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TITLE 7—AGRICULTURE

MISCELLANEOUS AMENDMENTS

The provisions contained in Part 7 of Subtitle A, Chapter VII, Chapter VIII and Chapter XI, Title 7 of the Code of Federal Regulations (including Volume 18 of the FEDERAL REGISTER) are hereby amended as follows pursuant to Reorganization Plan No. 2 of 1953 (67 Stat. 633), section 161 of the Revised Statutes (5 U. S. C. 22) and the authorities under which such provisions were issued:

1. In Part 7 the subpart designation "Selection and Functions of Production and Marketing Administration County and Community Committees" is deleted and the designation "Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees" is substituted therefor.

2. Wherever in Part 7 the designations "Production and Marketing Community Committee" and "Production and Marketing County Committee" appear they are deleted and the designations "Agricultural Stabilization and Conservation Community Committee" and "Agricultural Stabilization and Conservation County Committee", respectively, are substituted therefor.

3. Wherever in Part 7 the designations "State Production and Marketing Administration Committee" or "State PMA Committee" appear they are deleted and the designation "State Agricultural Stabilization and Conservation Committee" is substituted therefor.

4. Wherever in Part 7 the designations "Assistant Administrator for Production of the Production and Marketing Administration", "Assistant Administrator" and "PMA Administrator" appear they are deleted and the designations "Deputy Administrator for Production Adjustment of the Commodity Stabilization Service", "Deputy Administrator" and "Administrator, Commodity Stabilization Service", respectively, are substituted therefor.

5. Wherever in Part 7 the language "property of the Production and Marketing Administration" appears it is deleted and the language "property of the Department of Agriculture" is substituted therefor.

6. The definition of the term "Secretary" appearing in Parts 711, 714, 717, 722, 723, 725, 726, 727, 728, 729, 1101, 1102, 1103, 1104, 1105, and 1107 is amended to read:

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

7. Wherever in Parts 711, 717, 721, 722, 723, 725, 726, 727, 728, 729, 855, 857, 873, 874, and 1109 the designations "Assistant Administrator for Production of the Production and Marketing Administration" and "Assistant Administrator" appear they are deleted and the designations "Deputy Administrator for Production Adjustment of the Commodity Stabilization Service" and "Deputy Administrator", respectively, are substituted therefor.

8. Wherever in Parts 721, 722, 723, 725, 726, 727, 728, 729, 855, 873, and 874 the designations "Production and Marketing Administration county and community committees", "State and county Production and Marketing Administration Committees" and "State committee of the Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation county and community committees", "Agricultural Stabilization and Conservation State and county committees" and "Agricultural Stabilization and Conservation State committee", respectively, are substituted therefor.

9. Wherever in Parts 721, 723, 725, 726, 727, 728, and 729 the designations "County PMA office" and "State PMA office" appear they are deleted and the designations "ASC county office" and "ASC State office", respectively, are substituted therefor.

10. The definitions of the term "State committee" appearing in Parts 714 and 717 are amended to read:

"State committee" means the group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

11. Wherever in Parts 711 and 717 the designations "Production and Marketing Administration Caribbean Area

(Continued on next page)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Committee", "PMA" and "Caribbean Area Office, Production and Marketing Administration" appear they are deleted and the designations "Caribbean Area Agricultural Stabilization and Conservation Committee", "ASC" and "Caribbean Area Agricultural Stabilization and Conservation Office", respectively, are substituted therefor.

12. Wherever in Part 722 the designation "PMA Caribbean Area Committee" appears it is deleted and the designation "Caribbean Area ASC Committee" is substituted therefor.

13. Wherever in Parts 714 and 722 the designations "Cotton Branch PMA" and "Cotton Branch, Production and Marketing Administration" appear they are deleted and the designation "Cotton Division, Commodity Stabilization Service" is substituted therefor.

14. Wherever in Parts 714, 723, 725, 726, and 727 the designation "Tobacco Branch, Production and Marketing Administration" appears it is deleted and the designation "Tobacco Division, Commodity Stabilization Service" is substituted therefor.

15. Wherever in Parts 721 and 728 the designation "Grain Branch, Production and Marketing Administration" appears it is deleted and the designation "Grain Division, Commodity Stabilization Service" is substituted therefor.

16. Wherever in Part 729 the designation "Fats and Oils Branch of the Production and Marketing Administration" appears it is deleted and the designation "Oils and Peanuts Division, Commodity Stabilization Service" is substituted therefor.

17. Wherever in Parts 801, 814, 816, 817, 818, 819, 831, 841, 855, 857, 861, 862, 863, 864, 866, 867, 868, 873, 874, 877, and 878 the designation "Sugar Branch, Production and Marketing Administration" appears it is deleted and the designation "Sugar Division, Commodity Stabilization Service" is substituted therefor.

18. Wherever in Parts 816, 817, 818 and 819 the designation "Quota and Allotment Division" appears it is deleted and the designation "Quota and Allotment Branch" is substituted therefor.

19. In Parts 841, 845, 850, 855, 861, 862, 863, and 864:

(a) Wherever the designations "County PMA Committee" or "County Production and Marketing Administration Committee" appear they are deleted and the designation "ASC County Committee" is substituted therefor;

(b) Wherever the designations "State PMA Committee" or "State Production and Marketing Administration Committee", appear they are deleted and the designation "ASC State Committee" is substituted therefor; and

(c) Wherever the designation "PMA Committee" appears it is deleted and the designation "ASC Committee" is substituted therefor.

20. Wherever in Parts 814, 847, 848, 857, 867, 868, 877 and 878 the designations "Caribbean Area Office, Production and Marketing Administration" and "Caribbean Area PMA Committee" appear they are deleted and the designations "Caribbean Area Agricultural Stabilization and Production Office" and

"Caribbean Area ASC Committee", respectively, are substituted therefor.

21. Wherever in Part 816 the designations "Director or Acting Director, Caribbean Area, Production and Marketing Administration" and "Office of the Production and Marketing Administration" appear they are deleted and the designations "Director or Acting Director, Caribbean Area Stabilization and Conservation Office" and "Agricultural Stabilization and Conservation Office", respectively, are substituted therefor.

22. Wherever in Parts 842 and 845 the designation "County Agricultural Conservation Committee" appears it is deleted and the designation "Agricultural Stabilization and Conservation County Committee" is substituted therefor.

23. Wherever in Parts 846, 866, and 876 the designations "Hawaiian Area Office of the Production and Marketing Administration" and "Area Office of PMA" appear they are deleted and the designation "Hawaiian Area Stabilization and Conservation Office" and "ASC Area Office", respectively, are substituted therefor.

24. Wherever in Part 850 the designations "Area Office of the Production and Marketing Administration" and "Area Office of PMA" appear they are deleted and the designations "Area Stabilization and Conservation Office" and "ASC Area Office", respectively, are substituted therefor.

25. Subject to the amendments heretofore specified, wherever in Parts 722, 723, 801, 833, 845, and 855 the designation "Production and Marketing Administration" appear it is deleted and the designation "Commodity Stabilization Service" is substituted therefor.

26. Under the heading "Redesignation of Regulations" Chapter XI, Title 7, Code of Federal Regulations (18 F. R. 3635), the first paragraph of enumerated paragraph 1 is amended to read:

1. The regulations pertaining to the Agricultural Conservation Program Service are removed from Chapter VII of Title 7, Code of Federal Regulations, and redesignated Chapter XI which shall be entitled "Agricultural Conservation Program Service, Department of Agriculture",

and enumerated paragraph 2 is amended to read:

2. Wherever the term "Director of Agricultural Conservation Programs Branch, Production and Marketing Administration" or "Director of ACP Branch" appears in these regulations it shall mean the "Administrator of the Agricultural Conservation Program Service."

