FEDERAL REGISTER

1934

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Washington, Tuesday, March 23, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 3]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. The amendment set forth herein makes two changes in the provision relating to the release and reapportionment of farm acreage allotments. It is provided that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1954. Under the other change the county committee is authorized to refuse to accept the release of farm acreage allotment under specified conditions.

Farmers in Puerto Rico have begun planting their 1954 extra long staple cotton crops and farmers in the continental United States are making plans, preparing land and purchasing seed, fertilizer, and other supplies and equipment for the planting and production of extra long staple cotton this year. In order that the additional provisions included in this amendment may be carried out promptly by the State and county Agricultural Stabilization and Conservation Committees, it is essential that the amendment set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1117 (j) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton (18 F. R. 7883, 18 F. R. 8109, 19 F. R. 1137) is amended to read as follows:

(j) *Release and reapportionment of farm acreage allotments for extra long staple cotton.* Any part of any 1954 farm acreage allotment for extra long staple cotton on which such cotton will not be planted in 1954 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment for extra long staple cotton and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments for extra long staple cotton in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor and equipment available for the production of extra long staple cotton, crop-rotation practices and soil and other physical facilities affecting the production of extra long staple cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1116 (g). Any farm acreage allotment released for 1954 only shall, in determining future acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the 3-year farm base period, except that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part

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FEDERAL REGISTER

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of such allotment is retained and extra long staple cotton is planted on the farm in 1954. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph. In determining future farm acreage allotments for extra long staple cotton the planting in 1954 of reapportioned acreage allotment shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1954 only if (1) such release is opposed by a person who the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 344–348, 361–368, 373–374, 388, 52 Stat. 38, as amended, including Pub. Law 290, 83d Cong., approved January 30, 1954; 7 U. S. C. 1301, 1344–1348, 1361–1368, 1373–1374, 1388)

Done at Washington, D. C., this 18th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54–2044; Filed, Mar. 22, 1954; 8:48 a. m.]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1954 CROP

DETERMINATION OF ACREAGE ALLOTMENTS FOR OLD AND NEW FARMS

Basis and purpose. The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of making provision for the use of a reserve of not to exceed three per centum of the State wheat acreage allotment for establishing wheat acreage allotments for farms in the State on which wheat will be produced in 1954 for the first time since 1950 instead of a reserve from the county acreage allotment for establishing allotments for "new" farms in the county. This change is required by Public Law 117, 83d Congress.

Since the only purpose of the amendments is to reflect changes in applicable legislation, it is hereby found and determined that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and contrary to the public interest, and the amendments herein shall take effect upon their publication in the FEDERAL REGISTER.

Section 728.417 *Determination of acreage allotments for old farms* is amended by striking out therein the words "and a reserve for new farms of not to exceed 3 percent of the county allotment".

Section 728.419 *Determination of acreage allotments for new farms* is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The sum of all new farm acreage allotments in the State shall not exceed the State reserve set aside for new farm acreage allotments by the State committee which in no case shall exceed 3 percent of the State allotment. The sum of all new farm acreage allotments in the county shall not exceed that portion of the State reserve for new farms set aside by the State committee for new farm acreage allotments in the county."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended; Pub. Law 117, 83d Cong.; 7 U. S. C. 1334.)

Done at Washington, D. C., this 18th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 54–2045; Filed, Mar. 22, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 608—DANGER AREAS

ALTERATION

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 amened as follows:

In § 608.51, the Midland, Texas, area (D-217), published on July 16, 1949, in 14 F. R. 4296, amended on October 31, 1951, in 16 F. R. 11068, and on November 28, 1951, in 16 F. R. 11954, is rescinded.

(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 March 15, 1954.

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

[F. R. Doc. 54-2025; Filed, Mar. 22, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53455]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

MARKING OF ARTICLES AND CONTAINERS TO INDICATE NAME OF COUNTRY OF ORIGIN

Except in the case of articles which before the repeal by section 4 (a), Customs Simplification Act of 1953, of the marking provisions contained in paragraphs 354, 355, 357, 358, 359, 360, 361, and 1553 of the Tariff Act of 1930 (19 U. S. C. 1001, pars. 354, 355, 357, 358, 359, 360, 361, and 1553) were subject to special marking, the exact method of marking to indicate the country of origin of an imported article (or its container, when the container and not the article must be marked) to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U. S. C. 1304), has not been specified in the Customs Regulations.

