AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 205

Washington, Thursday, October 21, 1954

TITLE 7—AGRICULTURE

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

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), Marketing Agreement No. 111 and Order No. 94 (7 CFR, 1953 Rev., Part 994) regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, it is hereby found and determined that the provisions of § 994.6 (b) (2) and (3) of said agreement and order and, § 994.501 (7 CFR, 1953 Rev., 994.501) of the supplementary regulations, no longer tend to effectuate the declared policy of the act and that said provisions should be suspended.

The aforesaid provisions require all pecan handlers to furnish to the Secretary on specific days information with respect to prices which they have paid and received for pecans during the then current week. Experience under order operations indicate that it is impracticable to obtain full compliance of all handlers with these provisions. Some large handlers purchase few, if any, pecans directly from growers, and for that reason have not been able to furnish the required information on prices paid to growers. Throughout the five-State area, numerous itinerant truckers and small dealers carry on handling operations, and it has been found extremely difficult and impracticable to obtain the weekly reports regularly from many of the handlers.

The order is principally concerned with the requirement that all pecan shipments from the five-States for inshell distribution meet minimum standards of quality and size rather than with supplying price information to growers and others. The discontinuance in effect of these price reporting requirements will not seriously interfere with future administration on the basis of these minimum standards. It is, therefore, concluded that the mandatory price reporting provisions should be suspended.

It is hereby ordered, That § 994.6 (b) (2) and (3) of Marketing Agreement No. 111 and Order No. 94 regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR 1953 Rev., Part 994) and § 994.501 (See 7 CFR 1953 Rev., 994.501 of the supplementary regulations) be, and they hereby are, suspended.

Notice of proposed rule making, public participation therein and delay in making this order effective later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest in that the effect of this action is to remove requirements imposed upon handlers and it is desirable that the removal of such requirements be made effective as soon as practicable. No prior preparation in this regard on the part of handlers will be necessary.

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

Issued at Washington, D. C., this 18th day of October 1954 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-8281; Filed, Oct. 20, 1954; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.232]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

PETTY OFFENSES UNDER THE IMMIGRATION LAWS

Paragraph (c) *Purely political offenses* of § 42.42 *Classes of aliens ineligible to receive immigrant visas* is amended to read as follows:

(c) *Criminal and political offenses*—(1) *Single offense involving misde-*

(Continued on next page)

CONTENTS

	Page
Agricultural Marketing Service	
Proposed rule making:	
Milk handling in Toledo, Ohio	6792
Rules and regulations:	
Pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina; order suspending certain provisions	6785
Agricultural Research Service	
Notices:	
Arizona, California and New Mexico; public hearing on quarantining on account of khapra beetle	6795
Agriculture Department	
See Agricultural Marketing Service; Agricultural Research Service; Rural Electrification Administration.	
Alien Property Office	
Notices:	
Vested property, intention to return:	
Fabriques de Produits Chimiques de Thann et de Mulhouse	6806
Hertz, Katharina et al	6806
Melzer, Max	6806
Commerce Department	
See also Federal Maritime Board.	
Notices:	
Bureau of Foreign Commerce; establishment, organization and functions	6799
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Chesapeake and Potomac Telephone Co. of Virginia	6804
Radio Cleveland (WCLE)	6804
Southern Bell Telephone and Telegraph Co	6804
Southwestern Bell Telephone Co	6803
Times-World Corp. and Radio Roanoke, Inc	6799
WORZ, Inc., et al	6803
Proposed rule making:	
Restricted radiation devices; further extension of time for filing comments	6793

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.

CFR SUPPLEMENTS

(For use during 1954)

All of the cumulative pocket supplements and revised books of the Code of Federal Regulations (as of January 1, 1954) are now available, except the supplements to Titles 1–3 and to the General Index.

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued Page
Proposed rule making—Con.
Uniform system of accounts for radiotelegraph, wire-telegraph and ocean-cable carriers; continuous property record required 6793

Federal Housing Administration
Rules and regulations:
Rehabilitation and neighborhood conservation housing insurance 6787

Federal Maritime Board
Notices:
Ocean freight forwarders, practices, operations, actions, agreements of and related matters; order of investigation 6798

Housing and Home Finance Agency
See Federal Housing Administration.

Interior Department Page
See Land Management Bureau.

Interstate Commerce Commission
Rules and regulations:
Car service; Chicago & Eastern Illinois Railroad Co 6791

Justice Department
See Alien Property Office.

Land Management Bureau
Notices:
Alaska; proposed withdrawal and reservation of lands (2 documents) 6794
Colorado:
Proposed withdrawal and reservation of lands (2 documents) 6795
Restoration of reclamation withdrawn lands to mineral location, entry and patent; correction 6794

Post Office Department
Rules and regulations:
International postal service: Postage rates, service available and instructions for mailing:
Belgium 6791
Germany; correction 6791

Rural Electrification Administration
Notices:
Allocations of funds for loans (8 documents) 6796–6798
Loan announcements (19 documents) 6795–6798

State Department
Rules and regulations:
Visas: Documentation of immigrants under the Immigration and Nationality Act; petty offenses under the immigration laws 6785

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 IX:
Part 930 (proposed) 6792
Part 994 6785
Title 22
Chapter I:
Part 42 6785
Title 24
Chapter II:
Part 261 6787
Part 262 6787
Part 263 6787
Part 264 6788
Part 266 6788
Part 267 6789
Part 268 6790
Part 269 6790
Title 39
Chapter I:
Part 127 (2 documents) 6791

CODIFICATION GUIDE—Con.

Title 47 Page
Chapter I:
Part 15 (proposed) 6793
Part 34 (proposed) 6793
Part 35 (proposed) 6793
Title 49
Chapter I:
Part 95 6791

meanor. An alien shall not be ineligible to receive a visa under the provisions of section 212 (a) (9) of the act (i) solely by reason of the conviction of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year, and for which the penalty actually imposed was imprisonment not to exceed six months or a fine not to exceed $500, or both; or (ii) solely by reason of the admission of the commission of a single offense or the commission of acts constituting the essential elements of a single offense which, if committed in the United States, would be a misdemeanor punishable by imprisonment not to exceed one year.

(2) *Political offenses.* The term "purely political offense", as used in sections 212 (a) (9) and (10) of the act, shall include offenses which, the evidence presented to the consular officer clearly establishes, were involved in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities. The admission by an immigrant that he has committed acts which would not constitute a crime under the laws of the United States, but which would have been punishable under the laws or decrees of a foreign country which, the evidence presented to the consular officer clearly establishes, were predicated upon the repression of racial, religious, or political minorities shall be considered as the admission of the commission of a purely political offense within the meaning of section 212 (a) (9) of the act. The mere fact that an alien is or was a member of a racial, religious, or political minority shall not be considered as sufficient in itself to warrant a conclusion that the crime of which he was convicted was a purely political offense.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: October 14, 1954.

SCOTT MCLEOD,
Administrator of the Bureau of Inspection, Security, and Consular Affairs.

[F. R. Doc. 54-8323; Filed, Oct. 20, 1954; 9:02 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Sec.
261.1 Incorporation by reference.
261.2 Location of property.
261.3 Certificate by Administrator to Commissioner.
261.4 Standards and conditions of acceptability.
261.5 Dwelling units on property.
261.6 Maximum mortgage amount; dollar limitation.
261.7 Maximum mortgage amount; loan-to-value limitation.
261.8 Mortgage obligation in multiples.
261.9 Mortgagor's minimum investment.
261.10 Supervision of mortgagor.
261.11 Effective date.

AUTHORITY: §§ 261.1 to 261.11 issued under sec. 211, 52 Stat. 23, 12 U. S. C. 1715b.

§ 261.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this chapter, concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act, apply with full force and effect to home mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act, except the following provisions:

§ 221.17 Maximum amount of mortgage and mortgagor's minimum investment.
§ 221.27 Project must be economically sound.
§ 221.37 Dwelling unit located on property.
§ 221.39 Location of property.
§ 221.42 Eligibility of miscellaneous type mortgages.
§ 221.44 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act.

§ 261.2 *Location of property.* The mortgaged property must be located in:

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended) before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended.

§ 261.3 *Certificate by Administrator to Commissioner.* Except as to property located in an area as described in § 261.2 (a), no mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

§ 261.4 *Standards and conditions of acceptability.* The mortgaged property must meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These will include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 261.5 *Dwelling units on property.* At the time the mortgage is insured there must be located on the mortgaged property a dwelling designed principally for residential use of not more than eleven families. Such dwelling may be connected with other dwellings by a party wall or otherwise.

§ 261.6 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation in a dollar amount not in excess of:

(a) $20,000 in the case of dwellings designed principally for one or two-family residences; or

(b) $27,500 in the case of a three-family residence; or

(c) $35,000 in the case of a four-family residence; or

(d) $35,000 plus not to exceed $7,000 for each additional family unit in excess of four.

In addition to the dollar limitation prescribed in this section the mortgage is subject to a loan-to-value limitation as provided in § 261.7.

§ 261.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 261.6 the mortgage shall meet a loan-to-value limitation as follows:

(a) Where the mortgagor is the occupant of the property the mortgage shall be in an amount not in excess of:

(1) 95 percent of $9,000 of the appraised value, as of the date the mortgage is accepted for insurance, if the dwelling is approved for mortgage insurance prior to the beginning of construction or rehabilitation; or 90 percent of $9,000 of the appraised value, as of the date the mortgage is accepted for insurance, and

(2) 75 percent of the appraised value in excess of $9,000.

(b) Where the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed 85 percent of the amount computed under the formula in paragraph (a) of this section.

§ 261.8 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof except that a mortgage having a principal obligation of less than $10,000 may be in an amount of $50 or multiples thereof.

§ 261.9 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 261.10 *Supervision of mortgagor.* The mortgagor must enter into such regulatory or other agreements as the Commissioner may provide under which the mortgagor will be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation.

§ 261.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 262—HOME REHABILITATION INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
262.1 Incorporation by reference.
262.2 Effective date.

AUTHORITY: §§ 262.1 and 262.2 issued under sec. 211, 52 Stat. 23, 12 U. S. C. 1715b.

§ 262.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this chapter, covering mortgages insured under section 203 of the National Housing Act apply with full force and effect to home mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act, except the following provisions:

§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 222.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 262.2 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
263.1 Incorporation by reference.
263.2 Location of property.
263.3 Certificate by Administrator to Commissioner.
263.4 Standards and conditions of acceptability.
263.5 Development of property.
263.6 Maximum mortgage amount; dollar limitation.
263.7 Maximum mortgage amount; loan-to-value limitation.

Sec.
263.8 Maximum mortgage amount; leaseholds.
263.9 Alaska, Guam and Hawaii requirements.
263.10 Effective date.

AUTHORITY: §§ 263.1 to 263.10 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 263.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter, concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provisions:

§ 232.4 Eligibility for insurance.
§ 232.11 Soundness of project.
§ 232.30 Eligibility of miscellaneous-type mortgages.
§ 232.31 Eligibility of refinanced mortgages.
§ 232.32 Reinsurance of Commissioner-held mortgages.
§ 232.35 Effective date.

(b) For the purposes of this part all references in Part 232 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act.

§ 263.2 *Location of property.* The mortgaged property must be located in:

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or a prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended), before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended.

