were necessary by reason of stress of weather or other casualty occurring since such aircraft last left the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Civil Aeronautics Administration regulations to enable the aircraft to continue its flight; or that the equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

Title \_\_\_\_\_

(e) The provisions of section 446, Tariff Act of 1930 (19 U. S. C. 1446), re-

lating to supplies and stores retained on board, shall be applicable to aircraft arriving in the United States from any foreign port or place or from the Virgin Islands (see § 6.2 (b)).

(f) Crew baggage declarations required by § 10.22 (b) of this chapter shall be filed by the officers and members of the crew of aircraft arriving from contiguous or noncontiguous foreign territory or from the Virgin Islands (see § 6.2 (b)).

§ 6.9 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by § 6.4 or § 6.6, the aircraft commander or an authorized person shall deliver to the customs officer in charge shipper's export declarations on Commerce Form 7525-V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account), and a general declaration in accordance with this section. The foregoing documents may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed documents are to be delivered pursuant to the bond not later than the fourth day after departure: *Provided*, That, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until the shipper's export declarations have been filed with the customs officer in charge.

(b) The general declaration shall be on the same form as is required by § 6.8. Any cargo manifest delivered with the general declaration shall also be on the same forms as are required by § 6.8.

(c) When the aircraft is departing from the United States, the general declaration required by this section shall be prepared in duplicate, with a single copy of each cargo manifest. One copy of the general declaration and each air cargo manifest shall be delivered by the aircraft commander or an authorized person to the customs officer in charge to be retained by him as a record of outward clearance.

(d) One copy of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted.

(e) One extra copy of the general declaration and one copy of the air cargo manifest shall be prepared if the aircraft is carrying merchandise other than residue cargo between the mainland and Puerto Rico. Such declaration and manifest shall be delivered to the customs officer in the area from which the aircraft is departing and shall be retained by him. If the aircraft is carrying residue cargo, a copy of the general declaration retained on board at the time of departure must have the endorsement of the customs officer in the area from which the aircraft is departing that permit to proceed is granted. (For residue cargo see § 6.10.)

§ 6.10 *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U. S. C. 1442):

• • • Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unloading thereof.

(b) Tariff Act of 1930, section 443 (19 U. S. C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U. S. C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) Aircraft arriving in the United States with cargo on board shown by the manifest to be destined to other ports in the same or in some other areas of the United States or outside the United States may be permitted to proceed with such cargo from port to port in the United States or to a foreign country for the unloading thereof under the procedure prescribed in paragraph (e) of this section, upon the giving of a bond on customs Form 7567 or 7569. When an aircraft arriving from outside the United States has on board no cargo and immediate clearance is requested, it may be permitted to proceed if a bond on customs Form 7567 or 7569 is on file covering such aircraft.

(e) When applying for clearance from the airport or place of first entry in the United States, the aircraft commander or an authorized person shall present to the collector (1) two copies<sup>5</sup> of a general declaration and two copies of each manifest<sup>6</sup> forming a part thereof (referred to hereinafter as abstract general declarations and manifests), covering all foreign residue cargo, or passengers, not yet cleared by customs or other interested governmental agency and manifested or destined for discharge at other domestic or foreign airports and of all crew members, and (2) one certified copy of the original complete general declaration which was filed upon the arrival of the aircraft at such airport or place, and of

<sup>5</sup> Other copies of abstract manifests may be required by other interested governmental agencies.

<sup>6</sup> Includes air bills or consignment notes used as manifests.

<sup>4</sup> For export of aircraft, see 22 CFR Part 75.

the manifests forming a part thereof<sup>1</sup> required on entry of aircraft from non-contiguous foreign territory (referred to hereinafter as the traveling general declaration and manifest). If clearance is in order, a Permit to Proceed from One Airport to Another, which may be stamped, mimeographed, or printed on one of the abstract general declarations or on a separate sheet of paper attached thereto, shall be dated and signed by the appropriate customs officer at the airport of clearance. The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander, together with the permit to proceed, for deposit at the next international airport. The permit to proceed and a related declaration of the aircraft commander or an authorized person, to be executed on entry at a following airport, shall be substantially as follows:

**PERMIT TO PROCEED FROM ONE AIRPORT TO ANOTHER**

Airport of Departure -----  
Date -----

Permission is hereby given aircraft -----  
to proceed to -----

(Next international airport)

The aircraft, which has arrived from and is destined to the places shown in the general declaration, is proceeding to such places of destination to discharge residue cargo, passengers, or crew members and their purchases, as listed in the attached manifests. Bond was given at the initial international airport for the cargo retained on board. Items of cargo manifested for delivery at this airport appear to have been landed.

No. of crew members not cleared by Public Health for: Quarantine -----; medical examination of aliens -----

No. of passengers not cleared by Public Health for: Quarantine -----; medical examination of aliens -----

No. of crew members not cleared by customs -----

No. of passengers not cleared by customs -----

No. of pieces of cargo not cleared -----

Customs officer (title) -----

**DECLARATION ON ENTRY OF AIRCRAFT AT FOLLOWING AIRPORT**

Airport of arrival -----  
Date -----

I, -----, commander or authorized representative of the aircraft identified in this document, declare and guarantee that there were not, when such aircraft departed from the airport of -----, nor have been since, nor now are, any more or other goods, wares, or merchandise on board than are stated in the manifests attached hereto.

Title -----

(f) Upon arrival of the aircraft at the next airport, the aircraft commander or an authorized person shall make entry by presenting the abstract general declarations and manifests and the traveling general declaration and manifest, together with the permit to proceed, to the customs officer after the declaration at the bottom of the permit to proceed

<sup>1</sup>If crew purchases are not listed on abstract manifests but references are made thereon to the declarations and entries of crew members (customs Form 5123) on which the articles are listed, the declaration and entries of the crew members who have not yet left the aircraft with their purchases shall be attached to the traveling manifest.

has been properly executed. The declarations and entries of crew members (customs Form 5123) who leave the aircraft at that airport with their purchases shall be detached from the traveling manifest and retained at that port. Upon departure from the second airport of arrival with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency, the procedure shall be the same as at the airport of first arrival, except that no new traveling general declaration and manifest shall be prepared, but the traveling general declaration and manifest as certified at the first international airport shall be delivered to the aircraft commander for deposit at the next airport of entry.

(g) The same procedure as above set forth shall be followed at any following airport to which the aircraft may proceed with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency. The traveling general declaration and manifest shall be retained by the collector of customs at the last domestic port of discharge.

(h) The provisions of this section shall be applicable to aircraft arriving in the United States from either contiguous or noncontiguous foreign territory or from the Virgin Islands (see § 6.2 (b)). Except as specified in this section, the customs requirements applicable to residue vessel cargo (see § 4.85 of this chapter) shall apply to residue aircraft cargo.

§ 6.11 *General provisions; customs.* Except as otherwise provided for in the regulations in this part, aircraft arriving from contiguous foreign territory and the persons and merchandise, including baggage, carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft and the passengers and merchandise, including baggage, carried thereon, arriving from any other place, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 6.12 *Public health requirements—*  
(a) *Release by Public Health Service.* When an aircraft subject to quarantine inspection in accordance with 42 CFR Part 71, arrives at an international airport or other place of first landing, the aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the international airport or other place of first landing. Any baggage, cargo, or other contents on board such aircraft shall be held at such airport or place until released by the quarantine officer. (For procedure in case of emergency or forced landing, see § 6.3 (g).)

(b) *Restrictions on boarding aircraft and contacting personnel.* Except with the permission of the quarantine officer, no person other than the quarantine officer and quarantine employees shall be permitted to board any aircraft subject to quarantine inspection or to have con-

tact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft or having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

(c) *Pratique; remands.* When all necessary quarantine and sanitary measures have been applied to the aircraft and persons and things on board, pursuant to these regulations (42 CFR Part 71), the quarantine officer shall issue a certificate of free pratique, which may be stamped on a copy or copies of the general declaration for presentation to the customs officer in charge, including the traveling general declaration. Pending compliance with quarantine requirements the quarantine officer may issue a certificate of provisional pratique for the aircraft, stating the measures to be carried out. When quarantine measures cannot be completed at the place of first landing, the medical officer in charge may remand the aircraft under provisional pratique to the next airport for such additional measures as may be necessary. Aircraft arriving under provisional pratique at succeeding airports may, when quarantine measures cannot be completed there, be directed to proceed under provisional pratique to the next succeeding airport for completion of quarantine measures.

(d) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(e) *Disinsectization of aircraft.*<sup>2</sup> An aircraft bound for any port in the United States from any port in a region designated as a yellow fever area by the Surgeon General of the Public Health Service for the purposes of this regulation or from any other region where yellow fever may have appeared shall be disinsectized in all compartments not later than thirty minutes prior to landing. The insecticide used and method of disinsectization shall be those prescribed by the Surgeon General of the Public Health Service. When on arrival of an aircraft from any yellow fever region the quarantine officer, after inspection, determines that the aircraft has not

<sup>2</sup>At airports where the hazard of introducing disease carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect which may unknowingly have been introduced by aircraft.

been adequately disinfected, the aircraft shall be kept tightly closed and disinfection completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed on board until disinfection is completed. Additional requirements for disinfection of aircraft flying to or from certain regions may be prescribed by the Surgeon General of the Public Health Service when necessary to prevent the importation or spread of insect vectors of disease.

(f) *Insecticide and method of disinfection.* The following insecticides and disinfection method are prescribed pursuant to paragraph (e) of this section:

(1) The insecticide shall be either Insecticidal Aerosol G-382, the formula of which is given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as Insecticidal Aerosol G-382;

FORMULA FOR INSECTICIDAL AEROSOL G-382

	Percent by weight
Pyrethrum extract, purified (20 percent pyrethrins).....	5
DDT (aerosol grade).....	3
Cyclohexanone.....	5
Lubricating oil (SAE 30).....	2
Freon "12".....	85

(2) The method of disinfection shall be as follows:

(i) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1,000 cubic feet of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(ii) Disinfection may be accomplished either while the aircraft is in flight or while on the ground prior to take-off, but in no case shall disinfection be accomplished later than 30 minutes prior to the first landing at a United States port.

(iii) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of not less than 3 minutes thereafter. If disinfection is accomplished on the ground prior to take-off, the ventilation system may be opened at the end of such period, provided that the system is equipped with filters or other means for preventing the entrance of insects into the aircraft, but doors, windows, or other such openings to the exterior shall be kept closed until after the take-off, except in the case of emergency, or to permit persons applying the insecticide to debark.

(g) *General provisions.* The regulations appearing in 42 CFR Part 71 are applicable to aircraft and to passengers, merchandise, and baggage carried thereon, in the absence of express provision to the contrary (see authority cited in § 6.1).

§ 6.13 *Penalties.* (a) Any person violating any customs requirement prescribed in this part or any provision of the customs laws or regulations made

applicable to aircraft by § 6.11 shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated in accordance with the provisions of §§ 23.23 to 23.25 of this chapter.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 6.12 shall be subject to punishment by fine or imprisonment as provided for in section 368 (a) of the Public Health Service Act (42 U. S. C. 271 (a)). Any aircraft which violates any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 6.12 shall be subject to forfeiture as provided for in section 368 (b) of the Public Health Service Act (42 U. S. C. 271 (b)). Such forfeiture may be remitted or mitigated by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare.

(c) Liability to penalties with respect to any one of the sets of laws, that is, the customs laws, the public health laws, and the entry and clearance laws, under which the regulations in this part are prescribed, shall be separate from such liability with respect to any other set of such laws.

§ 6.14 *International airports; regulations.* (a) International airports will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an international airport may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) International airports shall be municipal airports, unless particular conditions which prevail warrant a departure from this requirement.

(e) Each international airport shall provide without cost to the Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall be provided by each airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) International airports shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in any case where an international airport authorizes any

such aircraft to use such airport for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airport.

(g) All aircraft entering or clearing through an international airport shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) International airports shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

(i) Requirements in addition to all the foregoing may be imposed at a particular airport as the needs of the district or area to be served by the airport may demand.

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.  
DAVID E. PRICE,  
Acting Surgeon General,  
U. S. Public Health Service.

