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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State
(Dept. Reg. 108.209)

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

MISCELLANEOUS AMENDMENTS

DECEMBER 28, 1953.

Effective the beginning of the first pay period following January 16, 1954, the following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

1. Section 325.1 (g) (1) (18 F. R. 2815) is amended to read as follows:

(1) The temporary assignment or temporary duty of an employee away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when the period of such assignment or duty is actually 60 calendar days or more, or when the head of agency shall have determined by appropriate personnel documentation that the contemplated duration of temporary assignment or temporary duty is for a substantial period of time estimated at not less than 60 calendar days.

2. Section 325.5 (b) (18 F. R. 2817) is amended to read as follows:

(b) Payment for detail as defined in § 325.1 (g) shall be made at the rate established for the differential post or area of detail from the date of arrival to the close of business on the date of departure or the date differential is terminated under other provisions of this part; except that if, for unforeseen circumstances, the actual duration of detail as defined in § 325.1 (g) (1) is for a period of less than 60 calendar days, payment shall not be made in the absence of the required personnel documentation.

3. Delete the first sentence of § 325.9 (a) (18 F. R. 2818) and substitute therefor the following: "Within three months

after first arrival of personnel at a post or in an area not classified for differential, agencies believing the post or area to involve extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions, may submit Form DSP-36."

4. Section 325.9 (c) (1) (18 F. R. 2818) is amended to read as follows: "(1) an informal report stating that there have been no changes in conditions or".

5. Section 325.10 (18 F. R. 2818) is amended by the addition of the following sentence to the end of the section: "Rates of differential payment are subject to increase or decrease depending upon changed environmental conditions and/or changes in policy or standards of determination."

6. Part 325 is amended by the addition of the following § 325.13:

§ 325.13 *Effective date of classifications and reclassifications.* (a) As a rule, the effective date of an initial classification will be the date of first arrival of employees assigned or detailed to the post or area, even though this date is prior to the date of approval of the classification. However, where these employees or their agency delay unduly in submitting the basic data prescribed in § 325.9, the effective date of any resulting classification will not necessarily be the date of arrival.

(b) Any reclassification of a post or area already classified in § 325.11 will be made currently effective.

(E. O. 10000, 13 F. R. 5456, 3 CFR, 1948 Supp.)

For the Secretary of State.

DONALD B. LOURIE,
Under Secretary for Administration.

DECEMBER 28, 1953.

[F. R. Doc. 54-33; Filed, Jan. 5, 1954;
8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

CHANGES IN CODIFICATION

In order to conform Title 6 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following

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FEDERAL REGISTER

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changes are made in the codification of this title:

1. Chapter IV is redesignated "Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture".

2. Subchapter B of Chapter IV and the regulations therein are transferred to a new chapter entitled "Chapter V—Agricultural Marketing Service, Department of Agriculture".

3. Subchapter C of Chapter IV is redesignated "Subchapter B—Loans, Purchases, and Other Operations", of that chapter and the regulations therein contained are renumbered as follows:

Present part No.:	New part No.
601	421
607	427
610	430
624	434
638	438
643	443
646	446
664	464
668	468
672	472
674	474

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.
[P. R. Doc. 54-51; Filed, Jan. 5, 1954;
8:49 a. m.]

TITLE 7—AGRICULTURE

CHANGES IN CODIFICATION

In order to conform Title 7 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following changes are made in the codification of that title:

1. Chapter I is redesignated "Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture".

2. In Chapter I the headnote "Subchapter F—Insecticides" is deleted, and the regulations thereunder (Part 162) are transferred to Chapter III as Part 362 of that chapter.

3. Chapter II is redesignated "Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture".

4. Chapter III is redesignated "Chapter III—Agricultural Research Service, Department of Agriculture".

5. Chapter V is redesignated "Chapter V—Commodity Stabilization Service (Surplus Property), Department of Agriculture".

6. Chapter VII is redesignated "Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture".

7. Part 713 of Chapter VII is transferred to Subtitle A and redesignated "Part 7—Agricultural Stabilization and Conservation Committees" and the subpart is redesignated "Subpart—Regulations Relating to Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees".

8. Chapter VIII is redesignated "Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture".

9. Chapter IX is redesignated "Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture".

10. Chapter X is transferred to Subtitle A as Part 10 of that subtitle.

11. Chapter XI is redesignated "Chapter XI—Agricultural Conservation Program Service, Department of Agriculture".

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.
[P. R. Doc. 54-53; Filed, Jan. 5, 1954;
8:50 a. m.]

ters I, II, and III of Title 9, and the provisions in Chapter XVI of Title 32A, Code of Federal Regulations, are hereby amended as follows, pursuant to Reorganization Plan No. 2 of 1953 (67 Stat. 633), section 161 of the Revised Statutes (5 U. S. C. 22), and the authorities under which such provisions were issued:

A. Title 7 of the Code of Federal Regulations is amended as follows:

1. Wherever, in Part 6, the designation "Production and Marketing Administration" appears, it is deleted and the designation "Foreign Agricultural Service" is substituted therefor.

2. In §§ 6.2, 6.6 and 6.7 the phrase "the Office of Foreign Agricultural Relations and" is deleted.

3. In § 6.8 the phrase "a representative of the Office of Foreign Agricultural Relations and" is deleted.

4. Wherever, in Parts 26 through 31, 33, 34, 37, 41, 43, 46, 47, 48, 51 through 55, 58, 61, 64, 65, 70, 101 through 114, 151, 201, and 900, the designations "Production and Marketing Administration" and "Administration" appear, they are deleted and the designations "Agricultural Marketing Service" and "Service", respectively, are substituted therefor.

5. The definition of the term "Secretary" appearing in Parts 26, 28, 29, 33, 34, 41, 46, 47, 48, 52, 53, 54, 55, 58, 64, 68, 70, 101 through 114, 160, 201, and 900 is amended to read:

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

6. Wherever, in Parts 26, 57, and 68, the designations "Grain Branch" and "Branch" appear, they are deleted and the designations "Grain Division" and "Division", respectively, are substituted therefor.

7. Section 28.912 (n) is amended by deleting the following phrase: "cooperating with the Bureau of Plant Industry, Soils and Agricultural Engineering of the United States Department of Agriculture."

8. Wherever, in Parts 29, 30, and 34, the designations "Tobacco Branch" and "Branch" appear, they are deleted and the designations "Tobacco Division" and "Division", respectively, are substituted therefor.

9. Wherever, in Part 29, the designations "Chief of the Standards and Technical Research Division", and "Agricultural Marketing Administration" appear, they are deleted and the designations "Chief of the Standards Branch", and "Agricultural Marketing Service", respectively, are substituted therefor.

10. Wherever, in Parts 33, 41, 46, and 47, the designations "Fruit and Vegetable Branch" and "Branch" appear, they are deleted and the designations "Fruit and Vegetable Division" and "Division", respectively, are substituted therefor.

11. Whenever, in Parts 46, 47, and 900, the designations "Assistant Administrator for Marketing" and "Assistant Administrator" appear, they are deleted and the designations "Deputy Admin-

istrator for Marketing Services" and "Deputy Administrator", respectively, are substituted therefor.

12. Wherever, in Parts 37 and 43, the designation "Dairy Branch, Production and Marketing Administration" appears, it is deleted and the designation "Dairy Division, Agricultural Marketing Service" is substituted therefor.

13. Wherever, in Part 55, the designation "Chief, or Acting Chief, of the Poultry Inspection and Grading Division" appears, it is deleted and the designation "Chief, or Acting Chief, of the Grading Branch" is substituted therefor.

14. Wherever, in Parts 57 and 68 (except in §§ 57.2 (b) (4), 68.102 (c), 68.202 (c), 68.252 (c), and 68.302 (c)), the designation "Production and Marketing Administration" appears, it is deleted and the designation "Agricultural Marketing Service" is substituted therefor; and in §§ 57.2 (b) (4), 68.102 (c), 68.202 (c), 68.252 (c), and 68.302 (c), the parenthetical phrase "(now Production and Marketing Administration)" is deleted.

15. Wherever, in Parts 58 and 70, the designation "PMA" appears, it is deleted and the designation "AMS" is substituted therefor.

16. The provisions in Part 67 are deleted.

17. Sections 162.1 through 162.117 of former Part 162 in Chapter I of Title 7, now Part 362 in Chapter III of Title 7, are redesignated, respectively, as §§ 362.1 through 362.117. All internal references in the redesignated sections are changed to reflect the redesignation.

18. Wherever, in said Part 362, the designation "Production and Marketing Administration" appears, it is deleted and the designation "Agricultural Research Service" is substituted therefor.

19. Wherever, in said Part 362, the designation "Livestock Branch" appears, it is deleted and the designation "Plant Pest Control Branch" is substituted therefor.

20. Wherever, in said Part 362, the designation "Director" appears, it is deleted and the designation "Chief" is substituted therefor.

21. In said §§ 362.10, 362.103, 362.106, 362.111, and 362.116 the designation "Insecticide Division" is deleted wherever it appears and the designation "Plant Pest Control Branch" is substituted therefor in §§ 362.10 (h) and (i), 362.103, the third sentence of § 362.106 (f) (1), (7), (h) (4), and § 362.116 (c) (3). Wherever, in said Part 362, the designation "Division" appears, it is deleted and the designation "Branch" is substituted therefor.

22. In footnote 4 at the end of Table 2 in § 201.58 the designation "Information Branch, PMA" is deleted and the designation "Grain Division, AMS" is substituted therefor.

23. In § 201.154 (j) the phrase "or by the Under Secretary or the Assistant Secretary, if designated by the Secretary to act in his stead" is deleted.

24. In § 201.154 (m) the designation "Agricultural Marketing Administration" is deleted and the designation "Agricultural Marketing Service" is substituted therefor.

25. Wherever, in the subparts "Black Stem Rust", "Gypsy Moth and Brown-

ALTERATIONS IN NOMENCLATURE WITHIN SUBTITLE A AND CHAPTERS I, III, AND IX

The provisions in Part 6 of Subtitle A and in Chapters I, III, and IX of Subtitle B, of Title 7, the provisions in Chap-

Tail Moth", "Japanese Beetle", "Pink Bollworm", "White-Pine Blister Rust", "Mexican Fruitfly", and "White-Fringed Beetle" of Part 301 and in Part 303, the designations "Bureau of Entomology and Plant Quarantine" and "Bureau" appear, they are deleted and the designations "Plant Pest Control Branch" and "Branch", respectively, are substituted therefor.

26. Wherever, in the subparts of Part 301 other than those referred to in paragraph 25, and in Parts 302, 319, 320, 321, 324, 351, 352, 353, and 354, the designations "Bureau of Entomology and Plant Quarantine" and "Bureau" appear, they are deleted and the designations "Plant Quarantine Branch" and "Branch", respectively, are substituted therefor.

27. In §§ 301.47-4, 319.8-18, and 319.37-23, the designation "Bureau of Plant Industry, Soils, and Agricultural Engineering" is deleted and the designation "Horticultural Crops Research Branch" is substituted therefor.

28. In § 302.6 the telephone number "RE 4142, Branch 2598" is deleted and the number "RE 7-4142, Extension 2598" is substituted therefor.

29. In footnote 1 in § 319.37-1 (d) the designation "Production and Marketing Administration" is deleted and the designation "Agricultural Marketing Service" is substituted therefor.

30. Section 319.37-16a is amended by deleting the third paragraph and substituting therefor the following:

Other regulations of this Department governing the entry of hay and straw packing material are contained in 9 CFR Part 95. Such material is restricted entry from countries where rinderpest or foot-and-mouth disease exists. Any such material offered for entry without having met the conditions of 9 CFR Part 95 is required by said part to be disinfected or burned. The provisions of Part 95 are not applicable to hay and straw mats, jackets, or casings.

31. In § 900.106 the designation "Chief" is deleted and the designation "Director" is substituted therefor.

B. Title 9 of the Code of Federal Regulations is amended as follows:

1. Sections 301.1 through 301.52 of former Part 301 in Chapter III of Title 9, now Part 171 in Chapter I of Title 9, are redesignated as §§ 171.1 through 171.53, consecutively. All internal references in the redesignated sections are changed to reflect the redesignation. A new "Subchapter I—Process or Renovated Butter" is established in said Chapter I to contain §§ 171.1 through 171.53.

2. Wherever, in Parts 1 through 29, 53, 76, 151, and 171, the designations "Agricultural Research Administration" and "Administration" appear, they are deleted and the designations "Agricultural Research Service" and "Service", respectively, are substituted therefor.

3. Wherever, in Parts 1 through 29, the designations "Meat Inspection Division" and "Division" appear, they are deleted and the designations "Meat Inspection Branch" and "Branch", respectively, are substituted therefor.

4. Wherever, in Parts 1 through 29, except in §§ 1.1 (f), 10.16, and 11.1, the designation "Bureau" appears, it is deleted and the designation "Branch" is substituted therefor.

5. In § 1.1 (f) the designation "Bureau of Animal Industry", is deleted.

6. In § 1.1 (h) the phrase "the director or" is deleted.

7. In § 10.16 the designations "Bureau of Animal Industry" and "Virus-Serum Control Division of the Bureau of Animal Industry" are deleted and the designation "Animal Disease Eradication Branch" is substituted therefor.

8. Section 11.1 (b) is amended to read:

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent for examination to one of the pathological laboratories of the Animal Disease and Parasites Research Branch of the Service.

9. Wherever, in Parts 51, 52, 53, 72 through 79, 81, and 132, the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Disease Eradication Branch" and "Branch", respectively, are substituted therefor.

10. Section 52.1 is amended by adding thereto a new paragraph (d) to read:

(d) As used in this part, the term "Branch" means the Animal Disease Eradication Branch, Agricultural Research Service, U. S. Department of Agriculture.

11. Wherever, in Part 71, except in § 71.1 (b) and (c), the designation "Bureau" appears, it is deleted and the designation "Branch", is substituted therefor.

12. Section 71.1 (b) and (c) are amended to read respectively:

(b) *Branch.* As used in paragraph (j) of this section and in Parts 72 through 77 and 79 of this chapter, the term "Branch" means the Animal Disease Eradication Branch of the Service. As used elsewhere in this part and in Parts 78 and 81 of this chapter, the term "Branch" means the Animal Quarantine Branch of the Service.

(c) *Branch inspector.* An inspector of the Branch having responsibility for the performance of the function involved.

13. Wherever, in Parts 91, 92, 94, 95, 96, 97, and 151, the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Quarantine Branch" and "Branch", respectively, are substituted therefor.

14. Wherever, in Parts 101 through 123, except in § 102.3 the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Disease Eradication Branch" and "Branch" respectively, are substituted therefor.

15. Section 102.3 is amended by deleting the designation "Bureau of Animal Industry" and substituting therefor the

designation "Animal Disease Eradication Branch, U. S. Department of Agriculture."

16. Sections 101.1 (k) and (l) and 123.1 (f) are deleted.

17. Wherever, in Parts 101 through 123, the designations "Division" and "Officer in Charge of the Division" appear, they are deleted and the designations "Branch" and "Chief", respectively, are substituted therefor.

18. Section 114.2 is amended by deleting from the eighth sentence in § 114.2 (b) the phrase "shall notify the Chief who".

19. Wherever, in Part 155, the designations "Animal Foods Inspection Division", "Division", and "Bureau of Animal Industry", appear, they are deleted and the designations "Meat Inspection Branch", "Branch", and "Agricultural Research Service", respectively, are substituted therefor.

20. Wherever, in Part 171, the designations "Bureau of Dairy Industry" and "Bureau" appear, they are deleted and the designations "Meat Inspection Branch" and "Branch", respectively, are substituted therefor.

21. Wherever, in Parts 201 and 202, the designations "Production and Marketing Administration" and "Administration" appear, they are deleted and the designations "Agricultural Marketing Service" and "Service", respectively, are substituted therefor.

22. Wherever, in Part 201, the designations "Assistant Administrator for Regulatory and Market Service Matters" and "Assistant Administrator" appear, they are deleted and the designations "Deputy Administrator for Marketing Services" and "Deputy Administrator", respectively, are substituted therefor.

23. Wherever, in Parts 201 and 202, the designation "Livestock Branch" appears, it is deleted and the designation "Livestock Division" is substituted therefor.

24. Wherever, in Parts 201 and 202, the designations "Packers and Stockyards Division" and "Division" appear, they are deleted and the designations "Packers and Stockyards Branch" and "Branch", respectively, are substituted therefor.

25. The definition of the term "Secretary" appearing in Parts 53, 101, 123, 132, 160, 171, 201 and 202 is amended to read:

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

C. Title 32A of the Code of Federal Regulations is amended as follows:

1. Wherever, in Defense Food Order 1 (DFO 1—Castor Oil), the designations "Production and Marketing Administration" and "Fats and Oils Branch" appear, they are deleted and the designations "Commodity Stabilization Service" and "Peanut and Oil Branch", respectively, are substituted therefor.

2. Wherever, in Defense Food Order 2 (DFO 2—Processed Fruits and Vego-

tables; Set Aside Requirements) and the sub-orders thereunder, the designations "Production and Marketing Administration" and "Fruit and Vegetable Branch" appear, they are deleted and the terms "Agricultural Marketing Service" and "Fruit and Vegetable Division", respectively, are substituted therefor.

3. Wherever, in Defense Food Order 4 (DFO 4)—Regulations Governing filing of and Actions on Petitions for Relief from Hardship and Other Adjustments and Exceptions and Appeals, the designations "Production and Marketing Administration" and "PMA" appear, they are deleted and the designations "Agricultural Marketing Service or Commodity Stabilization Service (whichever is appropriate)" and "AMS", respectively, are substituted therefor; and wherever the designation "Office" appears in said DFO 4, it is deleted and the designation "Division" is substituted therefor.

4. Section 1 (d) of said DFO 4 is amended to read as follows:

(d) "Director" means the Director or Acting Director of a Division of AMS or the Chief or Acting Chief of a Branch of the Commodity Stabilization Service (whichever is appropriate).

5. Since the delegations of authority, pursuant to which Defense Food Order 5 (DFO 5)—Procedures of the Production and Marketing Administration Pursuant to NPA Delegation 14 Governing Filing of and Actions on Applications for Authorized Construction Schedules, Allotments of Controlled Materials and DO Ratings for Other Materials and Equipment) was issued, are no longer in effect, said DFO 5 is terminated.

Effective date. The foregoing amendments shall be effective January 2, 1954.

The foregoing amendments relate primarily to matters of agency management and personnel and to this extent are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Such amendments also delete provisions no longer of any effect. It is found upon good cause under said section 4 that notice and other public rule making procedure with respect to such deletion is unnecessary and impracticable and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Reorg. Plan No. 2 of 1953, 67 Stat. 633, R. S. 161; 5 U. S. C. 22)

Done at Washington, D. C. this 24th day of December 1953.

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

[F. R. Doc. 54-55; Filed, Jan. 5, 1954; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHANGES IN CODIFICATION

In order to conform Title 9 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following

changes are made in the codification of that title:

1. Chapter I is redesignated "Chapter I—Agricultural Research Service, Department of Agriculture".

2. Chapter II is redesignated "Chapter II—Agricultural Marketing Service, Department of Agriculture".

3. Part 301 of Chapter III is transferred to Chapter I as Part 171 of that chapter.

4. A new headnote "Subchapter I—Process or Renovated Butter" is inserted in Chapter I preceding Part 171 as transferred to that chapter by item 3 above.

5. The headnote "Chapter III—Bureau of Dairy Industry, Department of Agriculture" is deleted.

Done at Washington, D. C. this 24th day of December, 1953.

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

[F. R. Doc. 54-54; Filed, Jan. 5, 1954; 8:50 a. m.]

