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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.309 (c).

§ 6.309 *Post Office Department.* * * *

(c) *Bureau of Transportation.* * * *

(4) One Confidential Assistant (Field Operations).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1859; Filed, Mar. 16, 1954; 8:47 a. m.]

TITLE 7—AGRICULTURE

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

[Lemon Reg. 527, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.634 (Lemon Regulation 527, 19 F. R. 1266) are hereby amended to read as follows:

(ii) District 2, 275 carloads.

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

Done at Washington, D. C., this 11th day of March 1954.

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

[F. R. Doc. 54-1866; Filed, Mar. 16, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-17]

PART 21—AIRLINE TRANSPORT PILOT RATING

ELIMINATION OF NIGHT LANDING AND TAKE-OFF REQUIREMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of March 1954.

Revised Part 40, which sets forth certification and operation rules for scheduled interstate air carriers, was adopted

(Continued on next page)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

by the Civil Aeronautics Board on April 13, 1953, and is to become effective on April 1, 1954. Section 40.301 of revised Part 40 requires a pilot, before he may be used in scheduled air transportation, to have made within the preceding 90 days at least 3 take-offs and 3 landings in the airplane of the particular type on which he is to serve. In adopting this part, the Board eliminated a previous requirement, applicable to pilots serving in air transportation, that one of the 3 take-offs be accomplished at night if the pilot is to serve in scheduled air transportation between the hours of sunset and sunrise. However, Part 21 also contains a recent experience requirement which includes a provision for a landing and take-off at night. Since the Board has decided the requirement for a night landing and take-off no longer appears to be justified, this amendment eliminates this provision from Part 21. This amendment becomes effective on April 1, 1954, thus conforming to the effective date of revised Part 40.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective on less than 30 days notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective April 1, 1954, as follows:

By amending § 21.42 (a) by deleting the last sentence thereof.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1890; Filed, Mar. 16, 1954; 8:52 a. m.]

[Civil Air Regs., Amdt. 40-3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of March 1954.

Revised Part 40 was adopted by the Civil Aeronautics Board April 13, 1953, and is to become effective April 1, 1954. Since the adoption of this part, the Civil Aeronautics Administration has been engaged in the preparation of Civil Aeronautics Manual material and other administrative documents, the purpose of which is to establish policy and interpretation, and to promulgate those supplemental regulations, authority for which has been delegated to the Administrator. The air carriers, on the other hand, have been engaged in the preparation of company manuals and other personnel training media in order to insure that the necessary administrative changes will have been accomplished in sufficient time and that the personnel to be affected by the provisions of this part will have been fully familiarized with respect to their details. In the course of these activities, detailed reexamination of the provisions of revised Part 40 was inevitable. Certain errors of a typographical or clerical nature were discovered. Certain ambiguities heretofore unnoticed were recognized. Some unintended restrictions were discovered to result from inadvertent construction of certain regulations. In still other instances relief has been requested from certain provisions which, although intended by the Board to become applicable, had not previously been recognized as creating undue hardship upon the persons affected.

One of the proposed changes which concerned the flight checking of flight engineers was published as a notice of proposed rule making in the FEDERAL REGISTER (18 F. R. 5436) on September 9, 1953. The remaining proposed changes were consolidated into a notice of proposed rule making and published on November 19, 1953, in the FEDERAL REGISTER (18 F. R. 7324). As a result of the comment received it has not been deemed necessary to implement all the proposed changes, but only those set forth herein. The following discussion, however, concerns only the more important matters involved.

The Board's attention has been called to the fact that § 40.34 has been construed by some persons so as to impose an absolute condition upon air carrier communications. The provision for "reliable and rapid communications" required by this section was intended to be subject to a determination by the Administrator that reliability and rapidity are reasonably assured in the light of the current state of the aeronautical and communications arts. Since some difficulty has been experienced in the interpretation of this requirement, the words "under normal operating conditions" are being added to protect against unreasonable restrictiveness in its enforcement.

The Board contemplated that some time would be required after the effective date of revised Part 40 for compliance with certain requirements necessitating modification of aircraft. Inasmuch as the effective date of revised Part 40 has been extended from October 1, 1953, to April 1, 1954, an extension of the compliance date of certain sections appears desirable. Moreover, the Board has been advised that requirements for certain new equipment and instruments imposed by revised Part 40 may in certain instances require extensive fleet modifications. In some instances the instruments and equipment involved will require several months for procurement. Since it is considered desirable that air carriers be permitted to schedule necessary modifications consistent with normal maintenance schedules, additional time should be provided to permit compliance with such requirements. Also, the requirement for duplicate sources of power and power distribution systems in Part 40 is new. This requirement parallels current requirements of the airworthiness parts of the Civil Air Regulations relating to transport category airplanes. The Board's attention has been drawn to the fact, however, that certain existing aircraft types do not now meet these provisions and in order to insure compliance must be subject to considerable engineering study and probable subsequent modification. Requirements for duplicate sources of energy for certain flight instruments, on the other hand, have been contained in the operating parts of the Civil Air Regulations for a considerable period of time. It would appear, therefore, that additional time should be allowed for compliance with the provisions applicable to required instruments and equipment other than flight instruments. In view of the foregoing, this amendment extends the date for compliance with §§ 40.172 (k) and 40.173 (d) until January 1, 1955, with § 40.173 (b) (3) until November 1, 1954, with § 40.175 (c) until July 1, 1955, for other than flight instruments, and with § 40.175 (d) until December 1, 1954.