27. In Part 1101:

(a) Wherever the designations "Chief Agricultural Conservation Program" and "Chief ACP" appear they are deleted and the designations "Administrator, Agricultural Conservation Program Service" and "Administrator ACPS", respectively, are substituted therefor;

(b) Wherever the designations "Production and Marketing Administration county and community committees", "PMA" and "Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation county and community committees", "ASC" and "Agricultural Conservation Program Service", respectively, are substituted therefor; and

(c) The definition of the term "State Committee" is amended to read "'State Committee' means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State Committees."

28. Wherever in Parts 1102, 1103, 1104 and 1105 the designations "Director" and "ACP Branch" appear they are deleted and the designations "Administrator" and "ACPS", respectively, are substituted therefor; and the definitions of the terms "Director" and "ACP Branch" appearing in said parts are deleted and the following definitions are substituted, respectively, therefor:

"Administrator" means the Administrator of the Agricultural Conservation Program Service.

"ACPS" means the Agricultural Conservation Program Service.

29. In Parts 1102 and 1103:

(a) Wherever the designation "PMA State Office", apears it is deleted and the designation "ACS State Office" is substituted therefor;

(b) Wherever the designations "Production and Marketing Administration District Offices" or "District Offices of the Production and Marketing Administration" appear they are deleted and the designation "Agricultural Stabilization and Conservation District Offices" is substituted therefor;

(c) Wherever the designation "PMA Inspector" appears it is deleted and the designation "Agricultural Conservation Program Service Inspector" is substituted therefor; and

(d) The definitions of the term "PMA State Office" appearing in said parts are amended to read "'ASC State Office' means the Caribbean Area Agricultural Stabilization and Conservation Office."

30. Wherever in Part 1104 the designation "ACP Committee" appears it is deleted and the designation "Agricultural Stabilization and Conservation Committee" is substituted therefor.

31. In Part 1105:

(a) Wherever the designation "PMA Farm Checkers" appears it is deleted and the designation "Agricultural Conservation Program Service Farm Checkers" is substituted therefor;

(b) Wherever the designations "PMA Area Office" and "Office of the Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation Area Office" and "Agricultural Stabilization and Conservation Office", respectively, are substituted therefor;

(c) Wherever the designation "Production and Marketing Administration" appears it is deleted and the designation "Agricultural Conservation Program Service" is substituted therefor; and

(d) The definition of the term "State Office" appearing in said part is amended to read "'State Office' means the Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii."

32. In Part 1107:

(a) Wherever the designations "Agricultural Conservation Programs Branch", "ACP Branch" and "Director" appear they are deleted and the designations "Agricultural Conservation Program Service", "ACPS" and "Administrator", respectively, are substituted therefor, and the definition of the term "Director" appearing in said part is deleted and the following definition is substituted therefor, "'Administrator' means the Administrator of the Agricultural Conservation Program Service."

33. Wherever in Part 1108 the designation "Production and Marketing Administration" appears it is deleted and the designation "Agricultural Conservation Program Service" is substituted therefor.

34. In Part 1109:

(a) Paragraph (d) of § 1109.1 is amended to read:

(d) A person is indebted to the Commodity Stabilization Service, or to any other agency of the Department of Agriculture by reason of any payments certified on vouchers or on sight-drafts by the Agricultural Stabilization and Conservation State Offices or by the County Agricultural Conservation Association, or is indebted for an unpaid marketing quota penalty.

(b) Wherever in §§ 1109.2 and 1109.3 the designation "Production and Marketing Administration" appears it is deleted and the designation "Commodity Stabilization Service" is substituted therefor.

Effective date. The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER.

The foregoing amendments relate solely to matters of agency management and personnel, and therefore are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Done at Washington this 19th day of January 1954. Witness my hand and seal of the Department of Agriculture.

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

[F. R. Doc. 54-465; Filed, Jan. 21, 1954; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

DETERMINATION OF EQUIVALENT FEED PRICES

The simple average of the four latest weekly retail prices per ton of dairy

ration reported by the United States Department of Agriculture for the Boston milkshed are used pursuant to section 48 (a) (3) of the respective orders in the computation of a New England Basic Class I price. The publication of these specified feed prices has been discontinued by the United States Department of Agriculture.

The respective orders provide that if a feed price, specified by those orders for use in computing class prices, is not reported or published in the manner described in the respective orders, the market administrator shall use a feed price determined by the Secretary to be equivalent to or comparable with the feed price which is specified (§§ 904.45, 934.44, 996.44, 999.44, and 947.55 of the respective orders).

Pursuant to the applicable provisions of the respective orders and on the basis of available information it is hereby found and determined that the feed price equivalent to or comparable with the simple average of the four latest weekly average retail prices per ton of dairy ration for the Boston milkshed shall be determined as follows:

Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER are impractical, unnecessary, and contrary to public interest in that the equivalent feed price must become effective as soon as possible in order to facilitate, promote, and maintain orderly marketing of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River marketing areas. The changes effected by this determination do not require any preparation by the persons affected prior to the effective date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 18th day of January 1954, to become effective immediately.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-429; Filed, Jan. 21, 1954; 8:46 a. m.]

[Grapefruit Reg. 94]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.355 *Grapefruit Regulation 94*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 24, 1954. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 18, 1953, and will so continue until January 24, 1954; the recommendation and supporting information for continued regulation subsequent to January 23, 1954, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 24, 1954, and ending at 12:01 a. m., P. s. t., February 28, 1954, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{5}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C.)

Done at Washington, D. C., this 19th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-440; Filed, Jan. 21, 1954; 8:48 a. m.]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Tri-State marketing area, hereinafter referred to as the "order," it is hereby found and determined that all provisions appearing in § 972.41 (b) of such order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions thereof for the month of February 1954.

Request for the temporary suspension of the provisions of § 972.41 (b) was recently filed with the Department by associations representing a majority of the producers supplying milk to the Tri-State marketing area whose milk is

priced pursuant to such regulation. Following this request a public meeting was held on January 4, 1954, at Gallipolis, Ohio, to consider whether the suspension, or possible termination of the said provisions would be appropriate. This meeting was attended by a number of handlers regulated under the order, counsel for other handlers, representatives of cooperative associations having members who are producers as defined in the order, government representatives, and others.

The provisions of § 972.41 (b) are intended to result in automatic Class I and Class II price adjustments as market supplies of producer milk change in relation to the quantity of Class I milk sold. As a measure of changes in the "supply-demand ratio" from a norm the percentage of supplies to sales in a recent two-month period is compared with a "standard utilization percentage." Certain revisions in other provisions of the order, including the introduction on November 1, 1953, of "individual-handler" pools to replace the former "market-wide" pool, and expansion of the marketing area, and the adoption of a revised definition of "fluid milk plant" to take effect May 1, 1954, were adopted following a public hearing held in May 1953. At least in part as the result of such changes in the regulatory program certain supply and marketing adjustments are taking place within both the Tri-State milkshed and Tri-State marketing area. In the circumstances prevailing the standard utilization percentages now effective under § 972.41 (b) do not perform to accurately measure supply changes in relation to market demand and at present have an adverse effect on producer prices even though other source milk still is being received in substantial quantities in portions of the marketing area for use as Class I and Class II milk. It is found and determined therefore that the issuance of this order to suspend the application of such provisions for February 1954 is necessary to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date. Any further action to alter the effects of such provisions of the order should be determined from subsequent consideration. A public hearing for this purpose will be convened at Gallipolis, Ohio, on February 18, 1954.