Approved: October 15, 1953.

H. CHAPMAN ROSE,  
Acting Secretary of the Treasury.

O. C. HOBBY,  
Secretary of Health, Education,  
and Welfare.

DECEMBER 10, 1953.

[F. R. Doc. 53-10846; Filed, Dec. 30, 1953;  
8:48 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

#### PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

##### APPROVAL OF MORTGAGES AND DEEDS OF TRUST

Section 241.52, under the subheading "Mortgages and Deeds of Trust to Secure Loans to Indians", is amended to read as follows:

§ 241.52 *Approval of mortgages and deeds of trust.* The Commissioner of Indian Affairs or his authorized representative may approve mortgages or deeds of trust on any individually owned trust or restricted land whenever such lands under any law or treaty may be sold with the approval of the Secretary of the Interior or his duly authorized representative. The approval of such a mortgage or deed of trust terminates the

trust or restricted status of the land only with respect to such mortgage or deed of trust and only for the purpose of permitting foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is situated.

(R. S. 161; 5 U. S. C. 22)

RALPH A. TUDOR,  
*Acting Secretary of the Interior.*

DECEMBER 24, 1953.

[F. R. Doc. 53-10841; Filed, Dec. 30, 1953; 8:47 a. m.]

Appendix—Extension of the Trust or Restricted Status of Certain Indian Lands

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING THE CALENDAR YEAR 1954

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the act of February 8, 1887, 24 Stat. 388, 389, the act of June 21, 1906, 34 Stat. 325, 326, and the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1954, be, and the same are hereby, extended for a further period of one year from the date on which any such trust or restrictions would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

RALPH A. TUDOR,  
*Acting Secretary of the Interior.*

DECEMBER 28, 1953.

[F. R. Doc. 53-10862; Filed, Dec. 30, 1953; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 1459.10 *Costs incident to discontinuance of a negotiable operation* is amended by deleting the words "paragraph (f) of this section" from paragraph (c) and inserting in lieu thereof the words "paragraph (d) (3)".

2. Section 1498.2 *Variations in form of renegotiation agreement* is amended by deleting the words "§ 1457.5 (b) (4) of this subchapter" from paragraph (g)

and inserting in lieu thereof the words "§ 1457.5 (d) (4) of this subchapter".

Dated: December 29, 1953.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. 1193)

NATHAN BASS,  
*Secretary.*

[F. R. Doc. 53-10873; Filed, Dec. 30, 1953; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amtd. 169 to Schedule A]

[Rent Regulation 2, Amtd. 167 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective December 31, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of December 1953.

GLENWOOD J. SHERRARD,  
*Director,*

*Defense Rental Areas Division.*

(292b) [Revoked and decontrolled.]

All other items of this schedule not previously revoked and decontrolled. [Revoked and decontrolled.]

These amendments decontrol the Oak Ridge (Tennessee) Defense-Rental Area and any and all other items of Schedule A which have not previously been revoked and decontrolled, on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-10844; Filed, Dec. 30, 1953; 8:48 a. m.]

[Rent Regulation 3, Amtd. 159 to Schedule A]

[Rent Regulation 4, Amtd. 103 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective December 31, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of December 1953.

GLENWOOD J. SHERRARD,  
*Director,*

*Defense Rental Areas Division.*

(292b) [Revoked and decontrolled.]  
All other items of this schedule not previously revoked and decontrolled. [Revoked and decontrolled.]

These amendments decontrol the Oak Ridge (Tennessee) Defense-Rental Area and any and all other items of Schedule A which have not previously been revoked and decontrolled, on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-10845; Filed, Dec. 30, 1953; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-61]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

EXEMPTIONS OF STATUTORY REQUIREMENTS FOR COAST GUARD VESSELS

Certain Coast Guard vessels of special construction cannot comply with certain applicable statutory requirements relating to the lights required to be displayed by public and private vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the military characteristics and functions of the vessels concerned. It is hereby found that the Coast Guard vessels of special construction, listed in 33 CFR 135.25 (i) below, cannot comply with the provisions of Rule 2 (a) (iii), International Rules, regarding horizontal separation of range lights and are, therefore, exempted. 33 CFR 135.25 (i) describes the horizontal separation of range lights which will be carried by the Coast Guard vessels, and it is hereby found and certified that this requirement conforms as closely as feasible to applicable statutory requirements.

It is hereby found that the Coast Guard vessels of special construction, listed in 33 CFR 135.30 below, cannot comply with the requirement in Rule 2 (a) (iii), International Rules, regarding the height of the forward masthead light and are, therefore, exempted. It is hereby found and certified that the requirements in 33 CFR 135.30 (d), regarding the height the forward masthead light will be carried by the Coast Guard vessels described conform as closely as feasible to the applicable statutory requirements.

The new rule designated 33 CFR 135.35 sets forth a finding, certification, and requirement regarding the height and arc of visibility of the after anchor light for the U. S. C. G. C. Courier (WAGR-410).

The new rule designated 33 CFR 135.40 sets forth a finding, certification, and requirement regarding vertical separation of range lights for the U. S. C. G. C. Baratara (WAVP-381), U. S. C. G. C. Castle Rock (WAVP-383), and U. S. C. G. C. Yakutat (WAVP-380).

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where the vessels are being operated.

This is the second document describing exemptions of statutory requirements for Coast Guard vessels. The first document (CGFR 53-50), dated November 25, 1953, was published in the FEDERAL REGISTER dated December 1, 1953 (18 F. R. 7641, 7642).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-6, dated November 17, 1953 (18 F. R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on and after January 1, 1954:

1. Section 135.25 is amended by adding a new paragraph (i), reading as follows:

§ 135.25 *International Rules; horizontal separation of range lights.* \* \* \*

(i) The following Patrol Craft shall carry the forward masthead light and after range light with a horizontal separation of 18 feet:

U. S. C. G. C. Ariadne (WPC-101).  
U. S. C. G. C. Aurora (WPC-103).  
U. S. C. G. C. Dione (WPC-107).  
U. S. C. G. C. Nemesis (WPC-111).  
U. S. C. G. C. Nike (WPC-112).  
U. S. C. G. C. Pandora (WPC-113).  
U. S. C. G. C. Perseus (WPC-114).  
U. S. C. G. C. Triton (WPC-116).

2. Section 135.30 is amended by adding a new paragraph (d), reading as follows:

§ 135.30 *International Rules; height of forward masthead light.* \* \* \*

(d) The following Patrol Craft have a breadth of 25 feet and shall carry the forward masthead light at a height of 16 feet above the hull:

U. S. C. G. C. Ariadne (WPC-101).  
U. S. C. G. C. Aurora (WPC-103).  
U. S. C. G. C. Dione (WPC-107).  
U. S. C. G. C. Nemesis (WPC-111).  
U. S. C. G. C. Nike (WPC-112).  
U. S. C. G. C. Pandora (WPC-113).  
U. S. C. G. C. Perseus (WPC-114).  
U. S. C. G. C. Triton (WPC-116).

3. Part 135 is amended by adding a new § 135.35, reading as follows:

§ 135.35 *International Rules and Inland Rules; height and arc of visibility of after anchor light.* (a) Rule 11 (b), International Rules, and Article 11, Inland Rules, require that the anchor light at the stern shall be not less than 15 feet lower than the forward anchor light, and also require that this light shall be visible all around the horizon (33 U. S. C. 1451 (b), 180). Because of special construction the Coast Guard vessel named in this section cannot comply with these requirements and is, therefore, exempted.

(b) The following Auxiliary vessel shall carry the after anchor light at a height of 10 feet below the forward anchor light and the arc of visibility of the after anchor light shall be an arc of approximately 240 degrees, that is, from right aft to 120 degrees to port and 120 degrees to starboard:

U. S. C. G. C. Courier (WAGR-410).

4. Part 135 is amended by adding a new § 135.40, reading as follows:

§ 135.40 *International Rules and Inland Rules; vertical separation of range lights.* (a) Rule 2 (a) (iii), International Rules, and Article 2 (a), (e), Inland Rules, require that the vertical separation between the forward masthead light and the after range light shall be at least 15 feet (33 U. S. C. 145 (a) (iii), 172 (a), (e)). Because of special construction the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The vertical separation between the forward masthead light and after range light for the U. S. C. G. C. Barataria (WAVP-381) is 7 feet 6 inches.

(c) The vertical separation between the forward masthead light and the after range light for the U. S. C. G. C. Castle Rock (WAVP-383) is 9 feet 6 inches.

(d) The vertical separation between the forward masthead light and after range light for the U. S. C. G. C. Yakutat (WAVP-300) is 11 feet 9 inches.

(Sec. 1, 59 Stat. 590, sec. 2, 65 Stat. 407; 33 U. S. C. 360, 143a. Interpret or apply sec. 6, Rule 13 (b), 65 Stat. 416, sec. 4, 62 Stat. 250; 33 U. S. C. 145k, 356)

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 53-10833; Filed, Dec. 30, 1953;  
8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

##### MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127) make the following changes:

a. In § 127.1 *Postage rates (surface only), limits of weight, and dimensions* make the following changes:

1. Amend Table No. 2 by inserting between "Printed matter" and "Raised print for the blind" the following:

Books...	8 cents per pound.	22 pounds <sup>4</sup> .	Same as letters.
	(Not applicable to Canada, Spain and Spanish possessions.)		

2. Add the following to footnote 3 in Table No. 2:

Second-class matter mailed by publishers and registered news agents to the other countries to which Table No. 2 applies is subject to the pound rates prescribed in § 34.40 of this chapter, increased by 33½ percent of the total postage. The eighth zone rate shall apply to the advertising portions of publications subject to the zone rates.

b. In § 127.6 *Printed matter* amend the sentence immediately after the caption to read as follows: "Including second-class matter, except when mailed by publishers or registered news agents to cer-

tain countries, as shown in footnote 3 under Table No. 2, § 127.1."

c. Section 127.7 *Books* is amended to read as follows:

§ 127.7 *Books.* (Must not be sealed; must be endorsed "Books".)

NOTE: This section applies only to books which do not contain any publicity or advertising other than that appearing on the flyleaves addressed for delivery in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Salvador (El), Uruguay, or Venezuela.

(a) *Postage rates.* Surface rate, 8 cents each pound or fraction. (For air mail rates, see individual country items.)

(b) *Limit of weight and maximum dimensions.* Same as for printed matter in general, as shown in Table No. 2, § 127.1.

(c) *Publications to which reduced rate applies.* Among the publications to which the reduced book rate applies, are the following:

Books permanently bound by stitching or stapling, or by means of spiral or plastic binding, when covered with paper, cloth, leather, or other substantial material.

Books enclosed in the usual paper jackets bearing advertisements of other books.

Music books in regular bound form.

Books consisting largely of pictures, illustrations, maps, such as a view book or atlas.

Bibles with customary incidental space for family record.

(d) *Publications to which the reduced rate does not apply.* The reduced book rate does not apply to the following:

Annual reports of organizations and institutions; also reports or minutes of their conventions or other meetings published primarily for the benefit of members.

Books containing write-ups, boosts or other advertisements, of other things than books, as, for instance, playing cards, merchandise, services, etc.

Books in any other than final or permanent form, including those of the loose-leaf binder type which are not complete or permanent when mailed but to which other pages are subsequently to be added.

Reports of corporations sent to stockholders.

House organs, including publications designed to promote the commercial interests of a firm or organization.

Telephone and other directories, including trade directories.

Publications entered as second-class matter.

Publications consisting of pictures to be colored or cut out.

Publications other than textbooks, having blank spaces for written entries, records or other hand work, such as almanacs, diaries, memorandum books and similar publications.

Periodical publications.

Sheet music.

Freight and passenger tariffs.

(e) *Permissible enclosures.* The following are permissible enclosures with books mailed at the reduced rate: A card, envelope or wrapper bearing the address of the sender, a single order form, and a single sheet not larger than approximately the size of a page, relating exclusively to the book with which enclosed. An invoice showing the price, etc., of the book may also be enclosed.

