FEDERAL REGISTER

VOLUME 19 NUMBER 22

Washington, Tuesday, February 2, 1954

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 17]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

OXYGEN

This supplement establishes CAA interpretations and policies on providing oxygen for, and administering oxygen to, crew members and passengers in pressurized and nonpressurized cabin aircraft at various operating altitudes.

The following policies and interpretations are hereby adopted:

§ 41.24–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 41.24 (a) (1).* The phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes" applies to all crew members including the flight crew members on flight deck duty. Thus, oxygen is required to be provided for, and used by, each member of the flight crew on flight deck duty only during the portion of the flight in excess of 30 minutes within this range of altitudes.

§ 41.24–2 *Oxygen requirements for stand-by crew members (CAA interpretations which apply to § 41.24 (a)).* Stand-by crew members who are on call or are definitely going to have flight deck duty prior to the completion of a flight must be provided with the same amount of supplemental oxygen as that provided for crew members on duty other than on flight deck duty. However, if the stand-by crew members are not on call and will not be on flight deck duty during the remainder of the flight, they must be considered as passengers with regard to supplemental oxygen.

§ 41.24–3 *Operating instructions (CAA policies which apply to § 41.24).* Operating instructions appropriate to the type of system and masks installed should be provided for the flight crew in the appropriate air carrier manual. These operating instructions should contain a graph or a table which will show the duration of the oxygen supply for the various bottle pressures and pressure altitudes.

§ 41.24–4 *Oxygen requirements for jump seat occupant (CAA policies which apply to § 41.24).* When the jump seat is occupied by a check pilot, a crew member, or a flight crew member, as defined by § 41.137 (h), (j) and (i) respectively, oxygen should be provided in accordance with the requirements of § 41.24. The provision of oxygen at the jump seat location may be accomplished either by a portable oxygen unit or an outlet in a fixed system.

§ 41.24–5 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 41.24 (b)).* Provisions should be made for administering oxygen to infants-in-arms and additional oxygen should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oronasal mask and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or a Y-connector can be inserted. Any other acceptable method may also be used.

§ 41.24–6 *Oxygen requirements for clinical purposes (CAA policies which apply to § 41.24 (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may

(Continued on next page)

CONTENTS

	Page
Agricultural Marketing Service	
Proposed rule making:	
Apples, frozen; U. S. standards for grades	559
Milk:	
Central West Texas	563
Greater Boston, Lowell-Lawrence, Springfield, Worcester and Fall River, Mass.	561
San Antonio, Tex.	561
Producers Stockyards, Chillicothe, Ohio; posting	565
Rules and regulations:	
Milk in New York metropolitan marketing area	556
Agriculture Department	
See Agricultural Marketing Service.	
Alien Property Office	
Notices:	
Klaeber, Frederick; intention to return vested property	568
N. V. Gebroeders Pappenheim's Tabakshandel; vesting order amendment	568
Civil Aeronautics Administration	
Rules and regulations:	
Camp Claiborne danger area	549
Standard instrument approach procedure alterations	550
Civil Aeronautics Board	
Rules and regulations:	
Oxygen:	
Certification and operation rules for scheduled air carrier operations outside continental limits of U. S.	547
Irregular air carrier and off-route rules	549
Commerce Department	
See Civil Aeronautics Administration; Foreign Commerce Bureau.	
Federal Power Commission	
Notices:	
Hearings, etc.:	
East Tennessee Natural Gas Co.	567
Garland Hot Mineral Springs	567
Foreign Commerce Bureau	
Notices:	
Leschitz, William Rudolph; revocation of licenses and denial of export privileges	565

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

Housing and Home Finance Agency Page
See Public Housing Administration.

Interior Department
See also Reclamation Bureau.
Notices:
Commissioner of Reclamation; delegation of authority with respect to leases in Boulder City, Nev. 565

Interstate Commerce Commission
Notices:
New York, New Haven and Hartford Railroad Co.; increased commutation fares. 568

Justice Department
See Alien Property Office.

Post Office Department
Rules and regulations:
City delivery; general; private mail receptacles; bonds of carriers in rural delivery service. 558

Public Housing Administration
Notices:
Central Office; description of agency and programs and final delegations of authority. 567

Reclamation Bureau
Notices:
Regional Director, Region 3; delegation of authority with respect to leases in Boulder City, Nev. 565
Rules and regulations:
Leases of reserved lands of U. S. in Boulder City, Nev. 559

Securities and Exchange Commission Page
Notices:
Pennsylvania Gas Co.; notice of filing regarding increase in authorized capital stock and authorized indebtedness and order making effective declaration regarding proxy material. 567

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.

Title 7 Page
Chapter I:
Part 52 (proposed) 559
Chapter IX:
Part 904 (proposed) 561
Part 927 556
Part 934 (proposed) 561
Part 947 (proposed) 561
Part 949 (proposed) 561
Part 982 (proposed) 563
Part 996 (proposed) 561
Part 999 (proposed) 561

Title 14
Chapter I:
Part 41 547
Part 42 549
Chapter II:
Part 608 549
Part 609 550

Title 39
Chapter I:
Part 50 558
Part 135 558

Title 43
Chapter II:
Part 407 559

do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. A quantity of 300 liters STPD would probably be considered as satisfying reasonable needs.

§ 41.24a–1 *Computation of supply for crew members in pressurized cabin aircraft (CAA policies which apply to § 41.24a (a))*—(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 41.24a (a) need be provided for crew members. In determining this supply the following policies should be considered:

(1) The supply of oxygen which should be provided for all crew members for the duration of the flight should be computed on the basis of the cabin pressure altitude which would exist after cabin depressurization has occurred and the aircraft has descended to the altitude which would permit safe flight with respect to terrain clearance. (See § 41.24a (c).)

(2) The operator may use the supply furnished for protective breathing purposes (see § 41.24c) for compliance with the two hour requirement for supplementary breathing oxygen. For example, the 300 liter STPD supply per flight crew member which is the protective breathing supply when demand (or diluter-demand) systems are used, will provide a two-hour supplementary breathing supply for one flight crew member at 20,000 feet, so that both the minimum two hour supplementary breathing requirement and the protective breathing requirement would be fulfilled under most emergency conditions resulting from loss of cabin pressure or from contamination of cabin air with smoke or poisonous gases.

(b) *Cabin altitudes greater than 10,000 feet.* When operating a pressurized cabin aircraft which is certificated to fly with a cabin pressure altitude greater than 10,000 feet, a supply of oxygen for crew members computed on the basis of the requirements of § 41.24 (a) should be provided.

(1) The oxygen supply required for protective breathing purposes, as defined in § 41.24c, should be provided in addition to the above supply for the flight crew members on flight deck duty. This emergency supply may be used in the event of cabin pressurization failure. In the event that operations occur over terrain which require flights of such duration and altitude as to use up the emergency oxygen supplied either for protective breathing purposes or for the two hour supply following pressurization failure, the supply should be increased to provide for this difference, computing it for crew members on the basis of § 41.24a (a).

(2) To provide oxygen for crew members other than the flight crew members on flight deck duty in the event of cabin pressurization failure, a supply of oxygen in addition to the supplies mentioned above should be provided in accordance with the requirements of § 41.24a (a) except that the total supply for these other crew members need not exceed that provided on the basis of § 41.24 (a) for cabin pressure altitudes in excess of 10,000 feet plus an additional supply necessary to satisfy the increased oxygen flow which might be needed following a pressurization failure; this supplement to the § 41.24 (a) supply should be based on the duration of flight at the altitudes which would permit safe flight with respect to terrain clearance.

(3) During normal operation at cabin pressure altitudes above 10,000 feet oxygen should be used by each member of the flight crew on flight deck duty for the duration of the flight in excess of 30 minutes at the cabin pressure altitudes between 10,000 and 12,000 feet and for the duration of the flight at cabin pressure altitudes in excess of 12,000 feet. In the event of the loss of cabin pressurization, oxygen should continue to be used by the flight crew members on flight deck duty for the duration of flight at cabin pressure altitudes greater than 10,000 feet. All other crew members may use oxygen according to their individual needs.

§ 41.24a–2 *Computation of supply for passengers in pressurized cabin aircraft (CAA policies which apply to § 41.24a (b))*—(a) *Cabin altitudes less than*

10,000 feet. When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 41.24 (b) need be provided for passengers. In determining this supply the following policies should be considered:

(1) The altitude which should be used in computing the supply of oxygen required by this section should be the altitude to which the aircraft would descend following a cabin pressurization failure, considering terrain clearance and operation limitations.

(2) Relative to § 41.24a (b) (1) and (2), no oxygen need be provided for the first four minutes following a cabin pressurization failure.

(b) *Cabin altitudes greater than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude greater than 10,000 feet, the following policies should be considered: When the cabin pressure altitude is above 10,000 feet to and including 14,000 feet, sufficient oxygen shall be provided for 10 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 14,000 feet to and including 15,000 feet, sufficient oxygen shall be provided for 30 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 15,000 feet, sufficient oxygen shall be provided for each passenger for the duration of flight above such a cabin pressure altitude. In addition to the above supply of oxygen, in order to provide for loss of cabin pressure, the supplementary oxygen required by whatever portions of § 41.24a (b) are applicable, shall be provided except that in no case will it be necessary to furnish a supply of oxygen in excess of that necessary to supply oxygen to 100 percent of the passengers for the maximum possible duration of flight at the maximum cabin altitude which could be attained under either of the normal operating or emergency conditions whichever is greater.

§ 41.24a–3 *Oxygen requirements for clinical purposes (CAA policies which apply to § 41.24a (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. It is suggested that a quantity of 300 liters may be considered as satisfying reasonable needs.

§ 41.24a–4 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 41.24a (b)).* Provisions should be made for administering oxygen to infants-in-arms, and additional oxygen over that required by § 41.24a (b) should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oro-nasal mask and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or Y-connector can be inserted. Any other acceptable method may also be used.

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

This supplement shall become effective February 15, 1954.

[SEAL] F. B. Lee,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-662; Filed, Feb. 1, 1954; 8:45 a. m.]

[Supp. 20]

Part 42—Irregular Air Carrier and Off-Route Rules

Oxygen

This supplement establishes CAA interpretations and policies on providing oxygen for, and administering oxygen to, crew members and passengers in pressurized and nonpressurized cabin aircraft at various operating altitudes.