§ 263.3 *Certificate by Administrator to Commissioner.* Except as to property located in an area as described in § 263.2 (a), no mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

§ 263.4 *Standards and conditions of acceptability.* The mortgaged property must meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These will include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 263.5 *Development of property.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than five rental dwelling units on one site and may be detached, semi-detached, or row houses, or multi-family structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion. Such dwelling units, including improvements, if any, must not violate any material zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations; and any project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 263.6 *Maximum mortgage amount; dollar limitation.* (a) The dollar amount of the mortgage on a structure without elevators shall not exceed, for such part of such property or project as may be attributable to dwelling use, $2,250 per room (or $8,100 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit).

(b) Where the project consists of elevator type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of $2,250 per room to not more than $2,700 per room and may also, in his discretion, increase the dollar amount limitation of $8,100 per family unit to not to exceed $8,400 per family unit, as the case may be, to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design. The Commissioner may increase the foregoing limits by not more than $1,000 per room, in any geographical area where he finds that cost levels so require.

(c) A mortgage executed by a private mortgagor may involve a principal obligation not to exceed $5,000,000 and a mortgage executed by a public mortgagor may involve a principal obligation not to exceed $50,000,000.

(d) The dollar limitation set forth in this section is in addition to the loan-to-value limitation as set forth in § 263.7.

§ 263.7 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation set forth in § 263.6 the mortgage shall be in an amount not to exceed 90 percent of the estimated value of the property or project when the proposed improvements are completed. The value of the property or project may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes, and interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner.

§ 263.8 *Maximum mortgage amount; leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 263.9 *Alaska, Guam and Hawaii requirements.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii, without sacrifice of sound standards of construction, design and livability, within the limitations as to maximum mortgage amounts provided in §§ 263.6 to 263.7, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 263.10 *Effective date.* The provisions of this part are effective as to all mortgages on which the commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 264—MULTIFAMILY REHABILITATION INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Sec.
264.1 Incorporation by reference.
264.2 Effective date.

AUTHORITY: §§ 264.1 and 264.2 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 264.1 *Incorporation by reference.* (a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provision:

§ 233.14 Effective date.

(b) For the purposes of this part all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 264.2 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

Sec.
266.1 Incorporation by reference.
266.2 Request for insurance.
266.3 Certificate by Administrator to Commissioner.
266.4 Dwelling unit on property.

Sec.
266.5 Maximum mortgage amount; dollar limitation.
266.6 Maximum mortgage amount; loan-to-value limitation.
266.7 Mortgage obligation in multiples.
266.8 Mortgagor's minimum investment.
266.9 Adjustment of mortgage amount.
266.10 Eligible occupants.
266.11 Effective date.

AUTHORITY: §§ 266.1 to 266.11 issued under sec. 211, 52 Stat. 23; U. S. C. 1715b.

§ 266.1 *Incorporation by reference.* (a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply with full force and effect to mortgages on single family dwellings insured under section 221 of the National Housing Act except the following provisions:

§ 221.17 Maximum amount of mortgage and mortgagor's minimum investment.
§ 221.27 Project must be economically sound.
§ 221.37 Dwelling unit located on property.
§ 221.39 Location of property.
§ 221.42 Eligibility of miscellaneous type mortgages.
§ 221.44 Effective date.

(b) For the purpose of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act.

§ 266.2 *Request for insurance.* Mortgage insurance under the provisions of this part is to be made available only in those localities or communities which shall have requested such insurance to be provided.

§ 266.3 *Certificate by Administrator to Commissioner.* The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 226.4 *Dwelling unit on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling designed principally for residential use of a single family.

§ 226.5 *Maximum mortgage amount; dollar limitation.* The dollar limitation on the amount of the mortgage to be insured is an amount not in excess of $7,600, except that the Commissioner may increase this amount to not to exceed $8,600 in any geographical area where he finds that cost levels so require. The dollar limitation is in addition to the loan-to-value limitation provided in § 266.6.

§ 266.6 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 266.5 the mortgage shall be in an amount not to exceed:

(a) 95 percent of the appraised value, as of the date the mortgage is accepted for insurance, where the mortgagor is the occupant of the property and the dwelling is approved for mortgage insurance prior to the beginning of construction or rehabilitation, or

(b) 85 percent of the appraised value, as of the date the mortgage is accepted for insurance, if the mortgagor is not the owner and occupant, provided (1) the property is to be built or acquired or rehabilitated for sale, and (2) the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner occupant.

§ 266.7 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $50 or multiples thereof.

§ 266.8 *Mortgagor's minimum investment.* At the time the mortgage is insured, the mortgagor shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 266.9 *Adjustment of mortgage amount.* The provisions of §§232.24–232.29 of Subchapter D of this chapter relating to the certification of cost and adjustment of mortgage amount apply with full force and effect to mortgages insured under the provisions of this part.

§ 266.10 *Eligible occupants.* It shall be established, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to purchase or rent dwelling units covered under the provisions of this part will be given to eligible families to be displaced as the result of governmental action in the community.

§ 266.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 267 HOME RELOCATION INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
267.1 Incorporation by reference.
267.2 Assignment option.
267.3 Option period.
267.4 Amount of debentures.
267.5 Date and maturity of debentures.
267.6 Debenture interest rate.
267.7 No vested right in fund.
267.8 Effective date.

AUTHORITY: §§ 267.1 to 267.8 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 267.1 *Incorporation by reference.* (a) All of the provisions of Part 222 of this chapter, covering mortgages insured under section 203 of the National Housing Act, apply with full force and effect to mortgages on single family dwellings insured under section 221 of the National Housing Act except the following provisions:

§ 222.7 Mutual mortgage insurance fund.
§ 222.8 Distribution of participation shares.
§ 222.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 221 Housing Insurance Fund.

§ 267.2 *Assignment option.* The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised the obligation of the mortgagee to pay the premium charges shall cease.

§ 267.3 *Option period.* The mortgagee may exercise its option to assign, as provided in § 267.2, within one year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

§ 267.4 *Amount of debentures.* Upon the exercise of the assignment option as provided in § 267.2 the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 267.5 *Date and maturity of debentures.* The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 267.6 *Debenture interest rate.* The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8- to 12-year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 267.7 *No vested right in fund.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Section 221 Housing Insurance Fund.

§ 267.8 *Effective date.* The provisions of this part are effective as to all mort-

gages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
268.1 Incorporation by reference.
268.2 Request for insurance.
268.3 Certificate by Administrator to Commissioner.
268.4 Eligible mortgagors; private non-profit entities.
268.5 Development of property.
268.6 Maximum mortgage amount; limitations.
268.7 Maximum mortgage amount; leaseholds.
268.8 Aggregate commitments.
268.9 Alaska, Guam and Hawaii requirements.
268.10 Eligible occupants.
268.11 Effective date.

AUTHORITY: §§ 268.1 to 268.11 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

§ 268.1 *Incorporation by reference.* (a) All of the provisions of Part 232 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

§ 232.4 Eligibility for insurance.
§ 232.11 Soundness of project.
§ 232.17 Eligible mortgagors.
§ 232.18 In general.
§ 232.19 Required supervision of private mortgagors.
§ 232.23 Development of property.
§232.30 Eligibility of miscellaneous-type mortgages.
§232.31 Eligibility of refinanced mortgages.
§232.32 Reinsurance of Commissioner-held mortgages.
§232.35 Effective date.

(b) For the purpose of this part all references in Part 232 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act.

§ 268.2 *Request for insurance.* Mortgage insurance under the provisions of this part is to be made available only in those localities or communities which shall have requested such insurance to be provided.

§ 268.3 *Certificate by Administrator to Commissioner.* The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 268.4 *Eligible mortgagors; private non-profit entities.* The mortgagor shall be a private non-profit corporation or association or other acceptable private non-profit organization regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof as to rents, charges and methods of operations. The regulation or supervision of the mortgagor must be in such form and in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

§ 268.5 *Development of property.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon, designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than ten rental dwelling units on one site and may be detached, semi-detached, or row houses, or multifamily structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion. Such dwelling, including improvements, if any, must not violate any material zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations; and any project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 268.6 *Maximum mortgage amount; limitations.* The mortgage shall involve a principal obligation in an amount not to exceed $5,000,000 and not to exceed:

(a) $7,600 per family unit for such part of the property or project attributable to dwelling use, except that the Commissioner may increase this amount to not more than $8,600 in any geographical area where he finds that cost levels so require, or

(b) 95 percent of the Commissioner's estimate of the value of the property or project when constructed or repaired and rehabilitated.

§ 268.7 *Maximum mortgage amount; leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 268.8 *Aggregate commitments.* The aggregate amount of any commitment or commitments issued and outstanding at any time with respect to a project or projects in the same area or locality and involving the same mortgagor (or substantially the same mortgagor as determined by the Commissioner) shall not exceed $5,000,000.

§ 268.9 *Alaska, Guam and Hawaii requirements.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska, in Guam or in Hawaii without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 268.6, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements of this section covering property located in Alaska, in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 268.10 *Eligible occupants.* It shall be established, in a manner satisfactory to the Commissioner, that preference or priority to purchase or rent dwelling units covered under the provisions of this part will be given to families to be displaced as the result of governmental action in the community.

§ 268.11 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

PART 269—MULTIFAMILY RELOCATION INSURANCE, RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
269.1 Incorporation by reference.
269.2 Assignment option.
269.3 Option period.
269.4 Amount of debentures.
269.5 Date and maturity of debentures.
269.6 Debenture interest rate.
269.7 Effective date.

AUTHORITY: §§ 269.1 to 269.7 issued under sec. 211, 52 Stat. 23; 12 U. S. C., 1715b.

§ 269.1 *Incorporation by reference.* (a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

§ 233.14 Effective date.

(b) For the purpose of this part all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 221 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 221 Housing Insurance Fund.

§ 269.2 *Assignment option.* The mortgagee has the option to assign, transfer, and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised the obligation of the mortgagee to pay the premium charge shall cease.

§ 269.3 *Option period.* The mortgagee may exercise its option to assign, as provided in § 269.2, within one year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

§ 269.4 *Amount of debentures.* Upon the exercise of the assignment option as provided in § 269.2 the Commissioner shall issue to the assignor mortgagee debentures having a total face value

equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 269.5 *Date and maturity of debentures.* The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 269.6 *Debenture interest rate.* The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8- to 12-year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 269.7 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-8271; Filed, Oct. 20, 1954; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

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

BELGIUM

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

a. In § 127.140 *Service available* change "Belgium (surface only)" to read "Belgium."

The foregoing amendment is effective November 1, 1954.

b. In § 127.216 *Belgium* make the following changes:

1. In paragraph (b) (1) amend the tabulated information appearing under the table of rates in subdivision (ii), by changing "Insurance: Yes (surface parcels only)" to read "Insurance: Yes."

2. In paragraph (b) (5), amend subdivision (i) to read as follows:

(i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rates applicable, in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

The foregoing amendments are effective November 1, 1954.

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

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 54-8235; Filed, Oct. 20, 1954; 8:45 a. m.]

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

GERMANY

Correction

In Federal Register Document 54-8081, published on page 6610 of the issue for Thursday, October 14, 1954, the last sentence of (*b*) of § 127.261 (b) (5) (iii) should read "Each gift parcel must be marked on the outside "Geschenksendung, keine Handelsware" (Gift shipment—no commercial goods)."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 900]

PART 95—CAR SERVICE

CHICAGO & EASTERN ILLINOIS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 15th day of October A. D. 1954.