(f) *Endorsement.* Packages mailed at the book rate must be endorsed by the mailers "Book" or "Books".

d. In § 127.209 *Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island)* add the following undesignated paragraph to subdivision (iii) of paragraph (b) (6):

Uncooked pork, including ham and bacon, and all uncooked pork products. For other meats, see subparagraph (7) of this paragraph.

e. In § 127.227 *Canada (including Newfoundland and Labrador)* amend subdivision (iv) of paragraph (b) (6) to read as follows:

(iv) Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U. S. Agriculture Department to the effect that the meat or product has been treated by heat of at least 156° F.

f. In § 127.249 *Finland* amend the table in subdivision (i) of paragraph (b) (4) to read as follows:

Limit of indemnity:	Fee, cents
Not over \$10.....	20
From \$10.01 to \$25.....	25
From \$25.01 to \$50.....	35
From \$50.01 to \$100.....	55
From \$100.01 to \$200.....	60
From \$200.01 to \$300.....	65
From \$300.01 to \$330.....	70

The foregoing amendment shall become effective January 1, 1954.

g. In § 127.283 *Jamaica (including Cayman Islands)* amend subdivision (ii) of paragraph (b) (5) by adding the following clause:

(d) Uncooked pork, including ham and bacon, and all uncooked pork products.

h. In § 127.367 *Trinidad and Tobago* make the following changes in subdivision (i) of paragraph (b) (5):

1. Change the caption to read: "(i) For the protection of animals or plants."
2. In the text, insert the following as the first sentence: "Uncooked pork, including ham and bacon, and all uncooked pork products."

i. In § 127.377 *Venezuela* make the following changes in subdivision (ii) of paragraph (b) (7):

1. Change the caption to read: "(ii) For the protection of animals and plants."

2. Insert the following immediately after the caption: "Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U. S. Agriculture Department to the effect that the meat or products has been treated by heat of at least 156° F."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

LOUIS J. DOYLE,  
Acting Solicitor.

[F. R. Doc. 53-10848; Filed, Dec. 30, 1953; 8:49 a. m.]

**TITLE 42—PUBLIC HEALTH**

**Chapter I—Public Health Service, Department of Health, Education, and Welfare**

**PART 71—FOREIGN QUARANTINE**

**MISCELLANEOUS AMENDMENTS**

CROSS REFERENCE: For amendments to §§ 71.501 to 71.516, see Title 19, Chapter I, Part 6, *supra*.

**TITLE 43—PUBLIC LANDS: INTERIOR**

**Chapter I—Bureau of Land Management, Department of the Interior**

**Appendix—Public Land Orders**

[Public Land Order 933]

**NEW MEXICO**

MODIFYING EXECUTIVE ORDER NO. 5370, IN ITS ENTIRETY AND EXECUTIVE ORDER NO. 3984 IN PART TO PERMIT ISSUANCE OF OIL AND GAS LEASES

By virtue of the authority contained in the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Executive Order No. 3984 of April 2, 1924, withdrawing certain public lands in aid of classification and pending determination as to the advisability of reserving the same for national park or monument purposes and Executive Order No. 5370 of June 17, 1930, withdrawing certain public lands for classification are hereby modified to permit the issuance of oil and gas leases pursuant to the oil and gas leasing provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181, et seq.), as amended for the following described lands:

**NEW MEXICO PRINCIPAL MERIDIAN**

- T. 24 S., R. 22 E., Secs. 1, 12 and 13.
- T. 26 S., R. 22 E., Sec. 1, SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 12, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 13, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ . Secs. 19 to 36, inclusive.
- T. 24 S., R. 23 E., Secs. 1 to 18, inclusive, Secs. 20 to 28, inclusive, Secs. 33 and 34, Sec. 35, N $\frac{1}{2}$ .
- T. 25 S., R. 23 E., Sec. 34, NE $\frac{1}{4}$  and S $\frac{1}{2}$ , Secs. 35 and 36.
- T. 26 S., R. 23 E., Secs. 4 and 5, Sec. 6, NE $\frac{1}{4}$  and S $\frac{1}{2}$ , Secs. 7, 8, and 9, Secs. 16 to 26, inclusive, Secs. 28 to 33, inclusive.
- T. 24 S., R. 24 E., Secs. 1 to 24, inclusive, Sec. 30.
- T. 25 S., R. 24 E., Sec. 11, E $\frac{1}{2}$ , Secs. 12 and 13, Sec. 14, E $\frac{1}{2}$ .
- T. 24 S., R. 25 E., Secs. 6, 7, 18, and 19.
- T. 25 S., R. 25 E., Secs. 7, 8, 17, and 18.

The areas described aggregate approximately 71,920 acres.

The lands described in this order, shall be open for oil and gas leasing as of the date of publication of this notice in the FEDERAL REGISTER and oil and gas lease offers received up to and including January 15, 1954, at the Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico, for lands subject to noncompetitive leasing under section 17 of the Mineral Leasing Act, as amended, shall be regarded as simultaneously filed.

During the period from the date of publication of this Order to and including January 15, 1954, the following rules must be observed in applying for oil and gas leases for the lands described herein:

(a) Each offer must cover all the Federal land subject to noncompetitive oil and gas leasing contained in a particular section and must not cover more than one section.

(b) All offers of any offeror shall be rejected if the offeror's interests, direct and indirect, in oil and gas leases and offers and applications therefor on Federal lands in the State of New Mexico, including the offers filed pursuant to this notice exceed 15,360 chargeable acres. Where a corporation, or association, files an application for the Federal lands in a section, no person who owns an interest of 10 percent or more in such corporation or association shall be eligible to file an offer for the same area.

(c) It will be necessary to file only one copy of each offer to lease and lease form for each section. If the offeror is successful, the Manager will execute the form and arrange to obtain the additional copies.

(d) Each offer, accompanied by two separate checks or money orders, must be enclosed in a separate sealed envelope. One check or money order must be for \$10 to cover the filing fee. The second check or money order must cover the first year's rental (50 cents per acre).

(e) The front of each envelope must be marked to show the nature of the contents and the section involved as follows:

Oil and Gas Offer, Carlsbad Area  
Sec. -- T. -- R. --

(f) Any offer filed during the prescribed period that does not conform to all the requirements of this notice shall be rejected.

If necessary, a drawing will be held to determine the successful offeror for each section. Such drawing will commence at 10 a. m., m. s. t., January 22, 1954, at the Land and Survey Office, Santa Fe, New Mexico.

RALPH A. TUDOR,  
Acting Secretary of the Interior.

DECEMBER 24, 1953.

[F. R. Doc. 53-10842; Filed, Dec. 30, 1953; 8:47 a. m.]

**TITLE 46—SHIPPING**

**Chapter I—Coast Guard, Department of the Treasury**

[CGFR 53-59]

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

A notice regarding proposed changes in the rules and regulations governing

inspection of vessels in connection with tail shaft surveys, special surveys for unclassified passenger vessels and various means of communication between radio room and wheel house and "one other place" was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5433, 5434, as Items XII, XIII, and XIV on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, in Washington, D. C. All comments submitted were considered and changes in the proposed regulations were made where practicable.

The cancellation of 46 CFR 61.15-1, 71.35-1 to 71.35-45, inclusive, and 111.05-10 (e) deletes the requirements for special surveys on unclassified passenger vessels. Such surveys are, in effect, extensions of the work normally carried out at the annual inspection and under the other existing rules and regulations this work will be incorporated into the annual inspection. It is not intended to lower the inspection standards by this cancellation of specific requirements, but rather to have the same inspections made as deemed necessary at the annual inspections of unclassified passenger vessels. The cancellation of these rules and regulations is based on Item XIII of the agenda.

The amendment to 46 CFR 61.15-15 and the addition of a new section designated § 61.15-16 revises the requirements for tail shaft survey and drydock examination of tail shafts. The revised requirements for a tail shaft survey will apply only to ocean and coastwise vessels. The revision is in response to various appeals received requesting that the requirements for tail shaft survey and examination be reduced for vessels operating in fresh water and for those operating in salt water which are not engaged in ocean or coastwise voyages. These amendments are based on Item XII of the agenda.

The amendments to 46 CFR 113.30-5 (e) (1) and 113.30-5 (e) (1) (i) clarify the requirement regarding vessels equipped with radio installation to have an efficient means of communication between the radio room and the wheel house and "one other place" from which the vessel may be steered under normal conditions of navigation. The revised regulation describes what is meant by "one other place." The revised regulation is in agreement with the present requirement in Regulation 9 (b) of Chapter IV of the 1948 Convention for the Safety of Life at Sea, as well as the intent of such regulation. These amendments are based on Item XIV of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after thirty days after the date of publication of this document in the FEDERAL REGISTER:

#### Subchapter F—Marine Engineering

##### PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

###### SUBPART 61.15—TESTS AND INSPECTIONS OF MACHINERY AND EQUIPMENT

1. Section 61.15-1 *Special surveys for unclassified passenger vessels* is canceled.

2. Section 61.15-15 is amended to read as follows:

§ 61.15-15 *Tail shaft survey.* (a) The requirements in this section apply only to ocean and coastwise vessels.

(b) Every vessel having the tail shaft fitted with a continuous liner or having shafts of material resistive to corrosive attack of sea water, or where pressure lubrication is used, shall have the tail shaft drawn at least once in every three years; in all other cases the shaft shall be drawn at least once in every two years, or whenever deemed necessary by the Officer in Charge, Marine Inspection. However, if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, but not to exceed four months: *Provided*, That when it is shown that a vessel has had a long period of lay up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

(c) Where the propelling machinery is located amidships the after bearing shall be rebushed when it is worn down to  $\frac{1}{4}$  inch clearance for shafts of 9 inches or less in diameter,  $\frac{1}{8}$  inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter and  $\frac{3}{8}$  inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade ( $\frac{1}{16}$  inch) less than the above clearance.

3. Part 61 is amended by adding a new § 61.15-16, reading as follows:

§ 61.15-16 *Dry dock examination.* When any vessel is drydocked, examination shall be made of the propeller, stern bushing, sea connections, and fastenings if deemed necessary by the inspector.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426-4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404-409, 411, 412, 435, 489, 366, 395, 363, 367, 536p, 1333, 463a, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

#### Subchapter H—Passenger Vessels

##### PART 71—INSPECTION AND CERTIFICATION

###### SUBPART 71.35—SPECIAL SURVEYS OF UNCLASSIFIED VESSELS (CANCELED)

4. Section 71.35-1 *Special surveys required* is canceled.

5. Section 71.35-5 *When due* is canceled.

6. Section 71.35-10 *Marine engineering and electrical engineering requirements* is canceled.

7. Section 71.35-15 *Inspector not limited* is canceled.

8. Section 71.35-20 *Scope of special survey No. 1* is canceled.

9. Section 71.35-25 *Scope of special survey No. 2* is canceled.

10. Section 71.35-30 *Scope of special survey No. 3* is canceled.

11. Section 71.35-35 *Scope of second and subsequent special survey No. 1* is canceled.

12. Section 71.35-40 *Scope of second and subsequent special survey No. 2* is canceled.

13. Section 71.35-45 *Scope of second and subsequent special survey No. 3* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

#### Subchapter J—Electrical Engineering

##### PART 111—ELECTRICAL SYSTEMS; GENERAL REQUIREMENTS

###### SUBPART 111.05—GENERAL REQUIREMENTS

14. Section 111.05-10 *Testing and inspection* is amended by canceling paragraph (e) *Special survey of unclassified passenger vessels*.

##### PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

###### SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

15. Section 113.30-5 (e) is amended by revising subparagraph (1) and subdivision (i) of subparagraph (1) to read as follows:

§ 113.30-5 *General requirements.*

\* \* \*

(e) \* \* \*

(1) Vessels equipped with a radio installation shall be provided with an efficient means of communication between the radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters. As used in this paragraph only a location which includes the necessary apparatus to steer the vessel, give engine orders, and control the whistle will be considered a place from which the vessel may be navigated.

(i) Where the operating position of the emergency radio installation is not located in the compartment normally used for operating the main radio installation, an efficient means of communication shall be provided between the emergency radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec.

10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1023, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 463a, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 53-10835; Filed, Dec. 30, 1953;  
8:46 a. m.]