The following policies and interpretations are hereby adopted:

§ 42.26–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 42.26 (a) (1)).* See § 41.24–1 of this subchapter.

§ 42.26–2 *Oxygen requirements for stand-by crew members (CAA interpretations which apply to § 42.26 (a)).* See § 41.24–2 of this subchapter.

§ 42.26–3 *Operating instructions (CAA policies which apply to § 42.26).* See § 41.24–3 of this subchapter.

§ 42.26–4 *Oxygen requirements for jump seat occupant (CAA policies which apply to § 42.26).* See § 41.24–4 of this subchapter.

§ 42.26–5 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 42.26 (b)).* See § 41.24–5 of this subchapter.

§ 42.26–6 *Oxygen requirements for clinical purposes (CAA policies which apply to § 42.26 (b)).* See § 41.24–6 of this subchapter.

§ 42.27–1 *Computation of supply for crew members in pressurized cabin aircraft (CAA policies which apply to § 42.27 (a)).* See § 41.24a–1 of this subchapter.

§ 42.27–2 *Computation of supply for passengers in pressurized cabin aircraft (CAA policies which apply to § 42.27 (b)).* See § 41.24a–2 of his subchapter.

§ 42.27–3 *Oxygen requirements for clinical purposes (CAA policies which apply to § 42.27 (b)).* See § 41.24a–3 of this subchapter.

§ 42.27–4 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 42.27 (b)).* See § 41.24a–4 of this subchapter.

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

This supplement shall become effective February 15, 1954.

[SEAL] F. B. Lee,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-663; Filed, Feb. 1, 1954; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 71]

Part 608—Danger Areas

Camp Claiborne, La.

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.26, a Camp Claiborne, Louisiana, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP CLAIBORNE (D-431) (Beaumont Chart).	SE corner: lat. 31°05'10" N, long. 92°30'40" W; SW corner: lat. 31°01'53" N, long. 92°34'17" W; NW corner: lat. 31°07'30" N, long. 92°40'45" W; NE corner: lat. 31°11'07" N, long. 92°36'35" W.	Surface to unlimited.	Continuous during VFR weather conditions.	Alexandria, La. AFB.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 12, 1954.

[SEAL] F. B. Lee,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-661; Filed, Feb. 1, 1954; 8:45 a. m.]

[Amdt. 62]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Detroit City, 626' SBRAZ-T-Windsor LFR-"QG" Procedure No. 2 January 30, 1954	From Detroit VOR to Warren Int.#	060—23.0	2,700	W side of NW course: 329° outbound. 149° inbound. 2,700' within 25 miles of Warren Int.#	Minimum altitude over Warren Int.# 2,000'.	From Warren Int.# to airport 149—5.2	T-dn* C-dn A-dn	500-1 700-1 800-2	500-1 700-1½ 800-2	Within 5.2 miles after passing Warren Int.# climb straight ahead to 2,300' to Windsor LFR or if directed by ATC make left climbing turn, climb to 2,300' and proceed out NW course Windsor LFR to Warren Int.# *Take-off 300—1 runway 33 only. #Warren Int.—Int. NW course Windsor LFR and E course Salem VAR or 60 course from RML-VOR.
	From Pontiac Int. to Warren Int.# (final).	149—11.0	2,000							
KANSAS CITY, KANS. Fairfax, 746' SBRAZ-VDTX-MKC Procedure No. 1 February 1, 1954	Kansas City VOR	184—8.0	2,400	E side NW course: 328 outbound. 148 inbound. 2,400' within 10 miles. Not authorized beyond 10 miles.	1,600	134—1.0	T-dn# C-dn A-dn	300-1 500-1 800-2	300-1 700-1½ 800-2	Within 1.0 mile, immediately turn right climb to 2,200' on SW course within 25 miles or when directed by ATC immediately turn right, climb to 2,500' and intercept 310° ADF track to Farley Rbn and hold. #Take-offs to S and SW when weather is below 1,000-3 will intercept a 210° ADF track from ILS-LMM or 180° outbound course MKC-VOR as soon as practical after take-off and maintain this track or course until reaching 2,500' MSL prior to making left turn. CAUTION: TV tower 1,670' MSL 4.5 miles S of airport; congested buildings 1,425' MSL 3 miles SE, and cracking plant 941' MSL and stack 853' MSL ESE approach end runway 35.
	Linkville FM (final)	145—11.5	1,600							
LANSING, MICH. Capital City, 858' SBMRAZ-VOR-LAN Procedure No. 1 January 21, 1954	Lansing VOR	067—9.0	2,300	N side E course: 101° outbound. 281° inbound. 2,900' within 25 miles.	2,400	280—2.6	T-dn C-dn S-dn 27 A-dn	300-1 800-1 800-1 800-2	300-1 800-1½ 800-1 800-2	Within 2.6 miles climb to 2,200' on W course within 25 miles or when directed by ATC make right climbing turn to 2,000' on NW course LAN LFR within 25 miles.
NEW YORK, N. Y. International, 12' SMRA-IDL Procedure No. 1 February 1, 1954	Scotland Int. or MHW (final)	042—11	700	E side SW course: 220° outbound. 042° inbound. 1,200' within 15 miles.	700	040—2.9	T-dn C-dn S-dn 4 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 2.9 miles climb to at least 500' on NE course, make a climbing right turn to 130° intersecting SW course of the Mitchel LFR. Continue climb to 1,500' (or higher altitude when requested by ATC) outbound on SW course Mitchel LFR. CAUTION: Straight-in landing minimums do not provide standard clearance over 228' stack 1.7 miles SSE of runway 1R.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
NEW YORK, N. Y. Procedure No. 2 SMRA-IDL Elmont FM February 1, 1954	Glen Cove Int. to Elmont FM (final)	218—10	1,000	*E side NE course: 038° outbound. 218° inbound. 1,500' within 10 miles of Elmont FM.	Elmont FM 1,000	218—4.6	T-dn C-dn S-dn 22 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 4.6 miles after passing Elmont FM, climb to 1,200' (or higher altitude when requested by ATC) on SW course within 10 miles. *Procedure turn conducted E to avoid LaGuardia traffic.
PITTSBURGH, PA. Allegheny County Airport, 1,252' SBRAZ-DTV PIT Procedure No. 1 February 1, 1954	Old Concord Int. (Int. SW course Pittsburgh LFR and NW course Morgantown LFR).	044—29	2,700	S side of SW course: 224° outbound. 044° inbound. 2,500' within 10 miles. NA beyond 10 miles.	2,000	065—2.3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 2.3 miles, climb to 3,000' on SE course withing 10 miles.
POCATELLO, IDAHO Phillips Field, 4,448' BMRLZ-VDT PIH Procedure No. 1 January 29, 1954				N side of W course: 238° outbound. 058° inbound. 6,500' within 25 miles of PIH LFR. Procedure turn N for more favorable terrain.	*4,900	226—0.3	T-dn C-d C-n A-dn	300-1 500-1 500-2 800-2	300-1 600-1½ 600-2 800-2	Within 0.0 mile, execute climbing left turn, climb to 6,500' on W course within 25 miles of PIH LFR. ADF procedure not authorized. CAUTION: High terrain located S of final approach course. Standard criteria not followed in item 6 due to 5,056' terrain located approximately 5 miles SSE and 5,000' terrain located approximately 9½ miles SW of PIH LFR and 4,600' terrain 2½ miles SSW of PIH LFR 1¾ miles S of the W course. *Position must be maintained N of W course when descending below 5,100'.
ROSWELL, N. MEX. Roswell Airport, 3,621' SBMRAZ ROW Procedure No. 1 January 29, 1954				E side SE course: 122° outbound. 302° inbound. 5,000' within 25 miles.	4,500	311—9.1	T-dn C-dn A-dn	300-1 500-2 800-2	300-1 500-2 800-2	Within 9.1 miles, climb to 12,000' on NW course.
SANTA ANA, CALIF. Orange County, 53' SMRLZ-V NZJ Procedure No. 1 February 8, 1954	Int. SE course LGB LFR and S course NZJ LFR.	340—12.0	On top not below 2,500'	W side N course: 340° outbound. 160° inbound. 2,500' within 10 miles, beyond 10 miles NA.	1,800	215—3.7	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 3.7 miles, climb to on top on an ADF track of 215° from the NZJ LFR. NOTE: This procedure NA with tops above 2,500'. CAUTION: 207' water tank 1 mile WSW of airport and high terrain 4 miles SE of airport.
	Int. SE course LGB LFR and W course NZJ LFR.	070—10.0	On top not below 2,500'							
SCOTTSBLUFF, NEBR. Scottsbluff, 3,963' SBMRLZ-BTV SCT Procedure No. 1 February 8, 1954.				E side SE course: 121 outbound. 301 inbound. 5,600' within 10 miles. (NA beyond 10 miles account high terrain.)	5,100	301—3.2	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 3.2 miles climb to 6,000' on NW course within 25 miles. Lights on request.
SEATTLE, WASH. Boeing Field, 17' SBRAZ-VDTXP SEA Procedure No. 1 February 5, 1954	Monroe INT	186—26	3,000	E side of S course: 2,000' within 15 miles of SEA-LFR. 20 and 25 miles NA.	*1,500	200—2.4	T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 2.4 miles, climb to 2,000' on NW course SEA-LFR within 25 miles. *Descent to 1,200' (final) authorized after passing SEA-LOM; if SEA-LOM not received, maintain 1,500' over SEA-LFR. CAUTION: Radio Towers 606' 7 miles SW and 787' 5 miles E of SEA-LFR.
	Hobart FM	269—15	4,000							
	Kitsap Int	117—22	2,000							
	Harbor Island FM	117—8	2,000							
	TCM-LFR	356—29	3,000							
	TCM-LFR to SEA-LOM	356—25	2,000							
	SEA-LOM (final)	356—4.0	1,200							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
SEATTLE, WASH. Boeing Field, 17' SBRAZ-VDTXP SEA (Harbor Island FM-approach) Procedure No. 2 February 5, 1954	Kitsap Int	117—22.0	2,000	W side of NW course: 297° outbound. 117° inbound. 2,000 feet within 10 miles of Harbor Island FM. 15, 20, and 25 miles NA.	Harbor Island FM 1,500	117—3.7	T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 3.7 miles past Harbor Island FM, climb to 2,000' on S course of SEA-LFR within 15 miles. CAUTION: Radio towers 606' 7 miles SW and 787' 5 miles E of SEA-LFR.
	Hobart FM	269—15.0	4,000							
SHERIDAN, WYO. Sheridan County, 4,021' SBRAZ-DTV SHR Procedure No. 1 January 28, 1954	U cross FM	298—17	5,500	E side SE course: 118° outbound. 298° inbound. 6,000' within 25 miles.	*5,500	298—1.6	T-d T-n C-d C-n A-dn	500-1 500-2 800-1 800-2 800-2	500-1 500-2 800-1½ 800-2 800-2	Within 1.6 miles, climb to 8,000' on NW course within 25 miles. *If both visual and aural signals are received over Sheridan FM., minimum altitude over LFR will be 5,000'. CAUTION: High terrain to SE and SW.
	Sheridan FM (final)*	298—2	5,000							
	Sheridan VOR	122—9	6,000							
TRUTH OR CONSEQUENCES, N. MEX. Truth or Consequences Airport 4,849' SBRAZ—DTV TCS Procedure No. 1 January 28, 1954	Truth or Consequences VOR.	090—15.0	8,000	E side N course: 356° outbound. 176° inbound. 8,000 feet within 10 miles NA beyond 10 miles.	6,300	228—16.7	T-dn C-dn A-dn	500-1 1,500-1 2,000-3	500-1 1,500-1½ 2,000-3	Within 6.0 miles, turn right, return to LFR via W course, then climb to 10,000' on S course. Procedure turn to E due to high terrain to W.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
MASON CITY, IOWA Mason City, 1,216' BH-TV MCW Procedure No. 1 February 8, 1954	Mason City VOR	349—4.0	2,200	E side of course: 180 outbnd. 360 inbound. 2,200' within 25 miles.	1,700	On airport	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 0 mile climb to 2,500' on ADF track of 360° magnetic within 25 miles.
NEWARK, N. J. Newark Airport, 18' ILS LOW EW Procedure No. 1 November 15, 1952	CANCELLED EFFECTIVE JANUARY 4, 1954.									
SAULT STE. MARIE, MICH. Kinross AFB LOM-IN Procedure No. 1 February 24, 1953	PROCEDURE CANCELLED EFFECTIVE JANUARY 30, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
DENVER, COLO. Stapleton Airfield, 5,331' ILS DEN Procedure No. 1 February 8, 1954	Denver LFR	LOM	098—9.0	7,000	N side E course: 7,000' within 7 miles. 076° outbound. 256° inbound.	7,000	6,997—6.3	5,571—0.7	T-dn	300–1	300–1	Turn right, climb to 6,300' on N course Den LFR within 20 miles. CAUTION: 5318' MSL radio tower 4.7 miles ESE airport. 5,359' MSL tank 0.9 miles SE MM.
	Denver VOR	LOM	162—7.0	7,000					C-dn	300–1	300–1½	
	Aurora "H"	LOM	030—9.0	7,000					S-dn 26L	400–¾	400–¾	
	Dupont INT	LOM	122—11.0	7,000					A-dn	800–2	800–2	
	Watkins FM	E course ILS	192—9.0	7,000								
	Int. E course ILS and S course Denver LFR.	LOM	076—8.0	7,000								
SAULT STE. MARIE, MICH. Kinross AFB, 799' ILS-INR LOM-IN LMM-NR Procedure No. 1 January 30, 1954 Combination ILS-ADF procedure	Sault Ste. Marie LFR	LOM	206—13.0	2,300	West side of course: 335 outbound. 155 inbound. 2,300 within 25 miles.	ILS 2,300	2,211	971	T-dn	300–1	300–1	Climb to 2,300' on SE course of the ILS within 25 miles. NOTE for Item 9.—Outer and middle markers and middle marker compass locator not monitored. Outer marker compass locator only monitored.
	Int. W course Sault Ste. Marie LFR and NW course ILS.	LOM	155—13.0	2,300		ADF 1,600			C-dn	300–1	300–1½	
									S-dn 15			
									ILS	400–¾	400–¾	
									ADF	300–1	300–1	
									A-dn	800–2	800–2	
	Int. SW course Sault Ste. Marie LFR and SE course ILS.	LOM	335—9.0	2,300								
SEATTLE, WASH. Seattle-Tacoma International, 418' ILS SEA LOM SE Procedure No. 1 Combination ILS and ADF. January 29, 1954	Seattle LFR	LOM	173—9.0	2,000	E side of S course: 158° outbound. 338° inbound. 2,000' within 9 miles. 10, 15, 20, and 25 miles NA.	ILS 1,700	1,590—4.7	385—0.6	T-dn	300–1	300–1	Within 4.7 miles after passing LOM (ADF) climb to 2,000' on NW course SEA LFR or on 338° outbound course from SEA VOR within 25 miles of respective stations. CAUTION: Terrain and trees 800' MSL located immediately N of airport. 720' tower located 9½ miles S of LOM.
	Seattle VOR	LOM	158—8.0	2,000		ADF 1,600			C-dn	300–1	300–1½	
									S-dn			
									Rwy 34			
									ILS	400–¾	400–¾	
	Vashon Int	LOM	098—9.0	2,000					ADF	300–1	300–1	
									A-dn	800–2	800–2	
	Hobart FM	LOM	337—17.0	4,000								
	TCM LFR	LOM	395—25.0	2,000								
	TCM LFR to Int. S course ILS (338° bearing to LOM for ADF) and 005° outbound bearing from TCM LFR.		005—17.0	2,000								
	Int. S course ILS (338° bearing to LOM for ADF) and 005° outbound bearing from TCM LFR (final).	LOM	338—9.0	ILS 1,700 / ADF 1,600								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
KANSAS CITY, MO. Municipal, 758' BVOR-MKC Procedure No. 1 February 1, 1954	Kansas City LFR	004—8.0	2,500	W side of course: 351 outbound. 171 inbound. 2,500' within 25 miles.	2,500	171—10	#T-dn C-dn A-dn	300-1 1,000-3 1,000-3	300-1 1,000-3 1,000-3	Within 10 miles, immediately turn right climb to 2,500' on track of 224° within 25 miles of MKC-VOR. #Take-offs S and SW when weather is below 1,000-3 will take up a heading of 210° as soon as practicable after take-off and maintain heading until reaching 2,500' prior to making left turn. TV tower 1,670' MSL 2.9 miles S of airport. Congested building 1,422' MSL; cracking plant 941' MSL and stack 853' MSL within 1 mile S and SE.
MASON CITY, IOWA Mason City, 1,218' BVOR MCW Procedure No. 1 February 8, 1954	Mason City "H"	166—4.0	2,200	E side of course: 175 outbound. 355 inbound. 2,200' within 25 miles.	1,700	355—3.9	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 3.9 miles climb to 2,600' on course 355° outbound within 25 miles.
TOPEKA, KANS. Phillip Billard, 880' BVOR-STC TOP Procedure No. 1 February 8, 1954	TOP MHW at ILS OM	071—7	2,300	W side of course: 270 outbound. 207 inbound. 2,300' within 25 miles.	1,800	207—5.8	T-dn C-dn S-dn 22 A-dn	300-1 600-1 600-1 800-2	300-1 600-1½ 600-1 800-2	Within 5.7 miles climb to 2400' on outbound course 162° magnetic within 25 miles, or when directed by ATC turn left climb to 2,400' on SE course of Topeka ILS within 15 miles.

5. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
TWIN FALLS, IDAHO Joslin, 4,148' BVOR-TWF TVOR-Runway 7 On date of commissioning	King Hill Int	113—55	6,300	*N side of course: 261° outbound. 081° inbound. 5,800' within 10 miles. 15, 20, and 25 miles NA.	4,900	073—9.3	T-dn C-dn S-dn Runway 7 A-dn	300-1 800-1 800-1 800-2	300-1 800-2 800-1 800-2	Turn left, climb to 6,000' on 065° outbound course from TWF-VOR within 25 miles. *Procedure turn on S side NA due to high terrain.
	GNG-BH	137—33	6,300							
	Int. 110° outbound course from BOI-VOR and 274° outbound course from BYI-VOR.	122—59	6,300							
	BYI-VOR	262—32	6,700							
	BYI-LFR	283—39	6,700							

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
TWIN FALLS, IDAHO Joslin, 4,148' BVOR—TWF TVOR-Runway 25 On date of commissioning.	King Hill Int	113—56	6,300	N side of course: 068° outbound. 248° inbound. 5,700' within 10 miles. 15, 20, and 25 miles NA.	4,600	253—6.3	T-dn C-dn S-dn Runway 25 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Turn right, climb to 6,600' on 260° outbound course from TWF-VOR within 25 miles.
	GNG-BH	137—33	6,300							
	Int. 110° outbound course from BOI-VOR and 274° outbound course from BYI-VOR.	112—89	6,300							
	BYI-VOR	262—32	6,700							
	BYI-LFR	243—39	6,700							
WASHINGTON, D. C. National Airport, 16' TVOR DCA TVOR-15 January 18, 1954	Springfield Rbn	071—12	1,800	S. side of course: 327 outbound. 147 inbound. 1,800' within 10 miles of GTN Rbn.	#600	130—4.1	T-dn C-dn S-dn 15 A-dn	300-1 600-2 600-1 800-2	300-1 600-1½ 600-1 800-2	Make a right climbing turn to 1,800' on 182 course from Washington TVOR within 10 miles. #Maintain 1,300' until after passing Georgetown Rbn.
	Herndon VOR	123—25	1,800							
	Andrews LFR	327—15	1,300							
	Washington LFR	002—6	1,300							
	Georgetown Rbn (final)	147—4	#600							
TVOR-21 January 18, 1954	Abeam Riverdale Rbn (final approach course may be intercepted from 219° track from Riverdale Rbn).	234—6	#700	E side of course: 054 outbound. 234 inbound. 1,600' within 10 miles of RVD Rbn.	#700	213—1.0	T-dn C-dn S-dn 21 A-dn	700-1 700-1 700-1 800-2	300-1 700-1½ 700-1 800-2	Make a left climbing turn to 150° on course 054° from Washington TVOR within 10 miles or to Riverdale Rbn. #Maintain 1,000' until after passing Riverdale Rbn.
TVOR-33 January 18, 1954	Int. NE course Washington LFR (final).	340—4	#800	*W side of course: 160 outbound. 340 inbound 1,800' within 10 miles.	#800	330—0.7	T-dn C-dn S-dn 33 A-dn	300-1 600-1 600-1 800-2	300-1 600-1½ 600-1 800-2	Climb to 1,800' on 327° course from Washington TVOR. #Maintain 700' until after passing int. NE course Washington LFR.
TVOR-36 January 18, 1954	Int. NW course Washington LFR (final).	007—6	#800	*W side of course: 187 outbound. 007 inbound. 1,800' within 10 miles of Washington LFR.	#800	003—0.5	T-dn C-dn S-dn 36 A-dn	300-1 600-1 300-1 800-2	300-1 600-1½ 300-1 800-2	Make a left climbing turn to 1,800' on 227° course from Washington TVOR within 10 miles. #Maintain 800' until after passing int. NW course Washington LFR.