In order to indicate with respect to articles not classifiable under paragraph 354, 355, 357, 358, 359, 360, 361, or 1553, supra, the standard of permanency of marking contemplated by section 304, as amended, supra, in the light of the decision of the United States Court of Customs and Patent Appeals in the Gibson-Thomsen case (1940), C. A. D. 98, 27 C. C. P. A. 267, and the requirements of section 304 with respect to legibility and conspicuousness of marking, § 11.8 (d) is hereby amended to read as follows:

§ 11.8 *Marking of articles and containers to indicate name of country of origin.* * * *

(d) Subject to the exceptions specified in section 304 (a) (3), Tariff Act of 1930, as amended, each article classifiable under paragraph 354, 355, 357, 358, 359, 360, 361, or 1553 of that act shall be marked legibly and conspicuously to indicate its origin by die stamping, cast-in-the-mold lettering, etching (acid or electrolytic), engraving, or by means of metal plates which bear the prescribed marking and which are securely attached to the article in a conspicuous place by welding, screws, or rivets. In the case of other classes of articles, the exact method of marking to meet the requirements of section 304, Tariff Act of 1930, as amended, is not specified in these regulations or elsewhere. When an article not classifiable under a paragraph specified above is required to be marked under section 304 to indicate its origin, any method of legible and conspicuous marking is acceptable which will remain on the article (or its container, when the container and not the article is required to be marked) until it reaches the ultimate purchaser. The marking must in all cases be legible and conspicuous and of a degree of permanency which will assure that in any reasonably foreseeable circumstance the marking, unless it is deliberately removed, will remain on the article (or its container) until it reaches the ultimate purchaser. For example, if chinaware is marked by means of paper sticker labels, the labels, legibly indicating the English name of the country of origin, must be affixed to the chinaware in a conspicuous place and so securely that unless deliberately removed they will remain on the chinaware while it is in storage or on display and until it is delivered to the purchaser at retail or other ultimate purchaser. Similarly, when tags are used, the tags, legibly indicating origin, must be attached in a conspicuous place and in a manner which assures that unless deliberately removed they will remain on the article until it reaches the ultimate purchaser.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 304, 46 Stat. 687, as amended; 19 U. S. C. 1304)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 17, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2039; Filed, Mar. 22, 1954; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amended]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This amended order is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950, as amended, with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) of the act. It is a complete restatement and revision of the order as heretofore amended. In the formulation of this amended order there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

EXPLANATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

APPLICATIONS

3. Form and filing.
4. Scope of application.
5. Action on applications.
6. Criteria.

EXPLORATION PROJECT CONTRACTS

7. Ratio of contributions.
8. Operator's property rights.
9. Allowable costs.
10. Repayment by operator.
11. Government not obligated to buy.
12. Title to and disposition of property.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, 65 Stat. 139, 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, 65 Stat. 133; secs. 5-6, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10480, Aug. 20, 1953, 18 F. R. 4939.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* This order sets forth procedures and regulations for obtaining Government aid in financing the cost of projects for exploration for indicated or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Definitions.* As used in this order:

(a) "Exploration project" means the search for indicated or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Exploration Administration, or his representative authorized in writing.

(d) "Government" means the United States of America.

APPLICATIONS

SEC. 3. *Form and filing.* An application for aid in any specified exploration project must be in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration,
Department of the Interior,
Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I	Alaska	Bureau of Mines, P. O. Box 560, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana.	South 157 Howard Street, Spokane 4, Wash.
III	California and Nevada.	1012 Flood Building, 870 Market Street, San Francisco 2, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming.	Bureau of Mines, 224 New Customhouse Building, Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	2908 Colfax Avenue, South Minneapolis 8, Minn.
VI	Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Building, Knoxville 2, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Massachusetts, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania.	Bureau of Mines, Eastern Experiment Station, College Park, Md.