[CGFR 53-25]

MISCELLANEOUS CORRECTIONS AND  
AMENDMENTS TO CHAPTER

The purpose of the amendments in this document is to make the necessary editorial corrections and revisions in the Vessel Inspection Regulations. The changes made are editorial in nature to correct errors, to clarify requirements of procedures, and to revise the effective date of Vessel Inspection Regulations contained in Coast Guard Federal Register Document CGFR 53-25, Federal Register Document 53-10230, which was published in the FEDERAL REGISTER dated December 5, 1953.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416), the following corrections and amendments are prescribed:

1. The effective date of the amendments to the specifications in Subchapter Q is changed from January 1, 1954, to April 1, 1954.

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 2, 3, 5 AND 6

2. Section 160.002-5 (a) (18 F. R. 5857) is corrected by changing the second sentence to read as follows:

§ 160.002-5 *Sampling, tests, and inspections*—(a) *General*. \* \* \* Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. \* \* \*

SUBPART 160.003—LIFE PRESERVERS, CORK (JACKET TYPE), MODELS 32 AND 36

3. Section 160.003-7 (a) (18 F. R. 7860) is corrected by changing the phrase "merchant vessels and motorboats" in the first sentence to "merchant vessels or motorboats."

SUBPART 160.004—LIFE PRESERVERS, BALSAM WOOD (JACKET TYPE), MODELS 42 AND 46

4. Section 160.004-1 (b) (18 F. R. 7860) is corrected by revising the phrase "models 31 and 41" to "models 32 and 42" in the title for drawing No. 160.003-1 (b): sheet 1, and by changing the phrase

"models 35 and 45" to "models 36 and 46" in the title of drawing No. 160.003-1 (b): sheet 2.

5. Section 160.004-4 (c) (3) (18 F. R. 7861) is corrected by revising the reference "160.004-3 (g)" to "160.004-3 (h)."

6. Section 160.004-7 (a) (18 F. R. 7862) is corrected by changing the phrase "merchant vessels and motorboats" to "merchant vessels or motorboats" in the first sentence.

SUBPART 160.005—LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 51, 52, 55 AND 56

7. Section 160.005-4 (c) (1) is corrected by revising Table 160.005-4 (c) (1) by inserting the words "life preservers" in the headings for columns 2 and 3 to appear immediately before the word "(minimum)"; and by changing the figure "6.5" to "7.5" in the third column opposite the item "Back pad."

8. Section 160.005-5 (b) (1) is corrected by changing the number for the table from "160.005 (b) (1)" to "160.005-5 (b) (1)" and by changing the second item under "Lot size" in the table from "101 and 200" to "101 to 200" (18 F. R. 7864).

SUBPART 160.026—WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

9. Section 160.026-1 (b) is corrected by changing the phrase "above specifications" to "specifications referred to in this section" in the first sentence (18 F. R. 7865).

PART 164—MATERIALS

SUBPART 164.008—BULKHEAD PANELS FOR MERCHANT VESSELS

10. Section 164.008-2 (c) is corrected by changing the phrase "first resistance requirements" to "fire resistance requirements" (18 F. R. 7875).

11. Section 164.008-3 (b) is corrected by inserting a headnote titled "Fire resistance and integrity test."

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 53-10834; Filed, Dec. 30, 1953;  
8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10709]

PART 11—INDUSTRIAL RADIO SERVICES  
FREQUENCIES AVAILABLE FOR BASE AND  
MOBILE STATIONS

In the matter of amendment of §§ 11.252 and 11.302 (c) of Part 11 of the Commission's rules governing the Industrial Radio Services.

On September 30, 1953, the Commission issued a notice of proposed rule making in the above-entitled matter to provide in § 11.252 for assignment of Petroleum Radio Service frequencies to

persons eligible for station licenses in the Power Radio Service in cases where a distributor of natural gas has a substantial requirement for mobile service communication with its gas supplier. It further was proposed to remove a requirement now in § 11.302 (c) of the rules that a person must be eligible for station licenses in both the Power and Petroleum Service before an assignment will be made under paragraph (c) of that section.

Written comments were received from the Central Committee of Radio Facilities of the American Petroleum Institute, the National Committee for Utilities Radio and the Lone Star Gas Company of Dallas, Texas. While no opposition to the proposed amendments was expressed, a question was raised by one of the parties as to whether or not the proposed wording of § 11.302 (c) could be interpreted to permit use of a Power Service frequency along the entire length of a long gas pipeline, to the detriment of the regional frequency assignment patterns developed in the Power Radio Service. Since the intent of both rule changes is primarily to facilitate local coordination of activities in the vicinity of joint operations, a minor change in wording to make this intent more plain has been inserted. This change in wording, however, would still permit a gas distributor to use the Petroleum Service frequency assigned to his gas supplier for all permissible communications when that, as distinguished from intercommunication only, is the desire of the parties involved.

In view of the foregoing, and it appearing that the public interest, convenience or necessity would be served thereby, and pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 23d day of December 1953 that the amendments to Part 11 of the Commission's rules as set forth below, are adopted effective February 1, 1954.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 28, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

1. In § 11.252, redesignate paragraph (c) as paragraph (d) and insert a new paragraph (c) to read as follows:

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Power Radio Service who is engaged in the distribution of natural gas directly to consumers and who has a substantial requirement for mobile service communication with his gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to that supplier: *Provided, however*, That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment

under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which: (1) Concur in the need for such intercommunication; and (2) consents to the use by the natural gas distributor of the frequency or frequencies involved.

2. Delete the present text of § 11.302 (c) and substitute a new paragraph to read as follows:

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Petroleum Radio Service who is engaged in the transportation natural gas by pipeline and who has a substantial requirement for mobile service communication with a public utility company purchasing such gas for distribution to the consumer may be authorized to operate on the Power Radio Service frequency or frequencies assigned to such distributors; *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas distributor which: (1) Concur in the need for such intercommunication; and (2) consents to the use by the natural gas supplier of the frequency or frequencies involved.

[F. R. Doc. 53-10856; Filed, Dec. 30, 1953; 8:51 a. m.]

[Docket No. 10708]

**PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS  
EXTENSIONS AND SUPPLEMENTS; CERTAIN  
GENERAL PROVISIONS**

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

The Commission, having under consideration the matter of amendment of §§ 63.03, 63.04, 63.52, and 63.54 of Part 63 of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on September 30, 1953, and published in the FEDERAL REGISTER on October 6, 1953 (18 F. R. 6359), in accordance with section 4 (a) of the Administrative Procedure Act and comments filed in response thereto;

It appearing, That the period in which interested persons were afforded an opportunity to submit comments expired on November 17, 1953, and that comments were filed by American Telephone and Telegraph Company requesting that the \$100,000 and \$10,000 limits proposed in the amendments to §§ 63.03 (a) and 63.05 be increased to \$250,000 and \$25,000, respectively, and that the \$15,000 and \$5,000 limits proposed in the amendments to §§ 63.03 (c) and 63.04 (c) be increased to \$25,000 and \$10,000, respectfully; and that no other objections were received regarding the above proposed amendments;

It further appearing, That the \$250,000 limit proposed by American Telephone and Telegraph Company for applications filed under § 63.03 (a) to supplement existing facilities by construction is desirable, in view of the present and continuing high demand for service and the increasing magnitude of general construction programs;

It further appearing, That it is desirable and proper to make final the adoption of the amendments as originally proposed in the aforementioned notice of proposed rule making, except that the \$100,000 limit proposed in the amendments to §§ 63.03 (a) and 63.05 should be changed to \$250,000 as proposed by American Telephone and Telegraph Company;

It further appearing, That the other changes proposed by American Telephone and Telegraph Company are neither necessary nor desirable;

It further appearing, That authority for the aforesaid amendments is contained in sections 4 (i) and 214 of the Communications Act of 1934, as amended;

It further appearing, That the proposed amendments represent relaxation of the current rules and may be made effective immediately pursuant to section 4 (c) of the Administrative Procedure Act;

*It is ordered,* That, effective immediately, Part 63 (Extension of Lines and Discontinuance of Service by Carriers) of the Commission's rules and regulations is amended as follows:

1. In § 63.03 substitute the following text for the first sentence of the present text of paragraph (a): "Applications for the supplementing of existing facilities, involving an estimated construction cost not exceeding \$250,000 or an annual rental not exceeding \$10,000, may be made by letter to the Commission not less than 15 days prior to the acquisition or commencement of construction of the facilities involved."

2. Add a new paragraph (c) to § 63.03 to read as follows:

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon ten days' notice to the carrier, to commence small projects for the supplementing of existing facilities involving estimated construction and installation costs not exceeding \$15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than \$5,000 for the entire term of such lease, or if the term of the lease is for a one-year period or longer, is not more than \$5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each six month period covered by such authority, file a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease,

including any renewal thereof, and operation) which was commenced thereunder, the following information:

(1) The type of facility constructed, installed, or leased.

(2) The route mileage thereof.

(3) The termini and the points served.

(4) The cost thereof, including construction, installation or lease.

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

3. In § 63.04 substitute the following for the present text of paragraph (c):

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon ten days' notice to the carrier, to provide temporary or emergency service by the construction or installation of facilities where the estimated construction and installation costs do not exceed \$15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than \$5,000 for the entire term of such lease, or if the term of the lease is for a one year period or longer, is not more than \$5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each six month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof), which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

(1) The type of facility constructed, installed or leased.

(2) The route mileage thereof.

(3) The termini and the points served.

(4) The cost thereof, including construction, installation or lease.

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

4. In § 63.05 substitute the amount of "\$250,000" in each instance where "\$50,000" appears.

5. In § 63.52 substitute the following for the present text:

§ 63.52 *Copies required.* Unless otherwise specified the Commission shall be furnished with an original and nine copies of applications filed under section 214 of the Communications Act: *Provided, however,* That where more than one state is involved, two additional copies shall be furnished for each additional state: *Provided further,* That, where applications involve only the supplementation of existing facilities, and the issuance of a certificate is not re-

requested, an original and four copies of the application shall be furnished.

6. Delete § 63.54 in its entirety.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply Sec. 214, 48 Stat. 1075; 47 U. S. C. 214)

Released: December 28, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 53-10858; Filed, Dec. 30, 1953;  
8:51 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter I—Northwest Atlantic Commercial Fisheries

##### PART 155—HADDOCK PROVISIONS

**Basis and purpose.** At its Third Annual Meeting held in New Haven, Connecticut, May 25-30, 1953, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington, D. C., under date of February 9, 1949, adopted a proposal amending a proposal previously adopted by the Commission concerning the regulation of the taking of haddock in Sub-area 5 of the Convention Area. The proposal adopted at the Third Annual Meeting recommends certain changes in the definition of average mesh size in trawl nets when wet after use and authorizes the Contracting Governments to exercise discretion in determining such average mesh size.

On September 1, 1953, the proposal was accepted by the Governments of the United States and Canada, and, in accordance with the provisions of the International Convention for the Northwest Atlantic Fisheries, enters into force with respect to all Contracting Governments on January 1, 1954.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 16 U. S. C., 1946 ed., Supp. V, 986) regulations proposed by the Secretary of the Interior to implement the proposal were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on November 10, 1953, at which time the proposed regulations received the approval of the Committee.

By notice of proposed rule making published in the FEDERAL REGISTER on December 2, 1953 (18 F. R. 7658), the public was invited to submit written data, views or arguments in connection with the proposed regulations to Mr. John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of the notice in the FEDERAL REGISTER. Careful consideration has been given the views, data and arguments received, and it has been

determined that the regulations appearing below should be promulgated to govern the use of trawling nets in the haddock fishery in the area described in the said regulations.

Beginning about September 1, 1953, the proposed regulations were discussed and formulated in a series of meetings with the representatives of the fishing industry affected, and the text of the proposed regulations was included in the notice of proposed rule making published December 2, 1953. Existing regulations covering the same subject matter expire on December 31, 1953, and the new regulations must become effective January 1, 1954, in order to comply with the action on May 25-30, 1953, of the International Commission for the Northwest Atlantic Fisheries. In these circumstances, it has been determined that it is both appropriate and necessary to waive the 30-day period between the date of publication and the effective date of the regulations.