ALTERATIONS IN NOMENCLATURE WITHIN CHAPTERS I, II AND III

CROSS REFERENCE: For alterations in nomenclature within Chapters I, II and III, of Title 9 of the Code of Federal Regulations, see F. R. Doc. 54-55, Title 7, *supra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 56]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

CIVIL USAGE OF MILITARY AERODROMES OR SEADROMES

Since military instrument approach procedures are not published in the Flight Information Manual, Airman's Guide, or FEDERAL REGISTER, it is necessary to provide some means by which civil aircraft can operate into military airports under instrument conditions. This amendment specifies the instrument approach procedures which apply to civil aircraft when operating into military aerodromes or seadromes. The amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

In § 609.3 a new paragraph (h) is added to read:

§ 609.3 Introduction. * * *

(h) Civil usage of military aerodromes or seadromes. An approach conducted into a military aerodrome or seadrome by a civil aircraft¹ shall be executed in accordance with the standard instrument approach procedure and the take-off and landing minimums prescribed by

¹A military aerodrome or seadrome is open to civil aircraft only in emergency or with prior permission of the Commanding Officer thereof.

the military agency having jurisdiction over the particular aerodrome or seadrome, unless another procedure or other minimums have been specifically prescribed by the Administrator.

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

This amendment shall become effective January 1, 1954.

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

[F. R. Doc. 54-41; Filed, Jan. 5, 1954; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5956]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATURAL FOODS INSTITUTE

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections: Individual or Private Business as Educational, Religious or Research Institution; § 3.20 Comparative data or merits; § 3.30 Composition of goods; § 3.135 Nature: Product or Service; § 3.170 Qualities or properties of product or service; § 3.205 Scientific or other relevant facts: Subpart—Using misleading name—Goods: § 3.2315 Nature; § 3.2325 Qualities or properties; [Using misleading name]—Vendor: § 3.2410—Individual or private business being educational, religious or research institution or organization. I. In connection with the offering for sale, sale or distribution of respondents' various foods, drugs, and devices or any other products or devices of substantially similar composition or construction or possessing substantially similar properties, whether sold under the same name or any other names, disseminating, etc., any advertisements by means of the United States mails or by any means in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said products in commerce, which advertisements represent, directly or by implication: (1) That respondents' Chic tablets are a reducing formula, or will reduce weight; (2) that their Garlic Capsules are odorless in use, or that said Garlic Capsules are a disinfectant of the intestinal canal; (3) that their Papain Tablets are an effective treatment for indigestion; (4) that mastitis can be contracted by humans; (5) that their Papaya Pulp does not contain sugar, or is a valuable food for diabetics; (6) that their Peppermint Tea is a tonic, or sweetens the intestinal tract; (7) that their Alfalfa Tea produces muscle, bone, or hair in human beings to any significant degree; (8) that Dr. Gaymont's Yogourt Culture is an effective

*Such procedures and minimums are shown on the current Approach and Landing chart published by the U. S. Coast and Geodetic Survey, the U. S. Air Force, or the U. S. Navy.

treatment for stomach ulcers or colitis; (9) that red beet juice will build red blood or red corpuscles of the blood or tone up the blood to any significant degree; (10) that dehydrated powdered vegetables are more digestible or nutritious than fresh vegetables; (11) that celery juice has any therapeutic value in the treatment of arthritis or rheumatic conditions; (12) that the use of the NFI Vibrator provides benefits in excess of those supplied by massage or stimulates or improves the circulation of the blood generally throughout the body; and (13) that the use of the Oster Stim-U-Lax Junior stimulates or improves the circulation of the blood generally throughout the body; and, II, in connection with the offering for sale, sale or distribution of respondents' various foods, drugs, devices, health books, juice extractors or expressors, kitchen equipment, or any other merchandise related to health problems, in commerce, (a) representing, directly or by implication: (1) that a deficiency of minerals and salts in the diet is the primary cause of nearly every sickness and disease; (2) that eating the various vegetable and fruit juices in the manner recommended in the book entitled "Raw Vegetable Juices" is a cure for arthritis, gall bladder trouble, anemia, tuberculosis, asthma, heart trouble, indigestion, colitis, boils, cancer, convulsions, diabetes, high blood pressure, miscarriage, rheumatism, eczema, goiter, liver trouble, kidney trouble, obesity, nervousness, prostate trouble, chicken pox, the common cold, hernia, or hives, or the common ailments suffered by mankind; (3) that by eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" humans will remain healthy; (4) that eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" is a cure for indigestion, glandular troubles, headaches, rheumatism, disorders of the blood stream, diabetes, asthma, diseases peculiar to woman, colds, influenza, arthritis, or cancer; (5) that eating carrots and other vegetables in the manner set out in the book "Health Via the Carrot and Other Vegetables" will cure a "tired feeling" unless such representation be expressly limited to such condition when due to a dietary deficiency of the type which can be corrected by eating carrots and other vegetables; (6) that the system or method of treatment outlined in the book entitled "The Grape Cure" will relieve or cure cancer; (7) that the system or method of treatment recommended in the book entitled "My Water Cure" is an effective cure for any curable disease; (8) that the consumption of raw fruits and vegetables prepared in the Vita-Mix results in better digestion, restful sleep, normal elimination, strong healthy teeth, or continued good eyesight; (9) that the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for digestive disturbances, insomnia, disorders or elimination, carious or otherwise diseased teeth, or impaired eyesight; (10) that the consumption of raw

fruits and vegetables prepared in the Vita-Mix will result in good health; (11) that the consumption of vitamins and minerals increases the individual's resistance to most common ailments; (12) that nutritional deficiencies are increasing or that according to the U. S. Department of Agriculture, three out of every four meals in the U. S. are deficient in the minimum daily requirements of vitamins and minerals and other nutrients; (13) that the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for or a cure for diseases of the bowel; (14) that 90 percent or any substantial percentage of the rejections in the draft in World War II was because of malnutrition; (15) that cooked and peeled vegetables are so deficient in nutritional quantities that children's teeth or tonsils are adversely affected; (16) that Vitamin E is the antisterility vitamin; (17) that the ingestion of Vitamin A builds resistance against any infectious diseases; (18) that consumption of the entire cucumber is an effective treatment for nervous conditions in women; (19) that consumption of lettuce is an effective treatment for nervous conditions; (20) that the necessity for the removal of the tonsils of children arises from malnutrition; (21) that the consumption of fruit and vegetable juices prepared in the Juicec will assure health, vigor or charm; (22) that the consumption of expressed fruit and vegetable juices will regenerate or rebuild the system; (b) using the word "Institute" or any simulation thereof as a part of respondents' trade name, or otherwise representing, directly or by implication, that respondents' business is an organization for the promotion of research, experimentation, investigation and study; and (c) using the term "Sterilizer" or any other word of similar import, either alone or in conjunction with other words, in the trade name of respondents' kitchen implement "NFI Vegetable and Fruit Washer and Sterilizer", or otherwise representing, directly or by implication, that respondents' implement is a sterilizer or possesses germicidal properties or qualities; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, William G. Barnard, Sr., et al., t. a. Natural Foods Institute, Olmsted Falls, Ohio, Docket 5956, November 18, 1953]

In the Matter of William G. Barnard, Sr., and William G. Barnard, Jr., Copartners Trading as Natural Foods Institute

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 21, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the service of the said complaint, respondents filed their answer thereto admitting all of the material allegations of fact charged in the complaint to be

true, waiving any and all hearings as to the facts and conclusions and consenting to the issuance of an order, reserving, however, the right to file objections to the form and contents of the order. Thereafter the proceeding regularly came on for final consideration by a hearing examiner of the Commission, duly designated by it and named in the "Notice" appended to the complaint at the time of its issuance, upon the said complaint and respondents' answer thereto, and said hearing examiner, on April 24, 1952, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal, no oral argument having been requested.

The Commission on March 31, 1953, issued its order granting respondents' appeal. On the same day the Commission issued, and thereafter caused to be served, its order granting leave to respondents and to counsel supporting the complaint to file with the Commission objections to the order to cease and desist which the Commission proposed to issue as a part of its decision herein, after making appropriate findings as to the facts and conclusion consonant with the pleadings; under the terms of this order such objections were to be filed within twenty days after service thereof and the proposed order to cease and desist attached thereto.

No objections were filed by respondents. On April 23, 1953, counsel supporting the complaint filed objections to the proposed order to cease and desist, and also filed a motion for reconsideration by the Commission of its order granting respondents' appeal.

The Commission having entered its order denying the said motion and rejecting the objections to the proposed decision, the proceeding came on for final consideration by the Commission upon the record herein on review, and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,¹ conclusion drawn therefrom,² and order, the same to be in lieu of the initial decision of the hearing examiner.

1. It is ordered, That the respondents William G. Barnard, Sr., and William G. Barnard, Jr., individually or as copartners trading as Natural Foods Institute, or under any other trade name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their various foods, drugs and devices or any other products or devices of substantially similar composition or construction or possessing substantially similar properties, whether sold under the same name or any other names, do forthwith cease and desist from, directly or indirectly:

¹ Filed as part of original document.

(a) Disseminating or causing to be disseminated any advertisement concerning respondents' food and drug products and devices, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(1) That their Chic tablets are a reducing formula, or will reduce weight;

(2) That their Garlic Capsules are odorless in use, or that said Garlic Capsules are a disinfectant of the intestinal canal;

(3) That their Papain Tablets are an effective treatment for indigestion;

(4) That mastitis can be contracted by humans;

(5) That their Papaya Pulp does not contain sugar, or is a valuable food for diabetics;

(6) That their Peppermint Tea is a tonic, or sweetens the intestinal tract;

(7) That their Alfalfa Tea produces muscle, bone, or hair in human beings to any significant degree;

(8) That Dr. Gaymont's Yogourt Culture is an effective treatment for stomach ulcers or colitis;

(9) That red beet juice will build red blood or red corpuscles of the blood or tone up the blood to any significant degree;

(10) That dehydrated powdered vegetables are more digestible or nutritious than fresh vegetables;

(11) That celery juice has any therapeutic value in the treatment of arthritis or rheumatic conditions;

(12) That the use of the NFI Vibrator provides benefits in excess of those supplied by massage or stimulates or improves the circulation of the blood generally throughout the body;

(13) That the use of the Oster Stim-U-Lax Junior stimulates or improves the circulation of the blood generally throughout the body;

(b) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (a) hereof.

2. It is further ordered, That the respondents William G. Barnard, Sr., and William G. Barnard, Jr., individually or as copartners trading as Natural Foods Institute, or under any other trade name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their various foods, drugs, devices, health books, juice extractors or expressors, kitchen equipment, or any other merchandise related to health problems, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, directly or by implication:

(1) That a deficiency of minerals and salts in the diet is the primary cause of nearly every sickness and disease;

(2) That eating the various vegetable and fruit juices in the manner recommended in the book entitled "Raw Vegetable Juices" is a cure for arthritis, gall bladder trouble, anemia, tuberculosis, asthma, heart trouble, indigestion, colitis, boils, cancer, convulsions, diabetes, high blood pressure, miscarriage, rheumatism, eczema, goiter, liver trouble, kidney trouble, obesity, nervousness, prostate trouble, chicken pox, the common cold, hernia, or hives, or the common ailments suffered by mankind;

(3) That by eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" humans will remain healthy;

(4) That eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" is a cure for indigestion, glandular troubles, headaches, rheumatism, disorders of the blood stream, diabetes, asthma, diseases peculiar to women, colds, influenza, arthritis, or cancer;

(5) That eating carrots and other vegetables in the manner set out in the book "Health Via the Carrot and Other Vegetables" will cure a "tired feeling" unless such representation be expressly limited to such condition when due to a dietary deficiency of the type which can be corrected by eating carrots and other vegetables;

(6) That the system or method of treatment outlined in the book entitled "The Grape Cure" will relieve or cure cancer;

(7) That the system or method of treatment recommended in the book entitled "My Water Cure" is an effective cure for any curable disease;

(8) That the consumption of raw fruits and vegetables prepared in the Vita-Mix results in better digestion, restful sleep, normal elimination, strong healthy teeth, or continued good eyesight;

(9) That the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for digestive disturbances, insomnia, disorders of elimination, carious or otherwise diseased teeth, or impaired eyesight;

(10) That the consumption of raw fruits and vegetables prepared in the Vita-Mix will result in good health;

(11) That the consumption of vitamins and minerals increases the individual's resistance to most common ailments;

(12) That nutritional deficiencies are increasing or that according to the U. S. Department of Agriculture, three out of every four meals in the U. S. are deficient in the minimum daily requirements of vitamins and minerals and other nutrients;

(13) That the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for or a cure for diseases of the bowel;

(14) That 90 percent or any substantial percentage of the rejections in the draft in World War II was because of malnutrition;

(15) That cooked and peeled vegetables are so deficient in nutritional

quantities that children's teeth or tonsils are adversely affected;

(16) That Vitamin E is the anti-sterility vitamin;

(17) That the ingestion of Vitamin A builds resistance against any infectious diseases;

(18) That consumption of the entire cucumber is an effective treatment for nervous conditions in women;

(19) That consumption of lettuce is an effective treatment for nervous conditions;

(20) That the necessity for the removal of the tonsils of children arises from malnutrition;

(21) That the consumption of fruit and vegetable juices prepared in the Juicex will assure health, vigor or charm;

(22) That the consumption of expressed fruit and vegetable juices will regenerate or rebuild the system.

(b) Using the word "Institute" or any simulation thereof as a part of respondents' trade name, or otherwise representing, directly or by implication, that respondents' business is an organization for the promotion of research, experimentation, investigation and study.

(c) Using the term "Sterilizer" or any other word of similar import, either alone or in conjunction with other words, in the trade name of respondents' kitchen implement "NFI Vegetable and Fruit Washer and Sterilizer," or otherwise representing, directly or by implication, that respondents' implement is a sterilizer or possesses germicidal properties or qualities.

3. It is further ordered, That, with respect to the issues raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

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

By the Commission.*

Issued: November 18, 1953.

[SEAL]

ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-40; Filed, Jan. 5, 1954;
8:47 a. m.]

[Docket 5098]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MARLENE'S, INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 3.20 Comparative data or merits; § 3.85 Government approval, action, connection or standards: In general; § 3.170 Qualities or properties of product or service; § 3.280 Unique nature or advantages. Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 3.330 Claiming or

* Commissioner Mead concurs except for the finding regarding use of the word "free." (See Mead dissent in Walter J. Black, Inc., et al., Docket 5571.)

using indorsements or testimonials falsely or misleadingly. In connection with the offering for sale, sale, or distribution of respondents' preparation designated as "Mynex", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent directly or by implication: (a) That respondents' weight-reducing plan is basically different from or superior to other weight-reducing plans requiring a low-calorie diet with a dietary supplement; (b) that Mynex tablets possess weight-reducing properties; (c) that Mynex tablets will prevent the development of a tired, weak, or rundown feeling except when such conditions result solely from vitamin or mineral deficiencies; (d) that specific or predetermined weight reduction will be achieved within a prescribed period of time through the use of respondents' plan; and (e) that respondents' preparation or plan has been approved for advertising by the Canadian government; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Marlene's, Inc., et al., Chicago, Ill., Docket 5998, November 19, 1953]

In the Matter of Marlene's, Inc., a Corporation, and R. J. Smasal, M. T. King, and James O. Webb, Individually and as Officers of Said Corporation; Edward H. Larson and Nelson J. McMahon, Individually and Doing Business as O'Neil, Larson & McMahon, a Partnership

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 4, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. Thereafter, counsel supporting the complaint and counsel for respondents, on December 31, 1952, entered into a stipulation as to the facts, which was subsequently amended by a supplemental stipulation as to the facts filed on January 14, 1953, wherein it was stipulated and agreed that the facts set forth therein might be taken as the facts in this proceeding in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the hearing examiner might, without any intervening procedure, issue his initial decision herein upon the basis of said stipulations. Thereafter, counsel for respondents filed a motion to dismiss the complaint and counsel supporting the complaint filed an answer in opposition thereto. After final consideration of the record, including said motion to dismiss and answer thereto, the hearing examiner, on February 13, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed an appeal from said initial decision. The Commission having duly considered said appeal and briefs and oral argument of counsel in support of and in opposition thereto and being of the opinion that, for the reasons stated in the accompanying opinion of the Commission, the appeal is without merit:

It is ordered, That respondents' appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

The Commission is of the further opinion, however, that the initial decision of the hearing examiner is inappropriate to dispose of this proceeding, for the reason that the stipulated facts and the hearing examiner's findings based thereon with respect to respondent James O. Webb do not warrant an order against him as an individual. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,¹ conclusion drawn therefrom,² and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Marlene's, Inc., a corporation, its officers, and R. J. Smasal, individually and as an officer of said corporation, and respondents Edward H. Larson and Nelson J. McMahon, individually and doing business as O'Neil, Larson & McMahon, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' preparation designated as "Mynex", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That respondents' weight-reducing plan is basically different from or superior to other weight-reducing plans requiring a low calorie diet with a dietary supplement;

(b) That Mynex tablets possess weight-reducing properties;

(c) That Mynex tablets will prevent the development of a tired, weak, or rundown feeling except when such conditions result solely from vitamin or mineral deficiencies;

(d) That specific or predetermined weight reduction will be achieved within a prescribed period of time through the use of respondents' plan;

(e) That respondents' preparation or plan has been approved for advertising by the Canadian government;

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the pur-

chase of respondents' preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Martin P. King and as to James O. Webb in his individual capacity but not in his capacity as an officer of the corporate respondent.

It is further ordered, That Marlene's, Inc., R. J. Smasal, Edward H. Larson, and Nelson J. McMahon shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 19, 1953.

By the Commission.

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

[F. R. Doc. 54-39; Filed, Jan. 5, 1954;
8:47 a. m.]

[Docket 5957]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COUNTRY TWEEDS INC., AND MARCUS WEISMAN

Subpart—Advertising falsely or misleadingly: § 3.30 Composition of goods. Subpart—Misbranding or mislabeling: § 3.1185 Composition. Subpart—Using misleading name—Goods: § 3.2280 Composition. In connection with the offering for sale, sale and distribution in commerce of respondents' coats designated Kashmoor coats, or any coats of substantially similar composition, using the word "Kashmoor" to designate, describe or refer to such coats, unless when such word is used, whether on labels or in advertising, other words are used which clearly and conspicuously disclose that such coats contain no cashmere; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Country Tweeds Incorporated et al., New York, N. Y., Docket 5957, November 25, 1953]

In the Matter of Country Tweeds Incorporated, a Corporation, and Marcus Weisman, Individually and as an Officer of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 21, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing by respondents of their answer to the complaint, hearings were held at which testimony and other evi-

¹ Filed as part of original document.

[Docket 6121]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILMOR CO.

Subpart—Using, selling or supplying lottery devices: § 3.2480 In merchandising. In connection with the offering for sale, sale and distribution in commerce, of watches, silverware, novelties or any other merchandise, (1) supplying to or placing in the hands of others punchboards, push cards or other lottery devices, either with other merchandise or separately, which punchboards, push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Elliott Melvin Fisher et al. d. b. a. Philmor Company, Baltimore, Md., Docket 6121, December 8, 1953]

In the Matter of Elliott Melvin Fisher, Edward Shores, Irvin Katz (Also Known as Irwin Katz), Lucius D. Smith, Jr., Copartners, Doing Business as Philmor Company

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents having filed no answer nor entered any appearance at a hearing held by said examiner, theretofore duly designated by the Commission, in accordance with the notice given in the complaint and supplemental notice issued by said examiner and duly served upon the respondents.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 8, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Elliott Melvin Fisher, Edward Shores, Irvin Katz (also known as Irwin Katz) and Lucius D. Smith, Jr., individually and as partners trading under the name Philmor Company, or any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection

with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of watches, silverware, novelties or any other merchandise do forthwith cease and desist from:

1. Supplying to or placing in the hands of others punchboards, push cards or other lottery devices, either with other merchandise or separately, which punchboards, push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6121, December 8, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

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

Issued: December 8, 1953.