NOTES: Transitions from Springfield Rbn, Herndon VOR, Andrews LFR and Washington LFR authorized for all procedures.
Radar transition altitudes: 1,500' in the E, W, and S quadrants of the Washington LFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport; 2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes listed under item 2.
*Procedure turn conducted W to avoid Andrews AFB traffic.
CAUTION: Ceiling and visibility minimums do not provide standard clearance over 596' monument 1.8 mile N of airport and 422' monument 1.7 mile W of the final approach course.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

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

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-660; Filed, Feb. 1, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

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

[Docket No. AO-71-A-24]

PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, as amended, effective on February 1, 1954. Otherwise, the administrative impracticability of an effective date other than as of the first day of a month would require a minimum deferment of one full month in its effective date. Such further delay in the effective date of this order, as amended, would seriously threaten the orderly marketing of milk in the New York metropolitan milk marketing area. The provisions of the said order are well known to handlers, the recommended decision having been published in the FEDERAL REGISTER on September 18, 1953 (18 F. R. 5595), and the final decision having been published in the FEDERAL REGISTER on December 17, 1953 (18 F. R. 8444). Under the circumstances, adequate and reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, as amended, effective on February 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

It is therefore ordered, That on and after February 1, 1954, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Amend § 927.8 by deleting the words "pursuant to § 927.18 (j)."

2. Amend § 927.18 (j) to read as follows:

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination: as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided,* That, if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination.

3. Amend § 927.24 (a) by adding the following immediately preceding the first proviso: "and in addition, the designation shall be cancelled effective either on the first day of February or on the first day of March 1954 upon application submitted by the handler to the market administrator prior to the requested effective date of cancellation."

4. Amend § 927.31 by changing the last sentence thereof to read: "The burden rests upon the handler who receives in the marketing area or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of § 927.79."

5. Amend § 927.35 by renumbering paragraph (c) as paragraph (e) and by substituting for paragraph (b) the following:

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from non-pool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

6. Amend § 927.37 (b) to read as follows:

(b) Class I-B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside of the State of New York and outside of Northern New Jersey, but which

at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

7. Amend § 927.37 (c) to read as follows:

(c) Class I–C milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in the State of New York or Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

8. Amend § 927.42 by changing (1) that portion preceding the schedule to read as follows:

§ 927.42 *Transportation differentials.* The market administrator shall determine and publicly announce a freight zone for each pool plant and he shall determine the freight zone for each plant at which milk or milk products subject to the provisions of § 927.78 or § 927.79 is received from dairy farmers or is first found. Such freight zone shall be based on the shorter of (a) the railroad mileage distances from the railroad shipping point nearest the plant to New York City railroad terminals, and (b) the shortest highway mileage from the plant to Columbus Circle, New York City, as computed (without using supplements issued thereto, from Mileage Guide No. 5 issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carrier's Bureau, Agent, Washington, D. C. The freight zone for plants located in the marketing area shall be the 1–10 mile zone. The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be plus or minus the amount set forth in the following schedule:

and (2) by changing the last freight zone in the schedule from "491–500" to "491 and over."

9. Amend § 927.50 as follows:

a. Add references to "§ 927.79" wherever reference is now made to "§ 927.78."

b. Delete from paragraph (c) the following: "such disposition to be covered by a signed statement of the plant operator if such other plant is not a pool plant."

10. Amend § 927.46 to change the time for announcing the average of prices paid in the preceding month by Midwestern condenseries from not later than the 25th day of each month to the 5th day of each month by making subparagraph (8) of paragraph (a) subparagraph (10) of paragraph (b) and renumbering subparagraph (9) in (a) to (8).

11. Amend § 927.54 by adding in paragraph (d) thereof a reference to "§ 927.32", and by adding a new paragraph (e) as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant.

12. Amend § 927.61 by adding to paragraph (c) thereof "and § 927.79."

13. Amend § 927.77 by changing the title thereof to "Cream payments" and by adding a new paragraph (c) as follows:

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to § 927.37 (e) (1) (3) (5) or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

14. Delete § 927.78 and substitute in lieu thereof the following:

§ 927.78 *Payments on milk received from dairy farmers at non-pool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided*, That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk, which milk or milk product meets each of the following conditions:

(1) It was derived from milk received at a non-pool plant from dairy farmers other than the plant operator.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided*, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant in the 421–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the difference between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the non-pool milk was originally received from farmers: *Provided*, That for concentrated fluid milk, cream, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant farther from the marketing area than the 421–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk, at the Midwestern condensery price announced pursuant to § 927.46 (6) (10), such class prices to be adjusted for the location of the plant at which the non-pool milk was originally received from dairy farmers: *Provided*, That for milk, fluid milk products and cultured or flavored milk drinks containing 3.0 percent or more

but not more than 5.0 percent of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

15. Add a new § 927.79 as follows:

§ 927.79 *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk which milk or milk product meets each of the following conditions:

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a non-pool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (e) (1) adjusted by the differentials set forth in column C in the table in § 927.42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125, add an amount computed pursuant to § 927.44 and adjust the result by the differentials set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

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

Issued at Washington, D. C., this 28th day of January 1954.

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

[F. R. Doc. 54-673; Filed, Feb. 1, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 50—CITY DELIVERY

PART 135—GENERAL

PRIVATE MAIL RECEPTACLES; BONDS OF CARRIERS IN RURAL DELIVERY SERVICE

1. In § 50.23 *Private mail receptacles* amend paragraph (b) to read as follows:

(b) *Apartment-house mail receptacles.* Approved apartment-house mail receptacles, one for each apartment, conforming to the regulations in § 50.25, should be provided in apartment houses, family hotels, and flats containing three or more apartments, except where the management has arranged that mail for the tenants be delivered at the office or desk for distribution by its employees. Registered, insured, c. o. d., special delivery and parcel post mail must be delivered to the addressee or his authorized agent without regard to the floor on which his office or apartment is located. Where available, telephone or speaking tubes should be used to call patrons to whom such matter is addressed before distributing ordinary mail to the receptacles. When telephones or speaking tubes are not available, or when preferable, someone should be designated to receive such mail on the first floor for all the patrons in the building. In such cases the written order of each patron must be obtained. Directory boards showing the names of all persons receiving mail should be provided in apartment houses where there are 25 or more receptacles. Copies of the apartment house mail receptacles regulations pamphlet and amendments may be secured upon application to the Bureau of Post Office Operations, Division of Post Office Services.

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

2. In § 135.15 *Bonds of carriers in the rural delivery service*, amend the second sentence of paragraph (e) to read as follows: "Such bonds may be disposed of in accordance with the provisions of § 6.21 of this chapter, six years after the termination of the bond."

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

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-669; Filed, Feb. 1, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 407—REGULATIONS GOVERNING LEASES OF RESERVED LANDS OF THE UNITED STATES IN BOULDER CITY, NEVADA

Chapter II, Title 43, Code of Federal Regulations, is amended to add a new part, numbered 407, and reading as indicated below. Part 407 supersedes the "Regulations to Govern Issuance of Residential Leases and Establishing Rental Rates for Reserved Lands of the United States in Boulder City, Nevada" (5 F. R. 4146).

Sec.
407.1 Applicability of regulations in this part.
407.2 Term of leases.
407.3 Qualifications of lessees.
407.4 References.
407.5 Renewals.
407.6 Rates.

AUTHORITY: §§ 407.1 to 407.6 issued under sec. 1, 54 Stat. 437; 43 U. S. C. 617u.

§ 407.1 *Applicability of regulations in this part.* Lands within the exterior boundaries of Boulder City, Nevada, comprise public lands of the United States withdrawn for reclamation purposes pursuant to section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416). These lands may be leased for residential, commercial, and industrial purposes in accordance with the regulations in this part.

§ 407.2 *Term of leases.* Leases shall be for periods of not to exceed fifty-three (53) years, and they shall be in accordance with the terms and conditions and in the form approved on January 15, 1954, and subject to the terms of the regulations of this part unless otherwise provided by the Secretary of the Interior.

§ 407.3 *Qualifications of lessees.* No application for a lease hereunder shall be approved until the applicant therefor has satisfied the City Manager of Boulder City that (a) he is a citizen of the United States; (b) he is a person of good moral character; (c) he does not intend to use the area for which the lease is requested for speculative purposes; (d) he is financially responsible so as to warrant the belief that, if granted a lease, he will be able to meet all the conditions and obligations of such a lease.

§ 407.4 *References.* If requested by the City Manager, each applicant will furnish a letter, or letters, signed by the applicant, addressed to and authorizing banking and other institutions or persons to supply to the City Manager any information he may require in regard to the matters set forth in § 407.3. Refusal of an applicant to furnish such authority, or his failure so to do within a period considered reasonable by the City Manager, shall be sufficient reason for rejecting his application.

§ 407.5 *Renewals.* No lease shall be renewed or extended if the lessee has failed, or refused, to make such reasonable improvements, alterations, or repairs in and on the building or buildings on the leased premises as have been requested in writing by the City Manager.