Effective January 1, 1954, the following regulations, replacing Subchapter I—Northwest Atlantic Commercial Fisheries, Part 155—Haddock Provisions, are prescribed:

#### Sec.

- 155.1 Meaning of terms.
- 155.2 Restrictions on fishing gear.
- 155.3 Tampering with seals prohibited.
- 155.4 Employment of devices to reduce mesh size prohibited.
- 155.5 Certain vessels exempted.

**AUTHORITY:** §§ 155.1 to 155.5 issued under sec. 7, 64 Stat. 1067; 16 U. S. C. 986.

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the content otherwise requires, terms shall have the meanings ascribed hereinafter in this section.

(a) *Vessel.* The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States, and, or capable of being used, as a means of transportation on water.

(b) *Haddock.* The word "haddock" denotes any fish of the species *Melanogrammus aeglefinus*.

(c) *Haddock fishing.* The words "haddock fishing" mean the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any fish of the species *Melanogrammus aeglefinus*.

(d) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(e) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

#### § 155.2 *Restrictions on fishing gear.*

(a) No person shall engage in haddock fishing in the northwest Atlantic Ocean north of 39°00' north latitude and west of 42°00' west longitude with a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches, as defined in this section.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean: (1) With respect to any part of the net except the cod end,

the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use, and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized representative of the Director of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat, wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any duly authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal or seals.

Twine	Average mesh size
4-ply 45-yard manila, double strand.	5.625 inches (5 $\frac{1}{8}$ " )
4-ply 50-yard manila, double strand.	5.625 inches (5 $\frac{1}{8}$ " )
4-ply 75-yard manila, double strand.	5.625 inches (5 $\frac{1}{8}$ " )
4-ply 80-yard manila, double strand.	5.500 inches (5 $\frac{1}{2}$ " )
109-thread cotton	4.250 inches (4 $\frac{1}{4}$ " )
All nylon	4.250 inches (4 $\frac{1}{4}$ " )

§ 155.3 *Tampering with seals prohibited.* Removing, altering, defacing or in any other way tampering with seals affixed to cod ends in accordance with § 155.2 is prohibited.

§ 155.4 *Employment of devices to reduce mesh size prohibited.* The use from any vessel engaged in haddock fishing in the area described in § 155.2 of any device or method which will obstruct the meshes of the trawl net or which will otherwise, in effect, diminish the size of said meshes is prohibited: *Provided*, That a protective covering may be attached to the underside only of the cod

end alone of the net to reduce and prevent damage thereto.

§ 155.5 *Certain vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any vessel having in possession haddock in amounts less than five thousand pounds or ten percent by weight of

all the fish on board such vessel, whichever is larger.

(b) Any vessel duly authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the

United States and engaged exclusively in the carriage of freight and passengers.

Dated: December 24, 1953.

RALPH A. TUDOR,  
*Acting Secretary of the Interior.*

[F. R. Doc. 53-10840; Filed, Dec. 30, 1953;  
8:47 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [ 7 CFR Part 26 ]

#### GRAIN STANDARDS

#### FEES AND CHARGES; NOTICE OF HEARING AND EXTENSION OF TIME

On November 24, 1953 there was published in the FEDERAL REGISTER pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) a notice of a proposal to amend § 26.74 of the regulations of the Secretary of Agriculture (7 CFR 26.74) issued under authority of section 8 of the United States Grain Standards Act, as amended (7 U. S. C. 84), to read:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, \$5.00 per car;

(b) For bulk or sacked grain in trucks and trailers, \$3.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, \$1.50 per thousand bushels or fraction thereof, with a minimum of \$3.00 per lot;

(d) For a submitted sample or package of grain, \$2.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraph (a), (b), (c), and (d) of this section, \$1.50 per thousand bushels or fraction thereof, with a minimum fee of \$3.00 per lot.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

An opportunity was extended to any person to submit written data, views, or arguments concerning the proposed amendment within 30 days after the date of publication of the notice in the FEDERAL REGISTER or until December 24, 1953. Responsible organizations in the grain industry have now requested an opportunity to present their views and

comments at a public hearing. This request is hereby granted.

An informal public hearing at which all interested persons may submit their views and opinions orally or in writing with respect to the proposed amendment will be held January 18, 1954 beginning at 2:00 p. m., in Room 3028, South Agricultural Building, 14th and Independence Avenue SW., Washington, D. C. The time permitted for submitting written data, views, or arguments also is extended to January 29, 1954.

Consideration will be given to all information obtained at the hearing and to written data, views, and arguments received by the Director, Grain Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than January 29, 1954, as well as to relevant data available in the Department, before a decision is made regarding the proposed changes.

The Director, Grain Branch, Production and Marketing Administration, or an official of the Department, designated by him is hereby authorized to conduct the hearing pursuant to this notice.

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] GEORGE A. DICE,  
*Acting Assistant Administrator,  
Production and Marketing  
Administration.*

[F. R. Doc. 53-10838; Filed, Dec. 30, 1953;  
8:46 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

#### [ 47 CFR Part 3 ]

#### [Docket No. 10822]

#### TELEVISION BROADCAST STATIONS

#### MULTIPLE OWNERSHIP

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission on November 27, 1953, issued its Report and Order (FCC 53-1570) in the recent multiple ownership proceeding in Docket No. 8967, amending the Commission's rules relating to multiple ownership of broadcast stations. The provisions of § 3.636 specify a 5-station maximum for television stations, without distinction between

VHF and UHF.<sup>1</sup> The Commission pointed out in its Report and Order, however, that several petitions had been filed urging that a distinction be drawn between VHF and UHF stations for multiple ownership purposes, and requesting that either no limitation be placed on the ownership of UHF stations, or that the limitation on television holdings be raised to 7 or 8, with no more than 5 stations in the VHF band. The Commission advised that it was engaged in a study of the position of post-freeze television stations and that it was "deferring consideration of the multiple ownership facet of the UHF question to the overall UHF study."

3. Three petitions requesting amendment of the television multiple owner-

<sup>1</sup> Section 3.636, as of the date of this decision, provides as follows:

§ 3.636 *Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control<sup>2</sup>) if:

(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than five television broadcast stations.<sup>3a</sup>

(b) Paragraph (a) of this section is not applicable to non-commercial educational stations.

<sup>2</sup> The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

<sup>3a</sup> In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

ship rules to permit additional ownership of UHF stations are pending before the Commission. National Broadcasting Company, Inc. requests that no limit be placed on the ownership of UHF television stations, with the present limit of 5 stations being retained for VHF. Allen B. DuMont Laboratories, Inc. requests that the rules be amended to permit ownership of a maximum of 8 television stations, with no more than 5 in the VHF band. Finally, American Broadcasting Company, Inc. (now American Broadcasting-Paramount Theaters, Inc.), requests that the multiple ownership rules be amended to permit ownership of 7 television stations, no more than 5 of which could be in the VHF band. Oppositions to the foregoing petitions were filed by Senator Edwin C. Johnson, New England Television Company, Redwood Broadcasting Company, Inc., and Fairmont Broadcasting Company.

4. The Commission is of the view that the institution of rule making proceedings looking toward amendment of its multiple ownership rules at this time to permit the ownership of additional television stations over and above the present maximum of 5 in order to encourage the rapid and effective development of the UHF band is warranted. On the basis of our review of the petitions and oppositions directed to this matter, we believe that of the proposals before us, an increase in the maximum permissible ownership of television stations to 7, no more than 5 of which may be in the VHF band, is best designed to achieve this objective consistent with preventing an undue concentration of control of television facilities.

5. In view of the foregoing, it is proposed to amend § 3.636 of the Commission's rules and regulations to increase the maximum permissible ownership of television stations to 7, no more than 5 of which may be in the VHF band.

6. Authority for adoption of the proposed amendment is contained in sections 4 (i), 303 (r), 311, 313, and 314 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed herein should not be adopted may file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments prior to taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 23, 1953.

Released: December 24, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

DISSENTING OPINION OF COMMISSIONER  
HENNOCK

The Commission is proposing today to raise to seven the limit on multiple station ownership in television with a proviso that no more than five may be VHF stations. The sole reason for this proposal stated in the Notice is that "the institution of rule making proceedings looking toward amendment of [the] multiple ownership rules to permit the ownership of additional television stations over and above the present maximum of five" is warranted "in order to encourage the rapid and effective development of the UHF band."

At the outset let me say that I was always greatly concerned about the development of the UHF band. This concern caused me to dissent to the portion of the Sixth Report and Order which granted VHF increases in power and antenna height and thereby enhanced it at the expense of UHF. Similarly, I registered my opposition to the Commission's action of July 14, 1953, revising its application processing procedure for TV stations without according the necessary and desirable priority that should have been afforded applications for UHF stations (Public Notice 93339). Finally, I dissented to the Public Notice of August 24, 1953 which established a priority list of cities grouped in accordance with the mentioned revised procedure, because it contained no provision specifically designed to give further impetus to the development of UHF (Public Notice 94069).

I dissent to this Notice of Proposed Rule Making because in my opinion there is no justification for relaxing the multiple ownership rule in television, and because there is no valid reason for the view that such a relaxation is warranted "in order to encourage the rapid and effective development of the UHF band."

The basis for having placed the limit on the multiple ownership of TV stations at five as distinguished from seven in AM has been the recognition that there are considerably less TV than AM stations in operation. This situation is expected to continue in the immediately foreseeable future. Accordingly, no reason exists for raising the limit and none is given by the majority specifically to justify it.

It is significant that the impetus for the institution of this rule making proceeding is derived from petitions filed by networks referred to in Paragraph three of the Notice. No request for such relaxation of the multiple ownership rule has been made by a single one of the more than 300 UHF applicants or permittees who, I think, would be the persons most anxious "to encourage the rapid and

effective development of the UHF band." On the contrary, opposition to the mentioned petitions was filed by two UHF permittees.

These petitions were filed in the proceeding in Docket 8967 which was concluded on November 25, 1953, after having been pending for five years, by adopting, among other things, the rule limiting the multiple ownership in television to five stations without distinction between VHF and UHF. This is the very rule the Commission now, scarcely four weeks later and even before it has become effective, proposes to amend. In its Report and Order of November 25, 1953, the Commission advised petitioners that it was engaged in a study of the position of post-freeze television stations noting that the Ultra High Frequency Television Association was also engaged along this line. Accordingly, the Commission was "deferring consideration of the multiple ownership facet of the UHF question to the overall UHF study." I am not aware that the UHF Television Association has completed its study. I would think, however, that before proposing a solution intended to encourage the development of UHF, the Commission would want to have the benefit of their findings.

In any case, presumably, the study in which the Commission was engaged has now been concluded and the instant proposal, I assume, is based on its findings. If so, these findings should be fully set forth in this Notice. For if the Commission feels that it is necessary to encourage the development of the UHF band and that the relaxation of our multiple ownership rule will accomplish this, it should particularize the areas where such encouragement is needed and show why the proposal is adapted to that end. The Notice completely fails in this respect. Dealing with a new TV field where information concerning the position of UHF is scarce and conflicting, the Notice fails to give interested persons any specific issues to which they could address their comments. Instead it leaves all to their imagination. This, I feel, is not conducive to the establishment of a sound record on which final action could be based.

Instead of proposing any change in the multiple ownership rule, I would institute a public proceeding designed to explore all facets of the UHF problem; e. g., the economics of UHF, the availability of network affiliations; the competitive relationship between VHF and UHF; the actual progress in the development and manufacture of high-power transmitting apparatus, and the manufacture and distribution of adequate receivers; and the position of UHF vis a vis VHF with respect to engineering, hearing schedules, programming and other basic and important factors. The resulting factual record would enable the Commission to make an enlightened judgment as to what is needed "to encourage the rapid and effective development of the UHF band," and on the basis of such a record and judgment to determine the solution that is demanded in the public interest.

CONCURRING STATEMENT OF COMMISSIONER ROBERT T. BARTLEY

I concur in the issuance of the instant Notice of Proposed Rule Making, for the purpose of eliciting current comments and arguments, pro and con, with respect to the proposal for increasing the maximum limitations on ownership of television stations.

However, on the basis of the arguments presented in the petitions presently before us, I am not convinced that the public interest will be served merely by raising the ceiling on television station ownership as proposed.

My ultimate position in the matter will, of course, await careful consideration of the comments filed in this rule making proceeding.