It is therefore ordered, That the provisions of the order (No. 72), as amended, regulating the handling of milk in the Tri-State marketing area which appear in § 972.41 (b) be and they are hereby suspended in their entirety for the month of February 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 19th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-441; Filed, Jan. 21, 1954; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION C—REGISTRATION

On November 10, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on a proposal to adopt § 230.415 (Rule 415) relating to competitive bidding registration statements, to adopt related amendments to certain other rules, and to rescind § 230.460 (Rule 460) (see Securities Act of 1933 Release No. 3491-Z). The Commission has considered all the data, views and comments submitted and has adopted the proposals with certain modifications set forth below. This action has been taken pursuant to the provisions of sections 7, 8, 10, and 19 (a) of the Securities Act of 1933, the Commission deeming such action necessary and apropriate to carry out the provisions of the act and necessary and appropriate in the public interest and for the protection of investors.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The action stated in this release is a part of this program, as is the parallel simplification of competitive bidding procedures under the Public Utility Holding Company Act of 1935.

The current practice where securities are offered at competitive bidding requires that the registration statement become effective prior to the invitation for bids, and that a post-effective amendment be filed at the time bids are opened, to reflect the results of the bidding. An order of the Commission is issued declaring the registration statement effective and an order is subsequently issued declaring the post-effective amendment effective. In most cases, the post-effective amendment makes no change in the effective registration statement except to reflect the results of the bidding.

Rule 415 modifies the procedure by providing that if specified conditions are met the amendment reflecting the results of the bidding will become effective without further order on filing with the Commission or a regional or branch office. In addition, the amended Rule 471 permits the amendment to be signed by the agent for service and the amended Rule 472 requires only the filing of changed pages of the prospectus, without the usual simultaneous filing of five complete copies of the amended prospectus, and does not require the re-filing of exhibits solely to insert interest rate, redemption prices, etc. It should be noted that Rule 403 does not require that the amendment itself be printed. It may, for instance, be typed or mimeographed, and the Commission will continue to accept appropriate inked insertions provided they are legible.

Rule 415 codifies the practice of requiring that the registration statement in all competitive bidding cases contain an undertaking to file an amendment to reflect the results of the bidding. Under the new filing procedure, it will not be possible for the Commission to consider the adequacy of the distribution of bidding prospectuses, as it has in the past (see Release No. 3453, part IV). The rule, therefore, requires an additional undertaking intended to insure a minimum distribution as a condition to the use of the new filing procedure.

Paragraph (c) of the rule has principally a clarifying effect. The Commission's position is that when a registration statement becomes initially effective, the prohibitions of section 5 (a) of the act cease to apply in the absence of a stop order; that the bidding prospectus meets the requirements of section 10 of the act prior to the acceptance of a bid; and that after the acceptance of a bid, the prospectus does not meet the requirements of section 10 of the act unless it reflects the results of the bidding and otherwise complies with the applicable form and regulations. The Commission, moreover, construes section 5 (b) (2) of the act to require that the delivered prospectus meet the requirements of section 10 at the time the security is carried or caused to be carried through the mails or in interstate commerce and similarly construes section 2 (10) (a) of the act to require that the delivered prospectus meet the requirements of section 10 of the act at the time of making the other communication referred to in section 2 (10) (a) of the act.

Some issuers have, on occasion, combined in one registration statement securities to be offered at competitive bidding and other securities to be offered noncompetitively. Since the provisions of paragraphs (b) and (c) of Rule 415 have been drafted with specific reference to competitive bidding procedures, paragraph (d) of the rule limits the use of such joint registration statements to cases where all price and other required data for the non-competitive issue are available prior to the invitation for bids. An appropriate composite prospectus is permitted in any event.

The rule should simplify the registration procedure in competitive bidding cases to a substantial degree, as well as clarify the status of the registration statement and the prospectuses under section 5 of the act. By eliminating the present practice of requiring an order declaring a post-effective amendment effective, the rule should avoid the delay and attendant uncertainty which now occur between the filing and effectiveness of the amendment. Further, by permitting a filing in a regional or branch office, the rule should permit a more rapid filing and effectiveness. The Commission may administratively request that it be advised informally, as at present, of the results of the bidding, as promptly as practicable.

Rule 455 has been amended to make its filing requirements consistent with those set forth in Rule 415.

The Commission has (a) amended Rule 424 to provide for the filing of 25, instead of 20, copies of a prospectus, to make it clear that bidding prospectuses need not usually be filed under the rule, and to permit a revised prospectus to be used if it is filed or mailed for filing prior to its use and (b) similarly amended Rule 427 (c).

The Commission has also rescinded § 230.460 (Rule 460).

The text of § 230.415 (Rule 415) and of the amendments to §§ 230.424, 230.427, 230.455, 230.471, and 230.472 (Rules 424, 427, 455, 471 and 472) as adopted by the Commission are as follows:

§ 230.415 *Competitive bidding registration statements.* (a) A registration statement covering securities to be offered at competitive bidding, the terms of which require that each bid be for the purchase or underwriting of the entire amount of one or more of the issues registered, shall contain undertakings by the registrant (1) to file an amendment to the registration statement reflecting the results of the bidding, the terms of reoffering, and related matters to the extent required by the applicable form, not later than the first use, authorized by the registrant, after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the registrant and no reoffering of such securities by the purchasers is proposed to be made, and (2) to use its best efforts to distribute, as soon as practicable after the registration statement has become effective and prior to the opening of bids, to prospective bidders, underwriters, and dealers, a reasonable number of copies of the prospectus relating to the securities offered at competitive bidding contained in the effective registration statement, together with any supplements thereto. Any order declaring the registration statement effective shall be deemed to declare an amendment to the registration statement filed pursuant to the first such undertaking effective in accordance with paragraph (b) of this section.

(b) An amendment to such a registration statement filed pursuant to the undertaking referred to in paragraph (a) (1) of this section (which may make such other changes in the registration statement as the registrant deems appropriate) shall become effective at the time such amendment is filed with the Commission at its principal office or any regional or branch office, unless the Commission has notified the registrant that it has instituted proceedings under section 8 of the act. The amendment shall be accompanied by the consent of a managing underwriter, acting on behalf of all principal underwriters of the securities offered at competitive bidding, to the filing thereof.

(c) When such a registration statement becomes effective the prohibitions of section 5 (a) of the act shall cease to apply to the securities registered unless a stop order is issued under section 8 of the act. A prospectus relating to the securities offered at competitive bidding, when used prior to the opening of bids, need not contain information dependent upon the determination of the offering price of such securities or the acceptance of the bid, in order to meet the requirements of section 10 of the act. A prospectus relating to such securities, when used after the opening of bids, shall not be deemed to meet the requirements of section 10 of the act unless (1) an amendment to the registration statement has been filed pursuant to the undertaking referred to in paragraph (a) (1) of this section, if required, and (2) such prospectus reflects the information contained in the registration statement, as amended, to the extent required by the applicable form.

(d) A registrant may register securities to be offered at competitive bidding and securities not to be so offered pursuant to a single joint registration statement only if all information (including offering data, etc.) required by the applicable form with respect to the securities not to be so offered is included in the registration statement prior to the initial effectiveness thereof. If such information is not so included, the Commission will not accelerate such effectiveness unless an amendment to the registration statement is first filed so as to make it cover only the securities to be offered at competitive bidding. The registrant may, however, either initially or after such amendment, register the securities not to be offered at competitive bidding pursuant to a separate registration statement. An appropriate composite form of prospectus may in any event be used for all securities registered.