SEC. 4. *Scope of application.* Each application shall relate to and fully describe the exploration project, which shall be justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may require such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant upon such terms and conditions as are set forth in the contract form which the Administrator will supply. Exploration projects estimated to require more than two years to complete will be approved only if justified in the opinion of the Administrator by special circumstances.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower, materials, supplies, equipment, water, and power.

(d) The accessibility of the project.

(e) The operating experience and background of the applicant.

EXPLORATION PROJECT CONTRACTS

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total allowable costs of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

(a) In the case of bauxite, chromium, copper, fluorspar, graphite (crucible flake), lead, molybdenum, zinc, and cadmium—50 percent.

(b) In the case of antimony, asbestos (chrysotile only), beryl, cobalt, columbium, corundum diamonds (industrial), kyanite (strategic), manganese, mercury, mica (strategic), monazite and rare earths, nickel, platinum-group metals, quartz crystals (piezo-electric), rutile-brookite, talc (block-steatite), tantalum, thorium, tin, tungsten, and uranium—75 percent.

(c) In the event that two or more of the minerals named in this section are the subject of the proposed exploration, the allowable percentage shall be apportioned between them.

SEC. 8. *Operator's property rights.* The operator must have, preserve, and maintain a sufficient interest in the land, as owner, lessee, or otherwise, for the purposes of the exploration project contract: *Provided,* That the Administrator may waive any deficiencies in the operator's interest in the land when he finds such action to be in the best interest of the Government. The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof.

SEC. 9. *Allowable costs.* (a) The Government, to the extent provided in the exploration project contract, will contribute to the necessary, reasonable, direct costs of performing the exploration work, including: The costs of labor, supervision, and consultants; operating materials and supplies; operating equipment; any necessary initial rehabilitation or repairs of existing buildings, installations, fixtures, and operating equipment; any necessary buildings, fixed improvements, or installations; repairs and maintenance, analytical work, accounting, payroll deductions for the account of the operator, and liability insurance covering employment; payments by the operator to independent contractors; costs estimated and agreed upon by the operator and the Government in terms of units of work performed (per foot of drifting, per foot of drilling, etc.); and such other necessary, reasonable, direct costs as may be approved by the Government in the course of the work.

(b) No costs of acquiring, owning, or holding possession of the land, and no items of general overhead, corporate management, interest, taxes (other than payroll and sales taxes), or work performed or costs incurred before the date of the contract, shall be allowed as costs of the contract in which the Government will participate.

SEC. 10. *Repayment by operator.* (a) If the Government considers that a discovery or development from which production may be made has resulted from the work, the Government, within the time limited by the contract, may so certify in writing to the operator. Such certification shall describe broadly or indicate the nature of the discovery or development.

(b) The operator shall pay to the Government a royalty on all minerals mined or produced from the land described in the contract: (1) Regardless of any certification of discovery or development, from the date of the contract until the lapse of time within which the Government may make such certification, or until the total net amount contributed by the Government without interest is fully repaid, whichever occurs first; or (2) if the Government makes a certification of discovery or development, within ten years (or other period fixed by the contract) from the date of the contract, or until the total net amount contributed by the Government is fully repaid, whichever occurs first.

(c) The Government's royalty shall be a percentage of the gross proceeds (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrates, metal, or equivalent), at the point of delivery (the f. o. b. point); except, that charges of the buyer arising in the regular course of business, and shown as deductions on the buyer's settlement sheets, on account of the cost of treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight paid by the buyer to a carrier (not the operator), shall be allowed as deductions in arriving at the "gross proceeds" as that term is used herein. Any costs of treatment processes, sampling or assaying, or transportation, performed or paid by the operator or by anyone other than the buyer, are not deductible in arriving at the "gross proceeds" as that term is here used. The term "treatment processes," as here used, means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the raw ore or other production after it is extracted from the ground, to put it into a commercially marketable form; excluding fabricating or manufacturing.