§ 407.6 *Rates.* All leases shall be made at full fair market values, with recourse in determination of such values to appraisals by one or more competent professional real estate appraisers.

RALPH A. TUDOR,
Acting Secretary of the Interior.

JANUARY 15, 1954.

[F. R. Doc. 54-667; Filed, Feb. 1, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN APPLES

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Apples (7 CFR Part 52; 18 F. R. 7923), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.361 Product description.
52.362 Styles of frozen apples.
52.363 Grades of frozen apples.

FACTORS OF QUALITY

52.364 Ascertaining the grade.
52.365 Ascertaining the rating for the factors which are scored.
52.366 Color.
52.367 Size.
52.368 Defects.
52.369 Character.

LOT CERTIFICATION TOLERANCES

52.370 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.371 Score sheet for frozen apples.

AUTHORITY: §§ 52.361 to 52.371 issued under sec. 205, 60 Stat. 1090; 7 U. C. C. 1624; Pub. Law 156, 83d Cong.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.361 *Product description.* Frozen apples are prepared from sound, properly ripened fruit of Malus sylvestris (Pyrus malus); are peeled, cored, trimmed, sliced, sorted, and washed; are properly drained before filling into containers; may be packed with or without the addition of a nutritive sweetening ingredient and any other ingredient permissible under the provisions of the Federal Food, Drug, and Cosmetic Act; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.362 *Styles of frozen apples.* (a) "Slices" means frozen apples consisting of slices of apples cut longitudinally and radially from the core axis.

(b) "Rings" means frozen apples consisting of slices cut transversely to the core axis.

§ 52.363 *Grades of frozen apples.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen apples that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the frozen apples may be only fairly uniform in size, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of frozen apples that process similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen apples that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.364 *Ascertaining the grade.* (a) The grade of frozen apples is ascertained by considering the requirements with respect to varietal characteristics, which are not scored, and the factors of color, size, defects, and character, which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
Color	20
Size	20
Defects	20
Character	40
Total score	100

(c) The scores for the factors of color, size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(d) "Good flavor" means that the product has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product may be lacking in good flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

§ 52.365 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.366 *Color*—(a) *(A) classification.* Frozen apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the frozen apples, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(b) *(C) classification.* Frozen apples that possess a fairly good color may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen apples possess a color that is typical of apples of similar varietal characteristics, that may be variable, and that the product may possess a slight but not markedly brown or gray cast and shall be practically free from internal discoloration.

(c) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.367 *Size*—(a) *General.* The factor of size refers to the degree of wholeness and to the uniformity of thickness of the units.

(1) "Practically whole slice" means that the slice may be cut or broken but at least ¾ of the original slice remains.

(2) "Practically whole ring" means that the ring may be cut or broken on one side but at least ¾ of the ring is present.

(b) *(A) classification.* Frozen apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meanings with respect to the various styles of frozen apples:

(1) *Slices.* At least 90 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer, and that of the 90 percent, by weight, of the product consisting of units of the most uniform thickness, the thickness of the slices does not vary more than ¼ inch.

(2) *Rings.* At least 75 percent, by weight, of the product consists of whole or practically whole rings, and of the 90 percent, by weight, of the product consisting of units of the most uniform thickness, the thickness of the rings does not vary more than ⅛ inch.

(c) *(C) classification.* Frozen apples that are fairly uniform in size may be given a score of 14 to 16 points. "Fairly uniform in size" has the following meanings with respect to the various styles of frozen apples:

(1) *Slices.* At least 75 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer.

(2) *Rings.* At least 50 percent, by weight, of the product consists of whole or practically whole rings.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.368 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous matter, from damaged or seriously damaged units, and from carpel tissue.

(1) "Harmless extraneous matter" means any vegetable substance (including, but not being limited to, a leaf, stem, or portions thereof, cores and portions of cores, and seeds), that is harmless.

(2) "Damaged unit" means any unit possessing green peel that exceeds in the aggregate an area of a circle ½ inch in diameter, or red peel that exceeds in the aggregate an area of a circle ¼ inch in diameter, light brown bruise that exceeds the area of a circle ½ inch in diameter or which is more than ¼ inch deep, and any unit in which the appearance or eating quality is materially affected by blossom and material, dark brown bruise, or other internal or external discoloration, pathological injury, insect injury, or by any other means.

(3) "Seriously damaged unit" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(4) "Practically free from carpel tissue" means that for each 16 ounces of the product, the carpel tissue present does not exceed in the aggregate an area equal to ¾ square inch.

(5) "Fairly free from carpel tissue" means that for each 16 ounces of the product the carpel tissue present does not exceed an area equal to 1½ square inches.

(b) *(A) classification.* Frozen apples that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that extraneous matter may be present that does not materially affect the appearance or eating quality of the product; that the product is practically free from carpel tissue; and that not more than a total of 5 percent, by weight, of the units may be damaged, of which not more than 1 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not materially affect the appearance or eating quality of the product.

(c) *(C) classification.* Frozen apples that are fairly free from defects may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous matter may be present that does not seriously affect the appearance or eating quality of the product; that the product is fairly free from carpel tissue; and that not more than a total of 15 percent, by weight, of the units may be damaged, of which not more than 3 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.369 *Character*—(a) *General.* The factor of character refers to the texture of the units and to the tendency to retain their conformation without material softening or disintegration.

(1) "Mushy apples" means slices or units or portions thereof that are a pulpy mass and of a consistency approximating applesauce.

(b) *(A) classification.* Frozen apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the units possess a reasonably uniform texture, are firm but not hard, with not more than 3 percent of the weight of the product consisting of mushy apples.

(c) *(C) classification.* Frozen apples that possess a fairly good character may be given a score of 28 to 33 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the slices may be var-

liable in texture, with not more than 12 percent of the weight of the product consisting of units that are markedly hard, markedly soft, or mushy.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.370 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen apples, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated by the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.371 *Score sheet for frozen apples.*

Size and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Style	----
Ratio of fruit-sugar	----
Style of pack (sugar or syrup)	----
Syrup density (degrees Brix)	----

Factors		Score points	
Color	20	(A)	17-20
		(C)	[1] 14-16
		(SStd.)	[1] 0-13
Size	20	(A)	17-20
		(C)	14-16
		(SStd.)	[1] 0-13
Defects	20	(A)	17-20
		(C)	[1] 14-16
		(SStd.)	[1] 0-13
Character	40	(A)	34-40
		(C)	[1] 28-33
		(SStd.)	[1] 0-27
Total score	100		

Good flavor	----
Fairly good flavor	----
Grade	----

[1] Indicates limiting rule.

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-682; Filed, Feb. 1, 1954; 8:51 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A22; AO-83-A18; AO-203-A4; AO-204-A4; AO-113-A15]

MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS, AS NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed marketing agreements and proposed orders amending the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which was issued January 13, 1954 (19 F. R. 333), is hereby extended to February 20, 1954.

Dated: January 28, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-672; Filed, Feb. 1, 1954; 8:47 a. m.]

[7 CFR Part 949]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on January 11 and 12, 1954, pursuant to notice thereof which was issued on January 6, 1954 (19 F. R. 71) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Producers Association of San Antonio, Incorporated. The material issues of record were concerned with:

1. The pricing of Class I milk,

2. The classification and pricing of milk presently classified as Class II milk, and

3. The need for expeditious action in effecting the conclusions herein concluded to be appropriate and necessary.

This decision treats only the issues numbered 1 and 3 above and that portion of the issue numbered 2 which relates to the pricing of milk disposed of for the manufacture of cheddar cheese. The remaining issues will be treated in a recommended decision to be issued at a later date. Further consideration of the issues herein considered should also be given in that recommended decision in order to permit appropriate coordination of the conclusions with respect to these issues with the conclusions later reached concerning the remaining issues.

Findings and conclusions—Pricing of Class I milk. The San Antonio Class I price should not be permitted to exceed the Class I price under the North Texas milk marketing order by more than $0.50 per hundredweight.

During the last six months of 1953 the San Antonio Class I price averaged about 97 cents higher per hundredweight than the North Texas Class I price. For the same months of 1952 the average difference was only about 31 cents. Thus, in the intervening time, the San Antonio Class I price increased about 66 cents in relation to the North Texas Class I price. Most of this changed relationship accrued because the formula index reduced the San Antonio Class I price only 11 cents while the basic formula reduced the North Texas price about 64 cents.

The milk requirements of a number of military installations located within the marketing area comprise a considerable proportion of the total market requirements for milk. Contracts for supplying this milk are awarded every few months. In the past, any handler under the North Texas order who was awarded one of these contracts was required to pay the North Texas Class I price or the San Antonio Class I price minus 60 cents, whichever was higher, for North Texas producer milk supplied under these contracts. Effective February 1, 1954, a North Texas handler will be required to pay only the North Texas Class I price for such milk. With the recent wide difference in prices described above, it appears that North Texas handlers would have some competitive advantage after February 1 in supplying these outlets. In fact, one large military milk supply contract has recently been awarded to a North Texas handler. San Antonio handlers, to some extent, could avail themselves of a similar competitive advantage by purchasing North Texas producer milk from North Texas handlers. Certain San Antonio handlers have business connections with North Texas handlers which would appear to make such transfers of milk feasible. Unless these competitive advantages are removed, North Texas producer milk can be expected to continue to displace San Antonio producer milk, the production of which has been increased to supply the local market, including military contracts. This competitive advantage which North Texas producer milk now has can and should be removed by reducing the San Antonio Class I price so that it cannot exceed the North Texas Class I price by more than the cost of transporting North Texas producer milk to San Antonio,

which is about 50 cents per hundredweight of milk.

Prior to the fall and winter of 1953, supplies of North Texas producer milk had not been great enough on a year round basis in relation to North Texas market requirements so that any significant volumes could be made available regularly for the San Antonio market. However, such supplies have increased in recent months to the extent that North Texas milk may now be regularly available.

Substantially the same alignment of Class I prices in the San Antonio and North Texas markets as is herein concluded to be necessary could be achieved by the adoption of a basic formula price for San Antonio similar to the North Texas basic formula price, but this alternative method of alignment was not thoroughly considered at the hearing. Consideration of this method at a later hearing may be desirable.