By the Commission.

[SEAL]

ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-70; Filed, Jan. 5, 1954; 8:54 a. m.]

[Docket 6060]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEYMOUR SALES CO. ET AL.

Subpart—Using, selling or supplying lottery devices: § 3.2480 In merchandising. In connection with the offering for sale, sale, or distribution of cameras, pens, or other articles of merchandising in commerce: (1) Supplying to or placing in the hands of others push cards, sales cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, sales cards, punchboards, or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public; and (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Seymour Sales Company et al., Chicago, Ill., Docket 6060, November 25, 1953]

In the Matter of Seymour Sales Company (Erroneously Named in the Complaint as Seymour Sales, Inc.), and Seymour Galter and Flavia Galter, Individually and as Officers of Seymour Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal

dence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission, theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the said hearing examiner, on April 17, 1953, filed his initial decision.

Within the time permitted by its rules of practice, the Commission, having reason to believe that said initial decision did not constitute an adequate disposition of the proceeding, issued an order placing this case on its docket for review, served on all parties its tentative decision herein and granted to them permission to file with the Commission any objections they might have to said tentative decision. None of the parties having filed any objections to said tentative decision, this proceeding regularly came on for final consideration before the Commission upon the aforesaid complaint and respondents' answer thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and being of the opinion that the hearing examiner's initial decision does not constitute an adequate disposition of this proceeding, makes this its findings as to the facts, conclusion and order to cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Country Tweeds Incorporated, a corporation, and its officers, and respondent Marcus Weisman, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' coats designated Kashmir coats, or any coats of substantially similar composition, do forthwith cease and desist from using the word "Kashmir" to designate, describe or refer to such coats, unless when such word is used, whether on labels or in advertising, other words are used which clearly and conspicuously disclose that such coats contain no cashmere.

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

Issued: November 25, 1953.

By the Commission.

[SEAL]

ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-38; Filed, Jan. 5, 1954; 8:46 a. m.]

¹ Filed as part of original document.

Trade Commission, on November 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel (oral argument not having been requested), and said hearing examiner, on July 30, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, respondents filed an appeal from said initial decision, and the Commission, after duly considering said appeal and the record herein, issued its order denying said appeal.

The Commission is of the opinion, however, that the initial decision of the hearing examiner is not appropriate in all respects to dispose of this proceeding, principally because the order therein is inconsistent with the form of order which the United States Court of Appeals for the District of Columbia has determined is appropriate in cases where the facts are essentially similar to those in this case. *Hamilton Manufacturing Company v. Federal Trade Commission*, 194 F. 2d 346; *U. S. Printing & Novelty Co., Inc. v. Federal Trade Commission*, 204 F. 2d 737. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,¹ conclusion drawn therefrom,² and order, the same to be in lieu of the initial decision of the hearing examiner:

It is ordered, That respondent Seymour Sales Company (incorrectly named in the complaint as Seymour Sales, Inc.), a corporation, and its officers, representatives, agents, and employees, and respondent Seymour Galter, individually and as an officer of said corporation, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of cameras, pens, or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards, sales cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, sales cards, punchboards, or other lottery devices are designed or intended to be used in the

sale or distribution of said merchandise to the public.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the respondent Flavia Galter in her individual capacity but not as an officer of the corporate respondent.

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

Issued: November 25, 1953.

By the Commission.

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

[F. R. Doc. 54-71; Filed, Jan. 5, 1954;
8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Agricultural Marketing Service, Department of Agriculture

CHANGE IN CHAPTER HEADNOTE

In order to conform Chapter XVI of Title 32A of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the chapter headnote is changed to read as set forth above.

Done at Washington, D. C., this 24th day of December 1953.

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

[F. R. Doc. 54-52; Filed, Jan. 5, 1954;
8:50 a. m.]

ALTERATIONS IN NOMENCLATURE

CROSS REFERENCE: For alterations in nomenclature within this chapter, see F. R. Doc. 54-55, Title 7, *supra*.

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 310—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

ADOPTION AND PROMULGATION OF REGULATIONS

Notice having been published in the *FEDERAL REGISTER* on December 18, 1953 (18 F. R. 8512), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare, proposed to prescribe certain regulations in lieu of the §§ 301.7, 301.8, and Part

310 of the present regulations of the Bureau of Federal Credit Unions (45 CFR § 301.7, § 301.8, and Part 310) and that prior to the official adoption of the proposed regulations, consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 15 days from the date of publication of the notice in the *FEDERAL REGISTER*, and the regulations proposed to be adopted having been set forth in the *FEDERAL REGISTER* on page 8512 (18 F. R. 8512), and the 15-day period having elapsed and no data, views, or arguments pertaining to the proposed regulations having been submitted, the proposed regulations as printed in the *FEDERAL REGISTER* (18 F. R. 8512) are hereby adopted and promulgated effective thirty days after the date of publication of this document in the *FEDERAL REGISTER*.

Dated: January 4, 1954.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: January 4, 1954.

JOHN W. TRAMBURG,
Commissioner of Social Security.

Approved: January 4, 1954.

NELSON W. ROCKEFELLER,
Acting Secretary of Health,
Education, and Welfare.

In Part 301—Organization and Operation of Federal Credit Unions, §§ 301.7 and 301.8 are hereby amended to read as follows:

§ 301.7 *Fee for examination.* (a) Each Federal credit union shall pay the Bureau of Federal Credit Unions a fee for each examination in accordance with the schedule of fees fixed from time to time by the Director.

(b) In establishing such fees, the Director shall consider the anticipated aggregate cost of the examination program including supervision, salaries, travel and all other items which affect the cost of the examination program.

(c) The fee for examinations of Federal credit unions with assets of less than \$25,000 shall not exceed 50 cents per hundred dollars of assets as of the effective date of the examination. The Director may establish a minimum fee for examination which shall not exceed \$25.00. The Director may waive the fee for an examination within twelve months after the date a charter is approved if the payment would, in the opinion of the Director, cause a hardship.

(d) Each Federal credit union shall be notified at least 30 days prior to the effective date of any schedule of fees fixed pursuant to this section. Upon receipt of such notification interested persons may submit written data, views, or arguments for consideration by the Director, and the Director may, after consideration, make such revisions in the proposed schedule or such change in the effective date as he deems appropriate. Each Federal credit union shall be noti-

¹ Filed as part of original document.

of such revision or change not less than 15 days prior to the final effective date.

(e) The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

§ 301.8 Fee for examination of Federal credit unions in liquidation. Federal credit unions in liquidation may be examined prior to or following completion of liquidation. A fee assessed in accordance with the most recent schedule of examination fees prescribed by the Director of the Bureau of Federal Credit Unions as provided in § 301.7 shall be paid for each such examination.

(48 Stat. 1221, as amended; 12 U. S. C. 1766 and note)

Part 310—Voluntary Liquidation of Federal Credit Unions, is hereby amended to read as follows:

- Sec.
- 310.1 Approval of liquidation.
- 310.2 Notice of liquidation to Bureau of Federal Credit Unions.
- 310.3 Transaction of business during liquidation.
- 310.4 Notice of liquidation to members.
- 310.5 Notice of liquidation to creditors.
- 310.6 Report at commencement of liquidation.
- 310.7 Reports during period of liquidation.
- 310.8 Examinations of Federal credit unions in voluntary liquidation.
- 310.9 Responsibility for conduct of voluntary liquidations.
- 310.10 Completion of liquidation.
- 310.11 Distribution of assets.
- 310.12 Final report.
- 310.13 Retention of records.
- 310.14 Cancellation of charter.
- 310.15 Further instructions and information.

AUTHORITY: §§ 310.1 to 310.15 issued under 48 Stat. 1221, as amended; 12 U. S. C. 1766 and note.

§ 310.1 Approval of liquidation. A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation shall be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the _____ Federal Credit Union, Charter No. _____, hereby request the dissolution of our credit union.

§ 310.2 Notice to Bureau of Federal Credit Unions. When the board of directors of a Federal credit union decides to submit the question of liquidation to the members, the president shall notify within 10 days the Regional Representa-

tive of the Bureau of Federal Credit Unions by letter in which the reasons for the proposed liquidation are set forth in detail. The president of the Federal credit union shall notify the Regional Representative of the Bureau of Federal Credit Unions within 10 days after the vote is taken as to whether the members approved or disapproved the proposed liquidation.

§ 310.3 Transaction of business during liquidation. Immediately on decision by the board of directors of a Federal credit union to seek approval of members for liquidation, payments on shares, withdrawal of shares, and granting of loans shall be suspended pending action by members on the proposal to liquidate, and on approval by members of such proposal, payments on shares, withdrawal of shares, and the making of loans shall be permanently discontinued.

§ 310.4 Notice to members of liquidation. When voluntary liquidation of a Federal credit union has been decided upon, a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.5 Notice of liquidation to creditors. On approval of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice of liquidation and to present claims to the Federal credit union within ninety days.

§ 310.6 Report at commencement of liquidation. At the commencement of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the Regional Representative of the Bureau of Federal Credit Unions a financial and statistical report on form FCU 109 rev.

§ 310.7 Reports during period of liquidation. Federal credit unions in the process of voluntary liquidation shall forward to the Regional Representative of the Bureau of Federal Credit Unions a copy of the monthly financial and statistical report on form FCU 109 rev. for June 30 and December 31 within 10 days after the close of the month to which the reports apply. Additional reports, as determined by the Regional Representative of the Bureau of Federal Credit Unions to be necessary, shall be furnished promptly on request.

§ 310.8 Examinations of Federal credit unions in voluntary liquidation. When deemed advisable by the Regional Representative of the Bureau of Federal Credit Unions, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each such examination shall be assessed at the rate currently in effect for examinations of operating Federal credit unions.

§ 310.9 Responsibility for conduct of voluntary liquidation. The board of di-

rectors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to members at the completion of liquidation. The board of directors shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board of directors shall appoint a custodian for the Federal credit union's records that are to be retained for 5 years after the charter is canceled. The board of directors may appoint a liquidating agent and delegate part or all of these responsibilities to him and may authorize reasonable compensation for his services; any such liquidating agent shall be bonded for the faithful performance of his duties. The supervisory committee shall be responsible for making periodic audits of the credit union's records, at least quarterly, during the period of liquidation.

§ 310.10 Completion of liquidation. As soon as all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of amounts due its members, the books shall be closed and the pro rata distribution to members computed. The amount of gain or loss shall be entered in each member's share account and should be entered in his passbook or statement of account.

§ 310.11 Distribution of assets. Checks shall then be drawn for the amounts to be distributed to each member who has surrendered his passbook or statement of account or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The passbooks on hand shall be retained with the credit union records. The Regional Representative of the Bureau of Federal Credit Unions shall be notified promptly of the date final distribution of assets to the members is instituted.

§ 310.12 Final report. Within 120 days after the final distribution to members is instituted, the Federal credit union shall furnish to the regional office of the Bureau of Federal Credit Unions the following:

(a) A schedule of unpaid claims, if any, due members who failed to surrender their passbooks or confirm their balances in writing during liquidation or due members or creditors who failed to cash final distribution checks within the time limit which shall be prepared on form FCU 61d or its equivalent; this schedule shall be accompanied by a certified check or money order payable to the Treasurer of the United States in the exact amount of the total unpaid claims. The Bureau of Federal Credit Unions will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the Director of the Bureau of Federal Credit

Unions as trustee for the individuals named on said schedule. Such individuals, or any persons making claims on their behalf, may submit to the Bureau their claim in writing for such funds.

(b) A copy of a schedule showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain or loss, and the amount distributed to each member.

(c) A summary report on liquidation in duplicate on form FCU 61f.

(d) The Certificate of Dissolution and Liquidation on form FCU 61e signed under oath by the board of directors or agent who conducted the liquidation and made the final distribution of assets to the members.

(e) The name and address of the custodian of the Federal credit union's records.

(f) The charter of the Federal credit union.

§ 310.13 Retention of records. All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

§ 310.14 Cancellation of charter. On proof that distribution of assets has been made to members and within one year after receipt of the Certificate of Dissolution and Liquidation (form FCU 61e), the Director of the Bureau of Federal Credit Unions shall cancel the charter of the Federal credit union concerned.

§ 310.15 Further instructions and information. Further detailed instructions and information pertaining to voluntary liquidations may be obtained from the Washington or regional offices of the Bureau of Federal Credit Unions.

[F. R. Doc. 54-83; Filed, Jan. 5, 1954; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10724, 10725]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18,000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band, Docket No. 10724; modification of licenses of coast stations currently authorized to operate in the Mississippi River System areas on certain frequen-

cies between 4000 and 18,000 kc, Docket No. 10725.

The Commission has instituted Docket proceedings in the above matters in connection with an earlier Docket 10377 which consisted of an overall plan of non-Government coast telephone and ship telephone assignments in the band 4000-18,000 kc. As a result of the comments received in Docket 10377 the Commission on May 6, 1953, issued a report and order which made final the assignments for marine telephony except for those involved in the Mississippi River and tributary system, hereinafter referred to as the "Rivers" and announced that the proposal with respect to the Rivers was withdrawn because of the objections received with reference to that portion of the plan.

On October 14, 1953, the Commission adopted a notice of proposed rule making which was a new plan of frequency assignments for the Rivers. This new proposal, identified as Docket 10724, was modified considerably from the Commission's original proposal and took into consideration the comments which had been filed in that regard. The last date for filing comments on this latter proposal was November 4, 1953, but upon receipt of a request for extension from the American Waterways Operators, Inc., this date was extended to November 18, 1953.

Also on October 14, 1953, the Commission issued an order in Docket 10725 to the licensees shown in the table below to show cause why their licenses should not be modified so as to delete the frequency 8840 kc now assigned for use on the Rivers. The dates for comments have now expired. Several comments were received in both dockets and are summarized in the following paragraphs.

The original plan, as proposed by the Commission, for use on the Rivers provided for operation on frequencies allotted to the U. S. in complete conformity with the Atlantic City Table of Frequency Allocations. If adopted, such a plan would have afforded all of the interference-free protection provided by the Table of Frequency Allocations and the Geneva Agreement (1951).

In view of the objections by various Rivers operators to specific frequencies and their desire to continue to use simplex rather than duplex operations, the Commission made alternate proposals in this proceeding. The frequencies which have been selected, while not in conformity with the International Frequency List evolved at the Extraordinary Administrative Radio Conference (Geneva, 1951), were in accordance with the Atlantic City Table of Frequency Allocations and appeared to be those most likely to provide interference-free operations for the Rivers system. In addition, it should be understood that the assignments might, in time, acquire an international registration status if no interference is caused to assignments which are in accordance with the International Frequency List.

In each case, the 4 and 8 Mc frequencies selected are within bands allocated to maritime telephony. This is a comparatively stable service, with planned

communication channels adequately spaced both frequency-wise and geographically to afford a maximum of interference-free operation. Such a situation does not exist in the 6 Mc band in which there is no allocation for maritime telephony in the Atlantic City Radio Regulations and where all of the service allocations which are made would appear to be in conflict with any use of these frequencies by the Rivers. For instance, the band 5950-6200 kc is allocated to international broadcasting. The use of any frequency in this band by the Rivers would be subject to accepting any harmful interference from the transmission of broadcasting stations. The band 6200-6525 kc is allocated exclusively for maritime telegraphy hence the spacing between channels is narrow. In the passenger ship working band, 6300-6265.5 kc, the channel separation is 3.75 kc. The band 6265.5-6280 kc, assigned for ship telegraph calling purposes, has a channel separation of but 1.5 kc. Between 6280.5 and 6357 kc, the cargo ship working band, the spacing between channels is but 0.75 kc. The Rivers operations which use telephony require band widths considerably greater than those employed in the crowded radiotelegraph bands and thus would be likely to cause interference to more than one of the planned channels in the radiotelegraph service in the band 6200-6525 kc. In addition, the Rivers operations would also be vulnerable to receiving interference from one or several such planned radiotelegraph channels. The band 6357-6525 kc is allocated to coast telegraph stations with 3.5 kc separation between assigned frequencies. In all, there are 48 assignable frequencies in this band. Of this total, in addition to their planned use by various other countries, 27 are allocated to the United States, 12 to Canada and Mexico and the remaining 9 to the Caribbean and South American areas. Thus virtually all are capable of direct interference to the Rivers on any frequency between 6357 and 6525 kc. Even if direct interference were not received from one or more coast stations it is almost certain that the Rivers operation would cause interference to ships near the United States trying to receive coast stations of the United States and other countries.

The band 6525-6685 kc is allocated to the aeronautical mobile route service, which, being a safety service, cannot tolerate harmful interference. This is also true of the band 6685-6765 kc which is allocated to the aeronautical mobile off-route service.

The band 6765-7000 kc is allocated to the fixed service and is not channelled. As a practical matter, the fixed service is so pressed for spectrum space that any in-band fixed frequency capable of supporting voice operations on the Rivers in this frequency range has long since been put to use in the fixed service.

Comments received from Warner & Tangle Radio Service, Inc., state that Docket "No. 10377 says there are 70 telephony exclusive frequencies in the A. C. tables allotted to Marine Coast and ship use. Why they are not put into operation instead of borrowing frequencies is the prime question. In borrowing fre-

frequencies allotted elsewhere for use on the Rivers, it should be explained whether there are other frequencies that may be borrowed in the same way." The Commission points out that the above statement is incorrect due perhaps to some misunderstanding upon the part of the company. Nowhere can the Commission find such a statement in Docket No. 10377. In the entire world-wide marine telephony allotment plan there are forty channels in the 4 and 8 Mc ranges combined and none in the 6 Mc range. Of this figure, 20 channels are for coast telephony and 20 are for ship telephony. Of the total, exactly half were allotted for use in the continental U. S., giving us 6 coast and 6 ship telephone channels at 4 Mc and 4 coast and 4 ship telephone channels at 8 Mc. From the above it is obvious that those frequencies, from which one can "borrow", are very limited in number. Of those thus far selected, the respondent has, for the most part, rejected them as unsatisfactory.

Warner & Tumble Radio Service, Inc., further states that "the Commission washes its hands by direct expression of its opinion that the industry should devise and install a VHF system in substitution for the existing system. The impossibility of such undertaking in any practical way is widely known and understood. Why the Commission has its opinion may well be for further inquiry."

"The real and material question is whether the new frequency complement (sic) is subject to expansion and in what respects. It is not enough for it to be no more than the present system which is inadequate in available frequencies."

The respondent should be well aware of the difficulties thus far encountered in selecting acceptable replacement frequencies for use on the Rivers. The possibility of finding additional frequencies in the high frequency portion of the spectrum to accommodate an expanding Rivers system will become increasingly remote with time. As a practical matter, therefore, the only solution to the problem appears to be the ultimate adoption of a VHF system. Any long range planning so far as communications are concerned should certainly give serious consideration to the adoption of a VHF system by the Rivers interests. Rather than looking toward expanding the frequency complement of existing operations using high frequencies within the U. S., the Commission is presently faced with the serious problem of minimizing the short-distance use of such frequencies. This is brought about by the ever-growing requirements for international radio communications which can only be satisfied in the high frequency region of the spectrum. Therefore, as a practical matter, the Commission has found it in the public interest to plan the utilization of high frequencies by services which have international communication requirements.

The purpose of the proceedings in Docket No. 10724 and 10725 is related to the necessity of operating the Rivers system on an "in-band" basis. The Commission has not attempted, in those

proceedings, to expand the Rivers high frequency system. Consequently, the comments of the interested persons relating to the expansion of this system through the allocation of additional frequencies are considered beyond the scope of these proceedings.