§ 230.424 *Filing of prospectuses; number of copies.* * * *

(b) Within 5 days after the commencement of a public offering, 25 copies of each form of prospectus used in connection with such offering shall be filed with the Commission in the exact form in which it was used: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until 25 copies thereof have been filed with, or mailed for filing to, the Commission, together with 5 copies of a cross reference sheet similar to that previously filed, if changed; provided however, that this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

§ 230.427 *Contents of prospectuses used after 13 months.* * * *

(c) Twenty-five copies of every prospectus used more than 13 months after the effective date of the registration statement shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.455 *Place of filing.* All registration statements and other papers filed with the Commission shall be filed at its principal office, except as otherwise provided in § 230.415. Such material may be filed by delivery to the Commission through the mails or otherwise.

§ 230.471 *Signatures to amendments.* (a) Except as provided in paragraph (b) of this section and § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least one copy of every amendment filed with the Commission shall be signed. If the amendment is typewritten, the original "ribbon" copy shall be signed. Unsigned copies shall be conformed.

(b) A registration statement filed in connection with the registration of securities to be offered at competitive bidding may expressly confer authorization upon the agent for service named in the registration statement to amend the registration statement in accordance with the undertaking required by § 230.415 (a) (1). The authorization shall be substantially in the following form:

> Each person whose signature appears below hereby authorizes the agent for service named in the registration statement to execute in the name of each such person, and to file, an amendment to the registration statement pursuant to the above undertaking, which amendment may make such other changes in the registration statement as the registrant deems appropriate.

§ 230.472 *Filing of amendment; number of copies.* (a) Three copies of every amendment, other than telegraphic amendments pursuant to § 230.473, shall be filed with the Commission. If an amendment relates to the prospectus, a copy of the amended prospectus and of the cross reference sheet required by § 230.404 (c), if amended, shall be included in each copy of the amendment filed; except that only the changed pages of the prospectus and the cross reference sheet, if amended, need be included in an amendment filed pursuant to the undertaking referred to in § 230.415 (a) (1).

(b) Where an amendment relates to the prospectus, five copies of the amended prospectus and of the cross reference sheet, if amended, shall be filed in addition to the three copies required by paragraph (a) of this section. This paragraph shall not apply to amendments filed pursuant to the undertaking referred to in § 230.415 (a) (1).

(c) If an exhibit to a registration statement (other than an opinion or a consent), filed in preliminary form, has been changed only (1) to insert information as to interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commissions, names, addresses or participations of underwriters or similar matters, which information appears elsewhere in an amendment to the registration statement, or (2) to correct typographical

errors, insert signatures or make other similar immaterial changes, then, notwithstanding any contrary requirement of any rule or form, the registrant need not refile such exhibit as so amended; provided the registrant states in the amendment the basis provided in this section for not refiling such exhibit. Any such incomplete exhibit may not, however, be incorporated by reference in any subsequent filing under any act administered by the Commission.

Since the adoption of § 230.415 and the amendment to §§ 230.424, 230.427, 230.455, 230.471 and 230.472 are designed primarily to simplify and clarify competitive bidding procedures, they have been made effective immediately, January 13, 1954; except that such adoption and amendments shall not be effective as to any registration statement which theretofore became effective or, if the registrant so elects, as to any registration statement filed prior to February 13, 1954. Since the rescission of § 230.460 relieves a restriction, it has been made effective immediately, January 13, 1954.

(Secs. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interprets or apply secs. 7, 8, 10, 48 Stat. 78, 79, 81; 15 U. S. C. 77g, 77h, 77j)

By the Commission.

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

JANUARY 12, 1954.

[F. R. Doc. 54-424; Filed, Jan. 21, 1954; 8:45 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION D—EXEMPTION FOR CANADIAN SECURITIES

Purpose of amendment. The Securities and Exchange Commission has amended § 230.501 (b) (6) (ii) (Rule 501 (b) (6) (ii) of Regulation D under the Securities Act of 1933.

Regulation D provides a conditional exemption from registration under the act for offerings not exceeding $300,000 in any one year made by Canadian issuers or by domestic issuers having their principal place of business in Canada. The promulgation of this regulation, on March 6, 1953, followed the amendment of the extradition agreements between the United States and Canada. It is part of a comprehensive program designed to achieve advantages for investors by remedying certain abuses which existed in this area in years past. The steps which have been taken under this program are noted in Securities Exchange Act Release No. 4937 (September 14, 1953).

The original Rule 501 (b) (6) (ii) of the regulation automatically renders the exemption unavailable if the issuer, its management, the underwriters or certain other persons are subject to certain securities injunctions. In certain instances, injunctions of a technical nature, not based on fraud, have resulted in disqualification under the rule and have prevented registered Canadian broker-dealers from underwriting an issue, although this result might not be required in the public interest in the particular case.

In a similar context, the Commission, in considering applications by Canadian firms under section 15 (b) of the Securities Exchange Act of 1934 has, under the public interest standard there provided, granted registration where the injunctions existing against the applicant were only of a technical nature as distinguished from decrees based upon fraud or overreaching of investors. (See Matter of Dennis, Securities Exchange Act Release No. 4769.)

The present amendment of Regulation D will permit the same considerations to govern under that regulation in the absence of fraud or overreaching.

Statutory basis. The action is taken pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

Text of amendment. Section 230.501 (b) (6) is amended to read as follows:

§ 230.501 *Securities exempted.* * * *

(b) No exemption under this regulation shall be available for any of the following securities:

* * * * *

(6) Securities of any issuer if such issuer or any of its directors, officers, affiliates or predecessors, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered under this section:

(i) Has been convicted within five years preceding the filing of the notification required by § 230.503 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer;

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied on the basis of such order, judgment or decree in the particular case; or

(iii) Is subject to a United States Post Office fraud order.

The Commission finds that as the foregoing amendment is exemptive in character and reserves to the Commission full right to deny the exemption, if appropriate in the public interest, notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect thereto is not necessary.

The amendment is therefore, effective immediately upon publication January 13, 1954.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s)

By the Commission.

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

JANUARY 12, 1954.

[F. R. Doc. 54-426; Filed, Jan. 21, 1954; 8:46 a. m.]

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

REGULATION AND EXEMPTION OF VARIOUS FINANCIAL TRANSACTIONS

Statutory basis. On November 10, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on a proposal to amend § 250.50 (Rule U-50) to eliminate supplemental bidding orders under certain circumstances (Holding Company Act Release No. 12206-Y). The Commission has considered all the data, views and comments submitted and has adopted the amendments to Rule U-50, as proposed, with certain modifications set forth below. This action has been taken pursuant to the provisions of sections 6 (b), 7, 12 (d) and 20 (a) of the Public Utility Holding Company Act of 1935, the Commission deeming such action necessary and appropriate to carry out the provisions of the act.

Statement of purpose. The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The amendment of Rule U-50 is a part of this program, as is the parallel simplification of competitive bidding procedures under the Securities Act of 1933.

Rule U-50 requires, except in the cases specified in paragraph (a), that the issue or sale of securities by registered holding companies and subsidiary companies be at competitive bidding. Paragraph (c) of the rule formerly required that the results of competitive bidding be submitted to the Commission by amendment of the application or declaration for final clearance.

The principal change in the rule consists of an amendment to paragraph (c) which makes unnecessary an amendment to the application or declaration and a supplemental order of the Commission with respect to the results of the competitive bidding if at least two bids are submitted. The new paragraph (d) of the rule will, however, keep the Commission informed as to bidding results. If only one bid is received, however, a further order of the Commission authorizing the issuance or sale must be obtained, as in the past. As the Commission stated in Holding Company Act Release No. 12206-Y (November 10, 1953) it is anticipated that the amendment of paragraph (c) will result in a considerable saving of time and expense

to issuers and sellers and to the Commission itself without, in practice, adversely affecting the interest of investors or consumers.