(d) If any production (ore, concentrates, metal, or equivalent), after the lapse of six months from the date the ore was extracted from the ground, remains neither sold nor used by the operator in integrated manufacturing or fabricating operations (for instance, if it is stockpiled), the Government, at its option, as long as it so remains, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrates, metal, or equivalent) it is in when the Government elects to require computation and payment. If any production is used by the operator in integrated manufacturing or fabricating operations before the Government makes its election, the Government's royalty on such production shall be computed on the value thereof in the form in which and at the

time when it is so used. "Value" as here used means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(e) The percentages of the Government's royalty shall be as follows:

One and one-half (1½) percent of amounts ("gross proceeds" or "value") not in excess of eight dollars ($8.00) per ton of production in the form in which sold, held, or used, plus one-half (½) percent for each additional full fifty cents ($0.50) by which such amounts exceed eight dollars ($8.00) per ton, but not in excess of five (5) percent of such amounts.

(For instance: The royalty on an amount of five dollars ($5.00) per ton, would be one and one-half (1½) percent; on an amount of ten dollars ($10.00) per ton, three and one-half (3½) percent.)

(f) To secure the payment of the Government's percentage royalty, the contract shall provide for a lien upon the land or the operator's interest in the land which is the subject of the contract, and upon any production of minerals therefrom. To the extent provided in the contract, if the operator is not the producer or if the operator transfers his interest in production, the operator shall remain liable as surety for the payment of the Government's royalty, unless such liability is waived by the Administrator.

(g) If, in any particular case, the Administrator finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value," as those terms are used in this order, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration project contract or by an amendment thereof, upon some other basis of computation. The Administrator may, in special cases, fix the term of the Government's percentage royalty and lien at more or less than ten years, when he finds such action to be in the best interest of the Government.

(h) This section is not to be construed as imposing any obligation on the operator or the operator's successor in interest to engage in any mining or production operations.

SEC. 11. *Government not obligated to buy.* Nothing in this order or in any contract entered into pursuant thereto shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the property which is the subject of such contract.

SEC. 12. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contribution, and the exploration project contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

Dated: March 19, 1954.

C. O. MITTENDORF,
Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 54-2056; Filed, Mar. 22, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 977]

[Docket No. AO 183-A3]

HANDLING OF MILK IN PADUCAH, KENTUCKY, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to 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 marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the McCracken County Courthouse, Paducah, Kentucky, beginning at 10:00 a. m., March 30, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR 977 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, milk marketing area were proposed as follows:

By the Paducah Graded Milk Producers Association:

1. Amend § 977.6 *Pool plant* by deleting paragraph (b) and substituting therefor the following:

(b) Any plant which is approved by such health department and supplies milk, skim milk, or cream to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

2. Amend § 977.8 *Producer* by adding a new paragraph (c) to read as follows:

(c) Diverted by a cooperative association to a pool plant or a nonpool plant.

3. Amend § 977.50 by deleting paragraph (a) and substitute therefor the following:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.50 for the delivery periods of August, September, October, November, December, January, February and March; and $0.60 for the delivery periods of April, May, June, and July.

4. Amend § 977.63 by deleting the present language in the order and insert therefor the following:

§ 977.63 *Handlers subject to other orders.* In case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verifications of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

5. Add a provision requiring that an operator of a pool plant shall pay the market administrator on any milk received from a nonpool plant and classified as Class I milk an amount calculated as follows:

Multiply the pounds of such milk by the Class I price adjusted by the Class I butterfat differential and subtract therefrom the amount of such milk multiplied by the Class II price adjusted by the Class II butterfat differential; and *Provided*, That money so paid to the market administrator shall be distributed pro rata on the basis of the volume of milk received from producers for distribution to producers.

6. Amend § 977.80 *Payments to producers* by deleting paragraph (a) and substituting therefor the following:

(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, not a member of a qualified cooperative association and to a qualified cooperative association for milk received from its members, during the first 15 days of the current delivery period at not less than the Class II price of the preceding delivery period.