With respect to the 4 Mc frequencies proposed for use on the Rivers, the Commission has encountered unexpected difficulties in clearing 4372.4 kc for full-time use but has been able to clear 4067 kc for twenty-four hour use rather than for daytime only. Therefore, the amendments to the Commission's rules make 4067 kc available for use on a full-time basis as a replacement for 4162.5 kc. 4372.4 kc will be a replacement for 6455 kc and subject to the same limitations. This choice also is in agreement with the Radiomarine Corporation of America (RMCA) comments concerning the 4 Mc frequencies wherein the full-time use of 4067 kc as a replacement for existing use of 4162.5 kc was recommended. RMCA further notes that the frequency 4372.4 kc is only 5.4 kc removed from the RMCA coast telegraph station WNY, New York, which is assigned the frequency 4367 kc and that mutual interference may result. While this is a possibility, any interference which may arise is expected to be only intermittent and will not seriously impair the use of either frequency. It is believed that the geographical separation is such that any interference which may occur can be minimized by reasonable adjustment of existing equipment.

Comments filed with respect to the 6 Mc problem by RMCA, Warner & Tumble, American Waterways Operators, Inc., and the American Petroleum Institute unanimously object to the deletion of 6 Mc frequencies and request a hearing in the event the Commission decides to take such action. In general, the technical recommendations submitted by RMCA are supported by all of the interested parties.

The Commission believes that particularly for the benefit of boat owners, a complete discussion of this problem in this Report and Order is desirable and may result in a considerable over-all saving for most boat owners with respect to the cost of crystal replacements and with respect to the number of times it may be necessary for service trips to be made aboard the various vessels.

The RMCA comments state in part " * * * In our opinion, the absence of a 6 Mc frequency in the complement of frequencies allocated to the Mississippi River Valley system will so handicap the service as to reduce its efficiency by fifty percent * * * "

From the comments filed in this Docket and in Docket 10377 (the original proposal) and from many meetings of the Commission's staff with industry representatives, it is obvious that many of the Rivers interests share the view that the loss of the frequency 6455 kc will be a severe handicap to the Rivers communication system. The Commission's proposal to delete 6 Mc assignments was based upon engineering analysis which indicated that the substi-

tution of a 4 Mc frequency would not jeopardize the efficiency of the system but in fact, with a few operational changes with respect to frequency usage, could even result in a more efficient system. As a practical matter and to determine what effect the loss of 6 Mc assignments might have, the Commission, through the cooperation of Rivers interests, conducted a two-week extended frequency utilization survey. This survey involved observations of radio operations on the Rivers for the purpose of determining which frequencies were utilized the most, over what distances each frequency was usable and what the pattern of use on the Rivers appeared to be. Over two thousand observations of "frequency vs. distance" were made during the two-week period covering a trip down the Rivers from Pittsburgh to Memphis. These observations were logged and analyzed. From the data obtained it was found that for the period September 3 through September 19, 1953, the following ratios and facts are applicable:

a. 4162.5 kc—16.5 contacts per hour were made on this frequency.

b. 6455 kc—11.8 contacts per hour were made on this frequency.

c. 8840 kc—Due to infrequent use of this frequency very little time was spent observing and contacts per hour are estimated on the basis of limited monitoring as 2 per hour.

d. 90 percent of the contacts made on 6455 kc were during the hours and over the distance which received coverage through the use of 4162.5 kc.

e. According to observed propagation conditions it is estimated that 100 percent of the 6 Mc contacts could have been made by a combination of 4 Mc and 8 Mc frequency usage.

From the above data it is to be expected that fully 90 percent of the traffic now conducted on the Rivers on 6455 kc could be handled during the same hours on a 4 Mc frequency and the remaining 10 percent on the 8 Mc frequency. This increased 4 Mc loading could be adequately handled by the additional 4 Mc frequency being made available for the Rivers.

In addition, to the above statistics, the special survey indicated:

a. The majority of schedules held today between coast and ship telephone stations on the Rivers are held on 2782 and 4162.5 kc.

b. The majority of river boats cover only one frequency at a time, generally 2738 kc, switching to the appropriate frequency to cover traffic schedules at the appointed times.

From the above, it appears unlikely that there will be any appreciable increase in the number of times that coast stations call ship stations without making contact if there is no 6 Mc frequency available. Therefore, the RMCA comment " * * * Added to the fact that the Mississippi River Valley maritime mobile radiotelephone service may be forced to consume twice the time and use its frequencies twice as much to communicate the same intelligence as it now communicates, if it loses all 6 Mc frequencies, is the fact that it will also be forced to

make a large number of unsuccessful attempts to reach vessels with which it can now make contact * * * appears to be unduly pessimistic.

RMCA submits "that the best solution to the problem facing the Commission and the service is the allocation of two 6 Mc derogation frequencies, in addition to the two 4 Mc frequencies and the one 8 Mc frequency proposed by the Commission in this proceeding, to the Mississippi River Valley maritime mobile radiotelephone service. The fact that any 6 Mc frequency assigned to this service at this time will take second place to in-band assignments increases the likelihood of harmful interference by such assignments to Mississippi River Valley operations on such a frequency." It must be pointed out that this suggestion fails to indicate the probability of interference to the in-band user of the frequency which is being used in derogation by the Rivers.

As an example, should the Commission condone the continued use of 6455 kc in derogation, there would be no initial expense to current licensees as far as crystals are concerned. However, the frequency 6453 kc is to be activated in the near future by high-powered Government coast telegraph stations which, in all probability, will cause such harmful interference as to preclude the use of 6455 kc by the Rivers. Should the Rivers operations cause harmful interference to the coast stations, the Commission will have no alternative but to invoke the existing rule provisions under which 6240 and 6455 kc were originally assigned which read as follows:

§ 7.304 Assignable frequencies. * * *
(d) * * *

(8) The frequencies 6,240 and 6,455 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

In the event of interference, the Commission under the facts of this case would necessarily favor the operation which is in conformity with the Geneva Agreement (1951). The same principle would be applicable to the use of any other 6 Mc frequencies by the Rivers on a derogation basis.

If the Rivers operators received authorization to use another 6 Mc derogation frequency, there would be the matter of time and expense in securing crystals to activate it. Perhaps the new derogation frequency would be usable for a week, a month or six months before interference was again caused to an in-band user, who might not activate the

frequency until after the Rivers activate it, and the Rivers operation would again be forced to move. In view of this fact the Commission can not accept the responsibility for the expense and unsettled position in which the Rivers system will be placed if the Rivers operators insist upon using 6 Mc frequencies on a derogation basis.

As a practical matter, it is to be expected that continued use of 6455 kc will result in interference to the U. S. coast telegraph use of 6453 kc and that it will be necessary for the Rivers to shift to 6240 kc, perhaps in a matter of a few months. However, it is expected that the reason which now makes the use of 6240 kc impractical, (it is now in the band used internationally for ship telegraph) will continue to make use of the frequency by the Rivers impractical. However, as previously mentioned, the Commission is unable to choose any other 6 Mc frequency which will not have similar problems associated with its activation by the Rivers and it is this sort of insecurity of the Rivers position with respect to the use of derogation frequencies which the Commission is striving to eliminate.

The Rivers interests have thus far recommended moving from one 6 Mc frequency to another 6 Mc frequency. The Commission is of the opinion that moving from one derogation frequency, 6455 kc, to another 6 Mc derogation frequency will be but the first of many such steps until finally, tiring of the expense of moving and the haphazard service resulting therefrom, the Rivers system will seek to move in-band to 4 Mc, if a frequency can be found at that time.

The Commission does not wish to take the responsibility for creating any such chaotic conditions with respect to the Rivers communications system. It is therefore making available an additional 4 Mc frequency now in lieu of the 6 Mc channels which, we are convinced, will eventually become unusable on the Rivers. The Commission is not making final the deletion of either of the 6 Mc frequencies presently assigned to the Rivers. However, as indicated above, continued use of either 6 Mc frequency, or any other 6 Mc frequency for which application might be made, can and will be authorized only in strict conformity with § 7.304 (d) (8) of the rules, which deals with the use of 6 Mc frequencies by the Rivers system. The Commission strongly urges ship owners to convert as rapidly as possible from operations on 6 Mc to the new 4 Mc frequencies. We are convinced that this will result in the least number of frequency changes which ship owners will be required to make and will preclude the possibility of loss of communications which would be incurred during shifts from one 6 Mc frequency to another 6 Mc frequency. The Commission believes that such 6 Mc shifts will become inevitable as more and more of the scheduled in-band assignments in the 6 Mc region are activated. It should also be noted

that international protection to the use of the new 4 Mc frequencies, as previously mentioned, is contingent on actual use being made thereof.

With respect to the 8 Mc problem, comments from Warner and Tamble state, in part: "8440 and 8840 are deleted because A. C. does not allow allocation of a Geneva 8 kc (sic) radio telephone band for the simplex operation of both coast and ship stations, and, therefore the replacement is duplex operation in day use of the New York pair 8811.5-8262.3 kc although in disregard of their international allocation * * *". This is far from correct for several reasons. (1) 8440 kc is not now, nor has it ever been, either a subject of this proceeding or authorized for use on the Rivers. (2) The frequency in question, 8840 kc, must be deleted since its continued use would result in mutual interference with the assignment of 8837 kc to the aeronautical mobile route service in accordance with the Geneva Agreement. (3) The original proposal to substitute a duplex pair of frequencies, also assigned at New York, to replace 8840 kc was not made in "disregard of their international allotment." As previously stated in Docket 10377, such use of this pair in the Mississippi River area would not materially alter the international interference pattern contemplated by international allotment of the pair to the New York area and was therefore considered consistent with international obligations. (4) The Geneva Agreement makes provision for the activation of assignments in addition to those in the new International Frequency List, subject only to the protection of those that are in that list.

The RMCA comments received with respect to the Commission's selection of 8205.5 kc as a replacement for the presently authorized 8840 kc suggested that 8761.3 kc would be a better choice because of possible interference to 8205.5 kc by ships communicating by radiotelephone with Nicaragua or the Dominican Republic. The Commission considered several possible replacements for 8840 kc but because of various potential interference conflicts, both U. S. Government and foreign, 8205.5 kc is considered the best choice.

The date of deletion of authorized operation on 8840 kc was proposed to be December 1, 1953. The Aeronautical Mobile service plan for activating the frequency 8837 kc has been delayed unexpectedly for an estimated four months. Considering the comments of interested parties with respect to the length of time required for frequency changes to be made, it appears that for the Rivers, this delay is fortunate in helping to meet the changeover problem. The amendments to the Commission's rules revise the dates of deletions to May 1, 1954.

In view of the above, the Commission is amending its rules so as to provide the following frequency complement on the Rivers:

Present frequency	Date of deletion	Hours of use	Replacement frequency	Date available	Remarks
4067	May 1, 1954	24	4067	May 1, 1954	Complete replacement for the present frequency.
4372.4	(9)	Day only (5 a. m. - 8 p. m. C. S. T.).	4372.4	May 1, 1954	Use of this frequency will be in accordance with the existing rule provisions.
8205.5	(9)	do	8205.5	do	Use of 8205.5 kc may be continued in accordance with existing rule provisions. Those ships and coast stations the licenses of which desire to utilize 4372.5 kc in lieu of 4372.4 kc may do so.
	May 1, 1954	do		do	Complete replacement for the present frequency.

Subject to existing provisions of § 7.304 (d) (5) of the Commission's rules. This frequency is in a band allocated to the maritime mobile (telegraphy) service and due to long range propagation characteristics it is expected that the use of the frequency on the Rivers will result in harmful interference to and from ship telegraph operations on 6240 kc and coast telegraph operations on 6453 kc which have priority over any derogation used.

The rule amendments provide opportunity for a change-over period beginning January 1, 1954, and lasting until May 1, 1954. This period, which is common to all frequencies, will permit the frequencies on each vessel to be changed on one service trip aboard except for those vessels, the licensees of which, choose to continue 6 Mc service. Inasmuch as it may be impractical for all vessels to change frequencies on a predetermined date, it may be necessary for some, if not all, coast stations to provide service on the new frequencies, as well as the old frequencies during the change-over period. However, this is a matter which may be worked out by the Rivers interests.

It is suggested that efforts be made to activate the two 4 Mc frequencies and the replacement 8 Mc frequency as quickly as practicable. This is true because of the urgent requirement to clear 8837 kc for the aeronautical mobile route service and 6453 kc for the coast telegraph service.

Because of the necessity of permitting all shipowners to plan their frequency changes at the earliest practicable date, the usual thirty-day period between the adoption of this Report and Order and the effective date of the rule amendments is being reduced so as to make them effective on January 1, 1954. It is believed that this will assist the Rivers interests in making the necessary equipment adjustment; Therefore,

It is ordered, That effective January 1, 1954, Parts 7 and 8 of the Commission's rules are amended as set forth below.

It is further ordered, That, in view of the emergency which necessitates putting the above described channel shifts into effect as soon as possible and the infeasibility of securing new applications for frequencies from all ship station licensees now authorized to use frequencies on the Mississippi River system for radiotelephone communication with coast stations of this system, the licenses of such ship stations are modified effective January 1, 1954, so as to add the frequencies 4067 kc, 4372.4 kc and 8205.5 kc for a period not to extend beyond July 1, 1954; and

It is further ordered, That effective January 1, 1954, the licenses of coast stations shown below, are modified so as to add the frequency 8205.5 kc; and

It is further ordered, That effective May 1, 1954, the licenses of coast sta-

tions shown below, are modified so as to delete the frequency 8840 kc.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 23, 1953.

Released: December 30, 1953.

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

1. Part 7 of the Commission's rules is amended in the following particulars:

a. Section 7.304 (a) is amended to change that portion of the table of frequencies above 2782 kc to read as follows:

4067 *	4162.5 *—Mississippi River system only.
4280	4282.5 *—Great Lakes only.
4287.5	4372.4 *
4406.9	4420.7 **
4434.5 **	4473.5
6240—Mississippi River system only.	6455—Mississippi River system only.
6470 *—Great Lakes only.	8205.5 *—Mississippi River system only.
8550	8585 *—Great Lakes only.
8630	8768.9
8797.3 **	8811.5
8840 *	13,157.5
13,172.9	13,172.9
13,180.6	13,180.6
13,195	17,317.5
17,317.5	17,340.6
17,356	22,677.5
22,692.9	22,692.9
22,716	

* Not available after March 15, 1954.

** Not available after January 15, 1954.

* Available for Mississippi River system beginning January 1, 1954.

* Available beginning November 1, 1953.

* Available exclusively for test purposes in the Great Lakes area on condition that interference shall not be caused to any maritime mobile telephone service of the Great Lakes area conducted on 4422.5 kc; available for regular service in the Great Lakes area, without this limitation beginning March 15, 1954.

* Available exclusively for test purposes in the Great Lakes area on condition that interference shall not be caused to any maritime mobile telephone service of the Great

Lakes area conducted on 8820 kc; available for regular service in the Great Lakes area without this limitation beginning January 15, 1954.

* Not available after May 1, 1954.

** Available in the Great Lakes Area beginning December 1, 1953.

b. Section 7.306 (a) (2) is amended by deleting the following frequencies and footnote 1a from the table:

12810 * 17090 * 17120 *

c. Section 7.304 (d) (5) is amended to read as follows:

(5) The frequencies 4067 kc and 4162.5 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

d. Section 7.304 (d) (8) is amended to read as follows:

(8) Use of the frequencies 6240 kc, 6455 kc, and 8840 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

e. Section 7.304 (d) (9) is amended to read as follows:

(9) Use of the frequencies 4372.4 kc and 8205.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

f. Amend § 7.306 (c) to read, with respect to the specific frequencies set forth therein, as follows:

2782 kc	4162.5—Until May 1, 1954.
4067 kc	4067 kc } Beginning January 1, 1954.
4372.4 kc	4372.4 kc }
6240 kc	6240 kc }
6455 kc	6455 kc }
8840 kc—Until May 1, 1954.	
8205.5 kc—Beginning January 1, 1954.	

2. Part 8 of the Commission's rules is amended in the following particulars:

a. Section 8.351 (a) is amended to revise that portion of the table of frequencies above 2782 kc to read as follows:

4067 *	4087.7
4115.3 *	4129.1 *
4162.5 *—Mississippi River System only.	4372.4 *
4402.5	4422.5
4422.5 *—Great Lakes only.	4457.5

6340—Mississippi River System only.
 6455—Mississippi River System only.
 8205.5—Mississippi River System only.
 8219.7
 8248.1*
 8262.3
 8820*
 8840*
 12,357.3
 12,395.8
 13,220
 16,471.9
 16,525.8
 17,610
 22,027.3
 22,042.7
 22,065.8

* Deleted.

* Deleted.

* Not available after January 15, 1954.

* Not available in any area after March 15, 1954.

* Available beginning November 1, 1953.

* Available for Mississippi River System beginning January 1, 1954.

* Not available for Mississippi River System after May 1, 1954.

b. Section 8.351 (d) (9) is amended to read as follows:

(9) Use of the frequencies 4162.5 kc and 4067 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

c. Section 8.351 (d) (11) is amended to read as follows:

(11) Use of the frequencies 6240 kc, 6455 kc, and 8840 kc is authorized in the Mississippi River system upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

d. Section 8.351 (d) (12) is amended to read as follows:

(12) The frequency 4372.4 kc may be used beyond July 1, 1954 by ship stations on the Mississippi River and connecting inland waters (except the Great Lakes) which are not licensed to transmit on 6240 kc and/or 6455 kc.

e. Section 8.351 (d) is amended by deleting subparagraph (13).

f. Section 8.351 (d) (14) is added to read as follows:

(14) The frequencies 4372.4 kc and 8205.5 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

g. Amend § 8.354 (a) (2) to read, with respect to the specific frequencies set forth, therein, as follows:

2782 kc*
 4162.5 kc* until May 1, 1954.
 4067 kc
 4372.4 kc* Beginning January 1, 1954.

h. Amend § 8.355 (a) (3) to read, with respect to specific frequencies set forth therein, as follows:

6240 kc*
 6455 kc*
 8840 kc* until May 1, 1954.
 8205.5 kc* beginning Jan. 1, 1954.

1. Delete paragraph (1) (1) and (2) of § 8.366.

Call	Location	Licenses
WAY....	Lake Bluff, Ill....	Illinois Bell Telephone Co.
WFN....	Louisville, Ky....	Warner & Tumble Radio Service.
WOK....	St. Louis, Mo....	RMCA.
WCM....	Pittsburgh, Pa....	RMCA.
WBN....	Memphis, Tenn....	Warner & Tumble Radio Service.
WJG....	do.....	Do.

[P. R. Doc. 54-36; Filed, Jan. 5, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

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

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER PERMITTING KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Basis and purpose. It has been determined from investigations and information received that serious agricultural crop depredations are likely to occur in portions of the State of California and that these depredations may be alleviated and a large portion of the crops saved from serious injury or destruction by authorizing such waterfowl or coot to be taken in the affected areas.

Since the following order is an emergency measure, notice and public procedure thereon are impracticable (60 Stat. 237; 5 U. S. C. 1001, et seq.), and it shall become effective immediately.

Subject to the following conditions, restrictions, and requirements, such waterfowl or coot as are found damaging crops in agricultural areas of Cal-

ifornia may be killed by shooting with a shotgun only on or over such crops during the period or periods to be announced in accordance with this order: *Provided, however,* That no period of shooting shall extend beyond April 15, 1954. The facts as to the existence of an emergency condition in any particular community which requires the killing of one or more species of waterfowl or coot as contemplated herein, the extent of the area, and the period of time during which, and the conditions under which, such killing may be permitted, shall be ascertained by the Director of the Fish and Wildlife Service and announced by him by suitable publication in the area where the emergency exists, which finding and announcement shall be final. Any such period of time during which killing is permitted shall be shortened by similar announcement upon a finding that the particular emergency condition no longer exists.