Milk for cheddar cheese. The price for milk (containing 4 percent of butterfat) disposed of from use in cheese other than cottage cheese should be the average of the prices paid dairy farmers for milk at cheese plants located at Alice and Round Rock, Texas. The present Class II butterfat differential should apply to such milk.

From December 1952 to December 1953 the total volume of Class II milk at all approved plants increased to a point where handlers refused to accept milk from producers and transferred the burden of finding outlets to the producers or their cooperative association. Outlets to unapproved plants are extremely limited, and as receipts increase seasonally, it appears likely that from February or March through June or July 1954 considerable volumes of milk will have to be disposed of to the two cheese plants mentioned above, which are about the most accessible outlets for excess milk. The price which can be obtained for this milk from the cheese plants can be expected to be somewhat less than the present Class II price. With respect to milk which handlers will not accept and for which producers or their cooperative association must assume the responsibility of finding outlets, the amount by which the value of such milk at the Class II price exceeds the return from such milk from the available outlets, likely cheese plants, will be a loss to such producers or their cooperative association. The returns for milk to such producers or their cooperative association will be therefore somewhat less than to other producers. Establishment of the price for milk used for cheddar cheese at the level herein concluded to be appropriate should contribute to the orderly marketing of milk.

The two cheese plants at which prices paid farmers for milk are proposed as a basis for establishing the price for milk for use in cheese are engaged almost exclusively in the manufacture of cheese. Their primary source of milk supply is from farmers. Under these conditions the prices paid farmers for milk at these plants should be representative of the value of milk for cheese and should provide a reasonable basis for pricing Class II producer milk used for cheese.

Since the pricing of all Class II milk is to be considered in a later recommended decision, the pricing of milk for cheese herein concluded to be necessary should apply only through July 1954. As was noted above, the conditions necessitating this pricing of milk for cheese are seasonal and are not expected to be present this year after July.

The need for expeditious action. The large increase during the last year in the volume of Class II milk referred to hereinbefore appears to be a result of (1) a general increase in supplies of producer milk (although producer milk supplies are still not adequate to meet market requirements), and (2) somewhat earlier than normal seasonal increase in supplies of producer milk. This latter condition has developed very recently. These conditions, already present to some extent and becoming more intensified as production increases seasonally, make it imperative that any changes in the order to effect the conclusions reached in this decision should be made at the earliest possible date. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto, with respect to the issues decided herein, was indicated on the record by interested parties. It is therefore concluded that good cause exists for eliminating the recommended decision in this proceeding with respect to the issues treated in this decision and that the due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator of Agricultural Marketing Service and the opportunity for exceptions therein on issues herein considered.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the San Antonio, Texas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of January 1954.

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

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended effective February 1, 1954, and as hereby further amended, as follows:

1. Amend § 949.51 (b) to read as follows:

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (e) of this section by less than $2.00 for each month or more than $2.50 for each of the months of April, May, and June and $2.70 for each of the other months.

2. Delete § 949.51 (c).

3. Amend § 949.51 (d) by adding thereto the following: "The provisions of this paragraph shall operate only to the extent that the difference between the Class I price pursuant to the order, as amended, regulating the handling of milk in the North Texas marketing area (Part 943 of this chapter) and the Class I price pursuant to this section shall not be greater than $0.50."

4. Amend § 949.53 by inserting immediately preceding paragraph (a) thereof the following proviso: "*Provided*, That from the effective date of this proviso through July 1954 the price for Class II milk disposed of for use in cheese other than cottage cheese shall be the simple average of the prices paid dairy farmers for milk containing 4 percent of butterfat delivered during the month for which prices are being computed to cheese plants located at Alice and Round Rock, Texas, and operated by the Fort Worth Poultry and Egg Company."

[F. R. Doc. 54-674; Filed, Feb. 1, 1954; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 982]

[Docket No. AO-238-A-2]

Milk in Central West Texas Marketing Area

Decision with respect to proposed amendment to tentative marketing agreement and to order, as amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Abilene, Texas, on January 7-8, 1954, pursuant to notice thereof which was issued on December 29, 1953, and published in the Federal Register on January 1, 1954 (19 F. R. 16) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Central West Texas marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Central West Texas Producers Association and several handlers. The material issues presented in this proceeding relate to:

1. The pricing of Class I milk,
2. The classification and pricing of milk presently classified as Class II milk,
3. The extent to which the rate of expense of administration should apply to producer milk presently classified as Class II,
4. The extent to which a plant engaged in distributing milk outside of the marketing area may distribute milk within the marketing area without becoming fully subject to the pricing and payment provisions of the order,
5. The extent of the marketing area, and
6. The need for expeditious action in effecting the conclusions herein concluded to be appropriate and necessary.

This decision treats only the issue numbered 6 above and that portion of the issue numbered 2 which relates to the pricing of milk disposed of for the manufacture of cheddar cheese. The remaining issues will be treated in a recommended decision to be issued at a later date. Further consideration of the issues herein considered should also be given in that recommended decision in order to permit appropriate coordination of the conclusions with respect to these issues with the conclusions later reached concerning the remaining issues.

Findings and conclusions—Milk for cheddar cheese. The price for milk (containing 4 percent of butterfat) disposed of for use in cheddar cheese should be computed by multiplying the simple monthly average of the daily prices paid for Wisconsin State Brand Cheddars, f. o. b. Wisconsin assembly points, by 8.0. The present Class II butterfat differential should apply to such milk.

From December 1952 to December 1953 the volume of Class II milk at all approved plants increased about 68 percent. Facilities for utilization of Class II milk at approved plants are not adequate at all times and handlers have sought enlarged outlets at unapproved plants. Outlets to unapproved plants are extremely limited, and except in a few months when receipts were seasonally low, considerable volumes of milk have been disposed of to cheese plants. The price obtained for this milk from the cheese plants has usually been somewhat less than the Class II price. A large portion of the milk which has been disposed of to cheese plants was milk which handlers would not accept and for which the cooperative association assumed the responsibility of finding outlets. Pursuant to the order the cooperative association is responsible to the producer settlement fund for such milk, and accordingly the amount by which the value of such milk at the Class II price exceeded the return from such milk from the cheese plant has represented a loss to the cooperative association. Thus the net returns for milk to members of the cooperative association were probably somewhat less than to other producers. Current market conditions indicate that this problem is likely to continue. Establishment of the price for milk used for cheddar cheese at the level herein concluded to be appropriate should contribute to the orderly marketing of milk.

A proposal considered at the hearing would base the price of milk for cheddar cheese on the simple average of prices paid dairy farms of milk by three plants in or near the milkshed which are engaged in the manufacture of cheese. Only one of these three plants is expected to be an outlet for any significant volume of producer milk during the next several months. At one of these cheese

plants milk from approved plants constitutes the major source of milk for making cheese. Use of prices paid dairy farmers for milk at this plant as a basis for pricing producer milk used for cheese would avail the operator of this cheese plant of the opportunity to exercise some downward influence over the order price of milk for cheese by reducing the price he pays for a minor portion of his supply. In view of these conditions the future establishment of the price of milk for cheese on the basis of prices paid dairy farmers for milk at these three plants does not appear to be appropriate.

The value to a cheese plant of milk for making cheese has a close relationship to the price of cheese. In 1953 substantial amounts of producer milk were disposed of to the cheese plants mentioned above and from April 14 through July 31 such milk was priced on the basis of prices paid dairy farmers at these three cheese plants. A comparison of prices paid at other cheese plants and other manufacturing plants with prices paid at these three plants shows that the potential danger of downward influence described above did not materialize in 1953. Prices received during 1953 when producer milk was disposed of for use in cheddar cheese in any quantity showed the price to be about 8.0 times the average monthly price of cheese at Wisconsin primary markets, and no prospective changes in this relationship are apparent. Use of this relationship to establish the price of producer milk used for cheddar cheese is appropriate.

Since the pricing of all Class II milk is to be considered in a later recommended decision, the pricing of milk for cheese herein concluded to be necessary should extend only until action is completed on this issue. Such action should be completed and effected by not later than August 1, 1954, so the pricing herein proposed need not extend beyond July 1954.

The need for expeditious action. The large increase during the last year in the volume of Class II milk referred to hereinbefore appears to be result of (1) a general increase in the volume of both market requirements and market supplies with the increase in supplies of producer milk being somewhat larger than the increase in market requirements, and (2) somewhat earlier than normal seasonal increase in supplies of producer milk. This latter condition has developed very recently. In the latter part of December 1953 considerable volumes of producer milk were disposed of to cheese plants. These conditions make it imperative that any changes in the order to effect the conclusions reached in this decision should be made at the earliest possible date. Representatives of both producers and handlers testified to the need for early action in this matter. It is therefore concluded that good cause exists for eliminating the recommended decision in this proceeding with respect to the issues treated in this decision and that the due and timely execution of the function of the Secretary under the Act, imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator of Agricultural Marketing Service and the opportunity for exceptions thereto on issues herein considered.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of a demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the Central West Texas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Central West Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of January 1954.

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

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central West Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 982.51 by inserting immediately preceding paragraph (a) thereof the following: "*Provided*, That from the effective date of this proviso through July 1954 the minimum price per hundredweight for Class II milk disposed of for use in cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during the month for which prices are being computed by S.O."

[F. R. Doc. 54-675; Filed, Feb. 1, 1954; 8:49 a. m.]

PRODUCERS STOCKYARDS, CHILLICOTHE, OHIO

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Producers Stockyards, Chillicothe, Ohio, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-684; Filed, Feb. 1, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order No. 29]

REGIONAL DIRECTOR, REGION 3

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES IN BOULDER CITY, NEVADA

JANUARY 26, 1954.

SECTION 1. *Delegation of authority.* The Regional Director, Region 3, may:

(a) Establish and revise rental rates heretofore or hereafter established for, and lease improved and unimproved land in, the Boulder City Federal Reservation for commercial, industrial, and residential purposes; and

(b) Consent to the assignment and subletting of such leases.

SEC. 2. *Redelegation.* The Regional Director may, in writing, redelegate to subordinate officers and employees of Region 3, the authority granted in section 1 of this order. Any such redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Authority.* This order is issued pursuant to Departmental Order No. 2745, dated January 15, 1954.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54-666; Filed, Feb. 1, 1954; 8:46 a. m.]