[F. R. Doc. 53-10854; Filed, Dec. 30, 1953; 8:50 a. m.]

[ 47 CFR Part 12 ]

[Docket No. 10501]

AMATEUR RADIO SERVICE; REQUIREMENTS FOR PORTABLE AND MOBILE OPERATION

ORDER SCHEDULING ORAL ARGUMENT

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

The Commission having under consideration written comment filed with

respect to the Notice of Proposed Rule Making (FCC 53-556) adopted May 13, 1953, in the above-entitled matter, proposing to amend § 12.91 (b) of Part 12 of the Commission's rules and regulations which relate to the Amateur Radio Service;

It appearing, That written comment filed in this proceeding by the American Radio Relay League opposed adoption of the proposed amendment contained in the said Notice of Proposed Rule Making, and requested that oral argument be held; and

It appearing, That the Commission believes that oral argument will be an aid to the proper disposition of this matter;

It is ordered, That the Commission will hear oral argument in the above-entitled matter on January 25, 1954, at 10:00 a. m., e. s. t., in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C.:

It is further ordered, That all parties interested in the above-entitled matter, who desire to participate in the said oral argument, should so notify the Commission on or before the 15th day of January 1954.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 53-10857; Filed, Dec. 30, 1953; 8:51 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Order No. 533]

#### CERTAIN DESIGNATED PERSONS

#### DELEGATION OF AUTHORITY TO ACT AS HEARINGS OFFICERS FOR THE DIRECTOR

NOVEMBER 10, 1953.

1. Pursuant to section 1.5 of Order No. 2583 of August 16, 1950 (15 F. R. 5643), as amended, the following named persons are hereby temporarily designated to perform the functions of hearings officers for the Director:

James A. Doyle, Portland, Oreg.  
James M. Gibbons, Sacramento, Calif.

2. The above designated persons are authorized to conduct and preside at such contests and hearings as may be assigned to them from time to time and to render decisions thereon to the same effect and in the same manner as the managers of land offices are authorized by section 1.4 of Order No. 2583, and otherwise.

3. They shall conduct such proceedings and shall take all necessary actions with respect thereto, including the issuance of decisions, in accordance with the applicable laws, and the regulations (Title 43, Code of Federal Regulations, particularly Parts 220, 221, 222, and 223 thereof). Such actions shall be subject

to the right of appeal to the Director to the same extent as similar actions of the managers. All actions in a proceeding before him shall be signed by the designee as "Hearings Officer".

4. The authority herein granted shall in no way interfere with or diminish the authority of the land office managers with respect to proceedings not assigned to the hearings officers.

EDWARD WOOLEY,  
Director.

Approved: December 24, 1953.

RALPH G. TUDOR,  
Acting Secretary of the Interior.

[F. R. Doc. 53-10839; Filed, Dec. 30, 1953; 8:47 a. m.]

[Docket DA-429, 439]

IDAHO

#### RESTORATION ORDER UNDER FEDERAL POWER ACT

DECEMBER 21, 1953.

Pursuant to determinations DA-429 and 439, Idaho, of the Federal Power Commission and in accordance with Order No. 427, sections 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

IDAHO

T. 8 S., R. 13 E., B. M.

Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 3, Lots 4, 5, SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .

The areas described aggregate 536.50 acres.

The lands are located approximately ten (10) miles southeast of Hagerman, Idaho, and the topography in general consists of low, flat benches arising abruptly to steep, high ridges or bluffs, and have a mean elevation of approximately 2900 feet. The soil is deep, sandy clay loam with some gravel deposits and loose surface stones, and the vegetation consists principally of cheat grass, sage brush, and annual weeds. A portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 1, the N $\frac{1}{2}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 2, and N $\frac{1}{2}$ SE $\frac{1}{4}$  and Lots 4 and 5, Section 3, may be suitable for cultivation and irrigation under the desert land or homestead laws. The lands in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 2, N $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 3 are considered too rough for cultivation and are primarily valuable for grazing purposes for retention in public ownership for administration by the Bureau of Land Management, as a part of the Owyhee Grazing District. The NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 1, the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 2, and Lots 4 and 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 3, may be classified as suitable for disposal under the desert land or homestead laws, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 2, and the N $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 3 are classified for grazing purposes for retention in public ownership to be administered by the Bureau of Land Management.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selec-

tion, subject to valid, existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and the 90 day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

W. G. GUERNSEY,  
Regional Administrator.

[F. R. Doc. 53-10831; Filed, Dec. 30, 1953; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 16, 1953.

An application, serial number Anchorage 025709, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 22, 1953, by Department of the Army.

The purposes of the proposed withdrawal: A firing range.

For a period of sixty (60) days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII Bureau of Land Management, Department of the Interior at Anchorage, Alaska. 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 proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Parcel No. 1

- T. 12 N., R. 3 W., S. M.
- Section 30: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .
- Section 31: Lots 1, 2, and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- Section 32: Lot 1.
- T. 2 N., R. 4 W., S. M.
- Section 15: Lot 5.
- Section 22: Lot 1.
- Section 23: Lots 2 and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- Section 25: Lots 1, 2, 3, and 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .
- Section 26: Lot 1.

Containing approximately 864.50 acres.

Parcel No. 2

A parcel of land situated along Chickaloon Bay on the southerly shores of Turnagain Arm between Signal Point and Point Possession, Alaska, more particularly described as follows:

Beginning at a point on the mean high tide line of the southerly shores of Turnagain

Arm at Signal Point at approximate latitude 60°58'12" North and longitude 149°49'53" West; thence S. 15°15' E. for a distance of 36,900 feet, more or less, to a point at approximate latitude 60°52'21" North and longitude 149°46'35" West; thence S. 86°20' W. for a distance of 43,750 feet, more or less, to a point at approximate latitude 60°51'52" North and longitude 150°01'14" West; thence N. 66°35' W. for a distance of 43,750 feet, more or less, to a point at approximate latitude 60°54'44" North and longitude 150°14'49" West; thence N. 39°50' W. for a distance of 38,300 feet, more or less, to a point on the south line of Section 32, T. 11 N., R. 6 W., S. M., said point being East 6,500 feet, more or less, from the southwest corner of Section 31 in said Township and Range; thence East along the south lines of Sections 32, 33, and 34 of said Township and Range for a distance of 12,700 feet, more or less, to a point on the mean high tide line of Chickaloon Bay; thence in a generally easterly direction along the mean high tide line of Chickaloon Bay and Turnagain Arm for a distance of 107,100 feet, more or less, to the point of beginning.

T. 11 N., R. 6 W., S. M.:

All.

Containing approximately 47,005 acres.

LOWELL M. PUCKETT,  
Regional Administrator, Region VII.

[F. R. Doc. 53-10832; Filed, Dec. 30, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 15 (Amended)]

OFFICE OF BUSINESS ECONOMICS

STATEMENT OF ORGANIZATION

SECTION 1. *Purpose.* The purpose of this order is to designate the Office of Business Economics as a primary organization unit of the Department and to describe its organization and functions.

SEC. 2. *Designation and organization.*  
.01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Office of Business Economics is hereby designated as a primary organization unit of the Department of Commerce. The Office of Business Economics shall be under the authority and supervision of the Assistant Secretary for Domestic Affairs and shall be directed by a Director who shall be appointed by the Secretary of Commerce and who shall report and be responsible to the Assistant Secretary for Domestic Affairs.

.02 The Office of Business Economics shall consist of the following organization units:

1. Office of the Director, including
  - (1) Assistant Directors.
  - (2) Chief Statistician.
  - (3) Executive Officer.
2. National Income Division.
3. Business Structure Division.
4. National Economics Division.
5. Current Business Analysis Division.
6. Balance of Payments Division.

SEC. 3. *General functions and objectives.* The general functions and objectives of the Office of Business Economics shall be to:

1. Provide business with basic economic measures of the national economy, including the balance of international

payments, and current analyses of the economic situation and business outlook;

2. Perform general economic research on the functioning of the economy, including cooperative research with business organizations, other Government agencies, and university and research institutions;

3. Develop basic economic and statistical indicators;

4. Provide a basis for policy formulation of the Department with respect to Government operations insofar as they affect economic movements and tendencies; and

5. Serve as the central economic research organization of the Department, and collaborate with other primary organization units which require its economic research and statistical services in matters within the scope of this order.

SEC. 4. *Functions of organization units.*

.01 The Office of the Director shall be responsible for formulating the policies, developing and coordinating the programs, and directing all operations of the Office of Business Economics. To this end the Director shall be assisted by

1. The Assistant Directors who shall recommend to and advise with the Director on policies and programs and advise on the practical application of such programs and policies to the operation of the Office, and shall perform such other duties as may be assigned by the Director including responsibilities for publications of the Office;

2. The Chief Statistician who shall be responsible for the development of such statistical measures and methods as may be required to facilitate the current analytical work of the office and shall cooperate with governmental and non-governmental statistical organizations so that the statistical data of these groups may be properly utilized and adapted to the analytical program of the Office; and

3. The Executive Officer who shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the Office. He shall secure all administrative services for the Office through the officers reporting to the Assistant Secretary for Administration.

.02 The National Income Division shall formulate and analyze the measures of the national income, gross national product and income flow to individuals, and prepare regular reports upon the position of the economy and the tendencies revealed by such data and analysis; compile analytical data on national income by industries and distributive shares indicating the origins and components of income produced, and the flow of production from basic resources to finished products; prepare estimates of income size distribution so as to describe the sources of income of recipients in different income classes, and the use of funds for taxes, consumption, and savings; and provide breakdowns of the significant income data by States, regions, and industrial areas, adapting these data for marketing and other purposes.

.03 The Business Structure Division shall analyze and report upon the structure of industry, the effect of structural

organization upon the economy, and the volume of business operations; provide current and historical data on (1) the structure of production and markets as an aid to expanding aggregate output and demand in the major industries and commodities, (2) the characteristics of the different types of businesses with particular relation to the specific markets for producers' and consumers' goods, (3) the financial organization and performance of business, and (4) changes in the business population by kinds of businesses, including analysis of the movement of firms in and out of particular lines of business; develop monthly and quarterly basic economic series on sales, consumer expenditures, capital expenditures, new and unfilled orders and inventories; and compile data on business programs, including sales and capital budgets, and on the sources and uses of business funds.

.04 The National Economics Division shall evaluate the major tendencies for expansion or contraction in the economy to provide basic guides to Government policy and guides to sound business management; develop quantitative projections to analyze the interrelationship between the different segments of the economy as well as the magnitude and significance of the economic forces at work as a basis for Office use in developing policy conclusions; analyze Government fiscal and economic policies as they affect business conditions and prospects; assist in the formulation of a program of effective action stemming from the above appraisal and analysis and aimed at a stable high level of production and employment and a vigorous expanding business system; and confer with business on the above evaluation and appraisal with a view to a common understanding as to the appropriate business and Government policies.

.05 The Current Business Analysis Division shall compile material on significant factors in the current economic situation; conduct a continuing study of current business activity and of the forces contributing to and influencing these movements and provide business with comprehensive analyses, through the Survey of Current Business, of the effects of these forces upon business activity; conduct statistical research for the purpose of assembling for publication all of the current business statistics required for the evaluation of changes in major segments of the economy and for adapting these data to the analyses of the Office and to the use of business; and analyze regional economic developments with respect to their relationship to current trends in the national economy and to the status of each region as a potential market and source of supply.

.06 The Balance of Payments Division shall compile, analyze, and interpret data on the balance of international payments and international investments of the United States, particularly as to their effect on the functioning of the domestic economy and prepare reports embodying the results of this research; analyze information concerning foreign transactions of the United States Government

and arrange with other Government agencies for detailed reports covering their foreign transactions, including financial aids, goods transactions, and inventories, and prepare such data for use in the estimate of the balance of payments and gross national product of the United States; and collaborate with other primary organization units of the Department in the analysis of the international position of other countries and their capacity to utilize effectively and to service American investment capital.

Sec. 5. *Field programs.* The Office of Business Economics shall have the authority and responsibility for the determination of all programs and policies governing its operations in the field. The facilities of the Office of Field Services, Business and Defense Services Administration, shall be utilized to carry out the field programs of the Office of Business Economics.