It appearing that because of the abandonment of operation by The St. Louis and O'Fallon Railway Company of its entire line of railroad which is located in St. Clair County, Illinois, the service to and from points located on said line of railroad has been discontinued; that the Chicago & Eastern Illinois Railroad Company under Finance Docket No. 18687 has applied to the Commission for authority to extend its operations so as to include operations over the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company; and that The St. Louis and O'Fallon Railway Company has agreed thereto; the Commission is of the opinion that there is need for railroad service at points formerly served by The St. Louis and O'Fallon Railway Company pending action of the Commission in Finance Docket No. 18687, and that the operation by the Chicago & Eastern Illinois Railroad Company of the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company will best promote the service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.900 *Chicago & Eastern Illinois Railroad Co.*—(a) *Car service.* The Chicago & Eastern Illinois Railroad Company be, and it is hereby authorized to operate trains over the line of railroad formerly operated by The St. Louis and O'Fallon Railway Company in St. Clair County, Illinois, in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded cars outbound.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 18, 1954.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p. m., January 15, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the Illinois railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-8264; Filed, Oct. 20, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

[Docket No. AO–72 A19]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS 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 the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on March 29 through April 1, 1954, pursuant to notice thereof which was issued on February 24, 1954 (19 F. R. 1120) and March 3, 1954 (19 F. R. 1289).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on August 13, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 18, 1954 (19 F. R. 5229).

The material issues and the findings and conclusions of the recommended decision (19 F. R. 5229, F. R. Doc. 54–6403) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. Insert after the paragraph ending at the top of column 1, page 5230, the following:

One of the parties filing exceptions requested that official notice be taken of new milk sanitation regulations adopted subsequent to the hearing by Lucas County. Such notice could be taken, but would not constitute an adequate basis for enlarging the marketing area to include the entire county. The only serious competitive situation which was claimed to have existed in Lucas County was in that portion of the county which is already in the marketing area, and the ability of any handler to rely principally on other source milk has been dealt with by changing the definition of a fluid milk plant.

2. In the first paragraph beginning in column 2, page 5230, change "10 days" to "15 days" and "five or more days" to "seven or more days".

3. After the first paragraph beginning in column 2, page 5232, insert the following:

Several handlers who are regulated under the Detroit order filed exceptions to that feature of the recommended decision which would delete from the Toledo order the requirement that payments as made on milk sold in other Federal marketing areas, under specified conditions. Under the Detroit order the stated Class I differential, exclusive of the supply-demand adjustment, is the same in all months of the year, and the incentive for even production is provided by a base rating plan. Under the Toledo order, by contrast, the stated Class I differential varies seasonally. Commonly, therefore, the Toledo Class I price has been below the Detroit price in the flush months and above it in the short months. Toledo handlers selling in the Detroit marketing area have had to meet the Detroit price during the flush months, through payments to their own producers. However, neither the Toledo nor Detroit order has required the Detroit handlers to equalize Class I prices in the short months when they have had a Class I price advantage. During the 12-month period preceding the hearing, the Class I prices under the Toledo order averaged 11.7 cents below the Class I price payable to plants located in the Detroit marketing area. The Class I price at Adrian, Michigan, one of the competitive points, is 16 cents below the Detroit marketing area price and, therefore, 4.3 cents below the Toledo price. During the 12-month period ending July 31, 1954, the Toledo Class I price was 12.1 cents below the Detroit marketing area Class I price. It is concluded that the exceptions filed by the Detroit handlers should be denied.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July, 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Toledo, Ohio, marketing area in the manner set forth in the attached amending order 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 marketing order, as hereby amended.

Marketing agreement and order. Amended hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Other Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, 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 18th day of October 1954.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

§ 930.0 *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 at Toledo, Ohio, on March 29 through April 1, 1954, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, 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 and demand for milk in the said 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

[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.

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 Toledo, Ohio, 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 set forth below:

1. Amend § 930.6 to read as follows:

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to wholesale or retail stop(s) or (b) from which transfers of milk, skim milk, or cream to a plant(s) described in paragraph (a) of this section are made on 15 or more days in any of the months of September through December or on 7 or more days in any of the months of January through August; and all or a portion of the milk, skim milk, or cream so transferred is assigned to Class I utilization in the transferee plant.

2. Delete paragraphs (b) and (c) of § 930.42, and substitute therefor the following:

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 250 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is indicated in writing to the market administrator by the handler on or before the 5th day after the end of the month within which such transfer was made, (2) the nonhandler had actually used in the month of such transfer an equivalent amount of skim milk and butterfat in Class II, and (3) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 250 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonhandler's plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

3. Delete the last phrase of § 930.75 (a) and substitute therefor the phrase "and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction."

4. Delete § 930.80 (c).

[F. R. Doc. 54-8280; Filed, Oct. 20, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 9288; FCC 54-1293]

RESTRICTED RADIATION DEVICES

FURTHER EXTENSION OF TIME FOR FILING COMMENTS

The Commission having under consideration the promulgation of rules and regulations governing restricted radiation devices:

It appearing, that a notice of further proposed rule making in the above-entitled matter was adopted by the Commission on April 14, 1954, providing that written comments in connection therewith be filed by interested persons on or before June 16, 1954; and

It further appearing, that as a result of several requests from interested parties the time for filing comments was extended to August 16, 1954, and again to October 15, 1954; and

It further appearing, that the Commission has recently received an additional petition for more time in which to file comments from the Radio-Electronics-Television Manufacturers Association. The reason given for this request is that additional time is needed for the completion of technical studies now under way by the Engineering Department of this organization. The Radio-Electronics-Television Manufacturers Association has stated that these studies are being actively pursued and will form the basis for comment on the technical aspects of the Commission's proposed rule making; and

It further appearing, that in view of the foregoing facts, the public interest would be served by extending the time for filing comments to the above-entitled proceeding for a period of 80 days but that in order to enable the Commission to complete its consideration of the proceeding at the earliest possible date, parties not filing their final comments prior thereto should advise the Commission as to their interim views on the matters set forth in this proceeding on or before November 15, 1954.

It is ordered, This 15th day of October 1954, that the date for filing of formal comments in this proceeding is hereby extended until January 3, 1955.

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

[F. R. Doc. 54-8278; Filed, Oct. 20, 1954; 8:53 a. m.]

[47 CFR Parts 34, 35]

[Docket No. 11201; FCC 54-1280]

UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH, WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

CONTINUOUS PROPERTY RECORD REQUIRED

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

2. It is proposed to amend the uniform systems of accounts for radiotelegraph carriers and for wire-telegraph and ocean-cable carriers (Parts 34 and 35, respectively) with respect to requirements pertaining to continuous property records, to become effective six months after publication in the FEDERAL REGISTER of the final order herein; *Provided, however,* That the carriers may, if they so desire, place this amendment into effect immediately upon the issuance of the final order herein.

3. The proposed amendment set forth below provides relief to the carriers by elimination of the following reporting requirements: "* * * and shall include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof." The Commission is of the opinion that these data need no longer be filed and that should data be needed with respect to any individual carrier's plant or segment thereof, they could be obtained from the records of the carrier.

4. The proposed amendment is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before November 10, 1954, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: October 13, 1954.

Released: October 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete from the second sentence of paragraph (b) of § 34.1–8 *Continuous property-record required* the following words: " * * * and include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof."

Paragraph (b) as revised will read as follows:

(b) Not later than June 30, 1940, each carrier shall submit to this Commission, for consideration and approval, a complete plan of the methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts. A narrative statement shall accompany such list of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

2. Delete from the second sentence of paragraph (b) of § 35.1–8 *Continuous property-record required* the following words: " * * * and shall include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof."

Paragraph (b) as revised will read as follows:

(b) Not later than June 30, 1943, each carrier shall submit to this Commission, for consideration and approval, a complete plan of the methods to be used in the compilation of the continuous property-record, the installation and maintenance of which are prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts. A narrative statement shall accompany such list of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property-record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

[F. R. Doc. 54–8279; Filed, Oct. 20, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 021275, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 5, 1952, by The Alaska Railroad.

The purposes of the proposed withdrawal: Railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

A tract of land at Seward, Alaska, more particularly described as follows:

Beginning at Corner No. 1 of U. S. Survey No. 243; thence N. 78° 30′ W., 758.34 feet to Corner No. 5 of U. S. Survey No. 243, identical with Corner No. 1, M. C. of U. S. Survey No. 1117, Cliff Addition to Seward Townsite; thence on a meander line N. 16° 22′ 21″ W., 311.05 feet; thence N. 21° 18′ E., 123.93 feet; thence N. 89° 50′ E., 88.30 feet; thence N. 49° 15′ E., 37.10 feet; thence N. 31° 33′ E., 93.88 feet; thence N. 27° 23′ E., 112.04 feet; thence N. 0° 05′ E., 80.00 feet; thence N. 23° 20′ W., 54.45 feet; thence N. 41° 43′ W., 66.99 feet; thence N. 27° 26′ W., 127.40 feet; thence N. 12° 56′ E., 68.66 feet; thence N. 17° 41′ E., 52.48 feet; thence N. 20° 51′ E., 53.51 feet; thence N. 7° 41′ W., 50.45 feet; thence N. 54° 35′ W., 86.28 feet; thence N. 15° 13′ W., 51.82 feet; thence N. 1° 18′ W., 50.02 feet; thence N. 4° 24′ E., 56.27 feet to Corner No. 4, M. C. of U. S. Survey No. 1117, identical with Corner No. 2, M. C., of U. S. Survey No. 241; thence on a meander line N. 31° 27′ E., 211.20 feet; thence N. 71° 50′ E., 198.00 feet; thence N. 52° 15′ E., 528.90 feet more or less, to a point which lies westerly 100.00 feet from the center line of the main track of the railroad, measured at right angles therefrom; thence in a southerly direction, 2,048.34 feet more or less, parallel to and 100.00 feet westerly from the center line of the main track of the railroad, along the following courses; southerly 57.77 feet on a taper curve to the left; thence S. 1° 31′ W., 1,203.00 feet; thence southerly 91.57 feet on a taper curve to the left; thence southerly 696.00 feet more or less, on a curve to the left of radius 2,964.82 feet to the point of beginning, containing 25.28 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54–8232; Filed, Oct. 20, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 021325, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on June 24, 1954, by The Alaska Railroad.

The purposes of the proposed withdrawal: Railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

A tract of land at Gold Creek Station of The Alaska Railroad, mileage 263.25, latitude 62° 46′ 00″ N., longitude 149° 42′ 30″ W., described as follows:

Beginning at a point on the northwesterly boundary line of the 200 foot right-of-way of The Alaska Railroad which lies N. 63° 52′ 30″ W., 100.0 feet from the center line of the main track at survey station 11,902 plus 70.0; thence N. 26° 07′ 30″ E., 400.0 feet parallel to, and 100.0 feet from the center line of the main track; thence N. 63° 52′ 30″ W., 200.0 feet; thence S. 26° 07′ 30″ W., 400.0 feet; thence S. 63° 52′ 30″ E., 200.0 feet to the point of beginning, containing 1.84 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 54–8266; Filed, Oct. 20, 1954; 8:51 a. m.]

COLORADO

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT; CORRECTION

OCTOBER 14, 1954.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), the Order of Restoration of Reclamation

Withdrawn Lands to Mineral Location, Entry and Patent, dated August 18, 1954 (19 F. R. 5448), is corrected to delete Lot 9, Section 18, T. 10 S., R. 103 W., Sixth Principal Meridian, and add Lot 3, Section 18, T. 10 S., R. 103 W., 6th Principal Meridian, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 54-8233; Filed, Oct. 20, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 13, 1954.

An application, serial number Colorado 06785, for the withdrawal from location and entry under the general mining laws was filed on May 15, 1953, by the Forest Service, U. S. Department of Agriculture. The purpose of the proposed withdrawal: For use as the Buckeye Administrative Site by the Forest Service.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at 429 Post Office Building, Denver, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

These lands are within the boundary of the Manti-LaSal National Forest.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 20 W.,
Sec. 3: Lots 3 and 4.