Office of the Secretary

[Order No. 2745]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES IN BOULDER CITY, NEVADA

JANUARY 15, 1954.

SECTION 1. *Delegation of authority.* The Commissioner of Reclamation may:

(a) Establish and revise rental rates heretofore or hereafter established for, and lease improved and unimproved lands in, the Boulder City Federal Reservation for commercial, industrial, and residential purposes, and

(b) Consent to the assignment and subletting of such leases.

SEC. 2. *Redelegation.* The Commissioner may, in writing, redelegate to officers and employees of the Bureau of Reclamation the authority granted in section 1 of this order, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* This order supersedes Order No. 2717, dated March 14, 1953 (18 F. R. 1638).

(43 U. S. C. 1946 ed., sec. 617u; Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-665; Filed, Feb. 1, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 171]

WILLIAM RUDOLPH LESCHITZ

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of William Rudolph Leschitz, 1875 Harman Street, Brooklyn, New York, Respondent, Case No. 171.

This administrative proceeding was commenced on September 30, 1953 by the transmission of a charging letter issued to the above-named respondent by the Director of the Investigation Staff of the Office of International Trade (now the Bureau of Foreign Commerce), United States Department of Commerce. The respondent was therein charged with knowingly misusing validated export licenses, making false representations and certifications on shipper's export declarations, undervaluing shipments, misusing general license GLV, and submitting to the United States Collector of Customs at New York for authentication a spurious shipper's export declaration intended to replace a declaration previously refused authentication by the Collector, in violation of the export control law and regulations.

Prior to the formulation and transmission of the foregoing charges by the Office of International Trade, and while an official investigation was then under way, the respondent submitted to the investigating officer a voluntary sworn statement dated November 18, 1952, in which he admitted having committed the violations above charged, and other violations which are not embodied in the charges. After receiving the aforesaid charging letter respondent submitted a written request that said statement of November 18, 1952 be presented to the Compliance Commissioner in lieu of his appearance at a hearing.

A hearing on notice was duly held before the Compliance Commissioner at Washington, D. C., on December 16, 1953, the Investigation Staff being represented by counsel but respondent not appearing in person or by counsel. The aforesaid statement of November 18, 1952 was presented to the Compliance Commissioner in behalf of the respondent by counsel for the Government, and the Government likewise presented its evidence in support of the charges. The Compliance Commissioner received the aforesaid statement and the Governmnt's evidence, and after due consideration thereof and of the entire record, filed his report in the matter.

It appears from said report that two New York freight forwarding concerns, one of which employed the respondent, are, and for many years have been, retained by a third concern (herein called the Principal) to prepare and file with the United States Collector of Customs

shipper's export declarations covering the exportations of the Principal; each of such freight forwarding concerns being assigned the preparation of declarations for export shipments destined for different areas. By mutual arrangement in effect at the time of the instant violations, employees of these concerns, including respondent, occupied office space on the premises of the Principal in connection with the services being rendered to the Principal. Respondent's duties in which he had been engaged since January 1946, entailed supervision of employees of the respective freight forwarding concerns responsible for the preparation of shipper's export declarations either in the name of his employer, or of the other freight forwarding concern, as agents of the Principal. Such declarations were prepared in accord with precise written instructions covering each proposed export shipment furnished by the Traffic Section of the Principal and given to respondent for implementation.

During the period from October 1951 through September 1952 while acting in the aforedescribed capacity, and wholly without the knowledge, consent, or acquiescence of either of the freight forwarding concerns, or of the Principal, respondent, of his own volition and in contravention of express written instructions of the Principal, knowingly and deliberately committed the following violations of the export control law and regulations: (a) Misused 2 validated export licenses issued to and held by the Principal to effect unauthorized shipments of roller bearings to a consignee in Manila, P. I., accomplishing such exportations by falsely representing and certifying on 8 shipper's export declarations that the exportations were charged to said licenses, whereas said licenses covered the same commodity and destination, but for another consignee; and also undervalued the dollar value of said materials on each declaration, except two; (b) made false representations of undervaluation on 2 shipper's export declarations covering shipments of roller bearings to a consignee in Manila; (c) misused general license GLV to effect a shipment of roller bearings to Manila, falsely representing and certifying on the shipper's export declaration covering such shipment that the value of the material was $23 whereas its actual value was $231; (d) by devious means obtained the authentication by the U. S. Collector of Customs at New York of a shipper's export declaration previously refused authentication by the Collector, and in that connection prepared and misused another declaration ostensibly for the benefit of the Principal, but actually without the latter's knowledge; and (e) misused a validated export license issued to and held by the Principal to make shipments of steel commodities to a consignee in Australia by misdescribing the materials and the value on 6 shipper's export declarations, in contravention of the Principal's written instructions that 4 licenses for such consignee be used to effect the required exportations.

The report of the Compliance Commissioner shows further that in addition to the violations described above, respondent is known to have committed numerous similar violations during the period under consideration, and, in fact, has admitted, in his statement of November 18, 1952, to have prepared approximately 50 to 75 additional falsified shipper's export declarations which involved misuse of the Principal's validated export licenses, undervaluations of commodities shipped, and improper usage of general license GLV.

In purported explanation of these acts of violation, the respondent has ascribed as the reason therefor his voluntary compulsion to expedite the clearance of shipments for which he was responsible during a period of great pressure immediately following a shipping strike in New York in October 1951 which caused such shipments to be seriously retarded; and for the further reason that he did not understand the seriousness of such acts at the time of commission.

The Compliance Commissioner has evaluated respondent's explanation as unworthy of weight, pointing out in his report that even if respondent was impelled originally to perpetrate the violations because of the alleged pressure following the shipping strike, such excuse did not apply to other irregularities which, in point of time, were completely divorced from the strike, nor could it explain the fraud practised upon the Collector of Customs or the other violations committed at later dates.

The Compliance Commissioner has concluded that respondent's acts constituted an indefensible attack upon the export control system which cannot be excused as the mere over-zealous acts of a misguided but well intentioned employee, in view of respondent's years of experience in export trade, and the obviously wilful character, as well as the large number, of violations committed without apparent motivation. He has concluded further that the violations are wholly those of respondent and cannot be attributed to the Principal, or to his employer or the other freight forwarder for whom he rendered services, as the latter were clearly without knowledge of his defections and did not acquiesce in or consent thereto.

The Compliance Commissioner points out that respondent's improprieties were discovered and investigated by the Principal, and that upon determining the extent and nature of the violations respondent was relieved of his position by his employer; that all three concerns involved have taken prompt measures to revise their operations and have established internal procedures designed to safeguard against recurrences of irregularities such as these here shown.

The Compliance Commissioner has accordingly found the respondent guilty of the charges and has recommended that respondent be insulated against further opportunity to indulge his propensity for irregularity, at least until he has evidenced a more mature and responsible attitude towards the integrity of export controls.

The report of the Compliance Commissioner, the findings and recommendations contained therein, the evidence, and respondent's sworn statement of November 18, 1952, as well as the entire record in this proceeding, have been carefully considered, and it appears therefrom that such findings are in accordance with the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the name of respondent William Rudolph Leschitz, or any person, firm, corporation, or other business organization with which he is now related by ownership, control, position of responsibility, or other connection, in the conduct of trade involving exports from the United States or services connected therewith, are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The above named respondent is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondent's participation (a) as a party or as a representative of a party to any validated export license application, (b) in the preparing, obtaining, or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation of commodities from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the name respondent, but also to any person, firm, corporation, or other business organization with which he may be now or during the period of this order related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall extend for a period of 30 months from the date of issuance, or for the duration of export controls, whichever expires earlier: *Provided, however,* That during the last 18 months of said period the export privileges which are denied by the terms of this order shall be restored to respondent subject to the prior written approval of the Bureau of Foreign Commerce and upon such terms and conditions as the Bureau of Foreign Commerce may impose to assure compliance with and adherence to the export control law and regulations. In the event that respondent or the persons or firms covered by paragraph (3) above shall knowingly violate the terms of this order or any laws or regulations related to export control during the entire period of the order, the Bureau of Foreign Commerce may summarily and without notice to respondent or such persons or firms responsible for such violations, at such time as it shall determine that such violation occurred, issue a supplemental order which shall deny to respondent or

such persons or firms all export privileges for the said period of the order which has been held in abeyance with respect to him or them, and shall revoke all validated export licenses then outstanding and as to which respondent or such persons or firms may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

(5) No person, firm, corporation, or other business organization shall knowingly apply for, prepare, or obtain any export license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or proposed exportation of commodities from the United States under validated or general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for the respondent or any persons or firms covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: January 28, 1954.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 54-681; Filed, Feb. 1, 1954; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

Paragraph g is added as follows:

g. In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials shall serve as Acting Commissioner: *Provided*, That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner
Assistant Commissioner for Operations
Assistant Commissioner for Programs
General Counsel
Assistant Commissioner for Administration

The Acting Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-668; Filed, Feb. 1, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1757]

GARLAND HOT MINERAL SPRINGS

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

JANUARY 27, 1954.

Notice is hereby given that on May 28, 1953, the Federal Power Commission issued its order adopted May 26, 1953, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-676; Filed, Feb. 1, 1954; 8:49 a. m.]

[Docket No. G-2312]

EAST TENNESSEE NATURAL GAS CO.

ORDER GRANTING POSTPONEMENT OF HEARING

On January 19, 1954, East Tennessee Natural Gas Company (East Tenn) filed a motion requesting a postponement of the hearing from February 1, 1954, to March 1, 1954, on the ground that it wishes to serve on the parties new exhibits on February 1, 1954.

By order issued November 13, 1953, the Commission suspended until April 15, 1954, the proposed rate increase filing tendered on October 14, 1953, and fixed the date for hearing to commence on February 1, 1954. The order also provided that East Tenn serve on all parties on or before January 4, 1954, copies of all exhibits proposed to be offered by it at the hearing. Such exhibits have been served on all parties and are based on the actual operations of the company for the twelve-month period ending October 31, 1953. The proposed new exhibits are designed to bring the operations of the company forward for two months to cover the year ending December 31, 1953. East Tenn proposes to serve such new exhibits on all parties on February 1, 1954.