Sec. 6. *Effect on other orders.* This order supersedes Department Order No. 15 (Amended) of June 1, 1950 (11 F. R. 177A-306, 307; 12 F. R. 3561; 15 F. R. 3596-3597). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby superseded or amended accordingly.

Effective date: December 1, 1953.

[SEAL] SINCLAIR WEEKS,  
Secretary of Commerce.

[F. R. Doc. 53-10859; Filed, Dec. 30, 1953; 8:51 a. m.]

## POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL OF  
BUREAU OF FINANCE

DELEGATION OF AUTHORITY WITH RESPECT TO  
CHANGES IN RATES AND FEES

The following is the text of Order No. 55485, of the Postmaster General, dated December 23, 1953, delegating authority to the Assistant Postmaster General, Bureau of Finance, Post Office Department, to sign orders necessary to place changes in rates and fees in effect:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Assistant Postmaster General, Bureau of Finance (including any person acting as such), in his own name, to sign orders necessary to place in effect—

(1) Changes in postage rates and other reformations consented to by the Interstate Commerce Commission under authority of section 247, title 39, United States Code;

(2) Changes in fees for special services as authorized by section 246f of title 39, United States Code; and

(3) Changes in the fee to be charged for the certificates of mailing authorized by section 260a of title 39, United States Code.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] LOUIS J. DOYLE,  
Acting Solicitor.

[F. R. Doc. 53-10847; Filed, Dec. 30, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2913]

UNITED AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of United Air Lines, Inc., between the United States and Honolulu, T. H., for the period April 30, 1947, to August 7, 1952.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-indicated proceeding is assigned to be held on January 13, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., December 28, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 53-10852; Filed, Dec. 30, 1953; 8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10573, 10574]

MONTGOMERY BROADCASTING CO., INC., AND  
ALABAMA TELEVISION CO.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Montgomery Broadcasting Co., Inc., Montgomery, Alabama, Docket No. 10573, File No. BPCT-670; William E. Bennis, Jr., d/b as Alabama Television Company, Montgomery, Alabama, Docket No. 10574, File No. BPCT-1055; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of December 1953;

The Commission having under consideration:

(a) The Hearing Examiner's Initial Decision in the above-entitled proceeding, released October 7, 1953 (Mimeo. No. 96392; FCC 53D-56);

(b) Exceptions to said Initial Decision filed on October 27, 1953, by the Chief, Broadcast Bureau, Federal Communications Commission;

(c) Exceptions to said Initial Decision and accompanying Brief, filed on October 27, 1953, by William E. Bennis, Jr., d/b as Alabama Television Company;

(d) Reply to Bennis' Exceptions filed by Montgomery Broadcasting Company, Inc., on November 4, 1953;

(e) The Commission's Memorandum Opinion and Order of October 7, 1953, denying Bennis' petition for review of the Examiner's denial of leave to amend (Mimeo. No. 95795);

(f) Petition for Rehearing with respect to said Memorandum Opinion and Order, filed by Bennis on October 27, 1953;

(g) Reply to said petition for rehearing, filed by Montgomery on November 4, 1953;

It appearing, That Benns has requested oral argument before the Commission on the matters raised in its exceptions to the Initial Decision and in its petition for rehearing on the Commission's Memorandum Opinion and Order of October 7, 1953; and

It further appearing, That an examination of the exceptions and the petition for rehearing reveals that they raise the same or related legal and factual questions and that under the circumstances of this case the public interest would be served by hearing argument on both matters simultaneously;

It is ordered, That oral argument on both the above-described petition for rehearing and the exceptions to the Initial Decision filed by Benns and on the exceptions filed by the Broadcast Bureau is scheduled for January 11, 1954, at 10:00 a. m. at the offices of the Commission in Washington, D. C.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 53-10855; Filed, Dec. 30, 1953;  
8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

ORDER ISSUING CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY AND FIXING  
DATE FOR ORAL ARGUMENT

In this proceeding, the Commission is requested to issue a certificate of public convenience and necessity, pursuant to subsections (c) and (e) of section 7 of the Natural Gas Act, to Northern Natural Gas Company (Northern) authorizing it (1) to operate certain facilities the construction of which was authorized in this docket by orders issued May 1 and October 19, 1953, and (2) to construct and operate certain other facilities, all for the purpose of enabling Northern to increase its total overall system capacity by 300,000 Mcf per day, and its system salable capacity by approximately 278,000 Mcf per day.

To provide the additional volumes of gas required for the increased sales proposed to be made, Northern relies upon deliveries to be made to it by its subsidiary, Permian Basin Pipeline Company (Permian). Permian has already been issued a certificate of public convenience and necessity authorizing it to construct and operate facilities designed ultimately to enable it to sell and deliver to Northern up to 300,000 Mcf per day (In the Matters of Permian Basin Pipeline Company, et al., Docket Nos. G-1928, et al., Opinion No. 249 and accompanying order issued May 1, 1953). These facilities are now being constructed, and it appears from the record in this proceeding that Permian will have available for delivery to Northern volumes of gas up to 200,000 Mcf per day on or before January 1, 1954. The remaining volume of 100,000 Mcf per day will become available on or before January 1, 1955.

In Opinion No. 249 and the accompanying order issued May 1, 1953, the Commission issued Northern a partial certificate in Docket No. G-2063 authorizing it to construct, but not to operate, main-line facilities to increase its system capacity by 200,000 Mcf per day. The remaining issues in Docket No. G-2063, involving the operation of the main-line facilities authorized to be constructed by such order, construction and operation of remaining main-line facilities, necessary branch lines and loops, and the disposition of all gas to be made available from Northern's expansion program in this docket have been considered and heard in the phase of the proceeding just concluded.

In the same order the Commission in Docket No. G-2134, issued El Paso Natural Gas Company (El Paso) a certificate authorizing it to construct and operate facilities to enable it to use certain of its existing facilities to transport Permian gas for Permian's account some 200 miles northward to a point of delivery near the southern terminus of Northern's system. This order was subsequently amended by order issued November 27, 1953, to change the delivery point of the Permian gas so that El Paso is now authorized to transport such gas for the account of Northern rather than of Permian.

In addition to the authorization issued to Northern in this docket as specified above Northern was issued a temporary certificate on October 19, 1953, authorizing it to construct certain branch-line loops to enable it to deliver to existing customers during 1953-1954 the increased volume of gas which was planned to be made available as the result of the main-line construction already authorized in this docket by the order issued May 1, 1953, accompanying Opinion No. 249.

Hearings in this, the second phase of the proceeding, have been completed, and the matter is now before the Commission for decision pursuant to its order omitting the intermediate decision procedure issued November 17, 1953. As directed in that order, main and reply briefs have been filed. Pursuant to the same order, Northern has submitted to the Commission a letter dated December 3, 1953, in which it is requested that oral argument with respect to the matters and issues involved be held no later than December 15, 1953.

It is apparent from the evidence of record and from the briefs and reply briefs which have been filed that numerous issues are presented to the Commission for determination, many of which require serious and careful consideration before a decision may be rendered with respect to them. Among the issues presented are questions relating to contributions by new customers towards the cost of lateral lines to serve communities proposed to be served with natural gas for the first time, questions concerning the allocation of gas among many new and old customers of Northern, and questions relating to the applicability of Northern's tariff to the disposition of the gas proposed to be made available in this proceeding.

The record shows that the existing status on Northern's system as the result of the certificates which have already been issued is that, on or before January 1, 1954, physical facilities will have been constructed and gas will be available to enable Northern to transport, sell, and deliver up to 186,000 Mcf of natural gas per day without further construction of facilities. Further, the record shows that existing customers of Northern need, at this time, additional volumes of gas, in the specific amounts hereinafter set forth, to meet their 1953-1954 requirements. For these reasons, and upon the basis of our consideration and examination of the evidence of record and of the briefs and reply briefs which have been filed by various parties to the proceeding, we have concluded that our decision with respect to certain of the issues presented can and should be made at this time, and that a certificate should be issued authorizing Northern to operate facilities authorized to be constructed by our prior order hitherto referred to; but that oral argument concerning remaining issues should be had before we render our decision in connection therewith.

We deem it necessary to point out at the outset that we disagree with the contention of Northern and certain intervenors, existing customers of Northern, that such customers are entitled, under Northern's FPC Gas Tariff, to additional volumes of gas by reason solely of the contracts which they have executed with Northern. Contract demands, for which provision is made in Section 9 of the tariff, can only become effective upon a showing by or on behalf of existing customers as to their actual requirements. The public interest requires only the disposition to them of the amount of pipeline sales capacity necessary to meet such actual requirements.

So far as the certificate to be issued herein is concerned, we have concluded that only one customer, Minneapolis Gas Company, should receive a lesser volume of gas than it requested for 1953-1954. In this connection, we take note of the fact that Minneapolis, while continuing to maintain its position that it is entitled under Northern's tariff to a contract demand of 240,000 Mcf per day during 1953-1954, has stated in its reply brief that it is willing to accept the lesser volume proposed by the Staff, which volume is 235,315 Mcf. Such lesser volume would amount to an increase of approximately 25 percent over Minneapolis' current contract demand of 187,738 Mcf per day, and would appear to be ample to take care of the company's requirements, at least during the next two-year period. Accordingly, the order herein will provide that Northern be authorized to sell and deliver to Minneapolis Gas Company the volume of 235,315 Mcf per day, subject to the filing by Northern of an executed service agreement with Minneapolis Gas Company specifying such contract demand.

We have concluded that the increased volumes of gas sought on behalf of other existing customers of Northern for 1953-1954 are needed by such customers to enable them to meet their growing mar-

ket requirements in the communities already served by them. The increase in contract demands for each such customer, including Minneapolis Gas Company, are shown in the following table:

Purchaser	Mcf increase or decrease in contract demand
Austin Municipal Board.....	1,553
Central Electric & Gas Co.....	11,128
Central Natural Gas Co.....	
Council Bluffs Gas Co.....	1,000
Elkhorn Valley Gas Co.....	103
Interstate Power Co.....	1 (120)
Iowa Electric Light & Power Co..	10,375
Northwestern Light & Power Co..	373
Iowa-Illinois Gas & Electric Co..	1,661
Iowa Power & Light Co.....	17,624
Iowa Public Service Co.....	5,860
Metropolitan Utilities District...	31,400
Minneapolis Gas Co.....	47,577
Minnesota Natural Gas Co.....	150
Minnesota Valley Natural Gas Co..	3,430
Municipal Utilities System.....	851
Nebraska Natural Gas Co.....	1,733
New Ulm Utilities Co.....	943
Northern States Power Co.....	17,208
Village of Pender.....	98
Peoples Gas & Electric.....	3,000
Perry Gas Co.....	500
City of Ponca.....	
Western States Utilities Co.....	203
Kansas Power & Light Co.....	1 (20)
Unallocated; Direct and Peoples Division (equivalent contract demand).....	7,123
Net increase in contract demand.....	163,753

<sup>1</sup> Indicates decrease in contract demand as requested by the customer.

The record clearly shows that, to enable Northern's present customers to meet the increasing requirements of their residential and commercial consumers within the markets already served by them during the 1953-1954 season, the additional contract demands set forth in the above table should be made available to such customers forthwith, unless to do so would adversely affect the rights of other parties to the proceeding. We have concluded that such a certificate may be issued at this time without in any way prejudicing the rights of any party to the proceeding. Such conclusion necessarily has entailed decision with respect to certain subsidiary issues which must be disposed of at this time.