The area described above aggregates 99.35 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 54-8234; Filed, Oct. 20, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 12, 1954.

Applications, supplemental to serial number Colorado 09006, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, of the lands described below were filed on September 8, 1954, and September 10, 1954, by the Department of the Air Force. The purposes of the proposed withdrawal: for use in the establishment of the Air Force Academy authorized under Public Law 325, 83d Congress.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at 429 Post Office Building, Denver, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 67 W.,
Sec. 32: W½W½, E½SW¼.
T. 12 S., R. 67 W.,
Sec. 5: Lot 4, SW¼NW¼, SW¼;
Sec. 8: All;
Sec. 17: All;
Sec. 20: All;
Sec. 28: N½SW¼;
Sec. 29: All;
Sec. 32: All;
Sec. 33: W½.

The area described above aggregates 4080.75 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 54-8267; Filed, Oct. 20, 1954; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ARIZONA, CALIFORNIA AND NEW MEXICO

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF KHAPRA BEETLE

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that the khapra beetle (Trogoderma granarium Eberts), a dangerous insect not heretofore widely prevalent or distributed within or throughout the United States, has recently been discovered in certain parts of Arizona, California, and New Mexico.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Arizona, California, and New Mexico, and to restrict or prohibit the movement from said States, or from any localities therein designated as infested, of (1) all grains and grain products (such as barley, corn, oats, rye, and wheat) whether moved as such or in connection with other articles or things; (2) dried seeds and seed products of field and vegetable crops (such as alfalfa seed, cottonseed, cottonseed meal and cake, flax seed, sorghum seed, soybean meal, pinto beans, and black-eyed peas); (3) bags and bagging; (4) dried milk, dried blood, fish meal, and meat scraps; and (5) any other article or thing which by reason of exposure constitutes a hazard of spreading the khapra beetle in any stage of development.

A public hearing will be held before a representative of the Agricultural Research Service in room 41A, New Custom House Building, 19th and Stout Streets, Denver, Colorado, at 10 a. m., December 1, 1954, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before December 1, 1954, or with the presiding officer at the hearing.

Done at Washington, D. C., this 18th day of October 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-8282; Filed, Oct. 20, 1954; 8:55 a. m.]

Rural Electrification Administration

[Administrative Order 4710]

WASHINGTON

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 18T Spokane	$597,430

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8236; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4711]

WASHINGTON

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 39G Nespelem	$125,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8237; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4712]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26V Fulton	$1,060,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8238; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4713]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 49R Hardin	$110,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8239; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4714]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 65T Rusk	$170,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8240; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4715]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 26W Iroquois	$518,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8241; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4716]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 41F LaGrange	$278,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8242; Filed, Oct. 20, 1954; 8:46 a. m.]

[Administrative Order 4717]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 14L Shelby	$90,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8243; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4718]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 7, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 84E Hamilton	$7,278,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8244; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4719]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1954.

I hereby amend Administration Order No. 4705, dated August 23, 1954, by correcting paragraph (a) appearing therein as:

(a) Administrative Order No. 183, dated January 31, 1938, by changing the project designation appearing therein as "North Dakota 8011B1 Cass" in the amount of $60,772 to read "North Dakota 8011B1 Cass" in the amount of $53,924.29 and "North Dakota 26TP1 LaMoure (North Dakota 8011B1 Cass)" in the amount of $6,847.71.

to read:

(a) Administrative Order No. 183 dated January 31, 1938, as amended by Administrative Order No. 4546, dated April 14, 1954, by changing the project designation appearing therein as "North Dakota 8011B1 Cass" in the amount of $26,693.20 to read "North Dakota 8011B1 Cass" in the amount of $19,845.49 and "North Dakota 26TP1 LaMoure (North Dakota 8011B1 Cass)" in the amount of $6,847.71.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8245; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4720]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 31N Larimer	$130,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8246; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4721]

MISSISSIPPI

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 41V Pike	$450,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8247; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4722]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 11, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 29S Phillips	$435,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8248; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4723]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 11, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 49G Fayette	$250,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-8249; Filed, Oct. 20, 1954; 8:47 a. m.]

[Administrative Order 4724]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 59P Olmsted	$1,060,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8250; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4725]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 17, 1954.

Inasmuch as Southwest Electric Cooperative has transferred certain of its properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed in part the indebtedness to United States of America, of Southwest Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2177, dated June 14, 1949, by changing the project designation appearing therein as "Missouri 53P, R Polk" in the amount of $930,000 to read "Missouri 53P, R Polk" in the amount of $858,823.50 and "Missouri 59TP2 Cole (Missouri 53P, R Polk)" in the amount of $71,176.50.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8251; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4726]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 17, 1954.

Inasmuch as Howell-Oregon Electric Cooperative, Inc., has transferred certain of its properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed in part the indebtedness to United States of America, of Howell-Oregon Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1540, dated June 14, 1948, by changing the project designation appearing therein as "Missouri 49P,S Howell" in the amount of $1,100,000 to read "Missouri 49P,S Howell" in the amount of $1,024,761.24 and "Missouri 59TP3 Cole (Missouri 49P,S Howell)" in the amount of $75,238.76.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8252; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4727]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1954.

I hereby amend:

(a) Administrative Order No. 326, dated March 11, 1939, by reducing the allocation of $12,000 therein made for "Arkansas R9024W1 Washington" by $4,443.87 so that the reduced allocation shall be $7,556.13; and

(b) Administrative Order No. 610, dated July 25, 1941, by rescinding the allocation of $47,000 therein made for "Arkansas 2024W2 Washington".

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8253; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4728]

GEORGIA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 22W Colquitt	$720,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8254; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4729]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 16U Sumter	$645,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8255; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4730]

MARYLAND

LOAN ANNOUNCEMENT

SEPTEMBER 24, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maryland 7AB Caroline	$500,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8256; Filed, Oct. 20, 1954; 8:48 a. m.]

[Administrative Order 4731]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 24, 1954.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936, as amended, and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $67,500,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1954	Allotment for loans during the fiscal year ending June 30, 1955
United States	416,172	$67,500,000
Alabama	25,985	4,214,574
Arizona	760	123,266
Arkansas	27,944	4,532,309
California	7,280	1,177,518
Colorado	2,827	458,518
Connecticut	16	2,595
Delaware	474	76,879
Florida	8,366	1,356,903
Georgia	14,445	2,342,871
Idaho	928	150,515
Illinois	7,963	1,291,539
Indiana	4,962	804,799
Iowa	5,826	944,934
Kansas	8,095	1,312,949
Kentucky	18,851	3,057,492
Louisiana	9,264	1,502,552
Maine	3,707	601,248
Maryland	1,704	276,376
Massachusetts	1,737	281,728
Michigan	3,361	545,129
Minnesota	6,642	1,077,283
Mississippi	63,770	10,343,019
Missouri	17,958	2,912,654
Montana	4,290	695,806
Nebraska	3,885	630,118
Nevada	984	159,598
New Hampshire	247	40,062
New Jersey	732	118,725
New Mexico	6,011	974,939
New York	6,904	1,119,777
North Carolina	8,823	1,431,025
North Dakota	8,658	1,404,263
Ohio	3,811	618,116
Oklahoma	23,098	3,746,324
Oregon	964	156,354
Pennsylvania	8,744	1,418,212
Rhode Island	157	25,464
South Carolina	16,453	2,668,554
South Dakota	4,870	789,878
Tennessee	10,748	1,743,246
Texas	39,443	6,397,261
Utah	451	73,149
Vermont	857	138,999
Virginia	4,530	734,732
Washington	652	105,750
West Virginia	9,941	1,612,356
Wisconsin	6,836	1,108,748
Wyoming	1,238	200,794

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8257; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4732]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 29, 1954.

Inasmuch as (1) Southwest Electric Membership Corporation has transferred all of its properties and assets to Southwest Public Power District, and Southwest Public Power District has assumed all of the indebtedness of Southwest Electric Membership Corporation to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Southwest Electric Membership Corporation with the consent of United States of America, has assigned to Southwest Public Power District, and Southwest Public Power District has accepted the assignment of certain rights and obligations of Southwest Electric Membership Corporation arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1013, dated February 25, 1946, by changing the project designation appearing therein as "Nebraska 86A Dundy" in the amount of $325,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86A Dundy)";

(b) Administrative Order No. 1331, dated September 4, 1947, by changing the project designation appearing therein as "Nebraska 86B Dundy" in the amount of $885,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86B Dundy)";

(c) Administrative Order No. 1588, dated August 27, 1948, by changing the project designation appearing therein as "Nebraska 86C Dundy" in the amount of $432,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86C Dundy)";

(d) Administrative Order No. 1874, dated February 21, 1949, by changing the project designation appearing therein as "Nebraska 86D Dundy" in the amount of $480,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86D Dundy)";

(e) Administrative Order No. 612, dated August 4, 1941, as amended by Administrative Order No. 2280, dated August 19, 1949, by changing the project designation appearing therein as "Nebraska 86 Dundy (Colorado 2029D1 Phillips)" in the amount of $300,523.35 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86 Dundy [Colorado 2029D1 Phillips])"; and

(f) Administrative Order No. 2539, dated February 20, 1950, by changing the project designation appearing therein as "Nebraska 86E Dundy" in the amount of $560,000 to read "Nebraska 101TP1 Dundy District Public (Nebraska 86E Dundy)" in the amount of $303,975.60 and "Nebraska 101TA1 Dundy District Public (Nebraska 86E Dundy)" in the amount of $256,024.40.

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8258; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4733]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 22P Clay	$885,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8259; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4734]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 32R Pierce	$72,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 54-8260; Filed, Oct. 20, 1954; 8:49 a. m.]

[Administrative Order 4735]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1954.

I hereby amend:

(a) Administrative Order No. 2397, dated December 12, 1949, by rescinding the loan of $300,000 therein made for "Utah 17A Kane".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8261; Filed, Oct. 20, 1954; 8:50 a. m.]

[Administrative Order 4736]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1954.

I hereby amend:

(a) Administrative Order No. 498, dated August 8, 1940, by rescinding the allocation of $25,000 therein made for "Georgia 1-8100R1 Walton".

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-8262; Filed, Oct. 20, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 765]

PRACTICES, OPERATIONS, ACTIONS, AGREEMENTS, OF OCEAN FREIGHT FORWARDERS AND RELATED MATTERS

ORDER OF INVESTIGATION

At a session of the Federal Maritime Board, held at its office in Washington, D. C., on the 6th day of October A. D. 1954, a certain order was entered in the above entitled cause which reads as follows:

It appearing, that the persons named in Appendix A [1] hereto carry on the business of forwarding in foreign commerce and are registered pursuant to Federal Maritime Board General Order 72; and,

It further appearing, from information before the Board, that some of such forwarders (1) waive, fail to collect, or reduce their forwarding fees by reason of collection of ocean freight brokerage, or follow a variation of this procedure, (2) use business methods or practices which may result in unjustly discriminatory or unduly preferential treatment of carriers, shippers, consignees and/or others, (3) may be collecting ocean

[1] Filed as part of original document.

freight brokerage under unlawful circumstances, and (4) may be sharing ocean freight brokerage under unlawful circumstances; and

It further appearing, from information before the Board, that freight forwarders and others may have entered into agreements or cooperative working arrangements subject to section 15, Shipping Act, 1916, as amended, and/or may have taken concerted action without obtaining approval of the Board pursuant to said section and act; and

It further appearing, that the public interest requires a general inquiry to determine the existence and/or the extent of said practices, operations, actions, agreements, cooperative working arrangements, and/or related activities among all forwarders subject to said act and the lawfulness thereof under sections 15, 16, and/or 17, Shipping Act, 1916, as amended,

It is ordered, That the Board on its own motion enter upon a proceeding of inquiry and investigation pursuant to section 22, Shipping Act, 1916 (46 U. S. C. 821), section 19, Merchant Marine Act, 1920 (46 U. S. C. 876), and section 204, Merchant Marine Act, 1936 (46 U. S. C. 1114) and the Board's rules of practice and procedure (18 F. R. 3717) to determine the lawfulness of practices, operations, actions, agreements, cooperative working arrangements, and/or related activities of ocean freight forwarders with a view toward amending or supplementing the Board's General Order 72, as amended, and/or taking such other action in the premises as may be warranted by the record,

It is further ordered, That all forwarders now or hereafter named in Appendix A be, and they are hereby, made respondents in this proceeding.