Paragraph (b) of the rule has been amended to shorten the required bidding period from 10 to 6 days.

The amendments to Rule U-50 are in the nature of an experiment by the Commission. If, after a reasonable period, the rule does not produce the expected results, the Commission reserves the right to modify or rescind the amendments.

The amendments of Rule U-50 will, of course, not affect the Commission's policies as to the terms of securities issued. The necessary information as to such matters is available to the Commission before it authorizes the invitation for bids.

Pending revision of Form U-1 (17 CFR 259.101), the amendments to Rule U-50 supersede any contrary instructions in that form.

Text of rule. The text of paragraphs (b), (c), and (d) of § 250.50 as amended read as follows:

§ 250.50 *Requirement of public invitation of proposals for the purchase or underwriting of securities.* * * *

(b) *Public invitation of proposals.* The Commission will not grant or permit to become effective any application or declaration subject to this rule unless the application or declaration states that the applicant or declarant, at least six days prior to entering into any contract or agreement for the issuance or sale of the securities therein proposed, will publicly invite sealed written proposals for the purchase or underwriting of such securities. Such proposals as may be received in response to such invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted.

(c) *Sale of securities.* If, pursuant to the public invitation, at least two independent proposals for the purchase or underwriting of the securities are received, the applicant or declarant may, without further order of or filing with the Commission, issue or sell the securities in accordance with the terms and conditions contained in the application, if granted or in the declaration, if effective; and the applicant or declarant shall be exempt from the provisions of § 250.24 (c) (3) (i) (Rule U-24 (c) (3) (A)) with respect to the issuance or sale. In any other event the applicant or declarant shall, as promptly as practicable after the opening of the proposals, file an amendment which shall include the applicable information or documents specified in paragraph (d) of this section; and the proposed issuance or sale of the securities shall not be consummated until a further order of the Commission authorizing such issuance or sale has been entered.

(d) *Reports.* If the issuance or sale is consummated without further order of the Commission pursuant to paragraph (c) of this section, the applicant or declarant shall include as part of the certificate filed pursuant to Rule U-24 (a), the names of the purchasers or underwriters, the terms of the several proposals received, the names of the persons (or in the case of a proposal by a group, of the manager of the group) submitting the proposals, the prospectus being used in connection with the issuance or sale, the underwriting agreement with respect thereto, any State Commission order authorizing the issuance or sale not previously filed, and the indenture or certificate setting forth the definitive terms of the securities. Unless requested by the Commission or required to complete the record as to any matter as to which jurisdiction has been specifically reserved, no further filing with respect to the issuance or sale shall be required.

Since the amendments to Rule U-50 simplify procedures in cases subject to that rule, they have been made effective immediately, January 13, 1954, except that the amendments shall not be effective as to any issuance or sale with respect to which the Commission has heretofore specifically reserved jurisdiction over the results of competitive bidding.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies secs. 6, 7, 12, 49 Stat. 814, 815, 823; 15 U. S. C. 79f, 79g, 79l)

By the Commission.

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

JANUARY 12, 1954.

[F. R. Doc. 54-425; Filed, Jan. 21, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 596—CONTRACT CLAUSES AND FORMS

PART 597—TERMINATION OF CONTRACTS

PART 602—GOVERNMENT PROPERTY

PART 605—PROCUREMENT FORMS

MISCELLANEOUS AMENDMENTS

1. Section 590.302–3 is revoked and § 590.455 is amended to read as follows:

§ 590.302–3 *Small business concerns.* [Revoked.]

§ 590.455 *Standards of conduct.* In all procurements and related functions, stress shall be placed upon the importance of protection of the interests of the Government and the avoidance of any acts which may tend to compromise both the Department of the Army and the individual member of the Army Establishment, thus impairing public confidence in the integrity of business relations between the Department of the Army and industry.

(a) *Policy.* The Department of the Army policy is contained in the following publications:

(1) AR 600–205 (Standards of Conduct of Personnel Assigned to Procurement and related activities).

(2) AR 600–10 (Military Discipline).

(b) *Responsibility of all personnel.* All individuals concerned, either directly or indirectly, with any phase of procurement, inspection, and contract administration will read and initial a copy of AR 600–205. Such initialed copy shall be retained in the files of the office involved and shall be subject to inspection at all times. Likewise, each such individual shall be furnished a copy of AR 600–205. Further, those individuals referenced in § 590.454 and subject to military laws shall be fully cognizant of the provisions of AR 600–10.

2. Section 596.104–10 is revoked and in § 596.536–1, Clause 16 is amended to read as follows:

§ 596.104–10 *Renegotiation Act of 1951.* [Revoked.]

§ 596.536–1 *Sample of form.*

* * * * *

16. *Covenant against contingent fees.* The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to require the Lessee to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

* * * * *

3. A new Subpart F, including §§ 597.603 and 597.603–3, is added to Part 597 as follows:

SUBPART F—TERMINATION INVENTORY

§ 597.603 *Inventory schedules.*

§ 597.603–3 *Inventory descriptions.* All reportable Contractor inventory shall be listed on separate inventory schedules. These schedules plainly marked with the letter "Q", will be forwarded to the Department of Defense screening agency. In order to expedite the disposal of this property, it shall be screened concurrently with the Department of Defense screening agency and with General Services Administration on a regional basis only. Automatic release date will be 75 days after the issue date of the excess listing prepared by the Department of Defense screening agency from the inventory schedule and will be specifically set forth therein. The release date will be furnished the holding activity by the Department of Defense screening agency.

4. In § 602.805, the heading and paragraph (g) are amended and a new paragraph (i) is added as follows:

§ 602.805 *General (301, Appendix B, and 207.1, Appendix C of Part 413 of this title).* * * *

(g) Accounting for identical items of plant equipment valued at $500 or less on individual stock record cards or historical record forms in accordance with paragraph 304.3 of the Manual is not required. Individual item accounting is not required for identical items of furni-

ture, office, medical, and cafeteria equipment, regardless of price.

* * * * *

(i) Individual item accounting is required for those items which are included in a standard departmental registration numbering system as indicated in § 602.811–1 (a) (2) regardless of price.

5. Section 602.807–3 is rescinded and the following substituted therefor:

§ 602.807–3 *Records of plant equipment.* The form of property records to be maintained for plant equipment shall be prescribed by the respective technical service. In addition to the exceptions provided for in paragraph 304.3 (a) and (b) of the Manual, the following exception also is applicable:

(a) *Records of plant equipment priced at $500 or under with the exception provided for in § 602.805 (g).* Items of plant equipment of identical nomenclature and operating performance for which individual item accounting is not required may be recorded on a single record. In the event such items of property listed on a single record have serial numbers and/or manufacturer's number, these numbers will be listed on the appropriate record or on a single supporting list. [304.3]

6. Section 602.808 is rescinded and the following substituted therefor:

§ 602.808 *Numbering property accounts.* Property account serial numbers need not be obtained from Army commanders for accounts established under contracts to which Appendix B or Appendix C of Part 413 of this title, are applicable, but rather the property account will be identified by the contract number and the appropriate regional office of the Army Audit Agency will be advised as specified in § 590.606–8 (c) of this subchapter. For the purpose of paragraph 401.1 of the Manual, the digits which designate the army, technical service, and procurement center in the property identification number specified in paragraphs (a) and (b) of this section will be accepted.