When Northern has completed the installation of all main line facilities proposed in this docket its sales capacity will be increased by 278,680 Mcf per day. If there is allocated 163,753 Mcf by interim order as we propose herein, the total remaining available sales capacity to be subsequently allocated will be 114,927 Mcf, derived as follows:

	Mcf
Increased sales capacity available	
Jan. 1, 1954.....	185,901
Additional sales capacity available	
Jan. 1, 1955.....	92,779
Total increase in sales capacity.....	278,680
Allocated herein.....	163,753
Capacity to be disposed of by further order.....	114,927

If gas were to be distributed to all new communities for which a supply of gas is sought in this proceeding, the total volume of gas necessary to meet the re-

quirements of such communities on a peak day in the second year would be 144,386 Mcf. But our examination of the record indicates to us, first, that service should not be authorized in this proceeding to communities in South Dakota by means of an extension of Northern's facilities to Aberdeen, South Dakota. Northwestern Public Service Company, which represents most of these South Dakota communities, filed neither a brief nor a reply brief in this proceeding in support of its request for a supply of natural gas for service to such communities. Furthermore, the record shows that Northern has entered into a precedent agreement with Northwestern, pursuant to the terms of which Northern is obligated, subject to obtaining the requisite certificate authorization, to provide natural-gas service in the future to this area. There is no such proposal by Northern in this record, however, and we conclude that the question of the transportation, sale, and delivery of gas by Northern to Northwestern for ultimate distribution among such South Dakota communities must be deferred until such time as the parties to the precedent agreement submit to the Commission a firm proposal pertaining to such service.

Likewise, we have concluded that the record will not support a finding that Northern should be required in this proceeding to provide natural-gas service to the Wisconsin communities (including Winona, Minnesota) on whose behalf intervention was made in this proceeding.

The record shows that the most inexpensive line to serve such communities would cost approximately \$14,000,000 and that the estimated load to be obtained thereby would amount to some 40,851 Mcf of gas on a peak day in the second year. The expenditure of some \$14,000,000 to obtain a peak-day load of 41,000 Mcf per day in the second year must be contrasted with the expenditure of approximately \$15,500,000 necessary to obtain a peak load of approximately 85,000 Mcf per day in the second year if service to all new communities other than the Wisconsin and South Dakota communities were to be directed.

We have already found that Northern's existing customers will require 163,753 Mcf to meet their peak-day requirements during 1953-1954. This volume of gas, when added to the additional volume of 41,570 Mcf sought on behalf of existing customers for 1954-1955, and the second year volume of 85,191 Mcf of gas sought on behalf of new communities other than the Wisconsin communities and the South Dakota communities previously mentioned, totals 290,514 Mcf, which is more than the total proposed overall increase in Northern's system capacity. The second-year requirements of the Wisconsin communities total 40,851 Mcf. Thus if service to Wisconsin were to be directed, it would be necessary to deny service to some other new communities on behalf of which intervention has been made, and to reduce the volumes of gas requested by Northern's existing customers for 1954-1955, or to deny the requests of Northern's existing customers for 1954-1955 in their entirety.

Except for the Wisconsin and South Dakota communities hitherto referred to, most of the new communities on behalf of which service is sought lie reasonably close to Northern's already existing pipeline system or to extensions thereof proposed by Northern in this proceeding. Service to the Wisconsin communities, on the other hand, would involve a pipeline extension of considerable magnitude into an area not hitherto served by Northern. In these circumstances, we conclude, on the basis of the record herein, that Northern should not be directed in this proceeding to provide natural-gas service to Wisconsin.

The quantity of gas potentially available for new communities, apart from those represented by Northwestern and the Wisconsin intervenors, is 85,191 Mcf. This amount, added to the volume sought on behalf of existing customers for 1954-1955, totals 126,761 Mcf, which is slightly in excess of the 114,927 Mcf per day of saleable capacity which is proposed to be made available by Northern in 1954-1955. Questions concerning which of the new communities not already discussed herein should receive natural-gas service, and concerning the disposition of this volume of gas among the new and existing customers, are included in the matters which we intend shall be argued orally before we reach our final decision with respect to the remaining issues in this proceeding.

We are aware of the fact that the certificate hereafter issued will result in increased sales of gas for industrial and boiler use. The showings made both by Northern and its existing customers contain estimates of increased volumes of annual sales in 1953-1954 some of which will involve the use of gas as boiler fuel. Concededly, Northern's operations as hereafter authorized may result in the displacement of coal by gas in some instances. But such potential displacement must be weighed against the advantages to be had from the use of natural gas by consumers in the area to be served, the public interest of which has been clearly demonstrated on the record. We do not think that the possible displacement of coal by natural gas provides sufficient reason either to deny the certificate hereafter issued, or to impose specific conditions to such certificate of the nature suggested by the coal and railroad intervenors.

On the basis of the record herein, and the briefs and reply briefs submitted by the various parties to the proceeding, the Commission further finds:

(1) Northern Natural Gas Company is a "natural-gas company" within the meaning of the Natural Gas Act, subject to the jurisdiction of the Commission, as heretofore found in the proceeding at Docket No. G-280 (3 F. P. C. 967).

(2) The main-line facilities construction of which was authorized under the certificate heretofore issued in Docket No. G-2063 by the order accompanying Opinion No. 249 issued May 1, 1953, and the loop and branch-line facilities described in the temporary certificate issued October 19, 1953, are proposed to be used in the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Com-

mission, as integral parts of Northern's existing natural-gas pipeline system, and the construction and operation thereof by Northern are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Northern is able and willing properly to do the acts and to perform the service hereinafter authorized, and to conform to the provisions of the Natural Gas Act and to the requirements, rules, and regulations of the Commission thereunder.

(4) Operation of the facilities authorized to be constructed pursuant to the Commission's order issued May 1, 1953, construction and operation of the facilities described in the temporary certificate issued October 19, 1953, and the sale and delivery of natural gas by Northern to existing customers as heretofore described to enable such customers to meet their 1953-1954 market requirements are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered.

(5) It is reasonable, and the public convenience and necessity require, that the provisions of § 154.22 of the Commission's regulations under the Natural Gas Act be waived, and that copies of executed service agreements, except for that with Minneapolis Gas Company, embodying contract demands of Northern's existing customers for 1953-1954 heretofore tendered for filing by Northern on November 25 and December 11, 1953, be deemed to have been filed as of the date of issuance of this order, to be effective as of December 27, 1953.

(6) The executed service agreement with Minneapolis Gas Company hitherto filed by Northern on November 25, 1953, should be rejected and Northern should be directed to file a new service agreement with Minneapolis Gas Company as hereinafter ordered.

(7) It is reasonable and in the public interest to require, as a condition to the exercise of rights under the certificate hereinafter granted, the Northern shall not sell as firm contract demand any volumes of gas in excess of the 163,753 Mcf hereinafter authorized to be sold to existing customers to meet their 1953-1954 requirements, unless and until otherwise provided by order of the Commission.

(8) It is in the public interest and it is necessary and appropriate to carry out the provisions of the Natural Gas Act to grant the motion for oral argument hitherto filed by Northern, said oral argument to be held at the time and place hereinafter designated.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued to Northern Natural Gas Company authorizing operation of the facilities heretofore authorized to be constructed by the order accompanying Opinion No. 249 issued May 1, 1953, construction and operation of the facilities described in the temporary certificate issued October 19, 1953, and the sale and delivery of volumes of gas to existing customers of Northern to enable such customers to meet their 1953-1954 requirements as heretofore specified.

(B) This certificate shall be accepted in writing and under oath by a responsi-

ble official of Northern Natural Gas Company, and the general terms and conditions set forth in paragraphs (1), (2), (3) (i), (3) (iii), (3) (iv), and (5) of § 157.20 of the Commission's general rules and regulations, including its rules of practice and procedure (18 CFR 157.20), shall attach to the issuance of the certificate granted in paragraph (A) hereof, and to the exercise of the rights granted thereunder.

(C) As an additional condition to the exercise of rights granted herein, Northern shall not sell as firm contract demand any volumes of gas in excess of 163,753 Mcf per day herein authorized to be sold, unless and until otherwise ordered by the Commission.

(D) The provisions of § 154.22 of the Commission's rules and regulations under the Natural Gas Act be and the same hereby are waived, and copies of the executed service agreements heretofore tendered for filing by Northern on November 25 and December 11, 1953, except that with Minneapolis Gas Company, be and the same hereby are accepted for filing as of the date of issuance of this order, to be effective as of December 27, 1953.

(E) The aforesaid copy of the executed service agreement with Minneapolis Gas Company be and the same hereby is rejected, and Northern be and it hereby is directed to file, within 10 days from the date of issuance of this order, a copy of a new service agreement with Minneapolis Gas Company embodying the contract demand heretofore specified, said service agreement to be effective as of December 27, 1953.

(F) To the extent herein set forth, the motion by Northern Natural Gas Company for oral argument by and the same hereby is granted, and oral argument be held commencing at 10:00 a. m., e. s. t., on January 28, 1954, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning all matters and issues not disposed of by the order herein.

(G) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission, and in such notification shall state the time requested for presentation of their argument; such notification shall be made not less than ten (10) days prior to the date heretofore fixed for the oral argument.

Adopted: December 23, 1953.

Issued: December 24, 1953.

By the Commission.

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

[F. R. Doc. 53-10843; Filed, Dec. 30, 1953;  
8:48 a. m.]

### INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28777]

HIDES, PELTS OR SKINS FROM ALABAMA, GEORGIA, AND LOUISIANA TO ENDICOTT, N. Y.

APPLICATION FOR RELIEF

DECEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion 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 schedules listed below.

Commodities involved: Hides, pelts or skins, carloads.

From: Atlanta, Augusta and Columbus, Ga., Birmingham, Ala., and New Orleans, La.

To: Endicott, N. Y.

Grounds for relief: Competition with rail carriers and competition with water, or water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1324, supp. 52; W. P. Emerson, Jr., Agent, I. C. C. No. 422, supp. 14.

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,  
Secretary.

[F. R. Doc. 53-10801; Filed, Dec. 29, 1953;  
8:50 a. m.]

[4th Sec. Application 28778]

AMMONIUM SULPHATE FROM HOUSTON, TEX., TO KANSAS CITY AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 24, 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: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, viz.: ammonium sulphate, in bulk, carloads.

From: Houston, Texas.

To: Kansas City and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 299.

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,  
Secretary.

[F. R. Doc. 53-10802, Filed, Dec. 29, 1953;  
8:50 a. m.]

[4th Sec. Application 28779]

PAPER AND PAPER ARTICLES FROM POINTS  
IN OFFICIAL TERRITORY TO LOWER MISSISSIPPI  
RIVER CROSSINGS

APPLICATIONS FOR RELIEF

DECEMBER 24, 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: F. C. Kratzmeir, Agent, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 610 and Alt. Agent H. R. Hinsch's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Specified points in official territory.

To: Lower Mississippi River Crossings, Memphis, Tenn., and south.

Grounds for relief: Rail competition, circuitry, and operation through higher-rated territory.

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,  
Secretary.

[F. R. Doc. 53-10803; Filed, Dec. 29, 1953;  
8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-72, 54-104, 54-105, 54-169, 54-173, 54-191, 54-199, 54-204, 54-209]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER WITH RESPECT TO FILING OF REPORTS  
CONCERNING FEES AND EXPENSES

DECEMBER 23, 1953.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company, Market Street Railway Company; File Nos. 54-72; 54-104; 54-105; 54-169; 54-173; 54-191; 54-199; 54-204; 54-209.

The above-entitled proceedings all involve plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to enable the system of the Standard Power and Light Corporation, a registered holding company, to effectuate compliance with section 11 (b) of the act. In each of the proceedings various orders have heretofore been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the several companies concerned with these plans for services rendered in connection therewith and related proceedings.

Pursuant to notice previously given by the Commission, applications for allowances or approval of amounts already paid have been filed with the Commission, and in some instances with the companies, but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order

should be entered, under the authority conferred by section 11 (f) of the act, requiring that the companies concerned with these plans file with the Commission, either jointly or severally, a report or reports setting forth certain information.

It is therefore ordered, That on or before March 31, 1954, Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company and Market Street Railway Company shall file with the Commission, either jointly or severally, 10 copies of a report or reports which shall set forth in a manner so as to indicate the proposed allocation thereof among such companies and their subsidiary companies, including those formerly in the system, as the case may be:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings;

(2) The amounts of fees and expenses which the paying company has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which each company is willing to pay and which the claimants after negotiation with the company or companies involved have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which each company considers to be reasonable and which it is willing to pay.

It is further ordered, That any agreement as to amounts as contemplated by paragraph (3) above shall be subject to the provisions of the respective plans and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the act in connection with plans filed under section 11 (e) thereof.

It is further ordered, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 53-10837; Filed, Dec. 30, 1953;  
8:46 a. m.]