It is further ordered, That a copy of this order be served upon each of said respondents; and

It is further ordered, That this proceeding be assigned for hearing at such time and place as the Board may hereafter direct.

Dated: October 15, 1954.

By the Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-8283; Filed, Oct. 19, 1954; 9:16 a. m.]

Office of the Secretary

[Department Order 153, Amdt. 2]

BUREAU OF FOREIGN COMMERCE

ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

The material appearing at 18 F. R. 6789 and 19 F. R. 1521 is hereby further amended by the following:

Department Order No. 153 of October 12, 1953, as amended, is amended further as follows:

The title of the Transportation, Communications and Utilities Division is revised; there also is established within the Office of Intelligence and Services a new division to discharge responsibilities relating to international trade fairs and exhibitions. Section 2 (d) hereby is amended by amending subparagraph (4) and adding subparagraph (5) as follows:

(4) Transportation and Utilities Division.

(5) Trade Fair Operations Division.

Effective date: October 1, 1954.

SINCLAIR WEEKS,
Secretary of Comerce.

[F. R. Doc. 54-8265; Filed, Oct. 20, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10655, 10656; FCC 54-1292]

TIMES-WORLD CORP. AND RADIO ROANOKE, INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Times-World Corporation, Roanoke, Virginia, Docket No. 10655, File No. BPCT-1056; Radio Roanoke, Incorporated, Roanoke, Virginia, Docket No. 10656, File No. BPCT-1743; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration a variety of pleadings arising from the consequences of the death, on March 24, 1954, of J. P. Fishburn (Decedent), a principal stockholder of Times-World Corporation, presently competing with Radio Roanoke, Incorporated, for Channel 7 in Roanoke, Virginia. According to the Times-World application of June 30, 1952, the voting rights in 100 percent of the stock and the legal title to 98 percent of the stock were owned by various members of the J. B. Fishburn family of Roanoke, J. B. Fishburn being the father of Decedent. Decedent was legal and beneficial owner of 49 percent of the stock which he also voted. In addition, he voted 2 percent of the stock the legal title to which was in the First National Exchange Bank of Roanoke (Bank) as Trustee under the will of Decedent's mother. Finally, he and George S. Shackelford, Jr., a brother-in-law, held the legal title and voting rights to 4 percent of the stock as co-trustees under inter vivos trusts created by Decedent's father. The taking of testimony in the above-entitled proceeding began on March 16, 1954, and, as previously noted, Decedent passed away on March 24, 1954. As a result of the death, Times-World, on April 22, 1954, filed an application requesting involuntary transfer of control (BTC-1718) which application was granted by the Commission on May 12, 1954.[1] On May 17, 1954, Times-World petitioned the Examiner for leave to amend its application to reflect, principally, the changes occasioned by Decedent's death. This petition was unopposed and, on May 25, 1954, the Examiner accepted the amendment.

2. Under Decedent's will, legal title to the 49 percent interest mentioned above passes to the Bank as Executor-Trustee for the benefit of Decedent's wife and children. Voting rights to the 49 percent, however, are vested in Decedent's father, J. B. Fishburn, and, "upon his death, refusal, declination or incapacity to exercise such voting rights", in the Bank. J. B. Fishburn has full and complete rights to an additional 40 percent and now, therefore, votes 89 percent of the stock. With respect to the 2 percent of the stock held by the Bank but voted by Decedent, George S. Shackelford, Jr. now has the voting rights. With respect to the 4 percent which was held and voted by Decedent and Shackelford as co-trustees, 0.8 percent passed to a beneficiary on her twenty-fifth birthday (January 19, 1954) and the remaining has passed to the Bank to be held in trust and to be voted by the Bank. The Bank thus holds legal title to 54.2 percent of the stock, 3.2 percent of which it votes itself, and appears to have unrestricted authority, under the terms of the trusts in question, to sell all of the stock in the trust estates. The Bank has a total of 25 Directors, three of whom are Henry E. Thomas, Robert Lynn and B. J. Fishburn.[2] According to Commission records, Thomas is Vice President and Lynn and B. J. Fishburn are two of nine Directors of Shenandoah Life Insurance Company. Shenandoah Life Insurance Company is, at present, a stock company; Mr. Lynn, however, is one of a group of five Directors which holds approximately 93.4 percent of the stock as Trustee under a plan of mutualization. Mr. Thomas is Vice President, Assistant Secretary and Director of Shenandoah Life Stations, Inc., licensee of WSLS, WSLS-FM and WSLS-TV, Roanoke, and all of whose stock is owned by the insurance company.

3. On June 1, 1954, Radio Roanoke filed a "Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated." The principal contention advanced in the foregoing pleading is that, by reason of the above amendment of May 25, 1954, the Times-World application became, in substance and in fact, a new one. Thus, argues Radio Roanoke, the application must be dismissed under the provisions of § 1.387 (b) (3) of the Commission's rules, which provides that applications, to be eligible for comparative hearing, must be filed at least 30 days prior to the date on which the hearing is scheduled to commence. In partial support of its contention that the amendment makes the Times-World application a new one, Radio Roanoke relies upon the changes in the legal ownership and voting rights of the Times-World stock set forth in the preceding paragraph; upon the fact that the Bank, as Trustee, apparently has the power to convey a majority of the Times-World stock; and upon an allegation that the transfer application of April 22, 1954, lists the Bank as transferee of control. In further support, Radio Roanoke points to what it terms material and substantial changes in the officers and board of directors of Times-World. In this connection the amendment of May 25, 1954, shows that M. W. Armistead, who owns

[1] Times-World is licensee of WDBJ and WDBJ-FM, Roanoke, Virginia.

[2] B. J. Fishburn is a resident of Roanoke; his relationship, if any, to the other Fishburns is not disclosed.

and votes no stock, has been advanced from Vice President and Associate Publisher to President and Publisher, succeeding Decedent; that J. B. Fishburn, formerly a Vice President, is now Chairman, of the Board; that Decedent's wife, who formerly held no office, is now Vice President; that W. B. Smith is no longer a Vice President and that John W. Eure and Cranston Williams, Jr. have been elected Assistants to the President and to the General Manager, respectively[3]; and that the number of directors has been increased from 5 to 6, with Decedent's wife and Armistead being added and Decedent being dropped.[3a] Radio Roanoke asserts that the amount and type of Decedent's testimony is further indication that the applicant is not the same without him. Thus, it is stated, although Times-World has completed a substantial part of its affirmative case, having presented 10 witnesses, Decedent has been the only stockholder called. Decedent's importance is further illustrated, it is said, by the fact that he testified with respect to such matters as the editorial policies of the Times-World newspapers, the advertising policies of the newspapers and radio stations, and the policies of the proposed television station.

4. The second contention made by Radio Roanoke is that a grant of the Times-World application is prohibited by the Commission's multiple ownership rules. In support of this contention Radio Roanoke calls attention to the fact that three of the Bank's Directors have interests in WSLS, WSLS–FM, and WSLS–TV in Roanoke. At the same time, says Radio Roanoke, the Bank is the legal owner of a majority of the stock of a television applicant having an AM and an FM station in Roanoke (WDBJ and WDBJ–FM). In connection with its contentions that the Times-World application is in violation of §§ 1.387 (b) (3) and 3.636 (a), Radio Roanoke asserts that Times-World has not requested a waiver of those rules under § 1.361 (c), and that the application must, under the latter rule, be dismissed.

5. In connection with its position that Times-World is now a different applicant, Radio Roanoke contends that its original Points of Reliance were cast with an eye to the dominance of Deceased in the Times-World organization. Now, says Radio Roanoke, the applicability of its Points of Reliance to the facts in the case have been materially altered. Radio Roanoke also contends that the Commission's finding of the legal qualification of Times-World has now been vitiated and that before a redetermination can be made, it must obtain full and complete information concerning officers, directors and stockholders of the Bank. Radio Roanoke maintains that it has a right to recast the whole framework of its case, including its Points of Reliance; that the previous proceedings have been rendered a nullity; and that the hearing, if one indeed be necessary, will have to commence ab initio.

6. The Broadcast Bureau takes the position[4] that the May 25th amendment does not constitute a new application within the meaning of the Commission's rules, pointing out that no new stockholders have been added and that there is no allegation that program and policy proposals of the applicant will be changed as a result of the death of J. P. Fishburn. The Bureau also points out that by letter of May 1, 1954, filed with the application for transfer of control, an officer of the Bank swears that all of the officers and directors of the Bank are U. S. citizens and that it is not an agent of a foreign government. In this connection the Bureau recites that the Bank's legal qualifications have been passed upon and that no doubt has been raised with respect to the previous findings that Times-World is legally, financially and technically qualified. The Bureau feels that Radio Roanoke's rights will be protected if Times-World makes available to it such additional information as may reasonably be said to be required by the changed circumstances and if Radio Roanoke is afforded reasonable opportunity by the Examiner to modify the matters upon which it proposes to rely.

7. With respect to the multiple ownership question, the Bureau states that neither the Times-World application as of the time it was designated for hearing nor the application for involuntary transfer of control called the Commission's attention to the duality of directorships in the Bank and in the Shenandoah Life stations in Roanoke. Although these facts, in the view of the Bureau, are not sufficient to justify dismissal of the Times-World application, they do raise a serious question as to whether Times-World is violating the rules of the Commission. Accordingly, the Bureau requests enlargement of the issues to include an issue designed to determine whether the Commission's rules and policies with respect to multiple ownership are being violated.

8. Times-World denies[5] that the May 25th amendment constitutes a new application, contending that control of the applicant is still vested in the same individuals who were principals of the application prior to the amendment. Further, says Times-World, there has been no change in the policies or intentions with respect to the television application and the only new person added as an officer and director as a result of J. P. Fishburn's death is his wife, who is now a Director and a Vice President. Times-World contends that a corporation has a legal entity entirely separate and distinct from the individuals who compose it and that it has a capacity of continuous existence or succession notwithstanding changes in its membership. In this connection, Times-World points out that J. P. Fishburn's testimony with respect to the plans and policies of the applicant was given in his capacity as President and that the applicant is still bound by this testimony. With respect to the question of control, Times-World maintains that the Bank is not a stockholder in the true sense of the word, calling attention to the fact that J. B. Fishburn has the voting rights to the stock formerly owned by his son. Further, says Times-World, the distinction between the legal ownership and the voting rights was called to the Commission's attention in the transfer application, and the Commission's Public Notice of May 12, 1954 states that the Commission "Granted involuntary transfer of control of licensee corporation from J. P. Fishburn, deceased, to J. B. Fishburn (BTC-1718)."