7. Amend § 977.80 by deleting that part of paragraph (b) preceding subparagraph (1) and substitute therefor the following:

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, not a member of a qualified cooperative association, and to a qualified cooperative association, for milk received from its members during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: * * *

By the Midwest Dairy Products Corporation:

8. Delete § 977.51 *Basic formula price* and insert in lieu thereof the following:

§ 977.51 *Basic formula price.* The basic formula price for each delivery period to be used in determining the class prices set forth in this section shall be the higher of the prices computed pursuant to paragraphs (a), (b) or (c) of this section, rounded to the nearest cent.

(a) To the average of the prices paid per hundredweight reported to have been, or to be paid for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

(b) (1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices using the midpoint of any price range as one price of Grade AA (93 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93 score) butter, the highest of the prices reported for Grade A (92 score) butter for the day shall be used in lieu of the price for Grade AA (93 score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

(4) Add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

(c) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky.

9. Review the factors in § 977.50 (a) used in establishing the level of prices for Class I milk.

10. Delete § 977.50 (b) *Class II milk* and insert in lieu thereof the following:

(b) *Class II milk.* The Class II price shall be the basic formula price.

11. Delete § 977.52 *Butterfat differential to handlers* and insert in lieu thereof the following:

§ 977.52 *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct per hundredweight of milk for each one-tenth of 1 percent of butterfat above or below 4.0 percent an amount computed as follows:

(a) *Class I milk.* Multiply by 0.120 the average of the daily wholesale prices per pound of 92 score butter (using the midpoint of any price range as one price) as reported by the Department of Agriculture during the previous delivery period and rounded to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115 the average of the daily wholesale prices using the midpoint of any price range as one price of 92 score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and rounded to the nearest one-tenth cent.

12. Add § 977.64 under center heading Application of Provisions.

§ 977.64 *Transportation allowance for movement of Class II milk.* During the months of March, April, May, June, July and August pool plant handlers shall receive credit for transportation based on the actual movement of skim milk and butterfat in milk or cream to a nonpool plant as Class II of the following:

More than 10 but not more than 30 miles	0.10
More than 30 but not more than 70 miles	.18
More than 70 but not more than 110 miles	0.23
More than 110 but not more than 150 miles	.33
More than 150 but not more than 190 miles	.43
More than 190	.53

The above milage shall be the minimum road mileage from the pool plant to the nonpool plant utilizing the milk.

13. Delete paragraph (b) of § 977.6 *Pool plant* and insert in lieu thereof the following:

(b) Any plant which is approved by such health department and furnishes milk to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

14. Add to § 977.63 *Handlers subject to other orders* the following: "If the price which such handler is required to pay under the other Federal Order to which he is subject for skim and butterfat, which would be classified as Class I milk under this order, is less than the price provided by this order such handler shall pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area via delivery routes or plant stores, an amount equal to the difference between the value of skim milk or butterfat as computed pursuant to this order to which he is subject."

15. Delete paragraph (a) of § 977.80 *Payment to producers* and insert in lieu thereof the following:

(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable Class II price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided*, That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

By the Dairy Division, Agricultural Marketing Service:

16. Amend the order as necessary to provide for the classification and pricing of butterfat and skim milk contained in inventories of milk or milk products on hand at the beginning and end of the delivery period.

17. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 18, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2043; Filed, Mar. 22, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 9]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

MARCH 1, 1954.

1. *Water rental.* Irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1954 (May 1 to September 30, inclusive), where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District.

2. *Charges and terms of payment.* The minimum water rental charge shall be $2.50 for all irrigable areas of land on each 40-acre parcel designated to be irrigated during the year 1954. The minimum payment will entitle the applicant to 2 acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.50 per acre-foot. All charges shall be payable in advance of the delivery of water and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs.

5. Water will be delivered only to lands, the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Manager, Bureau of Reclamation, Reclamation Center, Casper, Wyoming. The United States reserves the right to reject any applications.

R. J. WALTER, Jr.,
Regional Director, Region 7.

[F. R. Doc. 54-2027; Filed, Mar. 22, 1954; 8:45 a. m.]

[No. 53]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

FEBRUARY 10, 1954.