The nontransport category performance operating limitations of revised Part 40 contain no landing distance requirement specifically applicable to alternate airports. The Board has been advised that the absence of a landing distance requirement directed specifically to alternate airports has given rise to a question as to whether the landing distance at alternate airports was intended to be the same as that for airports of intended destination. The Board did not intend that the requirement concerning runway margins in the nontransport category performance limitation be any more stringent than that contained in the transport category performance limitations. This intent is clarified by inserting a new § 40.94 prescribing the same landing distance limitations at alternate airports for the nontransport category operating limitations as are presently prescribed for transport category airplanes.

The Board's attention has been drawn to the fact that § 40.176 implies major differences in cockpit procedures between certain aircraft of the same type operated by the same air carrier. It appears that a greater contribution to safety is made when cockpit check procedures are standardized to the extent practicable and that the language of this section appears to render such standardization more difficult. Therefore, the portion of the requirement tending to discourage standardization is deleted.

The Board's attention has been directed to the fact that the language of §§ 40.231 and 40.232 literally requires a duplication of equipment not intended by the Board. The various requirements of this section were intended to define functions to be served by the radio equipment carried aboard aircraft and duplication of equipment for each function was intended to be required only where a reference to duplication was explicitly made. For instance, a single piece of radio equipment may be used to fulfill several functions. Sections 40.231 and 40.232 are being amended, therefore, to clarify and emphasize the functional nature of the requirements and to avoid unintended duplications.

The Board's attention has been called to the fact that certain existing labor contracts would be voided by the fact that the equivalent duty provision contained in current Part 61 does not exist in revised Part 40. Since it does not appear that safety will be compromised by continuing the flexibility currently provided in Part 61, and since such flexibility appears to be desirable under existing contractual arrangements between air carriers and certain mechanical employee groups, §§ 40.243 and 40.340 (b) (3) are being amended to include equivalent duty provisions similar to those currently in Part 61.

Since it is intended that an aircraft, the maximum certificated weight of which is exactly 12,500 pounds be regarded as a "small aircraft," § 40.261 (c) is amended to bring this section in accord with the definition of large aircraft elsewhere in the Civil Air Regulations.

Section 40.280 (b) states that there shall be provided for flight checking a sufficient number of check airmen holding the same airman certificates and ratings as are required for the airman being checked. Section 40.307 states that under certain conditions the air carrier or an authorized representative of the Administrator shall check a flight engineer prior to assignment to duty. This latter section creates some doubt as to whether the check includes

a flight check, thus requiring, under § 40.280 (b), an airman holding a flight engineer certificate to conduct the check. Section 40.280 (b) also is not clear as to whether it concerns any flight check or just those required by revised Part 40. To clarify the intent of these provisions, § 40.280 (b) is being amended to indicate that check airmen are required only for those flight checks that are required, and § 40.307 is being amended so that when the checking of a flight engineer is necessary, it shall include a flight check or, where the flight engineer has been previously qualified on the type airplane, a check in a synthetic trainer. These provisions are not intended to prevent an air carrier from checking its flight engineers additionally in any manner desired, but is only intended to provide a minimum requirement for checks. This does not affect the responsibility or the authority of the pilot in command.

The Board has been advised that § 40.303 (c) is susceptible of an interpretation which would require the pilot making an entry into an airport for the purpose of airport qualification to manipulate the controls of the aircraft during the take-off and landing. Such manipulation of controls is not essential to the purpose of this regulation and may in fact under certain circumstances result in the preoccupation of the pilot to the extent that visual survey of the airport and its environs may not be as complete as is desired. Section 40.303 (c) is being amended to clarify this intent.

Paragraph (d) of § 40.303 was not intended to be applied to routes on which facilities are adequate for instrument flight and on which instrument operation has been authorized in the operations specifications. This paragraph is being amended to clarify this intent.

In order for a pilot to maintain route and airport qualifications for particular trips as pilot in command, § 40.304 (a) requires that, during the preceding 12 months, he (1) make at least one trip as pilot or other member of the crew between terminals into which he is scheduled to fly, (2) make one actual or one simulated entry utilizing a synthetic trainer into each regular, provisional, or refueling airport into which he is scheduled to fly, and (3), if applicable, comply with the provisions of § 40.303 (d). The Board has received comment contending that the requirement for an actual entry or a simulated entry into each airport constitutes an undue administrative burden. It has been argued that the questionable contribution to safety which this requirement makes can scarcely justify the Administrative burden it creates. In reexamining this requirement it appears that the clerical problem created is indeed a considerable one in that the compilation of a great number of additional records would be necessary and a continuous review of these records required in order to insure continued compliance. Therefore, the requirement in § 40.304 (a) for an actual entry or a simulated entry into each airport every 12 months is deleted.