(a) *Technical service code.* The two-digit technical service code symbol will designate the owning technical service. The two-digit code symbol is as follows:

DEPARTMENT OF THE ARMY

Field Force elements	00
Ordnance Corps	01
Quartermaster Corps	02
Corps of Engineers	03
Transportation Corps	04
Signal Corps	05
Chemical Corps	06
Army Medical Service	07

(b) A two-digit procurement center code symbol established for each of the procurement centers or installations having nation-wide procurement responsibilities within the technical service will designate the center having jurisdiction over the item. For example, the Ordnance Ammunition Center may be designated "01" and the Ordnance Tank Automotive Center may be designated "02," etc. In the case of Corps of Engineers' construction activities, division engineer offices may be designated as procurement centers and assigned procurement center code symbols in accordance with this procedure. [305]

7. New §§ 602.811 and 602.811–1 are added to Subpart H of Part 602 as follows:

§ 602.811 *Identification of Government property.* Effective immediately, procurement center code symbols will be assigned and all Government property acquired hereafter for Department of the Army account for Contractor use will be identified as prescribed in this part. This identification shall be accomplished prior to delivery as part of the purchase agreement, by the Contractor, or by the procuring service, as applicable. Government property on hand or on order will be identified as prescribed in this part when the equipment is prepared for storage, reactivated, or at any other convenient occasion. [401 and 307]

§ 602.811–1 *Identification marking of Government property.* (a) The identification marking of Government property will be physically affixed to the item in accordance with paragraph 401 of the Manual. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *United States ownership; "U. S."* This identification symbol is applicable to all Government property except as may be exempted in accordance with paragraph 401.1 of the Manual. The letters "U. S." will be permanently affixed to the item to indicate Government ownership. For those items not requiring a registration number or United States Government tag number, the owning technical service code symbol, as prescribed in § 602.808 (a), will be permanently affixed immediately following the letters "U. S.," for example, "US–01," etc.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (602.450 (a)), materials handling equipment, railroad equipment, and any other applicable items. For these items, application for registration number will be made to the appropriate technical service. Assigned registration numbers will be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in §§ 602.805 (g) and 602.807–3, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with paragraph 401.1 (c) of the Manual, which is as follows for the Department of the Army:

(i) The first part shall be the letters "U. S." to indicate Government ownership as prescribed in subparagraph (1) of this paragraph.

(ii) The second part shall consist of the code symbols which designate the technical service and procurement center involved. The two-digit code which indicates technical service ownership is given in § 602.808 (a). The two-digit code which indicates procurement center jurisdiction is given in § 602.808 (b).

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence beginning with 000,001. Each procurement center having a code symbol as prescribed in § 602.808 (b) will be assigned six digits beginning with 000,001 or a total of 999,999 numbers for property control purposes.

(4) *Standard Commodity Classification Code.* This code number is applicable to metalworking machinery (SCC codes 3411 through 3419 and 3441 through 3449) included in or subject to inclusion in the Department of Defense publication "The Directory of Metalworking Machinery." This identification marking shall be the expanded 10-digit Standard Commodity Classification Code.

(b) Based upon the identification marking system mentioned in paragraph (a) of this section, a vertical milling machine purchased from the Government funds for production of medium tanks on a procurement program assigned to the Ordnance Tank Automotive Center could have the following identification marking:

US–01–02–000,001
SCC–3417–23–40–42

8. A new § 605.008 is added to Part 605, Procurement Forms, as follows:

§ 605.008 *Order and Voucher for Purchase of Supplies and Services (DD Form 738).* Authority is granted in effecting procurement outside the United States, its territories, and possessions to deviate from DD Form 738 to the extent indicated.

(a) *Clause 1—Disputes.* Substitute "disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(b) *Clause 2—Convict labor.* Delete clause.

(c) *Clause 3—Nondiscrimination in employment.* Delete clause. See § 596.–001 (b) (1) (iv) of this subchapter.

[Proc. Cir. 31, Dec. 29, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

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

[F. R. Doc. 54–427; Filed, Jan. 21, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

NEW MEXICO

NOTICE OF POSTPONEMENT OF DATE FOR DRAWING UNDER PUBLIC LAND ORDER NO. 933

The drawing provided in the last paragraph of Public Land Order No. 933 dated December 24, 1953, and published in 18 F. R. 8899, is postponed from 10 a. m., m. s. t., January 22, 1954, the date

specified in the order, to 10 a. m., m. s. t., February 23, 1954. The simultaneous filing period is extended to February 15, 1954, for the purpose of enabling those applicants who have hitherto filed under this order on unavailable land to refile on other land listed in this order.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 21, 1954.

[F. R. Doc. 54-509; Filed, Jan. 21, 1954; 11:26 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-60]

LIFESAVING APPLIANCES AND FIRE PROTECTION EQUIPMENT

A notice regarding proposed miscellaneous changes in the rules and regulations governing inspection of vessels in connection with lifesaving appliances and fire protection equipment was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, 5433, as Items VII and VIII 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, at Washington, D. C. All comments, views, and data submitted were considered and where practicable were incorporated into the regulations.

The amendments to 46 CFR 33.05–2 (c), 33.15–3, and 33.20–1 (c) (3) revised certain requirements regarding lifeboats, portable radio telegraph apparatus, and deck illumination for tank vessels engaged in international voyages. These changes bring the requirements for tank vessels into agreement with similar requirements presently applicable to inspected dry cargo vessels, and implement the 1948 Convention for the Safety of Life at Sea. These amendments are based on Item VIII of the agenda.

The amendments to 46 CFR 34.10–25 (b), 34.10–30 (f), 76.10–10 (1), and 95.10–10 (1) revise the requirements regarding the number of threads used in fire hose couplings on board all types of inspected vessels. The revised regulations establish a standard of 9 threads per inch for 1½-inch fire hose couplings in lieu of the 11½ threads per inch standard presently in use and will apply only to new construction. This revision is in accord with the recommendations of the National Fire Protection Association and many other leading fire safety organizations and is an effort to secure standardization of couplings for fire hoses in order to facilitate using shore based fire-fighting facilities to deal with fires which may occur on board ships in port. This action is also based on Recommendation 8 of the International Convention for the Safety of Life at Sea, 1948. These amendments are based on Item VII 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 regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER, except as otherwise indicated in the regulations:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

1. Section 33.05–2 (c) is amended to read as follows:

§ 33.05–2 *Lifeboats for tank ships; ocean; construction or conversion of which was started on or after November 19, 1952—T/O.* * * *

(c) All tank ships of 1,600 gross tons and over on an international voyage shall carry at least one motor-propelled or hand-propelled lifeboat.

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

2. Section 33.15–3 is amended to read as follows:

§ 33.15–3 *Portable radiotelegraph apparatus—T/OC.* All tank ships of 500 gross tons and over on an international voyage shall be provided with a portable radiotelegraph apparatus complying with the requirements of the Federal Communications Commission. The apparatus shall be kept in the radio room, or the chart room, or other suitable location and shall be immediately available for placement in one of the lifeboats.

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

3. Section 33.20–1 (c) (3) is amended to read as follows:

§ 33.20–1 *Davits and launching devices—TB/ALL.* * * *

(c) * * *

(3) On tank ships on an international voyage, suitable means shall be provided for illuminating the launching gear and the lifeboats during the process of launching the lifeboats from the stowed position until they are waterborne.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 34—FIRE-FIGHTING EQUIPMENT

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

1. Section 34.10–25 (b) is amended to read as follows:

§ 34.10–25 *Fire hydrants—T/ALL.* * * *

(b) Hose connections shall be brass, bronze, or other equivalent metal. For installations on tank ships, the construction or conversion of which is started on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

2. Section 34.10–30 is amended by adding a new paragraph (f), reading as follows:

§ 34.10–30 *Fire hose—T/ALL.* * * *

(f) Couplings shall conform to the requirements of § 34.10–25 (b).