Such birds as are killed under the provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed. They may be used as food for personal use within the State of California and they may be donated to hospitals and other charitable institutions within the State for use as food, but they may not be possessed by or served as food in any restaurant, club, or other public or private eating establishment. No carcasses of birds killed hereunder may be possessed under any circumstances beyond April 20, 1954.

This order does not permit the killing of any waterfowl or coot in violation of any State law or regulation. The said order is an emergency measure designed to aid in relieving depredations and is not to be construed as a reopening or extension of the open hunting season prescribed for the State of California by regulations promulgated under the Migratory Bird Treaty Act (40 Stat. 755; 16 U. S. C. 704), which open hunting season will expire January 10, 1954 (18 F. R. 5175).

Dated: December 31, 1953.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[P. R. Doc. 54-50; Filed, Jan. 5, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

FRESH PARSNIPS

UNITED STATES CONSUMER STANDARDS

Correction

In F. R. Doc. 53-10804, appearing in the issue for Wednesday, December 30, 1953, at page 8871, the signature appearing at the end of the document should read "George A. Dice, Acting Assistant Administrator, Production and Marketing Administration."

[7 CFR Part 942]

[Docket No. AO 103-A13-RO1]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening

of the public hearing held May 7, 1953, New Orleans, Louisiana, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the amendments proposed at said hearing, and to receive evidence concerning the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. Neither the proposals set forth below nor those contained in the original notice of hearing have been approved by the Secretary of Agriculture.

The reopened hearing will be held in the L'Enfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., January 14, 1954.

The following additional amendments have been proposed by the Borden Company, Cloverland Dairy Products Corporation, Gold Seal Creamery, St. Charles Dairy, Inc., Estelle Dairy, Hayes Dairy Products, Inc., Roemer Dairies, and Brown's Velvet Dairy Products, Inc.

7. Delete § 942.41 (c) and substitute, therefor, the following:

(c) Class II milk shall be all skim milk and butterfat used to produce cheese other than Cheddar.

8. Delete § 942.41 (d) and substitute, therefor, the following:

(d) Class III milk shall be all skim milk and butterfat used to produce ice cream or ice cream mix.

9. After (d) in § 942.41, add a new paragraph (e) which shall read as follows:

(e) Class IV milk shall be (1) all skim milk and butterfat disposed of as any item other than those classified in paragraphs (a), (b), (c) and (d) of this section; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped, and (4) skim milk and butterfat accounted for as actual plant shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

10. Renumber § 942.54 to § 942.50.

11. After § 942.53, insert a new § 942.54 which shall read as follows:

§ 942.54 *Class IV prices.* The price for Class IV milk shall be computed in the same manner as the price for Class III milk, less a cooling and transportation charge of \$0.35 a hundredweight.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, M. M. Truxillo, 3709 S. Carrollton Avenue, New Orleans, Louisiana, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

No. 3—3

Dated December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54-60; Filed, Jan. 5, 1954; 8:51 a. m.]

[7 CFR Part 946]

[Docket No. AO-123-A17]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

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

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Seelbach Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., January 11, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR 946 et seq.). Those proposed amendments have not received the approval of the Secretary of Agriculture.

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

By the Louisville Milk Dealers Association:

1. In § 946.70 add a new paragraph to read as follows:

(e) Deduct for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 946.46 and which was either used in the production of butter or American type cheeses or assigned to such products pursuant to § 946.44 an amount obtained by dividing by 3.8 that amount by which the Class II price exceeds the price calculated pursuant to § 946.51 (b) (1).

2. To § 946.44 (c) add the following proviso: "Provided, That such milk or skim milk if transferred or diverted during the months of March through September to a nonpool plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator may be classified in Class II if the conditions set forth in paragraph (d), (1), (2) and (3) of this section are met."

By the Falls Cities Cooperative Milk Producers, Inc.:

3. Delete § 946.46 (a) (3) and renumber subparagraphs (4), (5), (6) and (7) of this section and all references to them wherever they appear in the order to read (3), (4), (5) and (6) respectively.

By the Dairy Division, Agricultural Marketing Service:

4. Delete § 946.44 (d) (1).

5. Add a new subparagraph in § 946.46 (a) to provide for the subtraction of skim milk contained in products other than milk, skim milk and cream received from pool plant from the class to which assigned pursuant to § 946.41.

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

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 565 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54-68; Filed, Jan. 5, 1954; 8:51 a. m.]

[7 CFR Part 949]

[Docket No. AO 232-A2]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 215, U. S. Post Office and Court House, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., January 11, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area were proposed, as enumerated below:

By Producers Association of San Antonio Inc.:

1. That § 949.51 (b), be deleted and the following substituted therefor:

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (d) of this section by less than \$2.00 or more than \$2.50 during the months of April, May, and June, and so it does not exceed the price calculated pursuant to paragraph

(d) of this section by less than \$2.00 or more than \$2.70 for all the other months.

2. That § 949.51 be amended by adding to paragraph (c) thereof the following: "The provisions of this paragraph shall operate only to the extent that the difference in Class I price under Order No. 43, as amended, regulating the handling of milk in the North Texas marketing area and that provided under this order shall not be greater than 50 cents."

3. That § 949.53 shall be amended as follows: Delete paragraph (a) therefrom and substitute the following:

(a) Multiply the simple average, as computed by the market administrator, of the daily wholesale selling price (use the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, Washington, D. C., during the month by 4.0.

4. That § 949.54 shall be amended as follows:

a. Delete paragraph (b) therefrom and substitute the following:

(b) *Class II milk.* Multiply such price for the current month minus one cent by 0.100.

b. Add to § 949.54 the following paragraph:

(c) *Class III milk.* Multiply such price for the current month minus one cent by 0.100.

5. That § 949.41 shall be amended by adding thereto the following:

(c) *Class III milk* shall be all skim milk and butterfat used to produce cheese other than cottage cheese.

6. That the order, as amended, shall be further amended to include the following section:

§ 949.— *Class III price.* The Class III price shall be an amount calculated as follows:

The average or the basic or field price per hundredweight reported paid or to be paid for milk of 4 percent butterfat received from farmers during the current month at the following plants or places for which prices have been reported to the market administrator:

Fort Worth Poultry, Egg and Cheese Plant, Round Rock, Texas, Fort Worth Poultry, Egg and Cheese Plant, Alice, Texas.

By the Dairy Branch:

7. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 1204 N. Main Avenue, San Antonio 2, Texas, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54-59; Filed, Jan. 5, 1954; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 655, 703]

[Administrative Order 434]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE No. 15

CHANGES AND ADDITIONS TO MEMBERSHIP

By Administrative Order No. 433, dated December 8, 1953, and published in the FEDERAL REGISTER December 11, 1953 (18 F. R. 8139-8140), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, appointed Special Industry Committee No. 15 for Puerto Rico and named certain members to serve thereon.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the following changes and additions to the membership of such Committee are hereby made:

1. Sam Schweitzer of Mayaguez, Puerto Rico, and A. C. Bob Reuter of Mayaguez, Puerto Rico, previously appointed to this Committee as representatives of the employers by Administrative Order No. 433, shall serve as representatives of the employers for the Needlework and Fabricated Textile Products Industry only.

2. John J. Tucci of Santurce, Puerto Rico, and Eloy M. Ortiz of Mayaguez, Puerto Rico, are hereby appointed as members of said Committee to serve as representatives of the employers for the Corsets, Brassieres, and Allied Garments Industry only.

3. S. Manford Robinson of Mayaguez, Puerto Rico, and José Antonio Santisteban of Hato Rey, Puerto Rico, are hereby appointed as members of said Committee to serve as representatives of the employers for the Men's and Boys' Clothing and Related Products Industry only.

George Marlin of New York, New York, previously appointed to this Committee by Administrative Order No. 433, will serve as the third representative of the employers for the Needlework and Fabricated Textile Products Industry, the Corsets, Brassieres, and Allied Garments Industry, and the Men's and Boys' Clothing and Related Products Industry.

Signed at Washington, D. C., this 31st day of December 1953.

WM. R. McComb,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-44; Filed, Jan. 5, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 4, 5, 131]

[Docket No. R-128]

MISCELLANEOUS AMENDMENTS TO CHAPTER

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

DECEMBER 22, 1953.

Amendment of Part 1, Rules of Practice and Procedure, and of Parts 4, 6, 9,

24 and 25 of Subchapter B, Regulations Under the Federal Power Act Relating to Applications for Licenses, Permits, and Amendments, Surrender or Termination of License, Transfer of License or Lease of Project Property, Declarations of Intention and Applications for Vacation of Withdrawal and for Determination Permitting Restoration to Entry.

1. Notice of proposed rule making was given in the above-entitled matter on November 5, 1953. Said notice was published in the FEDERAL REGISTER on November 17, 1953 (18 F. R. 7274), and provided in paragraph 7 for the submission by interested persons of data, views and comments by December 10, 1953.

2. The title set out above is amended so as to include a reference to Part 5, omitted in error from the original notice and to Part 131 of Subchapter D, Approved Forms, Federal Power Act, which Part is proposed to be amended in this supplemental notice.

3. In addition to the amendments to its rules of practice and procedure listed in paragraph 2 of that notice, the Commission proposes to prescribe new paragraph (c) § 1.34, to read as set forth below. This amendment is, in effect, an interpretation of the language in section 19 (a) of the Natural Gas Act and section 313 (a) of the Federal Power Act relating to applications for rehearing of Commission orders. Its adoption is made desirable by the decision of the United States Court of Appeals for the District of Columbia Circuit in *Texas-Oil Gas Company v. Federal Power Commission*, No. 11,851, decided October 15, 1953.

4. Additional amendments are proposed to be made to Part 5 and also it is proposed to amend Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections) amended sections of Part 131 set forth below. The changes in Part 131 are necessary to bring these forms into conformity with the amendments proposed herein and in the original notice, referred to above.

5. The amendments to the Commission's general rules and regulations proposed herein and those accompanying the original notice are proposed to be issued under the authority granted the Federal Power Commission by the section 309 of the Federal Power Act, as amended, 49 Stat. 858, 16 U. S. C. 825 (h) and section 16 of the Natural Gas Act, as amended, 52 Stat. 830, 15 U. S. C. 717 o.

6. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before January 25, 1954, data, views and comments in writing concerning the amendments proposed herein and those proposed in the original notice. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

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

1. In § 1.34 add new paragraph (c) as follows:

§ 1.34 Application for rehearing. * * *

(c) *Action on.* Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application shall be deemed to have been denied.

2. In § 4.50 change "quadruplicate" in the first paragraph to read "sextuple". Also delete the sentence reading "Exhibits shall be certified in accordance with § 131.4."

3. In § 4.60 change "three copies" to read "five copies".

4. In § 4.70 change "quadruplicate" in the first paragraph to read "sextuple".

5. In § 5.1 change "quadruplicate" to read "sextuple". And change "the Commission's rules" to read "this chapter".

6. In § 131.2 delete the parenthetical instruction indicating the number of copies to be filed. Change item 9 in the form set out in the section to read as follows:

9. The proposed initial and ultimate scheme of development for the project is as follows: (See § 4.40 (h).)

7. In § 131.3 delete the parenthetical instruction indicating the number of copies to be filed.

8. In § 131.5 delete the parenthetical instruction indicating the number of copies to be filed. Change item 3 in the form set out in the section to read:

3. The transmission line will carry about _____ kwh of hydroelectric energy in an average water year from _____, the source of supply, to _____, the point of delivery; and _____ kwh of non-project energy in the same (the opposite) direction. The project energy will be used for the following purposes:

9. In § 131.6 delete the third sentence beginning with the word "Unless" in the parenthetical instruction paragraph in item (2). In item 4 (c) of the form delete the word "other".

10. Delete the Note, referring to Order No. 106, appended to § 131.6 and insert in lieu thereof the following:

NOTE: The following requirements for the project map to be filed as Exhibit K are prescribed:

There shall be submitted pursuant to §§ 4.60 and 131.6 with each application for

license for a minor project having installed water-wheel capacity of 100 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section, and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by four prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace, and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an inset sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing

from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such pro-tractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this _____ day of _____, 19____"

(Name of applicant)

11. In § 131.10 delete the parenthetical instruction indicating the number of copies to be filed. Change the parenthetical instruction included in item 8 of the form set out in the section to read:

(Here give a concise general description of the project and the proposed scheme of development including an estimate of the installed capacity and the average annual output.)

12. a. In § 131.20 change the words "authorized the giving of" in items (6) and (7) of the form to read "given". Change the words "approval of" in item (7) of the form to read "approval to". In footnote 5 to this section change the second sentence to read:

If the Commission acts favorably upon the application, it will issue to the applicants an order approving the transfer of the license.

b. In the same footnote 5 delete from the fifth sentence:

(e. g. acquisition of water rights under state laws from the transferor.

c. Also in the same footnote 5 delete the last sentence.

13. In § 131.30 delete the parenthetical instruction indicating the number of copies to be filed.

[F. R. Doc. 54-69; Filed, Jan. 5, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53408]

FURNITURE FROM CIUDAD VICTORIA,
TAMAULIPAS, MEXICO

CONVICT LABOR GOODS

Upon evidence presented to me, I find, pursuant to the provisions of § 12.42 of the Customs Regulations (19 CFR 12.42), promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U. S. C. 1307), that convict labor is used wholly or in part in the manufacture of furniture wholly or in chief value of wood in the State penitentiary at Ciudad Victoria, Tamaulipas, Mexico.

Accordingly, on and after the date of publication of this finding in the weekly

Treasury decisions, collectors of customs shall prohibit, under the provisions of section 307, Tariff Act of 1930, the importation of furniture wholly or in chief value of wood manufactured in the State penitentiary at Ciudad Victoria, Tamaulipas, Mexico, unless the importer establishes by satisfactory evidence, as provided for in §§ 12.42 to 12.46, inclusive, of the Customs Regulations, that the merchandise was not manufactured wholly or in part by convict labor.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: December 28, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-49; Filed, Jan. 5, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of December 18, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 28, 1953, pursuant to Public Law 875, 81st Congress:

ALABAMA

Payette, Marion.
Lamar, Winston.

Done this 31st day of December 1953.

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

[F. R. Doc. 54-57; Filed, Jan. 5, 1954;
8:51 a. m.]

AGENCY HEADS ET AL.

DELEGATIONS OF AUTHORITY AND
ASSIGNMENT OF FUNCTIONS

SECTION 100. Authority. The delegations in this document are made pursuant to authority vested in the Secretary of Agriculture by section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, as well as all other statutes and prior Reorganization Plans vesting authority in the Secretary of Agriculture with regard to the functions of the Department of Agriculture.

Sec. 101. General purpose. The purpose of this document is to provide as nearly as may be a general and concise authority under which the agencies of this Department are vested with authorities adequate to the discharge of their responsibilities. As a result of the terms of Reorganization Plan No. 2 of 1953, the Secretary of Agriculture is enabled to provide the subordinate officers and units of the Department with such delegations and assignments as he finds are necessary or desirable in relation to the functions performed.

Sec. 102. Relation to Office of the Secretary. No delegation or authorization prescribed in this document shall preclude the Secretary from exercising any of the powers or functions or from performing any of the duties conferred herein and any such delegations or authorization is subject at all times to withdrawal or amendment by the Secretary. No delegation or authorization prescribed in this document shall preclude the exercise of any delegation or authorization otherwise provided to the Under Secretary, Assistant Secretaries, Administrative Assistant Secretary, or Assistant to the Secretary for Agricultural Credit, or to the Staff agencies as provided in section 112 hereof.

Sec. 103. Responsibilities of Agency Heads—*a. Responsibility to the Secretary.* The delegations contained in this document are made subject to the general responsibility of the Secretary to the President and to the Congress for the administration of the Department. The head of each agency (1) will maintain close working relationships with the officer to whom he reports, (2) will keep him advised with respect to major problems and developments, and (3) will discuss with him proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other agencies of this Department, other Federal agencies, or other governmental or private organizations or groups.

b. Responsibility for coordination of policies and operations. It is the re-

sponsibility of each agency to consult and cooperate with other Department agencies when its activities relate to, affect, or are affected by the work of these agencies and to see that its policies, programs, and operations are coordinated with theirs, to the end that the Department operates with maximum unity and effectiveness.

c. Responsibility for efficient operation. Agency heads, having broad authority to carry on the functions of their agencies, are responsible for seeing that the work of their agencies is efficiently administered and that the public obtains the fullest possible benefit for the funds expended. To accomplish these objectives and to insure that the maximum possible improvements in programs and operations are achieved, agency heads should see that periodic reviews are conducted as required by Executive Order 10072 and 5 U. S. C. 1151.

ORGANIZATION OF THE DEPARTMENT

Sec. 109. Service agencies. The Service agencies of the Department of Agriculture are grouped as follows:

a. Federal-States relations:

Agricultural Research Service.
Forest Service.
Soil Conservation Service.
Federal Extension Service.
Agricultural Conservation Program Service.
Farmer Cooperative Service.

b. Marketing and Foreign Agriculture:

Agricultural Marketing Service.
Foreign Agricultural Service.
Commodity Exchange Authority.

c. Agricultural Stabilization:

Commodity Stabilization Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws).

Agricultural Stabilization and Conservation Committees.

Federal Crop Insurance Corporation.

d. Agricultural Credit:

Farmers Home Administration.
Rural Electrification Administration.

Sec. 110. Staff Agencies. The Staff agencies of the Department of Agriculture are as follows:

*a. Office of the Solicitor.**b. Administrative Agencies:*

Office of Budget and Finance.
Office of Hearing Examiners.
Office of Information.
Library.
Office of Personnel.
Office of Plant and Operations.

Sec. 111. The functions of the Staff agencies are prescribed particularly in the Department's Administrative Regulations and otherwise.

Sec. 112. Delegations and authorizations to Service agencies shall be subject to such delegations and authorizations as are granted to Staff agencies by the Administrative Regulations or otherwise.

GENERAL DELEGATION OF AUTHORITY

Sec. 116. Delegations of authority to agency heads. The head of each agency shall, under the general direction and supervision of the Secretary of Agriculture and the Under Secretary, and the Assistant Secretary, the Administrative Assistant Secretary, or the Assistant

to the Secretary in charge of Agricultural Credit to whom is assigned the general direction and supervision of his agency, direct and supervise the activities of the employees of his agency. Subject to any reservation of authority contained in the assignment of functions to the individual agency, or otherwise reserved in the Administrative Regulations, the head of any agency is hereby delegated authority to take any action, including the authority to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction, required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to his agency. The head of any such agency may, consistent with and with due regard to his personal responsibility for the proper discharge of the functions assigned to his agency, delegate and provide for the redelegation of his authority to appropriate officers and employees. Reservations of authority to the Secretary are subject to the provisions otherwise made for the authority of the Under Secretary and Assistant Secretaries.

PRIOR AUTHORIZATIONS

Sec. 120. Status of prior authorizations and delegations. All delegations and authorizations of the Secretary affecting the subject matter of this document or in conflict with the provisions of section 116 are hereby rescinded except where reserved or otherwise expressly recognized by reference in this document. However, any regulation, order, authorization, or similar instrument, heretofore issued by the Secretary, shall remain in full force and effect, excepting that any delegations or authorizations contained therein shall be construed to conform to the assignments made in this document. Also, any regulation, order, authorization, or similar instrument including delegations of authority heretofore issued pursuant to any secretarial delegation or authorization by any other officer of the Department shall continue in full force and effect unless and until withdrawn or superseded pursuant to authority granted in this document. Nothing in this document shall be construed to disturb other regulations or instructions governing the general conduct of officers and employees of the Department or providing for the orderly handling of correspondence and communications.

FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 200. Assignment of functions. The following assignment of functions is hereby made to the Agricultural Research Service:

a. Coordination of all research activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all projects or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

b. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946 (7 U. S. C. 427 et seq.); farm management and costs, land economics, and agricultural finance; production aspects of farm labor, ordinarily associated with farm management problems; soil conservation, except the national soil survey; grass, and control of undesirable plants; range management (except as otherwise assigned in this document); cotton ginning and processing; under section 7 (b) of the Strategic and Critical Materials Stock Piling Act (50 U. S. C. 98f); under the Housing Act of 1949 (42 U. S. C. 1471 et seq.).

c. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases and research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products), and inspection and certification service, and standardization incidental thereto, for foods for dogs, cats, and other carnivora.

d. Administration of the Federal Insecticide, Fungicide and Rodenticide Act (7 U. S. C. 135-135k).

e. The program of payments to States, Territories, and Puerto Rico under the Hatch Act of March 2, 1887 and supplemental and related acts, and payments to State Experiment Stations under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)).

f. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

g. Hog Cholera Serum and Virus Marketing Agreement Act (7 U. S. C. 851-855).

h. Administration of Title III of the Research and Marketing Act (7 U. S. C. 1628-1629).

i. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

Sec. 201. *Reservations*—a. *Reservations to the Secretary.* (1) Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act, previously requiring approval of the President.

(2) The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U. S. C. 1628-1629).

(4) Determination as to the measure and character of cooperation with Mexico in the Foot and Mouth Disease Program pursuant to section 1 of the act of February 28, 1947 (21 U. S. C. 114b), the designation of members of advisory committees, and the appointment of

Commissioners on any joint commission with the Government of Mexico set up under such Program.

(5) Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

(6) Determination of emergencies in connection with the eradication of foot and mouth disease and other contagious diseases of animals and poultry.

b. *Reservations to the Judicial Officer.* Final action in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act.

FOREST SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 300. *Assignment of functions.* The following assignment of functions is hereby made to the Forest Service:

a. Over-all leadership in forest and forest range conservation, development, and utilization. (As used here and elsewhere in this Document the term "forest" includes woodlands, and brush covered wild lands in mountainous areas.)

b. The protection, management and administration of the national forests and lands acquired for or being administered in connection with national forest purposes.

c. The following research programs: forest management; range management on forest ranges and adjacent, integrated nonforest lands; forest fire control; forest production and utilization; watershed protection and other forest and forest range influences; and forest resources and economics.

d. The programs of cooperation in the protection, development, conservation, management and utilization of forest resources, except as otherwise assigned in this document.

e. Forest disease and pest research, control, and eradication.

f. Programs under section 23 of the Federal Highway Act (23 U. S. C. 23, 23a).

g. Naval stores conservation program authorized by sections 7-17 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590g-590q).

h. The protection, management and administration under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010-1012), of lands under the administration of this Department including the custodianship of lands under loan to States and local agencies.

i. The responsibility under such policies, principles, and procedures as may be established in cooperation with the Soil Conservation Service for the making of preliminary examinations and surveys, the installation of works of improvement under the Flood Control Act of 1936 as amended and supplemented, and the collection of data, necessary to the preparation of comprehensive river basin reports, on all national forests and other lands in the watershed or basin administered by the Forest Service, range areas adjacent to the national forests in the watershed or basin and used in conjunction with such forests, and other forest lands within the watershed or basin.

j. The responsibility under such policies, principles, and procedures, as may be established in cooperation with the Soil Conservation Service for conducting surveys and investigations and for carrying out preventive measures under the small watershed demonstration program (item for Watershed Protection in the Department of Agriculture Appropriation Act, 1954) on all national forests and other lands in the designated watersheds administered by the Forest Service, range areas adjacent to the national forests in such watersheds and used in conjunction with such forests, and other forest lands within such watersheds.

SEC. 301. *Reservations*—a. *Reservations to the Secretary.* (1) The authority to issue rules and regulations relating to the national forests and other lands administered for national forest purposes, to lands administered under Title III of the Bankhead-Jones Farm Tenant Act, and to the programs under section 23 of the Federal Highway Act.

(2) The authority as a member of the National Forest Reservation Commission (16 U. S. C. 513).

(3) The making of recommendations to the President with respect to the transfer of lands pursuant to the provisions of subsection (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1011 (a)).

(4) The making of recommendations to the President for the establishing of national forests or parts thereof under the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655).

(5) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) relating to naval stores.

(6) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936, as amended and supplemented.

(7) Approval of requests for apportionment of reserves under the Forest Pest Control Act.

SOIL CONSERVATION SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 400. *Assignment of functions.* The following assignment of functions is hereby made to the Soil Conservation Service:

a. The responsibility of acting as the technical service agency in the field of soil and water conservation and flood prevention.

b. Administration of the programs for soil and water conservation, including the Act of April 27, 1935 (16 U. S. C. 590a-f), except as otherwise assigned, and the national soil survey.

c. General responsibility for administration of the Flood Control Act of 1936, as amended and supplemented, and the administration of activities in connection with river basin investigations and preparation of reports thereon, with due recognition of the responsibilities otherwise assigned.

d. Administration of the acts relating to water conservation and utilization projects.

Sec. 401. Reservations—*a. Reservations to the Secretary.* (1) The execution of memoranda of understanding establishing the general basis for cooperation by the Department with Soil Conservation districts, wind erosion districts, and other districts organized for the conservation and utilization of soil and water resources within the several States, territories and possessions.

(2) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936 as amended and supplemented, and of comprehensive river basin reports.

FEDERAL EXTENSION SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 500. Assignment of functions. The following assignment of functions is hereby made to the Federal Extension Service:

a. Primary responsibility for and leadership in all educational programs and activities including the administration of the Smith-Lever Act, as amended (P. L. 83—83d Congress), educational and demonstrational work in cooperative farm forestry conducted under section 5 of the act of June 7, 1924, as amended by the act of October 26, 1949 (16 U. S. C. 568), and all educational and demonstrational aspects of the Agricultural Marketing Act of 1946 (7 U. S. C. 1621—1627).

b. Coordination of all educational activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all educational activities or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

c. Rendering educational and technical assistance to persons not receiving financial assistance under Title 5 of the Housing Act of 1949, including extension demonstration.

d. Act as the liaison between the Department and officials of the Land-Grant Colleges and universities on all matters relating to cooperative extension work and educational activities relating thereto.

Sec. 501. Reservations—*a. Reservations to the Secretary.* (1) The final approval and submission to the Congress of the annual report required by section 7 of the Smith-Lever Act, as amended.

(2) Approval of selection of State Directors of Extension.

AGRICULTURAL CONSERVATION PROGRAM SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 600. Assignment of functions. The following assignment of functions is hereby made to the Agricultural Conservation Program Service:

a. The program authorized by sections 7—17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590g, et seq.) except the naval stores conservation program.

Sec. 601. Reservations—*a. Reservations to the Secretary.* (1) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) and

under section 8 (b) of such act (16 U. S. C. 590h (b)) relating to the selection and exercise of the functions of committees.

(2) Appointment of State ASC committeemen.

FARMERS COOPERATIVE SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 700. Assignment of functions. The following assignment of functions is hereby made to the Farmers Cooperative Service:

a. The programs authorized by the act of July 2, 1926 (7 U. S. C. 451—457) pertaining to cooperative marketing.

MARKETING AND FOREIGN AGRICULTURE; AGRICULTURAL MARKETING SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 800. Assignment of functions. The following assignment of functions is hereby made to the Agricultural Marketing Service:

a. Marketing research, related statistical and economic research, and payments to State Departments of Agriculture under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)).

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 (j) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 (j)).

c. Research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products.

d. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Marketing Services" and under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621—1627), except as otherwise assigned in this document.

e. Marketing agreement and order programs except those relating to anti-hog-cholera-serum and hog-cholera-virus.

f. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Bureau of Agricultural Economics", except as otherwise assigned in this document.

g. Coordination of all statistical and related economic analysis work of the Department, including the reviewing and clearing of all forms, survey plans, and reporting requirements originating in the Department and requiring approval of the Bureau of the Budget.

h. Functions relating to food distribution including the school lunch program, administration of section 32 of the act of August 24, 1935 (7 U. S. C. 612c) as supplemented by Public Law 165, 75th Congress (15 U. S. C. 713c), the administration of section 416 of the Agricultural Act of 1949 (7 U. S. C. 1431), except the declaration and selection of commodities available for distribution,

and working with the Federal Civil Defense Administration on problems of emergency food supply and distribution. In carrying out these functions, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and re-

lated services of the Commodity Stabilization Service.

i. The Perishable Agricultural Commodities Act (7 U. S. C. 499a—499r).

j. Export Apple and Pear Act (7 U. S. C. 581—589).

k. Produce Agency Act (7 U. S. C. 491—497).

Sec. 801. Reservations—*a. Reservations to the Secretary.* (1) Final action on regulations under the Agricultural Marketing Agreement Act previously requiring approval of the President.

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Designation of marketing administrators and committees administering marketing agreement and order programs.

(4) Approval and issuance of the monthly crop report (7 U. S. C. 411a) and final action on rules and regulations for the Crop Reporting Board.

b. Reservations to the Judicial Officer. Final action in reparation proceedings, in section 5 cases under the Grain Standards Act, and in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937.

FOREIGN AGRICULTURAL SERVICE

ASSIGNMENT OF FUNCTIONS

Sec. 900. Assignment of functions. The following assignment of functions is hereby made to the Foreign Agricultural Service:

a. Primary responsibilities for matters pertaining to agricultural trade and relationships with foreign areas, including functions under 19 U. S. C. 1354, 22 U. S. C. 501, and sections 301 and 302 of the United States Informational and Educational Exchange Act of 1948 (22 U. S. C. 1451—1452).

b. Administration of section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), and import and export controls.

c. Coordination of relationship in the field of its primary responsibilities between the Department of Agriculture and the State Department, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations.

d. Act as the liaison agency between the Department of Agriculture and the Department of State.

COMMODITY EXCHANGE AUTHORITY

ASSIGNMENT OF FUNCTIONS

Sec. 1000. Assignment of functions. The following assignment of functions is hereby made to the Commodity Exchange Authority:

a. Administration of the Commodity Exchange Act, as amended. (7 U. S. C. 1—17a).

Sec. 1001. Reservations—*a. Reservations to the Secretary.* (1) Designation of contract markets, promulgation of regulations, and issuance of complaints under the Commodity Exchange Act, as amended.

(2) Authority of the Chairman of the Commodity Exchange Commission.

b. *Reservations to the Judicial Officer.* Final action in disciplinary proceedings under the Commodity Exchange Act, as amended, which are subject to the provisions of sections 7 and 8 of the Administrative Procedure Act.

AGRICULTURAL STABILIZATION; COMMODITY STABILIZATION SERVICE
ASSIGNMENT OF FUNCTIONS

SEC. 1100. *Assignment of functions.* All functions heretofore assigned to the Production and Marketing Administration, which has been designated as the Commodity Stabilization Service, and not otherwise assigned in this Document, are hereby assigned to the Commodity Stabilization Service. These functions include the following:

- a. Farm marketing quota and acreage allotment programs.
- b. Administration of the Sugar Act (7 U. S. C. 1100-1183).
- c. Foreign assistance commodity procurement and supply.
- d. Emergency Livestock Feed programs under Public Law 875, 81st Congress, and Public Law 115, 83d Congress.
- e. Administration of the International Wheat Agreement.
- f. Price support programs, except the administration of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c) as supplemented by Public Law 165, 75th Congress (15 U. S. C. 713c) as assigned to Agricultural Marketing Service.
- g. Procurement, handling, payment, and related services for section 32 purchase and export payment programs and for purchases under section 6 of the National School Lunch Act for the Agricultural Marketing Service, to the extent practicable.
- h. Commodity disposal programs.
- i. Administrative supervision and direction of Agricultural Stabilization and Conservation State and County Offices.
- j. Activities under the Strategic and Critical Materials Stockpiling Act (50 U. S. C. 98-98h), except as otherwise assigned in this Document.
- k. Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws.

SEC. 1101. *Reservations—*a. *Reservations to the Secretary.* (1) Approval of appointment of committees for review of farm marketing quotas (7 U. S. C. 1363).

(2) Prescribing of farm marketing quota, acreage allotment, and referendum regulations pursuant to section 375 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1375 (b)).

(3) Prescribing of regulations pursuant to section 372 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1372 (c)) for refund of marketing penalties erroneously, illegally, or wrongfully collected.

(4) Control of the revolving fund established under the Act of April 6, 1949 (12 U. S. C. 1148a-1-1148a-3).

(5) Appointment of State ASC Committeemen.

AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES
ASSIGNMENT OF FUNCTIONS

SEC. 1200. *Assignment of functions.* The Agricultural Stabilization and Con-

servation Committees will carry out in the field such functions as designated by the Commodity Stabilization Service and the Agricultural Conservation Program Service, and such other designated functions as may be authorized by law to be performed by such committees.

SEC. 1201. *Reservations—*a. *Reservations to the Secretary.* (1) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) and under section 8 (b) of such act (16 U. S. C. 590h (b)) relating to the selection and exercise of the functions of committees.

(2) Appointment of State ASC committeemen.

FEDERAL CROP INSURANCE CORPORATION
ASSIGNMENT OF FUNCTIONS

SEC. 1300. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Crop Insurance Corporation:

a. The Federal Crop Insurance programs.

In accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U. S. C. 1505) and section 1 (b) of Reorganization Plan No. 2, 1953, this assignment is for record purposes only. The Corporation derives its functions from the act.

AGRICULTURAL CREDIT; FARMERS HOME ADMINISTRATION
ASSIGNMENT OF FUNCTIONS

SEC. 1400. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration:

- a. The farm ownership program (7 U. S. C. 1001).
- b. The production and subsistence loan program (7 U. S. C. 1007).
- c. The water facilities loan program (16 U. S. C. 590r-z).
- d. The production disaster and economic disaster loan programs (12 U. S. C. 1148a).
- e. The special livestock loan program (P. L. 115, 83d Congress).
- f. The fur loan program (12 U. S. C. 1148a; P. L. 255, 83d Congress).
- g. The orchard loan program (12 U. S. C. 1148a).
- h. The farm housing program of loans and grants (42 U. S. C. 1471).
- i. The reserved minerals disposition program as to those mineral interests under the jurisdiction of the Farmers Home Administration (7 U. S. C. 1033).
- j. The exercise of authorities, functions, powers and duties vested in the Secretary of Agriculture under the Rural Rehabilitation Corporation Trust Liquidation Act (40 U. S. C. 440).
- k. Liquidation and collection functions under the Farmers Home Administration Act of 1946, and under the act of April 6, 1949, abolishing the Regional Agricultural Credit Corporation of Washington, D. C., and servicing and collection functions with respect to loans made under the item "Loans to Farmers,

1948 Flood Damage", in the Second Deficiency Appropriation Act, 1948, and under the item "Loans to Farmers, Property Damage", in the First Deficiency Appropriation Act, 1949.

1. The exercise of such compromise, adjustment and cancellation authorities, functions, powers and duties vested in the Secretary of Agriculture under the act of December 20, 1944 (12 U. S. C. 1150), as may have applicability to the programs enumerated herein.

m. The disposal of such surplus real property under the jurisdiction of the Farmers Home Administration as the Secretary may be authorized to dispose of by the Administrator of the General Services Administration.

SEC. 1401. *Reservations—*a. *Reservations to the Secretary.* (1) The control of the revolving fund established under the act of April 6, 1949, as amended (12 U. S. C. 1148a-1 to 1148a-3).

(2) The designation of areas where Production Disaster Loans may be made, except that credit may be extended by the Farmers Home Administration without further designation by the Secretary when a new production disaster occurs in an area previously designated as a disaster area by the Secretary, but only during the period within which initial applications for loans in such areas are authorized.

(3) The finding that an economic disaster has caused a need for agricultural credit that cannot be met for a temporary period from responsible private or other public sources.

(4) The appointment of Special Livestock Loan Committees.

(5) The approval of special livestock loans in excess of \$50,000.

(6) The determination, under Public Law 760, 81st Congress, as to whether there is any active mineral development or leasing in any area.

(7) Requests to the Secretary of the Treasury for loans for the prosecution and administration of any of the programs enumerated herein.

RURAL ELECTRIFICATION ADMINISTRATION
ASSIGNMENT OF FUNCTIONS

SEC. 1500. *Assignment of functions.* The following assignment of functions is hereby made to the Rural Electrification Administration:

- a. The rural electrification program.
- b. The rural telephone program.

SEC. 1501. *Reservations—*a. *Reservations to the Secretary.* Requests and certifications to the Secretary of the Treasury in connection with loans to the Administrator of the Rural Electrification Administration for the rural electrification and rural telephone programs.

This document shall be effective January 2, 1954.

Done at Washington, D. C., this 24th day of December 1953.

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

[F. R. Doc. 54-56; Filed, Jan. 5, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on January 6, 1954 in Washington, D. C. is hereby postponed and reassigned to be held on February 23, 1954 at 10:00 a. m., e. s. t., in Room No. 5859, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 31, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-72; Filed, Jan. 5, 1954;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO., AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER AMENDING ISSUES AND SCHEDULING HEARING

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

There being under consideration a second petition to enlarge the issues filed by Baptist General Convention of Texas on December 3, 1953; an opposition filed by Gulf Coast Broadcasting Company on December 9, 1953; and a reply to the opposition filed by the Convention on December 14, 1953;

It appearing that the second petition of the Convention has stated sufficient facts as to the commitments and likely obligations of the Gulf Coast proposal in this proceeding which, when considered in conjunction with the sums shown as available in the Gulf Coast application, would cast a reasonable doubt upon the ultimate ability of Gulf Coast to effectuate its proposals; and

It further appearing that the opposition filed by Gulf Coast constitutes, for all practical purposes, a denial of the allegations made in the second petition with the result that certain areas of fact relating to the allocation of funds by Gulf Coast have been placed in dispute; and

It further appearing that the Commission on October 30, 1953, authorized

the Hearing Examiner upon a proper showing to add the following issue to this proceeding: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in its application will be effectuated.

It further appearing that in its second petition the Convention has made sufficient allegations of fact to warrant the addition of this issue;

It is ordered, This 24th day of December 1953, that the second petition of Baptist General Convention of Texas filed December 3, 1953, is granted and that the issue above set forth is added to this proceedings; and

It is further ordered, That the hearing will reconvene at 10:00 a. m., January 18, 1954.

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

[F. R. Doc. 54-37; Filed, Jan. 5, 1954;
8:46 a. m.]

[Docket Nos. 10746, 10107]

STANDARD BROADCAST, FM, TELEVISION, AND INTERNATIONAL STATIONS

ANNUAL FINANCIAL REPORT, BROADCAST LICENSEES AND PERMITTEES

In the matter of amendment of Annual Report Form 324 and deletion of Annual Report Form 324-A; applicable to Standard Broadcast, FM, Television and International Stations, Docket No. 10746; amendment of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324; applicable to Standard Broadcast, FM, Television and International Stations, Docket No. 10107.

1. On November 5, 1953, the Commission adopted a notice of proposed rule making (18 F. R. 7250) in the above-entitled matter. The period in which interested parties were afforded an opportunity to submit written comments has expired. Numerous comments were received supporting the proposed revisions and deletions, and no comments were received opposing the changes. The Commission, therefore, is adopting the proposed revisions and excisions, with minor editorial changes.

2. It is ordered, therefore, That, effective 30 days after publication in the FEDERAL REGISTER, pursuant to authority under section 4 (1), 303 (r), and 308 (b) of the Communications Act of 1934, as amended, F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations, is amended accordingly. Sections 0.206 (c) is amended as set forth below.