1. *Operation and maintenance.* The minimum operation and maintenance charge for the irrigation season of 1954 against all lands of the Main Division lying outside of the Klamath Irrigation District shall be $4.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.80 per acre-foot.

2. The operation and maintenance charge for the irrigation season of 1954 against all lands under individual Warren Act contracts shall be $2.25 per irrigable acre, whether water is used or not.

3. *Water rental.* The minimum water rental charge for the irrigation season of 1954 against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, September 9, 1937, August 1, 1946, October 8, 1947, and August 27, 1948, shall be $4.50 per irrigable acre whether water is used or not. Payment of the minimum rental charge shall entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water will be furnished, if available, at a rate of $1.80 per acre-foot.

4. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be $1.80 per acre-foot for the season of 1954.

5. For irrigation or waste water furnished lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1954.

6. For irrigation water furnished private lands from Klamath or Lost Rivers and Upper Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1954.

7. For water furnished lands not subject to the operation and maintenance or water rental charges named above, the charge shall be $1.80 per acre-foot for the season of 1954.

8. *Time of payment.* For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge stated in paragraph 3 above shall be due and payable one-half before the delivery of water if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. For all other lands referred to herein, the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for all water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the year in which used.

9. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

R. S. CALLAND,
Acting Regional Director.

[F. R. Doc. 54-2028; Filed, Mar. 22, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

DIRECTOR AND ASSISTANT DIRECTOR OF BUREAU OF EMPLOYMENT SECURITY

DELEGATION OF AUTHORITY TO PERFORM CERTAIN DUTIES OF THE SECRETARY

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 287; 5 U. S. C. 1001 et seq.), the Statement of Organization of the Department of Labor heretofore published in the FEDERAL REGISTER is amended to indicate certain additional assignments of functions.

On February 17, 1954, by virtue of authority contained in R. S. 161 (5 U. S. C. 22), in regulations issued by the Administrator, Bureau of Security, Consular Affairs, and Personnel of the Department of State (22 CFR 44.3 (c), in the Refugee Relief Act of 1953 (67 Stat. 400, 50 U. S. C. Appx. 1971), and in Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 5 U. S. C. 1952 ed. 1611), the Secretary of Labor issued General Order No. 71 which authorized the Assistant Secretary of Labor for Employment and Manpower, or such other person as he chose to designate, to certify to the authenticity and bona fides of assurances of employment for aliens submitted under section 7 of the Refugee Relief Act of 1953, and to certify that applicable Employment Service policies have ben observed with respect to said assurances of employment, as provided in 22 CFR 44.3 (c).

This order superseded all prior orders, instructions, regulations and memoranda of the Secretary of Labor to the extent that they were inconsistent therewith.

On March 5, 1954, the Assistant Secretary of Labor for Employment and Manpower authorized the Director of the Bureau of Employment Security to perform the functions designated in General Order No. 71.

Under authority contained in the latter order, the Director of the Bureau of Employment Security, on March 10, 1954, authorized the Assistant Director of Employment Security to perform the above named functions subject to his general direction and control.

Signed at Washington, D. C., this 16th day of March 1954.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 54-2029; Filed, Mar. 22, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or

modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on March 29, 1954, in Washington, D. C., is hereby postponed and reassigned to be held on March 31, 1954, at 9:30 a. m., e. s. t., in Room No. E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2046; Filed, Mar. 22, 1954; 8:48 a. m.]

[Docket No. 6207]

CITY OF NEWPORT, VERMONT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of the City of Newport, Vermont, for regularly scheduled airline service.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on March 29, 1954, in Washington, D. C., is hereby postponed and reassigned to be held on March 31, 1954, at 10:30 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2047; Filed, Mar. 22, 1954; 8:48 a. m.]