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

Section 76.10–10 (l) (1) is amended to read as follows:

§ 76.10–10 *Fire hydrants and hose.* * * *

(l) * * *

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 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. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402; 17 F. R. 9917, 3 CFR, 1952 Supp.)

Subchapter I—Cargo Vessels

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

Section 95.10–10 (l) (1) is amended to read as follows:

§ 95.10–10 *Fire hydrants and hose.* * * *

(l) * * *

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: January 15, 1954.

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

[F. R. Doc. 54-444; Filed, Jan. 21, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The amended Statement of Organization and Delegations of Final Authority (18 F. R. 7895) is hereby amended as follows and not otherwise:

1. By deleting from the introductory paragraph thereof the citation "(16 F. R. 6895)" and substituting therefor the citation "(16 F. R. 7879)," and

2. By deleting the period at the end of subparagraph 4 (b) (2) (iii) thereof and substituting therefor a semicolon and by adding a new subparagraph 4 (b) (2) (iv) readings:

(iv) To execute powers of attorney and sign all papers for the necessary conduct of the business of the Office of Alien Property before the United States Patent Office.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1-40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, Apr. 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, Jan. 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, Jan. 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, Dec. 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, Apr. 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on January 18, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-439; Filed, Jan. 21, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF WESTERN HEMISPHERE PASSENGER CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

Agreement No. 8030-4 between the Member Lines of the Western Hemisphere Passenger Conference modifies the provision of the basic agreement of that conference (No. 8030) requiring members to furnish the Conference Chairman reports of passengers to whom free or reduced transportation has been granted. The purpose of the modification is to provide that such reports will be required only where the free or reduced transportation granted is below the minimum rates.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 19, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-443; Filed, Jan. 21, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3041 et al.]

TRANSATLANTIC CARGO CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications filed under section 401 of the Civil Aeronautics Act, as amended, for certificates of public convenience and necessity to provide scheduled air transportation of property between areas and/or points in the continental United States and areas and/or points in Europe and the Middle East.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 16, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 19, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-442; Filed, Jan 21, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

The Hearing Examiner having been informally advised that counsel for the applicants in this proceeding have been prevented by illness from preparing the necessary data which was to be used in the further hearing now scheduled for January 18, 1954;

It is ordered, This 15th day of January 1954, that the hearing in this proceeding is continued to Thursday, January 28, 1954, at 10:00 a. m.

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

[F. R. Doc. 54-435; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10800, 10801]

BEACHVIEW BROADCASTING CORP. AND PORTSMOUTH RADIO CORP.

ORDER CONTINUING HEARING

In the matter of Beachview Broadcasting Corp., Norfolk, Virginia, Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corp., Portsmouth, Virginia, Docket No. 10801, File No. BPCT-1750; for television construction permits.

Because of the sudden illness of counsel for one of the applicants in the above-entitled matter: *It is ordered*, This 18th day of January 1954 that the further hearing conference heretofore scheduled pursuant to § 1.841 for January 19, 1954, be, and it hereby is, postponed indefinitely.

Released: January 18, 1954.

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

[F. R. Doc. 54-436; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10833, 10834, 10835]

CITY OF JACKSONVILLE ET AL.

ORDER CONTINUING HEARING CONFERENCE

In the matter of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Company, Inc., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corporation, Jacksonville, Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations.

Hearing Conference in the above-entitled matter having heretofore been scheduled for February 5, 1954; and

Counsel for the parties having unanimously requested, with the concurrence of counsel for the Broadcast Bureau, a continuance of the matter from February 5, 1954, to February 15, 1954; and

It appearing, that good and sufficient reasons exist for such request,

It is therefore ordered, This 18th day of January 1954 that the hearing conference pursuant to § 1.841, heretofore scheduled for February 5, 1954, be continued to February 15, 1954.

Released: January 18, 1954.

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

[F. R. Doc. 54-437; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10849, 10850]

CENTRAL CITY-GREENVILLE BROADCASTING CO. AND MUHLENBERG-OHIO-McLEAN BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of L. L. Stone, A. E. Stone and R. G. Utley, a partnership d/b as Central City-Greenville Broadcasting Company, Central City Kentucky, Docket No. 10849, File No. BP-8951; Hugh O. Potter and Cliffordean H. Potter, a partnership d/b as Muhlenberg-Ohio-McLean Broadcasters, Central City, Kentucky, Docket No. 10850, File No. BP-8789; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of January 1954;

The Commission having under consideration the above-entitled applications for construction permit for a new standard broadcast station to operate on 1380 kc, 500 watts, daytime only, at Central City, Kentucky; and

It appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated October 21, 1953, that operation of both stations as proposed would result in mutually prohibitive interference with each other; that insufficient information was submitted with the application of the Muhlenberg-Ohio-McLean Broadcasters to determine whether it was financially qualified; and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the Muhlenberg-Ohio-McLean Broadcasters filed a reply dated October 28, 1953, in which it submitted information sufficient to determine that it is financially qualified; and

It further appearing, that the Central City-Greenville Broadcasting Company filed a reply dated November 20, 1953, in which it stated that it would appear if the subject applications were designated for hearing; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is mandatory;

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

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

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

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

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

Released: January 19, 1954.

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

[F. R. Doc. 54-438; Filed, Jan. 21, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3168]

SOUTHERN CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE BY HOLDING COMPANY OF PROMISSORY NOTES AND ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES TO PARENT COMPANY

JANUARY 15, 1954.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company; File No. 70-3168.

The Southern Company ("Southern"), a registered holding company, and two of its public-utility subsidiary companies, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), having filed with this Commission a joint application-declaration, pursuant to sections 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder, with respect to the following proposed transactions:

Southern proposes to issue to forty-nine banks unsecured promissory notes in an aggregate principal amount of $15,000,000. Each of said notes will mature February 1, 1956, and will bear interest at the rate of 3½ percent per annum. The agreement under which it is proposed to issue such notes provides for the renewal thereof extending the maturity date to February 1, 1959. The proposed notes may be prepaid in whole at any time or in part from time to time without penalty or premium. The proceeds to be derived from the sale of the proposed notes, together with treasury funds, will be used by Southern to purchase the common stocks of Alabama and Georgia as described below.

Alabama and Georgia propose to issue and sell to Southern 80,000 and 100,000 shares, respectively, of their no par common stocks for an aggregate consideration of $8,000,000 in the case of Alabama and of $10,000,000 in the case of Georgia. The proceeds from the sale of such stock will be used by these companies to finance improvements, extensions and additions to their respective utility plants.

The joint application-declaration indicates that Southern requests authority to renew the proposed notes on February 1, 1956, and states that should the Commission prefer to withhold action at this time with respect to the renewal of such notes, Southern requests the Commission to reserve jurisdiction with respect thereto. The application-declaration further states that it is contemplated that the proposed notes will be paid at or before their maturity, or their extended maturity, through the issuance and sale by Southern of such securities as may be appropriate and approved by the Commission. Southern agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Southern and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

The proposed common stock sale by Alabama and Georgia have been expressly authorized by the Alabama Public Service Commission and the Georgia Public Service Commission, respectively, and according to the joint application-declaration no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $10,500 for Southern, $3,700 for Alabama and $3,900 for Georgia including legal fees of $6,500 in the case of Southern and $500 each for Alabama and Georgia.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective forthwith, except that jurisdiction should be reserved over the renewal of the notes maturing February 1, 1956, as alternatively proposed in the joint application-declaration and over the fees and expenses of counsel as to which the record has not been completed:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the reservations of jurisdiction hereinafter set forth; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the renewal of the notes maturing February 1, 1956, as alternatively proposed in the joint application-declaration, and

with respect to the fees and expenses of counsel.