3. It is further ordered, That Annual Financial Report Form 324-A, Summary Estimate of Station Broadcast Revenues and Expenses, is hereby deleted.

4. It is further ordered, That each network and licensee of broadcast stations and each permittee whose station was operated during 1953 shall prepare and file its annual financial report to the Commission for the year 1953 on or before April 1, 1954, and for each calendar

year thereafter in the form and manner herein prescribed.

Adopted: December 18, 1953.

Released: December 21, 1953.

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

Amend section 0.206 (c) to read, as follows:

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 (47 CFR 1.341) and network and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this subsection as confidential.

[F. R. Doc. 54-34; Filed, Jan. 5, 1954;
8:45 a. m.]

[Docket No. 10824]

COAST STATIONS IN MISSISSIPPI RIVER SYSTEM

ORDER TO SHOW CAUSE

In the matter of modification of license of coast stations currently authorized to operate in the Mississippi River System areas on certain frequencies between 4000 and 18,000 kc, Docket No. 10824.

At a session of the Federal Communications Commission held at its offices in Washington 25, D. C., on the 28th day of December 1953.

The Commission having under consideration the matter of modifying licenses of coast stations operating in the Mississippi River System areas on certain frequencies between 4000 and 18,000 kc pursuant to the Atlantic City Table of Frequency Allocations or the Geneva Agreement (1951).

It appearing, that on December 28, 1953, the Commission adopted a report and order in Docket No. 10724 which amended Part 7 of the Commission's rules with reference to the availability of frequencies for use by coast stations in the Mississippi River System areas; and

It further appearing, that certain coast stations in the Mississippi River System area are currently operating on the frequency 4162.5 kc which is in the Atlantic City frequency band allocated for use by ship telegraph stations and that the continued use of this frequency by the subject coast stations will result in harmful mutual interference; and

It further appearing, that the Commission's report and order in Docket No.

10724 makes available for assignment the frequency 4067 kc as a replacement for 4162.5 kc and makes available additionally the frequency 4372.4 kc effective January 1, 1954; and

It further appearing, that the above report and order deletes the availability, for assignment to the subject coast stations, the frequency 4162.5 kc effective May 1, 1954.

It is ordered, That pursuant to section 216 of the Communications Act of 1934, as amended, that the licensees listed below are directed to show cause, on or before February 1, 1954, why their licenses should not be modified to delete, as of May 1, 1954, the frequency 4162.5 kc and to add, as of February 15, 1954, the frequencies 4067 and 4372.4 kc.

Released: December 30, 1953.

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

Call	Location	Licensee
WAY.....	Lake Bluff, Ill.....	Illinois Bell Telephone Co.
WFN.....	Louisville, Ky.....	Warner & Tamble Radio Service.
WOK.....	St. Louis, Mo.....	RMCA.
WCM.....	Pittsburgh, Pa.....	RMCA.
WBN.....	Memphis, Tenn.....	Warner & Tamble Radio Service.
WJG.....	do.....	Do.

[F. R. Doc. 54-35; Filed, Jan. 5, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2005]

LONE STAR GAS CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 28, 1953.

Upon consideration of the request of Lone Star Gas Company ("Applicant"), filed December 23, 1953, for a further extension of time within which construction operations are to be completed in the above-designated matter;

Notice is hereby given that a further extension of time is granted from December 1, 1953, to and including January 15, 1954, within which Applicant shall complete the construction of the facilities authorized by the Commission's order issued March 18, 1953, and place said facilities in actual operation. Paragraph (C) (2) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-67; Filed, Jan. 5, 1954; 8:53 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.
ORDER APPROVING PROPOSED SETTLEMENT
AND REQUIRING TARIFF REVISIONS TO BE
FILED

This is a rate proceeding arising from rate increases filed by Transcontinental Gas Pipe Line Corporation (Transco).

No. 3—4

The record herein has been certified to us for approval of a proposed settlement, as stated on the record by Commission Staff Counsel in open hearing and as agreed to by all parties to the proceeding on the record. Upon consideration of the record, we approve the terms of the proposed settlement, permitting the agreed upon rate increases to become effective subject to the terms and conditions, agreed to by the parties, as hereinafter set forth.

On September 17, 1952, Transco filed with the Commission proposed Second Revised Sheets Nos. 5, 9, 12, 17, 19, and 24; Third Revised Sheet No. 16; First Revised Sheets Nos. 39, 40, and 41; and Original Sheet No. 41-A to Transco's FPC Gas Tariff, Original Volume No. 1. By these filings Transco's proposed rate increases which would have resulted in increased revenues of approximately \$9,819,394, based on estimated sales of 173,366,309 Mcf for the twelve months ending September 30, 1953.¹

On October 15, 1952, pending a hearing and the Commission's decision upon the question of the lawfulness of the rates proposed by Transco, the Commission suspended the proposed tariff sheets until March 18, 1953, and until such further time thereafter as such proposed tariff sheets might be made effective in the manner prescribed by the Natural Gas Act.

Pursuant to Commission order, hearing was commenced with regard to the proposed rates on December 1, 1952. Following various recesses and continuances during which there were forty-three actual days of hearings, hearings were resumed on December 7, 1953. In the interim, by order issued on March 26, 1953, the suspended tariff sheets were permitted to become effective as of March 18, 1953, under bond and subject to refund, with interest, of the portion of the increased rates and charges which the Commission might find not justified.

At the conclusion of the hearing session on December 7, 1953, the hearing was recessed from day to day, pursuant to request by all parties, to permit the parties to confer respecting the possibility of agreement on or simplification of the issues involved in the proceedings. On December 17, 1953, final agreement was reached by the parties as to the rate increases to which Transco was entitled, the rates to be observed by Transco under its various rate schedules in the respective zones, and the terms and conditions to be attached to the settlement.

On the basis of an extensive field examination of the books, records and operations of Transco, the Commission's staff computed a net investment rate base for the twelve months ending September 30, 1954, of \$242,505,207, with no allowance for working capital because of available Federal income tax accruals. Based upon a 6 percent rate of return upon this rate base, and estimated sales and transportation of 191,000,000 Mcf for the twelve months ending Septem-

¹A comparison of the proposed increases under the settlement with the increases proposed September 17, 1952, appears in Appendix A hereto.

ber 30, 1954, the staff developed an overall total cost of service of \$60,901,800.

Transco contends that an amount of \$5,372,025, less related accrued depreciation, representing financing costs associated with its 6 percent Interim Notes convertible into Preferred Stock on May 1, 1951, in the amount of \$26,500,000, which were issued by Transco to finance in part the facilities authorized in Docket No. G-704, should be added to the above-described rate base of \$242,505,207. On the basis of a 6 percent rate of return on Transco's computed rate base of \$247,373,659, which includes the financing cost items less the related depreciation reserve, Transco's overall total cost of service would be \$61,845,656, also based on estimated sales and transportation of 191,000,000 Mcf for the twelve months ending September 30, 1954. All parties to these proceedings have agreed that the issue with respect to the claimed financing costs shall be reserved for future disposition by the Commission.

These costs of service computations were presented to all parties to these proceedings in the conference, and it was agreed that Transco will, as soon as possible, file the following revisions to its FPC Gas Tariff, Original Volume No. 1, which will supersede the revised sheets which were placed under bond on March 18, 1953: Third Revised Sheets Nos. 5, 9, 12, 17, 19, and 24, and Fourth Revised Sheet No. 16. These revised sheets will contain the following rates:

Type of service	Rate schedule	Demand charge per Mcf	Commodity charge per Mcf
Contract demand.....	CD-1	\$1.89	Cents 20 1/2
	CD-2	2.37	21 1/2
	CD-3	2.96	22 1/2
General service.....	G-1	2.26	20 1/2
	G-2	2.79	21 1/2
	G-3	3.42	22 1/2

The demand components in the above rates include the following amounts reflecting the disputed rate base items which will be conditionally refundable pending final disposition by the Commission of such disputed items or of a Court of competent jurisdiction, if review is had:

Rate schedule:	Monthly demand charge conditionally refundable per Mcf of billing demand
CD-1	\$0.09
CD-2	.12
CD-3	.15
G-1	.11
G-2	.14
G-3	.17

Where applicable the minimum annual bill amounts corresponding to the foregoing rates shall be included in the appropriate tariff sheets.

It was agreed that the application of the above-described rates to estimated jurisdictional sales under such rate schedules of 185,000,000 Mcf² for the twelve months ending September 30, 1954, is estimated to yield revenue of

²Total sales and transportation of 191,000,000 Mcf, less 4,000,000 Mcf direct sales and 2,000,000 Mcf of transportation.

\$60,269,161. Such sum plus estimated revenues from transportation of \$440,000 (Schedule X-1) and estimated Direct Sales revenues of \$1,136,000 compare with the cost of service of \$61,845,656. Such rates are found to be just and reasonable provided that the portion of the demand charges associated with the disputed rate base items are continued in effect under bond, pending final determination by the Commission. The estimated revenue effect by rate schedules is shown in Appendix B hereto.

It was further agreed that the cost of service including the disputed rate base items of approximately \$5,372,025 less the related depreciation reserve for the period from March 18 through November 30, 1953, is \$42,455,960 and that refunds shall be computed as if the rates which are to be made effective as of December 1, 1953, were effective during the period from March 18, 1953, through November 30, 1953. Upon the basis of such rates, the amount presently refundable to Transco's customers is approximately \$1,563,141. Transco agrees to refund to its customers entitled thereto within 30 days from the date of the issuance of this order the approximate amount of \$1,563,141 together with interest at the rate of 6 percent per annum from the respective dates of receipt of the amounts making up said \$1,563,141.

It was further agreed that on the basis of the above-described computation the amount remaining in Transco's hands for the period from March 18, 1953, through November 30, 1953, related to the rate base items less the related depreciation reserve is approximately \$568,955. The refundability of any of the amount of \$568,955 is to be dependent upon a final order of the Commission or a Court of competent jurisdiction if review is had.

The Commission finds:

(1) The proposed settlement of the rate proceedings on the basis heretofore described, subject to the terms and conditions hereinafter ordered, is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter provided and ordered.

(2) Transco should refund, within thirty days from the date of the issuance of this order, to its firm customers for the period extending from March 18, 1953, through November 30, 1953, the amount of approximately \$1,563,141, plus 6 percent interest per annum from the respective dates of the receipt of the amounts of which the \$1,563,141 is composed.

(3) Transco should maintain under the bond which was accepted by the Commission on April 10, 1953, the amount of approximately \$568,955, relating to the increased charges associated with the disputed rate base items of \$5,372,025, less the related depreciation reserve which amount has been collected by Transco from its customers during the period from March 18, 1953, through November 30, 1953. In addition, Transco should maintain under said bond all

amounts associated with the disputed rate base items to be collected by Transco under the conditionally refundable demand charges hereinabove set forth for the period from and after December 1, 1953, and until such further time as is necessary pending the issuance of a Commission order disposing finally of the issues pertaining to the disputed rate base items.

(4) If the so-called Texas gathering tax is held to be invalid by the final judgment of a Court of competent jurisdiction, Transco, upon receipt of any refund of such tax which has been paid by it upon gas later sold in interstate commerce for resale, should distribute such amounts so refunded in respect to such gas among all its resale gas customers, without additional cost or liability to Transco, such distribution to be in proportion to the total volume of gas purchased from Transco during the period from and after March 18, 1953. Further, if such tax is invalidated, Transco should, in reference to its sales of natural gas subject to the jurisdiction of the Commission, within ninety days from the date of such invalidation, file a reduction in the commodity charges in its Rate Schedules G-1, G-2, G-3, CD-1, CD-2, and CD-3 equal to the savings resulting from such invalidation, such reduction to be retroactively effective to the date of such invalidation.

(5) In the event that the actual Federal income tax payable by Transco is fixed at either more or less than the rate of 52 percent during the period after December 1, 1953, and prior to December 31, 1954, Transco should within the time hereinafter specified file revised Rate Schedules CD and G which will reflect the increase or decrease in the Federal income taxes payable by reason of a change in the tax rate of 52 percent, such increase or decrease to be equitably apportioned among such rate schedules in the three zones on Transco's system.

(6) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that all the issues in these proceedings with the exception of those relating to the disputed rate base items of \$5,372,025 and related depreciation reserve of \$351,845 be disposed of at this time, and that such disputed items be and the same hereby are reserved for disposition by further order of the Commission.

(7) The terms and conditions relating to billing practices and payment of bills embodied in First Revised Sheets Nos. 39, 40, 41, and Original Sheet No. 41-A to Transco's FPC Gas Tariff, Original Volume No. 1, are appropriate and in the public interest in the circumstances of this case.

The Commission orders:

(A) The increase in rates and charges embodied in Transco's Second Revised Sheets Nos. 5, 9, 12, 17, 19, 24, and Third Revised Sheet No. 16 to Transco's FPC Gas Tariff Original Volume No. 1, with the exception of those amounts associated with the disputed rate base items and with the related depreciation reserve, be and the same are hereby dis-

allowed. First Revised Sheets Nos. 39, 40, 41 and Original Sheet No. 41-A be and the same are hereby permitted to go into effect on December 1, 1953.

(B) Within thirty days from the date of issuance of this order, Transco shall file the following revised tariff sheets, Third Revised Sheets Nos. 5, 9, 12, 17, 19, and 24 and Fourth Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1, bearing an effective date of December 1, 1953, reflecting the rates approved in the proposed settlement. Such tariff sheets shall be subject to the conditions described in Findings (2) through (6) above.

(C) Transco, over the signature of a responsible officer, shall file with the Commission within 10 days from the date of the issuance of this order, in writing and under oath, an original and four conformed copies of its acceptance of the terms and conditions of this order; and within 45 days from the date of issuance of this order, shall submit the details of its calculations resulting in the refund of approximately \$1,563,141, together with interest at the rate of six per cent per annum, from the respective dates of receipt of the amounts making up said approximate amount of \$1,563,141, ordered pursuant to Finding (2) and shall submit therewith copies of releases from its wholesale customers with respect to such refunds.

(D) Transco shall keep and maintain under the bond which was accepted by the Commission on April 10, 1953, the amount of approximately \$568,955, relating to the increased charges associated with the disputed rate base items of \$5,372,025 less the related depreciation reserve, which amount has been collected by Transco from its customers during the period from March 18, 1953, through November 30, 1953. In addition, Transco shall maintain under said bond all amounts associated with the disputed rate base items to be collected by Transco under the conditionally refundable demand charges hereinabove referred to for the period from and after December 1, 1953, and until such further time as is necessary pending the issuance of a Commission order disposing finally of the issues pertaining to the disputed rate base items.

(E) In the event that the Federal income tax rate during the period after December 1, 1953 and prior to December 31, 1954 is more or less than 52 percent Transco shall file within 30 days from the date of such change in the tax rate revised schedules of rates for Contract Demand (CD) and General Service (G) reflecting the increase or decrease in Federal income tax payments, such revised filings to be made effective with the effective date of such change in tax rates.

(F) The record in this proceeding shall remain open in accordance with the ruling of the Presiding Examiner as contained in the record, for such further hearings as shall be necessary to enable disposition of the disputed rate base items and related matters; and the hearings herein be and the same hereby are

adjoined to reconvene on January 25, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(G) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending

or hereafter instituted by or against Transcontinental.

Adopted: December 29, 1953.

Issued: December 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

APPENDIX A—COMPARISON OF INCREASED REVENUES UNDER PROPOSED SETTLEMENT RATES WITH RATE INCREASE APPLICATION FILED SEPT. 17, 1952. BASED UPON ESTIMATED SALES FOR YEAR ENDING SEPT. 30, 1953

RATE SCHEDULE CD-2				
Consolidated Edison Co. of New York, Inc.	\$14,971,900	\$2,862,470	\$2,075,625	\$2,354,225
Brooklyn Union Gas Co.	8,330,335	1,666,965	1,164,033	1,318,833
Brooklyn Borough Gas Co.	860,611	133,791	123,287	141,287
Kings County Lighting Co.	741,256	175,515	115,644	132,744
Public Service Electric & Gas Co.	7,966,225	1,520,285	1,092,158	1,233,488
Philadelphia Electric Co.	4,798,950	921,670	662,125	739,725
South Jersey Gas Co.	2,253,552	439,412	309,468	349,668
Electric Light & Power Co.	1,397,276	297,230	192,430	222,660
Long Island Lighting Co.	715,765	141,765	101,328	112,558
The Philadelphia Gas Works Co.	840,190	165,438	115,165	126,758
Piedmont Natural Gas Co., Inc.	605,110	115,165	81,165	92,335
	535,317	154,781	103,267	115,871
RATE SCHEDULE G-1				
Alexander City, Ala.	33,244	10,467	432	4,249
Winder, Ga.	22,867	7,069	432	4,249
Athens Gas Light Co.	105,729	28,721	1,652	2,703
Builer, Ala.	6,678	2,115	86	252
London, Ala.	2,723	3,177	120	372
Newton County Gas Co.	2,723	3,177	120	372
Commerce, Ga.	2,723	3,177	120	372
Georgia Gas Co.	43,201	13,038	124	339
Thomas, Ala.	17,475	5,435	94	108
Monroe, Ala.	14,359	4,415	245	608
Chadron, Ala.	24,639	7,968	312	633
Wadley, Ala.	1,585	4,423	42	92
Builer, Ga.	6,167	2,873	126	72
Sugar Hill, Ga.	2,834	931	35	348
Jafferson, Ga.	2,057	558	40	115
Lawrenceville, Ga.	8,811	2,852	111	235
RATE SCHEDULE G-2				
Bowman, Ga.	2,480	747	(100)	(100)
Elberton, Ga.	21,564	9,557	(2,029)	(1,290)
Clinton Newberry Nat. Gas Authority	30,685	8,183	1,798	2,172
Public Service of North Carolina, Inc.	273,055	21,314	6,646	6,646
Danville, Va.	20,903	54,553	13,002	17,877
Carolina Natural Gas Corp.	20,903	54,553	13,002	17,877
Frederick Gas Co., Inc.	26,294	10,116	1,250	1,801
Hartwell, Ga.	17,775	4,825	7,272	8,446
Blackburn, S. C.	1,588	4,825	(1,654)	(694)
Toccoa, Ga.	86,296	19,816	620	138
Lawrence, S. C.	127,675	19,816	(4,547)	(3,186)
Royston, Ga.	28,333	24,732	6,094	8,153
North Carolina Gas Corp.	43,027	13,044	(1,833)	(1,070)
South Carolina Gas Co.	53,927	13,044	(1,833)	(1,070)
Southwestern Virginia Gas Co.	26,883	14,874	3,235	4,039
		1,377	1,440	2,365
Total	49,394,179	9,819,294	6,428,321	7,327,107
Dec. 1, 1953				
and basis				

* Based upon Commission's staff contentions as to disputed rate base items.
() Denotes decrease.