9. Times-World asserts that inasmuch as Radio Roanoke did not oppose Times-World's Petition for Leave to Amend, it cannot now be heard to complain. Further, it is argued, Radio Roanoke has presented no facts not before the Commission at the times of the previous actions taken upon the Times-World matters. With respect to the question of possible violation of the Commission's multiple ownership rules, Times-World insists that its application cannot be dismissed inasmuch as only a hearing can adduce the facts to support a conclusion that Commission rules would or would not be violated. Times-World requests that "oral argument on the instant motion be permitted before the Commission en banc before any final decision, order or dismissal of the Times-World application is entered in this proceeding."

10. With respect to the Broadcast Bureau's position that the issues be enlarged, Times-World asserts[6] that the Bureau's "Opposition" raises questions not raised in Radio Roanoke's Motion to Dismiss. Times-World contends that under Section 1.730, parties have 10 days in which to oppose petitions to enlarge filed under Section 1.389, and 5 days to reply to oppositions. Thus, states Times-World, by incorporating a petition to enlarge within an opposition, the Broadcast Bureau cut to 5 days the time within which parties must reply.[7]

11. Radio Roanoke replies[8] that Times-World's arguments with respect to a corporation's power of immortality ignore the Commission's long-standing practice of looking beyond a specific corporate structure to determine the

[3] Radio Roanoke had previous knowledge of the changes with respect to Smith, Eure and Williams, Smith having retired and Eure and Williams having been elected on January 18, 1954.

[3a] Armistead was elected a Director on January 18, 1954, and Radio Roanoke had previous knowledge of this fact. The increase in the number of directors from 5 to 6 was apparently effective on that date.

[4] "Opposition of Chief, Broadcast Bureau to 'Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated' and Petition for Enlargement of the Issues", filed June 15, 1954.

[5] "Answer and Motion to Dismiss Radio Roanoke, Incorporated Motion to Dismiss Application, etc.," filed June 17, 1954.

[6] "Reply to Opposition of Chief, Broadcast Bureau, to 'Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated' and Petition for Enlargement of the Issues", filed June 22, 1954.

[7] Times-World's Reply was filed 7 days after the filing of the Bureau's "Opposition." Radio Roanoke's Reply was filed 9 days after the said filing.

[8] "Reply to Oppositions to Motion to Dismiss", filed June 24, 1954. "Notice of Correction to Reply", filed June 25, 1954.

background and qualifications of those who will, in fact, be responsible for the operation of a licensee of the Commission. Thus, it is stated, inasmuch as the Bank has "the right to determine the repository of actual control" of the Times-World stock, the amendment constitutes a new application. Radio Roanoke repeats the assertion that the duality of interests in the existing and the proposed Roanoke television stations makes mandatory a dismissal of the Times-World application.

12. On July 13, 1954, pursuant to an order of the Examiner entered June 9, 1954, a further hearing conference was held in the above-entitled proceedings. On July 19, 1954, the Examiner issued a Memorandum Opinion and Order (FCC 54M–884) in which he, inter alia, made certain findings of fact, and, on the basis of those findings, ordered Times-World to furnish Radio Roanoke with certain specified information with respect to the Bank, its stockholders, officers and directors. On July 22, 1954, Times-World filed a "Petition for Review and Request for Reversal of Examiner's Ruling and Order", contending that the Examiner erred in certain of his findings and conclusions and that it should not be required to furnish all of the information requested by the Examiner.

13. In paragraph 4 of the Memorandum Opinion and Order, after setting forth certain of the contentions of the parties, the Examiner found that "under the terms of the J. P. Fishburn will Bank will become trustee owner with voting rights of the 49 percent interest when settlement of the estate is completed." In paragraph 5 he concludes that the Bank has a majority interest in the Times-World stock; that it is a principal stockholder in the applicant; that, although their legal qualifications are not to be challenged, the comparative qualifications of the Bank and its principals are appropriate mattters for inquiry; and that "Bank's relationship to Times-World will be changed in that its fiduciary ownership of 49 percent of the stock will later become a trustee ownership with broad powers of control, sale, and transfer of the Times-World stock." For these reasons the Examiner ordered Times-World to furnish certain information, including:

> (c) The names and addresses of all officers, directors and stockholders in First National Exchange Bank, provided that if there are more than 50 stockholders then only those having 1 percent or more of Bank's stock are to be listed.
>
> (d) As to each individual referred to in subparagraph (c), there shall be shown the name and nature of each and every business enterprise in which such individual either owns a 25 percent or greater interest or is an officer or director.
>
> (e) A list of the names and types of any other businesses in which Bank has a direct interest of 25 percent or more by reason of stock ownership or trustee relationships or other estate administrations.

At the hearing conference of July 13, 1954, the Examiner specified (Tr. 1175) that "I would point out in connection with this matter, that of course the requirement to supply information extends to that information which can be supplied. Your inability to comply with the requirements, for good and sufficient reason, of course relieves the applicant of responsibility provided the failure is for good and sufficient reason."

14. It is Times-World's principal contention that the Examiner erred in requiring the information set forth in the subparagraph (c), (d), and (e), quoted above. Times-World argues that the Examiner bases these requirements upon a faulty premise that the "Bank will become trustee owner with voting rights of the 49 percent interest when settlement of the estate is completed." In support of this argument, Times-World asserts that the voting rights in the stock are vested in J. B. Fishburn by the terms of the will. Times-World insists that the Bank is not "a party to the application" (within the meaning of the application form) and that a bank functioning as an executor is a separate and distinct entity from the bank acting in its commercial capacity. Times-World maintains that the Bank, in its commercial capacity (by virtue of the Federal Reserve Act), can never own stock in the applicant and that, in its fiduciary capacity, must be viewed as a mere collection agent until J. B. Fishburn dies or abandons his voting rights. As further reason for reversing the Examiner's order, Times-World claims that Radio Roanoke has made no showing with respect to the materiality or relevance of the information requested.

15. Times-World also contends that it is not within its power to furnish the information requested and that the Examiner erred in making the requirement mandatory and without qualification in the order. In this connection it has attached a letter from the Vice President and Trust Officer of the Bank in which it is stated that the Bank "does not have and possess the information requested with respect to the directors and stockholders of the Bank, and hence is not in a position to furnish to you such information"; that the "stock and other business interests which it holds in a fiduciary capacity with respect to other trusts and estates is of a highly confidential nature and cannot, with propriety and without violating its confidential relationship, be disclosed"; that the Bank will furnish "the names and addresses of all of its officers and the name and nature of each business enterprise in which such individual officer owns a 25 percent or greater interest or is an officer or director"; and that the Bank will furnish "a list of the names and types of any other business in which said Bank has a direct proprietary interest" of 25 percent or more. Times-World contends that to make public the private business interests of the directors and stockholders of the Bank as well as the Bank's fiduciary accounts gives an unfair advantage to their business competitors in Raleigh and that to require production of the information is a violation of the rights of the parties under the Fourth Amendment to the Constitution.[9]

16. Times-World also urges that Radio Roanoke's request for information are related to and tied to its pleadings previously filed and that the contentions advanced there and here should have been advanced at the time of Times-World's application for transfer of control and petition for leave to amend. Times-World feels that it should not be required to produce any information until the motion previously filed by Radio Roanoke has been disposed of by the Commission. Accordingly, it is of the view that joint consideration should be given all the matters that have been brought before the Commission as a result of J. P. Fishburn's death. In its prayer, Times-World asks that the Examiner be reversed in his Opinion and Order of July 20, 1954; that, because of the new and novel questions raised herein, oral argument be permitted; that all pleadings arising out of J. P. Fishburn's death be considered at the same time; and that further proceedings be stayed until these pleadings are disposed of.

17. The Broadcast Bureau is of the view[10] that the Examiner's finding that the Bank will have voting rights in the 49 percent after settlement of the estate is not supported by the record, but that the Bank will have sufficiently broad powers over the stock to warrant the furnishing of information required by the subparagraphs of the Examiner's order set forth above. The Bureau contends that the Examiner has the authority to require information supplementary to the applications and that the Examiner has made it clear in the record that Times-World will be relieved for "good and sufficient reason" from a failure to comply with the requirements of the order. With respect to the requirement (subparagraph (e)) that Times-World furnish the list of businesses in which the Bank has a 25-percent interest "by reason of stock ownership or trustee relationships or other estate administrations", the Bureau agrees with Times-World that such requirement is too broad in scope and appears to require the public disclosure of business over which the Bank's activities are purely that of a fiduciary. With respect to the request for stay, the Bureau points out that the hearing has been continued indefinitely pending determination of the previous pleadings and that, therefore, the application for stay is premature at this time.

18. Radio Roanoke maintains[11] that the Bank, being a stockholder of record, is a party to the Times-World application within the meaning of FCC Form 301, and that, accordingly, the same information should be furnished as is required from all other corporations owning the stock of broadcast applicants. Radio Roanoke contends that even though the Bank does not have voting rights to the stock, it has a duty, as a

[9] "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *"

[10] "Opposition of Chief, Broadcast Bureau, to Petition for Review and Request for Reversal of Examiner's Ruling and Order Filed by Times-World Corporation", filed July 28, 1954.

[11] "Opposition to 'Petition for Review and Request for Reversal of Examiner's Ruling and Order' ", filed August 2, 1954.

fiduciary, to make certain that the stock is voted for the best interests of the trust estates. With respect to the disclosure by the Bank of information which it considers confidential, Radio Roanoke feels that the Bank should resign as trustee of the Times-World stock if it thinks its position inconsistent with its obligations to other bank customers. Radio Roanoke states that the Examiner's requirements cannot be considered an unlawful search or seizure inasmuch as there has been no order issued subpoenaing the records of the Bank.

19. In reply to the Broadcast Bureau, Times-World contends[12] that the conditions orally stated by the Examiner for the production of the information were not included in the written order and that the failure to so include them was error. Times-World also contends that the position taken by the Bureau with respect to the requirement of subparagraph (e) is equally applicable to the requirements of subparagraphs (c) and (d), especially since the relevance of the information requested has not been shown.

20. In reply to Radio Roanoke,[13] Times-World contends, in the main, that a bank acting in a fiduciary capacity as the executor of an estate is different than the bank acting in its ordinary commercial banking capacity; that Federal laws prevent the Bank acting in its commercial capacity from owning stock in any corporation; that, accordingly, it cannot be made subject to the same conditions as an ordinary legal stockholder of an applicant; and that Radio Roanoke's requests constitute a fishing expedition into confidential matters that the Bank has a duty not to disclose.