By the Commission.

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

[F. R. Doc. 54-423; Filed, Jan. 21, 1954; 8:45 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING REGARDING ACQUISITION OF SECURITIES OF PUBLIC UTILITY COMPANY, ISSUANCE AND SALE OF NOTES AND COMMON STOCK, AND PLEDGE OF SECURITIES, AND ORDER CONSOLIDATING PROCEEDINGS

JANUARY 19, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

The Commission having on January 12, 1954, issued its supplemental notice of filing and notice of and order for hearing directing that a hearing be held on January 26, 1954, upon the application-declaration of Cities Service Company ("Cities"), The Gas Service Company ("Gas Service") and Gas Advisers, Inc. ("Gas Advisers") (File No. 70-3167), regarding, among other things, the sale by Cities of 1,500,000 shares of the common stock of Gas Service to Missouri Public Service Company ("Missouri"); and

Missouri having now filed a Notification of Registration, as a person purposing to become a holding company, pursuant to section 5 (a) of the Public Utility Holding Company Act of 1935, and having filed an application-declaration (File No. 70-3181) pursuant to sections 6, 7, 10, and 12 of said act and Rules U-44, U-50, and U-62 promulgated thereunder, regarding the acquisition by Missouri from Cities of the 1,500,000 shares of the common stock of Gas Service, the borrowing of $18,000,000 from banks, such indebtedness to be evidenced by six-months promissory notes bearing interest at the rate of 4 percent per annum, the increase of the authorized number of shares of its common stock from 530,000 to 1,060,000, the issuance and sale of 527,865 shares of its common stock without par value, without competitive bidding, to a group of underwriters headed by Kidder, Peabody & Co., for resale to the public, subject to a preemptive offering to its present stockholders on the basis of one share for each existing share, and the pledge of all of the shares of the Gas Service common stock to secure said $18,000,000 bank loans; and having requested exemption of the issue and sale of its common stock from the competitive bidding requirements of Rule U-50; and having also filed proxy material in connection with a special meeting of stockholders to be held to vote upon the increase in the number of authorized shares of its common stock and to ratify the action of the management in contracting to purchase the common stock of Gas Service; and

It appearing to the Commission that said application-declaration of Missouri in File No. 70-3181 presents common questions of law and fact with the application-declaration of Cities et al. in File No. 70-3167 and should be consolidated for hearing with the proceeding last named; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the transactions proposed in the application-declaration of Missouri for the purpose of affording an opportunity to all interested persons to present evidence and to be heard with respect to the proposed transactions set forth in said application-declaration;

It is ordered, That the application-declaration of Missouri be, and the same hereby is, consolidated for hearing with the application-declaration of Cities et al. and that the hearing on both matters be held on January 26, 1954, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person (other than the Public Service Commission of the State of Missouri and the cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri), desiring to be heard in connection with these proceedings or proposing to intervene, shall file with the Secretary of this Commission on or before January 25, 1954, a written request relative thereto, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at said consolidated hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration of Missouri and that upon the basis thereof the following matters and questions are presented for consideration in addition to those matters and questions presented in connection with the application-declaration of Cities et al., without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the acquisition by Missouri of the Gas Service stock meets the requirements of section 10 of the act;

(2) Whether the issuance and sale by Missouri of notes and common stock meet the requirements of section 7 of the act;

(3) Whether Missouri is entitled to exemption from the provisions of Rule U-50 with respect to the sale of its common stock;

(4) Whether the pledge of the Gas Service stock meets the requirements of section 12 (d) and Rule U-44 promulgated thereunder;

(5) Whether the accounting treatment proposed in connection with the consummation of the transactions proposed by Missouri is appropriate;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions, in addition to those matters and questions heretofore specified in the Commission's order of January 12, 1954.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may hereafter arise, or to consolidate these proceedings with other proceedings, or to take such other action as may appear to be necessary for the orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That in lieu of the notice specified in Rule III-(c) of the Commission's rules of practice, notice of the public hearing on the application-declaration of Missouri and the consolidation thereof with the application-declaration of Cities et al. be given by confirmed telegram and by mailing by registered mail of a copy of this notice of and order for hearing to Cities, Gas Service, Gas Advisers, Missouri, The Public Service Commission of the State of Missouri, The State Corporation Commission of the State of Kansas, The Nebraska State Railway Commission, The Corporation Commission of the State of Oklahoma, and the Cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri; and that a copy of this notice of and order for hearing shall also be published in the FEDERAL REGISTER, and be made the subject of a general release of the Commission, distributed to the press and mailed to the mailing list for releases under the act, but that any lack of timeliness in such publication or general release shall not be deemed to effect the validity of the notice given in the manner specified above.

By the Commission.

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

[F. R. Doc. 54-458; Filed, Jan. 21, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28835]

WOOD REFUSE OR WASTE FROM NASHVILLE, TENN., TO PHILO, OHIO

APPLICATION FOR RELIEF

JANUARY 19, 1954.

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

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

Commodities involved: Wood refuse or waste, viz: Block, chips, cores, scrap or waste, carloads.

From: Nashville, Tenn.

To: Philo, Ohio.

Grounds for relief: Rail competition, circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 708, supp. 201.

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. 54-430; Filed, Jan. 21, 1954; 8:46 a. m.]

[4th Sec. Application 28836]

BARIUM SULPHATE FROM NORTH ATLANTIC PORTS TO CHARLESTON, W. VA.

APPLICATION FOR RELIEF

JANUARY 19, 1954.

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: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedules listed below.

Commodities involved: Crude barium sulphate (barytes ore), carloads.

From: North Atlantic ports.

To: Charleston and South Charleston, W. Va.

Grounds for relief: Competition, circuity, and to maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-941, supp. 85; C. W. Boin, Agent, I. C. C. No. A-914, supp. 62; Frank Van Ummersen, Alternate Agent, I. C. C. No. 591, supp. 113; R. B. LeGrande, Agent, I. C. C. No. 253, supp. 72; R. B. LeGrande, Agent, I. C. C. No. 238, supp. 129.

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. 54-431; Filed, Jan. 21, 1954; 8:46 a. m.]

[4th Sec. Application 28837]

METHANOL (METHYL ALCOHOL) FROM POINTS IN WEST VIRGINIA TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 19, 1954.

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: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Methanol (methyl alcohol) in tank-car loads.

From: Points in the Charleston, W. Va., industrial district, and Morgantown, W. Va.

To: Cincinnati, Ohio.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company, I. C. C. No. 24126, supp. 31; Chesapeake & Ohio Railway Company, I. C. C. No. 13168, supp. 143; New York Central Railroad Company, I. C. C. No. 1123, supp. 216; Pennsylvania Railroad Company, I. C. C. No. 3305, supp. 33; Pittsburgh & Lake Erie Railroad Company, I. C. C. No. 3481, supp. 66.

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. 54-432; Filed, Jan. 21, 1954; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 32]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Nashville, Chattanooga and St. Louis Railway, because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Guntersville: *It is ordered*, That:

(a) Rerouting NC&StL traffic: The Nashville, Chattanooga and St. Louis Railway is hereby authorized to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., January 19, 1954.

(g) Expiration date: This order shall expire at 11:59 p. m., February 2, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 18, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-433; Filed, Jan. 21, 1954; 8:47 a. m.]