[Docket No. 6563]

NORTH CENTRAL AIRLINES, INC.; SERVICE TO INTERNATIONAL FALLS, MINNESOTA, ON A YEAR-ROUND BASIS

NOTICE OF HEARING

In the matter of the application of North Central Airlines, Inc., for an extension of its certificate of public convenience and necessity so as to permit it to serve International Falls, Minnesota, on segment 3 of route 86 on a year-round basis until September 30, 1955.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on March 26, 1954 at 10:00 a. m., c. s. t., in Rooms 1, 2 and 3, Second Floor, 1022 Nicollet Avenue, Minneapolis, Minnesota, before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the applications in this proceeding, particular attention will be directed to the following questions:

1. Do the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route 86 be altered or amended, so as to provide service to International Falls, Minnesota, on segment 3 of said route on a year-round basis?

2. Is North Central fit, willing and able to perform the transportation in question properly, and to conform to the provisions of the Act and the rules, regulations and requirements thereunder?

For further details of the issues involved in this proceeding interested persons are referred to the papers on file in Docket No. 6563 and other documents of record in this proceeding in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 26, 1954, a statement setting forth the issues of fact or law raised by the application which he desires to controvert.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2048; Filed, Mar. 22, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29030]

AGRICULTURAL LIMESTONE FROM VALMEYER, ILL., TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 18, 1954.

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

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

Commodities involved: Agricultural limestone, also ground limestone dust and limestone, ground, carloads.

From: Valmeyer, Ill.

To: Points in Kentucky and Tennessee.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 50.

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2030; Filed, Mar. 22, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6542]

EL PASO ELECTRIC CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK AND FIRST MORTGAGE BONDS

MARCH 17, 1954.

Notice is hereby given that on March 17, 1954, the Federal Power Commission issued its supplemental order adopted March 16, 1954, authorizing issuance of preferred stock and first mortgage bonds in the above-entitled matter.

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

[F. R. Doc. 54-2034; Filed, Mar. 22, 1954; 8:46 a. m.]

[Docket No. E-6546]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

MARCH 17, 1954.

Notice is hereby given that on March 16, 1954, the Federal Power Commission issued its order adopted March 15, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

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

[F. R. Doc. 54-2035; Filed, Mar. 22, 1954; 8:46 a. m.]

[Docket No. E-6549]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

MARCH 17, 1954.

Notice is hereby given that on March 16, 1954, the Federal Power Commission issued its order adopted March 15, 1954, authorizing issuance of promissory notes in the above-entitled matter.

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

[F. R. Doc. 54-2036; Filed, Mar. 22, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 14]

GEORGIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about March 13, 1954 because of the disastrous effects of tornadoes, damage

resulted to residences and business property located in certain areas in the State of Georgia; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provision of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Bibb, Crawford, Taylor—Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street, NE., Atlanta, Georgia.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this Order subsequent to September 30, 1954.

Dated: March 17, 1954.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-2032; Filed, Mar. 22, 1954; 8:46 a. m.]

[Declaration of Disaster Area 15]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about March 13, 1954, because of the disastrous effects of tornadoes, damage resulted to residences and business property located in certain areas in the State of Alabama; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County: Russell—Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street NE., Atlanta, Ga.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this Order subsequent to September 30, 1954.

Dated: March 17, 1954.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-2031; Filed, Mar. 22, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3214]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING OF DECLARATION FOR ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF NEW PREFERRED STOCK SUBJECT TO EXCHANGE OFFER AND REDEMPTION OF OUTSTANDING PREFERRED STOCK

MARCH 17, 1954.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. West Texas has designated sections 6 (a), 7 and 12 (c) of the act and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

West Texas at the present time has outstanding 47,370 shares of $6 Cumulative Preferred Stock ("Old Preferred Stock"), without par value, which is redeemable at $110 per share, plus accrued dividends.

West Texas proposes to (a) issue 60,000 shares of __ Percent Cumulative Preferred Stock ("New Preferred Stock"), of the par value of $100 per share, at a price to be determined through competitive bidding; (b) to offer to the holders of the 47,370 shares of Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of New Preferred Stock, on a share for share basis, with a cash adjustment for the difference between the initial public offering price of the New Preferred Stock and the redemption price of the Old Preferred Stock, plus accrued dividends; and (c) to sell to underwriters, pursuant to the competitive bidding requirements of Rule U-50, all of the unexchanged shares of New Preferred Stock, together with the additional 12,630 shares of New Preferred Stock proposed to be issued. The exchange offer will be open for a period of from ten to twelve days.