21. We turn first to a consideration of the question of whether the Times-World amendment of May 25, 1954, constituted a new application the dismissal of which is required by § 1.387 (b) (3) of our rules.[14] In our view, the changes in the make-up of the Times-World applicant, reflected in the said amendment, are not of such magnitude as to persuade us to Radio Roanoke's position. Times-World contends that a corporation has a legal entity entirely separate and distinct from the individuals who compose it and that it has a capacity of continuous existence of succession notwithstanding changes in its membership. We agree, however, with Radio Roanoke that a corporation's power of perpetual existence is not a bar to the Commission's looking beyond a specific corporate structure to determine the effect of changes in stock ownership and related matters. In so looking, we note that no new stockholders have been added to the Times-World applicant. It is true that legal title to a majority of the stock is vested in the Bank as Executor-Trustee and that the Bank appears to have unrestricted authority to dispose of the stock it holds. It is also true that a transfer of the right to convey a majority of a licensee's stock is one requiring prior Commission approval. The Commission is more deeply concerned, however, with the disposition of the voting rights in a licensee's stock, for it is the holder of the voting rights who must be said to exercise the greatest influence in determining the licensee's operating policies.[15] Prior to his son's death, J. B. Fishburn owned and voted 40 percent of the Times-World stock, served as a Vice President and a Director, and thus occupied a prominent position in the applicant corporation. His succession to the voting rights, then, of an additional 49 percent of the stock, held in trust for the benefit of his son's wife and children, is not so substantial a change as to constitute Times-World a new applicant. Nor can the other changes complained of by Radio Roanoke be so regarded. Thus, M. W. Armistead's promotion from Vice President and Associate Publisher to President and Publisher, and the addition of Decedent's wife as a Vice President and a Director do not materially alter the make-up of the Times-World applicant. And, with respect to the changes which occurred of January 18, 1954, Radio Roanoke had previous notice and cannot now be heard to complain. Finally, on this question of whether the Times-World application must now be considered to be a new one, we do not believe that the amount and type of Decedent's testimony has been such as to support Radio Roanoke's position. Although he has testified with respect to such matters as the plans and policies of the proposed television station, this testimony appears to have been given in his capacity as President of the company. Times-World is as bound today by this testimony as it was at the time it was offered, and we cannot assume that changes in program and policy proposals will be effected.

22. We next consider Radio Roanoke's contention that a grant of the Times-World application is prohibited by § 3.636 of the Commission's rules and that the application must, therefore, be dismissed. As heretofore noted, three of the Bank's twenty-five directors have interests in WSLS, WSLS–FM and WSLS–TV in Roanoke. Times-World, in addition to being a television applicant herein, is the licensee of WDBJ and WDBJ–FM, also in Roanoke. In support of its contention, Radio Roanoke relies, principally, upon language appearing in a letter dated December 3, 1952 and addressed by the Commission to Macon Television Company, at that time an applicant for a new television broadcast station. The stock of Macon Television Company was owned equally by two competing standard broadcast stations in the same community. In the above letter, written pursuant to the provisions of section 309 (b) of the Communications Act, the Commission declared that, "as a matter of general policy, the Commission has required that there be complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area." Macon Television Co., 8 RR 703, 704 (1952). Times-World insists that there is nothing in § 3.636 which requires, per se, the dismissal of its application, and that only a hearing can adduce the facts to support a conclusion that the Commission's Rules would or would not be violated. The Broadcast Bureau agrees that the duality of interests as set forth herein are insufficient to justify outright dismissal of the Times-World application and that a definitive conclusion as to whether Times-World is violating the Commission's Rules and policies on multiple ownership should await a full determination of all the pertinent facts. In this connection, the Broadcast Bureau points out that the letter in the Macon Television case, supra, contains additional language to the effect that if the deficiencies noted by the Commission therein could not be eliminated, the applicant would be designated for hearing. In view of its foregoing position, the Broadcast Bureau requests that the issues in this proceeding be enlarged to include an issue designed to determine whether the Commission's Rules and policies with respect to multiple ownership are being violated. We are of the view that the facts already developed raise serious questions as to whether a grant of the Times-World application would be consistent with our Rules and policies on multiple ownership. We do not believe, however, under the circumstances here present, that the Times-World application can be summarily dismissed. Accordingly, we feel that the issues in this proceeding must be enlarged to include issues designed to permit inquiry into the question of whether a grant of the Times-World application would be consistent with the provisions of § 3.636 of the Commission's rules and policies promulgated thereunder. With respect to Times-World's procedural objections to the Broadcast Bureau's request for enlargement of issues (see paragraph 10), we observe that the Commission has no prescribed form for the presentation of such a request. The fact that the Bureau included in one document an opposition to Radio Roanoke's motion and a petition for enlargement of the issues did not cut to 5 days the time within which Times-World was required to file an opposition. Times-

[12] "Reply of Times-World Corporation to Opposition of Chief, Broadcast Bureau, to Petition for Review and Request for Reversal of Examiner's Ruling and Order Filed by Times-World Corporation", filed August 4, 1954. "Notice of Correction to Reply", filed August 5, 1954.

[13] "Reply of Times-World Corporation to Opposition to Petition for Review and Request for Reversal of Examiner's Ruling and Order," filed August 9, 1954.

[14] Times-World asserts that Radio Roanoke's contentions in this regard are matters which should have been advanced in opposition to the petition for leave to amend, filed May 17, 1954. Under § 1.730 of the Commission's rules, oppositions to petitions must be filed within 10 days from the filing of the petition. In view of the fact that the Examiner did not wait until the expiration of the 10-day period before passing upon the petition, and in view of the filing of Radio Roanoke's motion shortly thereafter, it would not be appropriate, in our view, to dispose of the motion on this procedural ground.

[15] In its application for involuntary transfer of control, filed April 22, 1954 (BTC–1718), Times-World designates as transferee "The First National Exchange Bank of Roanoke, and J. B. Fishburn, (both of) Roanoke, Va." In granting consent to the said transfer of control on May 12, 1954, the Commission listed only J. B. Fishburn as transferee.

World's lack of conviction in its argument in this regard is illustrated by the fact that its response to the Broadcast Bureau's pleading was filed 7 days after the filing of that document.

23. In what must be considered an alternative request to its motion that the Times-World application be dismissed, Radio Roanoke urges that the proceedings already held with respect to the above-entitled applications have been rendered a nullity and that the hearing will have to commence ab initio. In this connection, Radio Roanoke asserts that it has a right to recast the whole framework of its case, including its Points of Reliance. We agree with the Broadcast Bureau's position that Radio Roanoke's rights will be adequately protected if Times-World makes available to it such aditional information as may reasonably be said to be required by the changed circumstances and if Radio Roanoke is afforded reasonable opportunity by the Examiner to modify the matters upon which it proposes to rely. The Examiner's Memorandum of Opinion and Order of July 19, 1954 (FCC 54M-884) appears to be consistent with this position, and the major question presented by Times-World's petition for review is whether the information requested by the Examiner "may reasonably be said to be required."

24. We are of the view that even though the Bank can vote but 3.2 percent of Times-World's stock, its legal ownership of an additional 51 percent is an interest of sufficient importance to require the furnishing of information with respect to the Bank, its officers, stockholders and directors. We have given careful consideration to the Examiner's requests for information contained in subparagraphs (c) and (d) of paragraph 6 of his Memorandum Opinion and Order and hold that they are reasonable and wholly proper under the circumstances of this case. With respect to subparagraph (e), however, we agree with Times-World and the Broadcast Bureau that the requests contained therein appear to require the public disclosure of business over which the Bank's activities are purely that of a fiduciary. Accordingly, we feel that Times-World should be relieved of the requirement of furnishing information with respect to businesses in which the Bank has an interest only by virtue of a trustee or other fiduciary relationship. Times-World contends that it is not within its power to furnish the information requested and that the Examiner erred in making the requirement mandatory and without qualification in the order. The Examiner has made it clear in the record, however, that Times-World will be relieved for "good and sufficient reason" from a failure to comply with the requirements of the order. Accordingly, there was no error in not repeating the qualification in the written order.

25. The sole remaining questions concern Times-World's requests for stay and for oral argument before the Commission en banc. The question raised in the pleadings here under consideration are, of course, interlocutory, and it is the Commission's policy not to allow oral argument on interlocutory matters. Times-World has set forth no facts justifying a departure from this policy in the instant case. Times-World's request for stay would appear to have been rendered moot by our simultaneous consideration of all pleadings presently pending before us.

26. In view of the foregoing: *It is ordered*, That the "Motion to Dismiss Application and for Immediate Grant of Application of Radio Roanoke, Incorporated", filed June 1, 1954 by Radio Roanoke, Incorporated, is denied.

27. *It is further ordered*, That the "Petition for Enlargement of the Issues", filed June 15, 1954 by Chief, Broadcast Bureau, is granted insofar as it requests the addition of issues designed to permit inquiry into the question of whether a grant of the Times-World application would be consistent with the provisions of § 3.636 of the Commission's rules and the policies promulgated thereunder.

28. *It is further ordered*, That the Examiner's Memorandum Opinion and Order of July 20, 1954 (FCC 54M-884), insofar as it is not inconsistent with the rulings and determinations expressed herein is affirmed, and that, accordingly, the "Petition for Review and Request for Reversal of Examiner's Ruling and Order", filed July 22, 1954 by Times-World Corporation, is denied,

29. *It is further ordered*, That the issues in the above-entitled proceeding are enlarged by the addition of the following issues:

To determine the stock ownership and management interests of The First National Exchange Bank of Roanoke, Virginia, its stockholders, officers and directors in existing television broadcast stations.

To determine whether, in light of the evidence adduced at the hearing with respect to the preceding issue, a grant of the application of Times-World Corporation would be consistent with the provisions of § 3.636 of the Commission's rules and the policies promulgated thereunder.

Adopted: October 14, 1954.

Released: October 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION.

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

[F. R. Doc. 54-8272; Filed, Oct. 20, 1954; 8:52 a. m.]

[Docket Nos. 11081—11083; FCC 54-1291]

WORZ, INC. ET AL.

ORDER AMENDING ISSUES

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; WHOO, Inc., Orlando, Florida, Docket No. 11082, File No. BPCT-1207; Mid-Florida Television Corp., Orlando, Florida, Docket No. 11083, File No. BPCT-1801; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1954;

The Commission having under consideration a petition filed July 14, 1954, by Mid-Florida Television Corp. to enlarge issues with respect to the legal and other qualifications of WORZ, Inc.; a statement of Chief, Broadcast Bureau regarding the said petition to enlarge issues, filed July 29, 1954; an opposition to the petition to enlarge issues, filed July 28, 1954, by WORZ, Inc.; and a reply to the opposition to enlarge issues, filed August 2, 1954, by Mid-Florida Television Corp.; and

It appearing that the petitioner requests that the issues be enlarged by adding issues to determine whether WORZ, Inc. and its officers, directors and stockholders are legally and otherwise qualified; to determine whether WORZ, Inc. and Central Florida Broadcasting Corporation have filed full and complete reports with the Commission and whether they have been truthful in reports and applications filed with the Commission; and to determine whether William Oliver Murrell is a party in interest in the above-entitled proceeding and, if so, whether it is in the public interest to make a grant of that application; and

It further appearing that, on the basis of the information contained in the petition, a reasonable showing has been made to warrant the inclusion of specific issues with respect to the character and other qualifications of WORZ, Inc. and Central Florida Broadcasting Corporation, but that such showing does not go to the legal qualifications of WORZ, Inc., as such, as defined in In re Application of WGAL, Inc., 9 RR 117; *It is ordered*, That the following issues be added to the issues set forth in our order dated June 24, 1954:

(a) To determine whether in their applications and other reports to the Commission WORZ, Inc. and Central Florida Broadcasting Corporation have made misstatements of material facts and/or have omitted to state material facts regarding the ownership and/or management of WORZ, Inc. and Central Florida Broadcasting Corporation.

(b) To determine whether William Oliver Murrell is a party in interest, directly or indirectly, in the application of WORZ, Inc. herein, and

(c) To determine in the light of the evidence adduced under the foregoing issues, whether it is in the public interest, convenience and necessity to make a grant of the application of WORZ, Inc.

Released: October 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F. R. Doc. 54-8273; Filed, Oct. 20, 1954; 8:52 a. m.]

[Docket Nos. 11196—11198]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company

for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Clarence Spradley d/b as Haslet Telephone Company, Haslet, Texas; Docket No. 11196, File No. P–C–3504.