By telegram of January 25, 1954, East Tenn has agreed that it would not move to place the proposed rate increase filing into effect for the number of days by which the hearing is postponed.

The Commission finds: It would be in the public interest and it is necessary and appropriate to carry out the provisions of the Natural Gas Act to grant the postponement of the hearing as hereinafter ordered and conditioned.

The Commission orders:

(A) On motion filed by East Tennessee Natural Gas Company on January 19, 1954, the hearing in the above-entitled proceeding is postponed from February 1, 1954, to March 3, 1954.

(B) The above postponement is granted on the express understanding and undertaking on behalf of East Tenn that it will not move to place the proposed tariff sheets (First Revised Sheets Nos. 4, 5, 7, and 8 of East Tenn's Gas Tariff, Second Revised Volume No. 1) into effect prior to May 15, 1954, or until such further time as said tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) East Tenn, on or before February 1, 1954, shall serve upon all parties, copies of all exhibits proposed to be offered by it at the hearing, including five (5) copies upon Commission Staff Counsel.

(D) In all other respects, the order suspending the revised tariff sheets in this proceeding, issued November 13, 1953, shall remain in full force and effect.

Adopted: January 27, 1954.

Issued: January 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-677; Filed, Feb. 1, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3183]

PENNSYLVANIA GAS CO.

NOTICE OF FILING REGARDING INCREASE IN AUTHORIZED CAPITAL STOCK AND AUTHORIZED INDEBTEDNESS AND ORDER MAKING EFFECTIVE DECLARATION REGARDING PROXY MATERIAL

JANUARY 27, 1954.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-62 promulgated thereunder, by Pennsylvania Gas Company ("Pa. Gas"), a subsidiary public-utility company of National Fuel Gas Company ("National Fuel"), a registered holding company.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pa. Gas proposes, at a special meeting of its stockholders to be held February 23, 1954, to (a) increase its authorized no par value capital stock from 576,000 shares to 700,000 shares, and (b) to increase its authorized indebtedness from $6,000,000 to $8,000,000. Proposed proxy solicitation material for said meeting has been filed pursuant to Rule U-62 and Pa. Gas proposes to mail the same promptly after the Commission enters its order so authorizing. All of said 576,000 shares of stock are presently outstanding and National Fuel owns 356,931 shares (61.97 percent) thereof. Pa. Gas' outstanding long-term indebtedness amounts to $5,450,000 all of which is held by National Fuel. If the proposed increases in authorized capital stock and authorized indebtedness are approved by the stockholders, Pa. Gas intends, during 1954 and subject to the approval of the various regulatory bodies having jurisdiction, (a) to issue, pursuant to the preemptive rights of the stockholders, an amount not exceeding 48,000 shares of the 124,000 newly authorized shares of stock, and (b) to issue and sell to National Fuel installment promissory notes not to exceed an aggregate principal amount of $1,500,000. It is stated that National Fuel will agree to exercise its preemptive right and will agree to purchase, at the original subscription price, any shares not purchased by the other stockholders after their subscription rights have expired. The issuance and sale of such additional stock and notes will be the subject of future filings with this Commission.

Pa. Gas requests that the Commission's order or orders to be entered herein become effective upon issuance and Pa. Gas further requests that the Commission accelerate the effectiveness of its declaration under Rule U-62 so that the solicitation material may be transmitted to stockholders by January 28, 1954.

Notice is further given that any interested person may, not later than February 16, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held in connection with the proposed increase in the authorized stock and indebtedness, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said proposals which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 16, 1954, the declaration with respect to such proposals, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt the transactions as provided in Rules U-20 (a) and U-100 thereof.

It appearing to the Commission that Pa. Gas' request for acceleration of the effectiveness of its declaration under Rule U-62 should be granted:

It is ordered, That the declaration regarding the proxy solicitation material, filed pursuant to Rule U-62, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-670; Filed, Feb. 1, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31438]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

INCREASED COMMUTATION FARES

JANUARY 27, 1954.

By petition dated December 30, 1953, The New York, New Haven and Hartford Railroad Company requests this Commission to authorize it to establish and maintain, interstate between points on its lines in the States of New York, Connecticut, Rhode Island, and Massachusetts, and intrastate between points on its lines in the State of New York, in lieu of the present 60-ride unrestricted and 46-ride restricted monthly commutation fares, unrestricted and restricted (not good on Saturdays, Sundays, or holidays) calendar month commutation fares, made 33⅓ percent higher than the present fares, all such fares advanced to end in 0 or 5.

The Commission is further asked to modify its order of September 5, 1947, in Docket No. 29678, Increased Passenger Fares—New Haven Railroad, 269 I. C. C. 87, in its order of October 9, 1950, in No. 30010, New York State Commutation Fares, New Haven Railroad, 279 I. C. C. 151, sufficiently to permit the establishment and maintenance of the proposed increased fares.

The petition above described has been docketed as No. 31438, Increased Commutation Fares—New Haven Railroad, and will be assigned for hearing at times and places to be hereafter fixed.

In the meantime, in accordance with Rule 68 of the general rules of practice, a prehearing conference will be held before Commissioner Arpaia and Examiner Fuller on March 3, 1954, at 9:30 o'clock a. m., U. S. s. t., at the offices of the Public Service Commission, 233 Broadway, New York, N. Y., for the purpose of considering:

(1) The simplification of issues;

(2) The possibility of making admissions of certain averments of fact or stipulations concerning the use by the parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(3) The procedure at the hearings and their times and places;

(4) The limitation of the number of witnesses;

(5) The propriety of prior mutual exchange among the parties of prepared testimony and exhibits;

(6) The nature and scope of any cost evidence to be presented;

(7) A traffic survey, by station and type of ticket, showing the effect of prior increases on the commutation travel; and

(8) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioner, the Governors and the rate regulatory authorities of the States of New York, Connecticut, Rhode Island, and Massachusetts, and parties of record to Dockets Nos. 29678 and 30010, and other parties who have expressed an interest in this matter, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-671; Filed, Feb. 1, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 15898, Amdt.]

N. V. GEBROEDERS PAPPENHEIM'S TABAKSHANDEL

In re: Bank accounts, stock and bonds owned by N. V. Gebroeders Pappenheim's Tabakshandel; F-49-1332.

Vesting Order 15898, dated November 21, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 3g from said Vesting Order 15898 and substituting therefor the following subparagraph:

One (1) share of $25.00 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in an account entitled Rotterdamsche Bank, Amsterdam, Holland, Blocked General Ruling No. 11A, together with all declared and unpaid dividends thereon and any and all rights in, to and under said certificate.

All other provisions of said Vesting Order 15898 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 27, 1954.

For the Attorney General.

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

[F. R. Doc. 54-679; Filed, Feb. 1, 1954; 8:50 a. m.]

FREDERICK KLAEBER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frederick Klaeber, a/k/a John Frederick Klaeber, Bad-Koesen, Germany, Claim No. 59147, Vesting Orders Nos. 14965, 14759, 17010, 17075 (as amended) and 18762; $42,223.14 in the Treasury of the United States.

United States Savings Bonds Series G 2½ percent due May 1, 1956, No. C6179326G for $100 and No. D3626753G for $500.

All right, title and interest acquired by the Attorney General pursuant to Vesting Order No. 17010 in and to the following:

That certain debt or other obligation owing to the claimant by the University of Minnesota in the amount of $706.30, as of February 6, 1946.

That certain debt or other obligation, evidenced by an unsecured note in the amount of $2,000 bearing interest at 4 percent, issued by Arthur C. Barsness.

That certain debt or other obligation, evidenced by an unsecured note in the amount of $1,000 at 4 percent interest, issued by Earl C. Ware.

That certain debt or other obligation of David C. Bell Investment Co., Minneapolis, Minnesota, arising by reason of a cash account maintained by said company, appearing on its books and records as an account for the benefit of Frederick and Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under contracts of insurance evidenced by Policy No. 1616755, 1643962 and 1684820, issued by The Travelers Insurance Co., Hartford, Conn., to Frederick Klaeber and Emma Agnes Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under a contract of insurance evidenced by Policy No. L26083, issued by The Mutual Life Insurance Company of New York to John F. Klaeber, also known as Frederick Klaeber, and Emma A. C. Klaeber, also known as Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1A–169 issued by the Teachers Insurance and Annuity Association of America, New York City, to Frederick Klaeber.

Real property situated in the County of Ramsey, State of Minnesota, known as Lot 6, Block 4, College Place, Taylor's Division, subject to real estate contract between Security Land and Investment Company and Willard P. Sammon and Mary V. Sammon, dated August 29, 1950.

All right, title and interest acquired by the Attorney General pursuant to Vesting Order No. 17075, as amended, in and to the following:

A mortgage executed on July 18, 1947, by Raymond D. Black and Barbara B. Black on property at 4810 Thomas Avenue, South Minneapolis, Minn., which was recorded on July 24, 1947, in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 387, Page 118979, as Document No. 245623.

A mortgage executed on November 7, 1947, by Alvin P. Anfenson and Helen Anfenson on property at Bohns Point, Lake Minnetonka, Minn., recorded on November 19, 1947, in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 404, Page 124291, as Document No. 253648.

A mortgage executed on April 6, 1949, by Emory C. Ensign and Julia von Kuster Ensign on property at 219 Homedale Avenue, Minneapolis, Minn., recorded on April 11, 1949 in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 210, Page 65963, as Document No. 282228.

A mortgage executed on August 19, 1949, by Delos A. Dreher and Helen T. Dreher on property on County Road 72, Hennepin County, Minn., recorded on September 19, 1949 in the office of the Registrar of Hennepin County, Minn., in Vol. 476, Page 145747, as Document No. 292585.

A mortgage executed on May 17, 1950, by Norman John Thompson and Dorothy Priscilla Thompson on property in Deephaven, Hennepin County, Minn., recorded on June 6, 1950 in the office of the Register of Deeds of Hennepin County, Minn., in Book 2491 of Mortgages, Page 239 etc., as Document No. 2629666.

Executed at Washington, D. C., on January 27, 1954.

For the Attorney General.

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

[F. R. Doc. 54–680; Filed, Feb. 1, 1954; 8:50 a. m.]