West Texas proposes to redeem all unexchanged shares of Old Preferred Stock at their redemption price of $110 per share, plus accrued dividends to date of redemption, and to retire all shares of Old Preferred Stock acquired pursuant to such redemption or received through the exchange offer, together with 25,643 reacquired shares of said stock now held in the company's treasury.

West Texas will publicly invite, pursuant to Rule U-50, proposals which shall specify (a) the aggregate amount of compensation to be paid by the company to the bidder for its agreement (i) to purchase such number of shares of the New Preferred Stock as shall not be issuable pursuant to acceptances of the exchange offer, (ii) to purchase the 12,630 additional shares of said stock, and (iii) to undertake the formation and management of a group of securities dealers to solicit acceptances of said exchange offer, (b) the dividend rate on the New Preferred Stock, and (c) the price per share to be paid to the company for the unexchanged shares and the additional stock (which shall be not less than $102 nor more than $105 per share) and which will also constitute the initial public offering price. The successful bidder will be required to pay soliciting dealers an amount per share (to be fixed by West Texas and not yet determined) in respect of each share of Old Preferred Stock deposited for exchange. The company will reimburse the successful bidder for the aggregate amount so paid as compensation to soliciting dealers.

In connection with the proposed issue and sale of New Preferred Stock, West Texas will, by appropriate amendment to its charter, authorize the shares of New Preferred Stock to be issued, and establish certain protective provisions for the holders of the New Preferred Stock.

West Texas represents that the proceeds, exclusive of accrued dividends, from the sale of (a) such of the shares of New Preferred Stock as are not to be issued pursuant to said exchange offer and (b) the 12,630 additional shares, will be applied by the company, to the extent required, to the redemption and retirement of the unexchanged shares of Old Preferred Stock and to the payment of the cash adjustment payable to stockholders who accept the exchange offer, and the remainder to pay part of the cost of the company's construction program.

No state commission, or Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing 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 March 30, 1954, such declaration 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

such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

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

[F. R. Doc. 54-2037; Filed, Mar. 22, 1954; 8:47 a. m.]

[File No. 70-3220]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING REGARDING SALE BY PARENT OF SUBSIDIARY'S COMMON STOCK AT COMPETITIVE BIDDING AND REQUEST FOR RECITALS REQUIRED

MARCH 17, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3220.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a wholly-owned utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities system which are served by said service company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 11 and 12 of the act and Rules U-42, U-43, U-44, and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Cities has requested withdrawal of its prior application-declaration (File No. 70-3167) which, as amended, proposed the sale of the common stock of Gas Service owned by Cities to Missouri Public Service Company, a non-affiliated company, pursuant to a contract entered into as a result of private negotiation.

Now Cities proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 1,500,000 shares of $10 par value common stock of Gas Service, being all the capital stock of such company outstanding. One of the terms of the proposed purchase contract, to be entered into by Cities and the successful bidders, is that the latter, as purchasers, agree promptly to make a public offering of the Gas Service common stock.

The proposed sale by Cities of its interest in Gas Service is stated to be in compliance with the Commission's order of May 5, 1944, as modified and clarified by Supplemental Order dated October 12, 1944, pursuant to section 11 (b) (1) of the act, directing, among other things, that Cities dispose of its interest in Gas Service.

Gas Service presently owns 270 shares of the capital stock, par value $100 per share, of Gas Advisers. Subject to, and on the consummation of, Cities' proposed sale of its interest in Gas Service, the latter proposes to sell, and Gas Advisers proposes to purchase for retirement, said 270 shares for a consideration of $27,000; and concurrently therewith the service contract dated January 1, 1938, between Gas Service and Gas Advisers will be terminated.

The application-declaration states that Cities will use the proceeds from the sale of its holdings of common stock of Gas Service to purchase additional common stock of its wholly-owned subsidiary, Empire Gas and Fuel Company.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance.

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

By the Commission.

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

[F. R. Doc. 54-2038; Filed, Mar. 22, 1954; 8:47 a. m.]