In the matter of the application of Southwestern Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Donald Morgan and Charlotte M. Morgan d/b as Farley Telephone Company, Farley, Missouri; Docket No. 11197, File No. P–C–3510.

In the matter of the application of Southwestern Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Miami County Mutual Telephone Company, Paola, Kansas; Docket No. 11198, File No. P–C–3515.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Clarence Spradley d/b as Haslet Telephone Company, Donald Morgan and Charlotte M. Morgan d/b as Farley Telephone Company, and The Miami County Mutual Telephone Company, furnishing telephone service in and around Haslet, Texas, Farley, Missouri, and Paola, Kansas, respectively, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954 that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954, and that a copy of this order shall be served upon Southwestern Bell Telephone Company, the Governors of Texas, Missouri and Kansas, Missouri Public Service Commission, Kansas State Corporation Commission, each of the above-named telephone companies, and the Postmasters of Haslet, Texas, Farley, Missouri, and Paola, Kansas;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned communities and the counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

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

[F. R. Doc. 54–8274; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11199]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Mayport Telephone Company, Inc., Jacksonville, Florida; Docket No. 11199, File No. P–C–3511.

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Mayport Telephone Company, Inc. furnishing telephone service in and around Mayport, Florida will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954, and that a copy of this order shall be served upon Southern Bell Telephone and Telegraph Company, Mayport Telephone Company, Inc., the Governor of Florida, Florida Railroad and Public Utilities Commission and the Postmaster of Mayport, Florida;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Mayport and Duval County, Florida, and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

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

[F. R. Doc. 54–8275; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11200]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Peninsula Telephone Corporation, Toano, Virginia; Docket No. 11200, File No. P–C–3512.

The Commission having under consideration an application filed by The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of The Peninsula Telephone Corporation furnishing telephone service in and around Toano, Virginia, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 14th day of October 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 15th day of November 1954; and that a copy of this order shall be served upon The Chesapeake and Potomac Telephone Company of Virginia, The Peninsula Telephone Corporation, the Governor of Virginia, Virginia State Corporation Commission, and the Postmaster of Toano, Virginia;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Toano, Virginia and James City and Kent Counties, Virginia and shall furnish proof of such publication at the hearing herein.

Released: October 18, 1954.

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

[F. R. Doc. 54–8276; Filed, Oct. 20, 1954; 8:53 a. m.]

[Docket No. 11205; FCC 54–1287]

RADIO CLEVELAND (WCLE)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. A. Gallimore tr/as Radio Cleveland (WCLE), Cleveland, Tennessee, for construction permit; Docket No. 11205, File No. BP–9197.

1. The Commission has before it a protest filed on September 17, 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Robert W. Rounsaville (hereinafter referred to as WBAC), licensee of Station WBAC, Cleveland, Tennessee, protesting the Commission's action of August 18, 1954 granting without hearing the above-entitled application of J. A. Gallimore, tr/as Radio Cleveland (hereinafter referred to as J. A. Gallimore) for a new standard broadcast station to operate on 1570 kilocycles with 1000 watts power, daytime only at Cleveland, Tennessee; and an opposition to the protest filed by J. A. Gallimore on October 8, 1954.

2. In the protest, WBAC alleges in substance that protestant's station, WBAC, and the station authorized by the Commission's action in question are the only two local radio stations assigned to Cleveland, Tennessee; that protestant and J. A. Gallimore "will be in direct competition for the radio advertising dollar"; that "any revenue received by J. A. Gallimore will be at the expense of [protestant], and will cause serious economic injury to [protestant]"; that as a result of the grant of the above-entitled application WBAC has been economically injured and will continue to suffer economic injury; and that, therefore, it is a "party in interest" within the purview of section 309 (c) of the Communications Act of 1934, as amended.

3. In support of its protest WBAC alleges that the Commission erred in finding J. A. Gallimore to be financially qualified to construct and operate the proposed Cleveland station and that the proposed program structure is not one arrived at on the basis of time and care devoted to its preparation as is required by the Commission. For these reasons WBAC asks the Commission to set aside the grant in question and to designate the above-entitled application for hearing on issues set forth in its protest, together with such further issues as the Commission may prescribe; and to designate the protestant as a party to said hearing.

4. Petitioner has submitted the results of a comprehensive study and analysis of the potential demand for radio advertising in the Cleveland, Tennessee, area in support of his contention that he will suffer economic injury as a result of the Commission's action. This analysis indicates that the potential advertising revenue may be limited and that it is improbable that a second station can derive revenue from the area without decreasing that now flowing to the protestant's station. In light of this showing and the fact that the protestant is the licensee of Station WBAC, Cleveland, Tennessee; that the protestant derives operating revenue from the Cleveland, Tennessee area; that the grant herein protested establishes the second standard broadcast station in Cleveland, Tennessee in direct competition with WBAC; and that protestant has alleged that it has been and will continue to be financially injured by the grant complained of, it is the Commission's opinion that WBAC is a "party in interest" within the meaning of section 309 (c) of the Communications Act.

5. It is clear that once a protestant has established standing to protest as a party in interest, it must then meet the further jurisdictional requirements of section 309 (c) that the protestant "shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally". As the Commission stated in the Allen [1] and Salinas [2] cases, "The clear import of this requirement is that a protestant must do something more than set forth in his protest vague, non-specific, conclusionary arguments and allegations, he must allege those facts upon which his conclusions as to the impropriety of the Commission's grant without hearing are predicated. These facts must be alleged with specificity; they must be concrete, basic facts".

6. Protestant has set out in detail the specific points relied upon concerning the questions as to the financial qualifications and the "basic character" qualifications of the permittee and has specified the following issues on which he asks for an opportunity to present evidence:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations, the existing and the proposed, will go under with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

5. To determine whether the applicant possesses the basic character qualifications necessary to permit him to be the licensee of the proposed station.

6. To determine whether, considering the above issues, a grant of the application would serve the public interest, necessity and convenience.

7. Issues 1, 2 and 3 as specified by WBAC all relate to economic injury. An analysis of potential broadcast revenue and an economic study of the Cleveland, Tennessee market area form the factual basis of these three issues. These issues, however, designed to show that the public interest would suffer by the establishment of a second station in Cleveland, Tennessee, in all likelihood, are not pertinent because of considerations already set out by the Commission in re Voice of Cullman, 6 RR 164 (1950). In a more recent case, in re Van Curler Broadcasting Corporation, 11 RR 215, the Commission stated "There is a grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community." Pending further consideration of the general problem, the Commission will not exclude Issues 1, 2 and 3 in this case. However, these three issues are not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevency will be on the protestant.

8. With respect to Issue 4 the protestant points out that J. A. Gallimore estimated the cost of constructing the proposed Cleveland Station to be $22,900 and that conceding J. A. Gallimore's ability to finance the construction and initial operation of the proposed Cleveland station, the fact remains that J. A. Gallimore has heretofore committed himself to finance the construction and initial operation of Station WLFA, Lafayette, Georgia. On October 7, 1953, the Commission granted J. A. Gallimore and Virginia F. Gallimore (his wife) doing business as Radio Dixie, a construction permit for a new station (WLFA) to operate on 1590 kilocycles with 5 kilowatts power daytime only at Lafayette, Georgia. The grant required the permittee to submit an application for modification of construction permit to specify a transmitter site and antenna system meeting the requirements of the Standards of Good Engineering Practice. On January 12, 1954, the Commission approved an application specifying a transmitter site and antenna system for Station WLFA. Subsequently, on September 10, 1954, the Commission granted an application to modify further the WLFA construction permit to change the type of transmitter and to change studio location. Station WLFA has not commenced either equipment or program tests. The original estimated cost of construction of Station WLFA was $30,150; the actual costs are yet to be determined. While J. A. Gallimore submitted a personal balance sheet with the Cleveland application indicating a net worth of approximately $65,000 as of November 30, 1953, WBAC properly raises the question as to whether the assets listed by Mr. Gallimore are sufficiently liquid to enable J. A. Gallimore to finance the construction and initial operation of the proposed Cleveland station after he has contributed his share for the construction and initial operation of Station WLFA. In the Commission's opinion the protestant has stated with particularity sufficient facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the above-entitled application for hearing upon the issue of financial qualifications. Accordingly said issue is adopted by the Commission and the burden of proof thereon is placed upon J. A. Gillimore.

9. In support of Issue "5" quoted above, WBAC maintains that the programming and staffing plans of the subject Cleveland proposal submitted on March 1, 1954, are completely identical with the programming and staffing proposals submitted by J. A. Gallimore in his application filed March 3, 1953 for Station

[1] In re Application of T. E. Allen & Sons, Inc., 9 RR 590a.

[2] In re Application of Salinas Broadcasting Corporation et al., 9 RR 595.

WLFA, Lafayette, Georgia. Upon the basis of such facts WBAC contends that J. A. Gallimore is completely indifferent to the programming needs of the Cleveland community he proposes to serve and that therefore he does not possess the basic character qualifications necessary to be a broadcast licensee. Therefore, with respect to Issue "5" it is the Commission's opinion that the protestant has stated with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the inclusion of Issue "5". However, in making this finding we do not determine or imply that even if the facts with respect to such issues are as alleged by the protestant, they are such that they would result in a determination that the grant to the applicant herein was improper, contrary to the public interest or should be set aside. Accordingly, said issue is not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

10. In view of the foregoing: *It is ordered*, That, insofar as the subject protest requests reconsideration of the Commission's action of August 18, 1954, it is denied, except with respect to the hearing provided for below; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve his public.

2. To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations, the existing and the proposed, will go under with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations, the existing and the proposed, will be compelled to render inadequate service.

4. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

5. To determine whether the applicant possesses the basic character qualifications necessary to permit him to be the licensee of the proposed station.

6. To determine, in light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of August 18, 1954 granting the above-entitled application should be vacated.

The burden of proof as to Issue "4" is placed on J. A. Gallimore. The burden of proof as to Issues 1, 2, 3, and 5 is placed on Robert W. Rounsaville.

11. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on November 15, 1954, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than November 1, 1954.

Adopted: October 13, 1954.

Released: October 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-8277; Filed, Oct. 20, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FABRIQUES DE PRODUITS CHIMIQUES DE THANN ET DE MULHOUSE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fabriques de Produits Chimiques de Thann et de Mulhouse, Thann (Haut-Rhin) France; Claim No. 40680; property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to United States Patent Application Serial No. 265,605 (now United States Letters Patent No. 2,326,275).

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

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

[F. R. Doc. 54-8268; Filed, Oct. 20, 1954; 8:51 a. m.]

KATHARINA HERTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Katharina Hertz, Weeze, Krei: Geldern, Germany; Julius Hertz, Rheydt, Rhineland, Germany; John Hermann Hertz, Delmar, New York; Claim No. 13331; Vesting Order No. 691; $698.38 in the Treasury of the United States in the following proportions: ⅜ to Katharina Hertz; ⅜ to Julius Hertz; ⅛ to John Hermann Hertz.

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

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

[F. R. Doc. 54-8269; Filed, Oct. 20, 1954; 8:51 a. m.]

[Vesting Order 18023, Amdt.]

MAX MELZER

In re: Estate of Max Melzer, deceased. File No. D-28-13007, E. T. sec. 17135.

Vesting Order 18023 dated June 12, 1951, is hereby amended as follows and not otherwise:

By deleting from paragraph 1 of said vesting order the name Hildegard Ruter and substituting therefor the following: "Hildegard Küter or Kueter."

All other provisions of said Vesting Order 18023 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.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on October 14, 1954.

For the Attorney General.

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

[F. R. Doc. 54-8270; Filed, Oct. 20, 1954; 8:52 a. m.]