APPENDIX B—COMPARISON OF REVENUES FROM SUPPLEMENTED, PRESENT, AND PROPOSED SETTLEMENT RATES, BASED UPON ESTIMATED SALES FOR 12 MONTHS ENDING SEPT. 30, 1954

Proposed rates and rate schedules	Billing units		Revenue			Revenue increase	
	12 months billing demand (Mar. 18, 1953 P.S.I.A.)	Annual volume (Mar. 18, 1953 P.S.I.A.)	Present rates	Proposed rates	Settlement rates	Increase by present rates	Increase by proposed rates
Zone 1: G-1	121,100	2,000,000	\$1,010,000	\$1,290,350	\$1,046,586	\$280,250	\$15,800
CD-1	0	0	0	0	0	0	0
Zone 2: G-2	280,300	6,400,000	2,016,720	2,115,795	2,133,037	436,720	102,675
CD-2	457,300	8,200,000	2,913,200	3,028,536	3,088,581	713,599	143,317
Zone 3: G-3	6,000	200,000	57,840	65,458	66,450	7,618	110,066
CD-3	5,098,700	195,200,000	46,639,220	55,767,541	57,390,531	9,158,271	9,732
Total firm sales	5,544,000	185,000,000	52,637,220	62,228,503	63,540,168	9,591,283	8,912
Excess gas	0	0	0	0	0	0	0
Transportation	2,000,000	440,000	440,000	440,000	440,000	0	0
Total jurisdictional sales	5,544,000	187,000,000	53,077,220	62,668,503	63,980,168	9,591,283	8,912
Direct sales	4,000,000	1,136,000	1,136,000	1,136,000	1,136,000	0	0
Total sales	5,544,000	191,000,000	54,213,220	63,804,503	65,116,168	9,591,283	8,912

* Reflects lower demand charges based upon inclusion of disputed rate base items.
† Based upon rates to be effective Dec. 1, 1953, under proposed settlement.
‡ Transportation for Sun Oil Company—Rate Schedule X-1.

[P. R. Doc. 54-61; Filed, Jan. 5, 1954; 8:52 a. m.]

[Docket Nos. G-2222, G-2235, G-2243, G-2244, G-2271]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G-2222; The Waterworks and Gas Board of the Town of Cherokee, Alabama, Docket No. G-2235; City of Russellville, Alabama, Docket No. G-2243; The Lawrence-Colbert Counties Gas District, Docket No. G-2244; Tennessee Gas Transmission Company, Docket No. G-2271.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its order adopted December 22, 1953, in the above-entitled matters, issuing certificates of public convenience and necessity to Alabama-Tennessee Natural Gas Company, Docket No.

G-2222; Tennessee Gas Transmission Company, Docket No. G-2271; and dismissing applications for orders pursuant to section 7 (a) of the Natural Gas Act filed by the City of Russellville, Alabama, Docket No. G-2243, and The Lawrence-Colbert Counties Gas District, Docket No. G-2244.

LEON M. FUQUAY, Secretary.

[P. R. Doc. 54-65; Filed, Jan. 5, 1954; 8:53 a. m.]

[Docket No. G-1631]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 30, 1953.

Notice is hereby given that on December 24, 1953, the Federal Power Commission

sion issued its order adopted December 22, 1953, modifying order of June 23, 1952 (17 F. R. 5972), granting certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-63; Filed, Jan. 5, 1954;
8:52 a. m.]

[Docket No. G-2187]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

Notice is hereby given that on December 24, 1953, the Federal Power Commission issued its order adopted December 22, 1953, issuing a certificate of public convenience and necessity, and authorizing and approving abandonment of facilities and service in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-64; Filed, Jan. 5, 1954;
8:53 a. m.]

[Docket No. G-2371]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its order adopted December 22, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-66; Filed, Jan. 5, 1954;
8:53 a. m.]

[Docket No. G-2345]

TEXAS GAS TRANSMISSION CORP.

ORDER TO SHOW CAUSE

Texas Gas Transmission Corporation has filed its reclassification and original cost studies of its gas plant, in compliance with the requirements of Gas Plant Accounts Instruction 2-D of the uniform system of accounts prescribed for natural gas companies, and the Commission's Order No. 73 with respect thereto. Subsequently, the Commission's staff made a field examination of the original cost studies, after which conferences were held with company representatives concerning proposed adjustments to the plant accounts in the amount of \$1,189,456.05, representing charges considered to be improper. Of this amount, agreement was reached as to \$554,968.69 and Texas thereafter reduced its plant accounts accordingly. The remainder of the proposed adjustments, \$634,487.36, arose from accounting entries reflecting the following:

Interest during construction. Interest during construction was capitalized in the aggregate amount of \$2,060,221.74, for the period from September 1947 through December 1949, on funds expended in the construction of company facilities authorized by the Commission in the certificate issued March 30, 1949, at Docket No. G-859.

Such funds were derived from the company's equity funds, the issuance to banks of \$7,750,000 of 2½ percent notes, and the sale of \$60,000,000 of 3½ percent First Mortgage Bonds. The bonds were sold on December 23, 1948, but, in accordance with the terms of the indenture, the proceeds thereof were not available to Texas until the date of issuance of

Period	Interest on \$7,750,000, 2½ percent bank loans	Interest and expense on \$60,000,000 3½ percent bonds	Interest on equity funds at 6 percent per annum	Total
Sept. 1947 through Dec. 22, 1948	\$32,918.36			
Dec. 23, 1948, through Mar. 1949	50,392.45	\$423,853.99	41,512.11	515,764.55
Apr. 1949 through Dec. 1949		1,317,177.46	98,444.14	1,415,618.66
Total	\$83,310.81	1,741,031.45	279,123.73	2,103,465.99
Less: Interest on 2½ percent bank loan from Dec. 23, 1948, through Mar. 1949				50,392.45
Total				2,053,073.54

* Including period through Dec. 31, 1948.

As appears from the foregoing tabulation, Texas has deducted from the capitalized interest the amount of \$50,392.45 attributable to the interest on bank loans between December 23, 1948 and April 1, 1949, notwithstanding the availability of such funds for construction purposes during that period. Included, however, is \$423,853.99, representing the bond interest accruing during the period, although the bond proceeds were not available to the company for construction or any other purpose until after March 30, 1949.

It therefore appears that the company's plant accounts may be overstated in the amount of \$380,609.74, determined as follows:

Item	Amount
Improper charges of bond interest, Dec. 23, 1948, through Mar. 30, 1949	\$423,853.99
Excess of capitalized interest revealed by company's recalculation of charges	7,148.20
Total	431,002.19
Less: Interest on bank loans from Dec. 23, 1948, to Apr. 1, 1949, excluded by Texas	50,392.45
Net overstatement	\$380,609.74

Charges paid to affiliated company on steel plate purchases. During 1948 and 1949 Texas acquired 181,341.16 tons of steel plates for fabrication into pipe from Pittsburgh Coke and Chemical Company (Pittsburgh) at a cost of \$15,799,138.83, and entered corresponding charges in its plant accounts. Of this amount, \$253,877.62 was stated by Pittsburgh to represent "handling charges" assessed on the basis of \$1.40 per ton of plate.

As disclosed by various reports filed with the Commission and with the Securities and Exchange Commission, the President of Texas, as of December 31, 1948, was one J. H. Hillman, Jr., who was

the certificate in Docket No. G-859. After issuance of the certificate, on March 30, 1949, Texas used a portion of the proceeds to retire the bank loans then outstanding.

After the conclusion of the field examination, Texas made a recalculation of the accruals of interest during construction which resulted in a reduction of the total amount by \$7,148.20, or from \$2,060,221.74 to \$2,053,073.54, but the company has not made entries in the accounts giving effect to this revision.

The company's revised interest calculations show, in substance, the following claimed legitimate charges to its plant accounts:

Company	Shares
W. J. Rainey, Inc., Pittsburgh, Pa.	446,273
Hecla Coal & Coke Co., Pittsburgh, Pa.	296,399
Pennsylvania Industries, Inc., Pittsburgh, Pa.	289,517
	1,032,189

In view of these indications that Texas and Pittsburgh were under common direction and control at the time of these acquisitions of plate, the Commission's staff examined the books and records of Pittsburgh in order to ascertain the actual cost of the plate to Pittsburgh. These studies have shown that the billed cost to Texas did not exceed the actual legitimate cost to Pittsburgh, except for the aforementioned "handling charges" and certain discount items for which Texas has made voluntary adjustments.

It appears, however, that the "handling charges" of \$253,877.62 may represent, in whole or in part, profits paid to an affiliate in contravention of the Commission's "no-profits-to-affiliates" rule. It further appears that the plant accounts of Texas may be overstated in the amount of \$253,877.62 as a result of the above-described transactions.

The Commission orders:

(A) The aforementioned charges of \$380,609.74 and \$253,877.62, totaling \$634,487.36, to the plant accounts of Texas, reflecting, respectively, capitalization of interest during construction, and the stated cost to Texas of steel plates acquired from Pittsburgh, are questioned.

(B) Texas shall present any justification there may be for its accounting for the foregoing items and shall show cause, if any there be, why it should not, by appropriate accounting entries, reduce its plant accounts by the amount of \$634,487.36, such showing to be made in writing and under oath, within 30 days from the date of issuance hereof.

(C) A public hearing be held in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., at a date and time to be hereafter fixed, with respect to the issues involved in the proceedings.

(D) Interested State Commissions may participate in the hearing ordered in paragraph (C), as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Adopted: December 29, 1953.

Issued: December 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-62; Filed, Jan. 5, 1954;
8:52 a. m.]

[Project No. 739]

APPALACHIAN ELECTRIC POWER CO.
NOTICE OF POSTPONEMENT OF ORAL
ARGUMENT

DECEMBER 29, 1953.

Notice is hereby given that the oral argument in the above-designated matter heretofore scheduled to be held on January 22, 1954, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., will be held instead on January 21, 1954, at the same time and place.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-68; Filed, Jan. 5, 1954;
8:53 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of December A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the \$1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the sum-

mary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on December 31, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-46; Filed, Jan. 5, 1954;
8:48 a. m.]

[File No. 70-3063]

AMERICAN NATURAL GAS CO. AND MICHIGAN
CONSOLIDATED GAS CO.

NOTICE REGARDING PROPOSED ISSUANCE AND
SALE OF PRINCIPAL AMOUNT OF FIRST
MORTGAGE BONDS

DECEMBER 29, 1953.

The Commission, by order dated June 2, 1953, granted and permitted to become effective an application-declaration filed by American Natural Gas Company, a registered holding company, and its public-utility subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding, among other things, the issuance and sale by Michigan Consolidated of \$20,000,000 principal amount of First Mortgage Bonds — percent Series due 1978 ("New Bonds") subject to the condition that the issuance and sale of said bonds should not be consummated until the results of competitive bidding should have been made a matter of record in this proceeding.

Following publication of an Invitation for Bids, Michigan Consolidated received on June 15, 1953, at the time and place fixed for the opening of bids, only one bid for the aforesaid bonds. This bid was submitted by a group of bidders represented jointly by Halsey, Stuart & Co. Inc., Harriman, Ripley & Co., Incorporated, and Union Securities Corporation, and specified an interest rate of 5 percent and a price to Michigan Consolidated of 100.125 percent of the principal amount of the New Bonds. The bid was rejected by Michigan Consolidated.

In order to provide, on an interim basis, the urgently needed funds which sale of the bonds would have provided, Michigan Consolidated on July 2, 1953, filed an application with the Commission on Form U-1 (File No. 70-3103) requesting authority to enter into a credit agreement with a group of banks entitling the Company to borrow from time to time up to \$20,000,000 on notes maturing July 30, 1954. On July 31, 1953, the Commission entered an order authorizing such borrowings, and as of October 31, 1953, Michigan Consolidated had borrowed \$20,000,000 under the credit agreement. The Company desires, however, to proceed with its bond financing program as soon as practicable in order to refund such short term borrowings.

The procedure which Michigan Consolidated now proposes to follow in an effort to sell New Bonds on satisfactory terms is as follows:

1. The Registration Statement heretofore filed under the Securities Act of 1933 with respect to the New Bonds will be amended so as to reflect changes in the dating, maturity and other terms of the New Bonds, and to bring up to date information concerning Michigan Consolidated reflected therein.

2. When the Registration Statement as so amended has become effective, and necessary authority has been obtained in this proceeding under the act, the Company proposes to issue an invitation to investment banking firms to submit bids for the New Bonds, either on their own respective behalves or on behalf of groups represented by them respectively, such bids to be submitted on a date (within six weeks of the issuance of the invitation) to be fixed by the Company on not less than 45 hours prior notice by telegram to those so invited. The terms and conditions relating to bids so invited will provide that acceptance of any bid shall be subject to the further approval of the Commission. Except as aforesaid, the proposed procedure, terms and conditions relating to bids, and purchase contract provisions, will conform to those customarily followed by Michigan Consolidated when operating pursuant to the requirements of Rule U-50.

As a result of its earlier attempt to sell the New Bonds, Michigan Consolidated believes that most, if not all, of those potentially interested in bidding for the New Bonds (as a member of a group of bidders or otherwise) are already known to it. Those invited to bid will include the Representatives of the several groups which indicated an interest in the New Bonds when earlier offered for competitive bids. These groups in the aggregate included more than 125 investment banking firms located throughout the country. Should the Company be advised of other responsible prospective bidders, or of firms previously included in bidding groups who wish to bid under different arrangements, the invitation will be extended to them also.

Notice is hereby given that Michigan Consolidated has filed an amendment to its application-declaration proposing the issuance and sale of the New Bonds as set forth above requesting exemption from the competitive bidding require-

ments of Rule U-50 to the extent required by the proposed modified competitive bidding procedure outlined above, and asking that the Commission's order thereon be made effective upon issuance.

Notice is further given that any interested person may, not later than January 12, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said amendment which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[P. R. Doc. 54-45: Filed, Jan. 5, 1954;
8:48 a. m.]

[File No. 70-3155]

OHIO EDISON CO.

ORDER AUTHORIZING SUBMISSION TO COMPETITIVE BIDDING OF BONDS AND UNDERWRITING OF COMMON STOCK TO BE SOLD PURSUANT TO RIGHTS OFFERING TO STOCKHOLDERS

DECEMBER 30, 1953.

Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, having filed an application-declaration and amendments thereto, pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder, in respect of the following proposed transactions:

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$30,000,000 principal amount of First Mortgage Bonds, -- percent Series of 1954 due 1984. The bonds will be issued under and secured by the existing Mortgage and Deed of Trust dated August 1, 1930, as previously supplemented and amended, and as to be further supplemented and amended by a supplemental indenture to be dated January 1, 1954. The price to be received by the company (which shall be not less than 100 percent nor more than 102 3/4 percent of the principal amount) for said bonds and the rate of interest thereon (which shall be a multiple of 1/8 of 1 percent) will be determined by competitive bidding.

Ohio also proposes to issue and sell, pursuant to an underwritten rights offering to its common stockholders, 527,830 additional shares of authorized but unissued \$12 par value common stock. Stockholders of record at the close of

business on January 14, 1954, will be offered one additional share for each ten shares held, at a price to be fixed by the company prior to the offering. The stockholders will also have the privilege to subscribe, subject to allotment, for such additional number of unsubscribed shares as the stockholder may elect. The sale of unsubscribed shares will be underwritten, pursuant to the competitive bidding requirements of Rule U-50. The offering by the company will remain open until 3:30 p. m., e. s. t., January 29, 1954. The company may, for a period of two days prior to the time for submission of bids for the unsubscribed shares, purchase a maximum of 52,783 shares of its common stock through regular brokerage channels in order to stabilize the market for such stock and facilitate the offering of the shares. Prospective purchasers of the unsubscribed shares will be asked to state the compensation to be paid by the company to them for their services and agreement to purchase, at the subscription price, such number of shares of the new common stock as are not subscribed by the stockholders, plus such additional number of shares of Ohio's common stock as are purchased through stabilization transactions.

The net proceeds to be received from the proposed issue and sale of bonds and common stock will be used to finance property additions, and for other corporate purposes.

The filing discloses that the proposed transactions have been authorized by The Public Utilities Commission of Ohio subject to a reservation of jurisdiction as to selling price and interest rate of the bonds, and as to the subscription price of the common stock and the underwriters' compensation in connection with the issuance and sale thereof.

The application-declaration, as amended, stating that the estimated fees and expenses to be incurred and paid by applicant-declarant in connection with the proposed issue and sale of bonds and common stock amount to \$239,364, as follows:

	Additional common stock	New bonds
Federal original issue tax.....	\$16,000	\$33,000
Filing fee--Securities and Exchange Commission.....	2,206	3,083
Printing of temporary bonds.....		1,750
Engraving of bonds.....		13,000
Engraving of stock certificates.....	4,000	
Printing of warrants.....	2,700	
Listing and registration of stock on New York and Midwest Stock Exchanges.....	1,575	
Printing and composition of Form U-1, registration statement, financial statements, prospectus, competitive bidding papers, etc.....	27,000	23,000
Services of trustee.....		17,500
Recording supplemental indenture.....		1,100
Services of co-warrant agent.....	32,500	
Services of transfer agents and registrars.....	10,350	
Services of counsel: Winthrop, Stimson, Putnam & Roberts.....	10,000	15,000
Swaney & Whitmore.....	50	50
Services of accountants.....	3,250	3,250
Services, other than in connection with transfer agents, of Commonwealth Services, Inc.....	7,500	7,500
Miscellaneous.....	5,000	5,000
Total.....	116,131	123,233

The application-declaration further stating that the estimated fees of counsel for the underwriters amount to \$9,000 as to the bonds and \$6,000 as to the common stock; and

The record being incomplete as to the fees and expenses of counsel, accountants, and Commonwealth Services Inc., and the other fees and expenses appearing not unreasonable, if they do not exceed the estimates, and it appearing appropriate to approve the payment of such other fees and expenses and to reserve jurisdiction over the fees of counsel, accountants and Commonwealth Services Inc. until the record is completed in respect thereof; and

Notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 of the rules and regulations under the act, and a hearing in respect of the proposed transactions not having been requested or ordered by the Commission within the time specified in said notice, or otherwise; and

The Commission finding in respect of the proposed transactions that the requirements of the applicable provisions of the act and of the rules thereunder are satisfied, and observing no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the provisions of Rule U-24, and to the following terms and conditions:

(1) The proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, in respect thereof, shall have been made a part of the record in this proceeding, and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

(2) The proposed issuance and sale of additional common stock shall not be consummated until the subscription price per share and the results of competitive bidding, pursuant to Rule U-50, as to the compensation of the underwriters in connection with such issuance and sale of stock, shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That jurisdiction also be, and it hereby is, reserved in respect of fees and expenses of counsel, accountants and Commonwealth Services Inc.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[P. R. Doc. 54-47: Filed, Jan. 5, 1954;
8:48 a. m.]

[File No. 70-3165]

APPALACHIAN ELECTRIC POWER CO.

ORDER AUTHORIZING SALE OF PRINCIPAL
AMOUNT OF FIRST MORTGAGE BONDS AT
COMPETITIVE BIDDING

DECEMBER 30, 1953.

Appalachian Electric Power Company ("Appalachian"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") in which it designates section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the following proposed transactions:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$20,000,000 principal amount of its first mortgage bonds, -- percent Series due 1983. The bonds are to be issued under an indenture dated as of December 1, 1940, as heretofore supplemented, between Appalachian and Bankers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be

not less than 100 percent or more than 102 $\frac{3}{4}$ percent of the principal amount thereof and the interest rate (which shall be a multiple of $\frac{1}{8}$ of 1 percent) will be determined by competitive bidding.

The net proceeds from the sale of Appalachian's 1983 Series Bonds will be applied, in part, to the prepayment, without premium, of \$19,000,000 aggregate principal amount of notes payable to banks, issued for construction purposes, and the balance will be used to pay part of the cost of extensions, additions and improvements to Appalachian's properties.

The issue and sale of Appalachian's bonds have been expressly approved by the Virginia State Corporation Commission, in which State Appalachian is organized and doing business, and the Tennessee Railroad and Public Utilities Commission, in which State Appalachian also does business.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission;

The Commission observing that it is unnecessary to determine whether the filing is an application under section 6 (b) or a declaration under section 7 of the act since the Commission finds that

it is appropriate to grant such application, as amended, or permit such declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application or declaration, as amended, be, and the same hereby is, granted or permitted to become effective forthwith, subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.[P. R. Doc. 54-48; Filed, Jan. 5, 1954;
8:49 a. m.]

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