The preamble of revised Part 40 makes clear that the Board intended in this part "to continue in effect the (weekly) limitation as contained in Part 61." Section 40.320 (a) (3), however, renders the thirty-hour limitation application on a "calendar week" basis rather than a "seven consecutive days" basis. Until such time as it is possible for the Board to complete certain separate rule-making procedures in the matter of flight time limitations, the provisions contained in current Part 61 should be retained. Section 40.320 (a) (3) is being amended, therefore, to bring the weekly flight time limitations into accord with the current requirements of Part 61.

Section 40.383 (a) provides that an alternate airport need not be selected if the ceiling at the take-off airport is at least 300 feet and the visibility at least one mile, even though these minimums are less than the landing minimum for the airport. Since it is customary to provide minimums on a sliding scale, additional minimums are hereby established; namely, the additional minimums of 400 feet and three-quarters mile, and 500 feet and one-half mile. In view of comment received, however, the question of permitting the elimination of an alternate airport under these conditions will be reviewed.

The Board's attention has been called to the fact that § 40.509 (c) is susceptible of an interpretation requiring Mechanical Interpretation Summary Reports to include reports of propeller featherings which are accomplished for training, experimentation, or demonstration purposes. The Board intended that this requirement be applicable only to propeller featherings required as a result of an actual or suspected engine malfunction. Section 40.509 (c) is being amended to make this intent apparent.

There are several proposed changes which were published in the notice of proposed rule making, on which no action is being taken as a result of comment received. Section 40.175 (f) requires a door that leads to an emergency exit to remain open during take-off and landing to prevent the door from jamming closed in the event of an accident. Since the opening of a door blocks one section of seats in certain airplane types, it was proposed that the door be permitted to be closed but remain unlocked. It appears from comment received, however, that the door may become jammed even though unlocked. In view of this, the proposed change has not been made.

Section 40.178 (b) requires that certain markings be made on the exterior of the fuselage of an airplane which would assist in evacuation and rescue of passengers from the outside in the event of an accident. As originally adopted, this provision was to become effective on December 31, 1953, three months after the intended effective date of the part. When revised Part 40 was first extended for three months, it was proposed to extend the effective date of this provision to March 1, 1954. Comment received in response to this indicated that these provisions could be complied with by this date. In view of the extension of the effective date of this part to April 1, 1954, the proposed amendment is no longer necessary.

Section 40.384 requires an instrument approach to be made in accordance with the operations specification of the air carrier. In view of certain practices of air traffic control to clear aircraft for "contact" approaches under conditions of low ceiling and visibility, it was believed that there might be some doubt as to whether this practice would continue to apply to scheduled air transportation. As a result of comment received, however, it was not felt necessary to amend § 40.384, since the Board does not intend that this section affect the current practice of air traffic control in authorizing such clearances. This matter, however, will be pursued further in conjunction with certain contemplated amendments to Part 60.

Interested persons have been afforded an opportunity to participate in making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective on less than 30 days notice.

Since revised Part 40 becomes effective on April 1, 1954, and it is desirable for persons operating under this part to be able to commence their operations under the part as amended, this amendment becomes effective on that date.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends revised Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective April 1, 1954:

1. By amending the definition "Dispatch release" in § 40.5 by adding the word "release" after the word "dispatch".

2. By amending § 40.34 by adding the words "under normal operating conditions" between the words "communications" and "over".

3. By amending § 40.51 (a) (16) by deleting the word "and" before the word "Standards" and substituting in lieu thereof the word "or".

4. By amending § 40.90 by deleting the reference "40.93" and substituting "40.94" in lieu thereof in each place where it appears.

5. By adding a new § 40.94 to read as follows:

§ 40.94 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.93: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

6. By amending § 40.172 (k) by deleting "December 31, 1953" and inserting "January 1, 1955" in lieu thereof.

7. By amending § 40.173 (b) (3) by adding "On and after November 1, 1954," at the beginning thereof.

8. By amending § 40.173 (d) by adding "On and after January 1, 1955," at the beginning thereof after the heading "crash ax".

9. By amending § 40.175 (c) by adding at the end thereof the following: "*And provided further,* That the provisions of this paragraph with respect to required instruments and equipment other than

flight instruments shall not be mandatory prior to July 1, 1955."

10. By amending § 40.175 (d) by adding "On and after December 1, 1954," at the beginning thereof.

11. By amending § 40.176 by deleting the words "adapted to each operation in which the airplane is to be utilized" in the first sentence thereof.

12. By amending § 40.231 to read as follows:

§ 40.231 *Radio equipment for operations under VFR over routes navigated by pilotage.* (a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 40.34) from any point on the route and other airplanes operated by the air carrier;

(2) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigation signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

13. By amending § 40.232 (a) to read as follows:

§ 40.232 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 40.231 (a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

14. By amending § 40.243 by adding the words "or equivalent thereof within any one month" at the end thereof.

15. By amending § 40.261 (c) by deleting the words "12,500 pounds or more" and inserting in lieu thereof the words "more than 12,500 pounds".

16. By deleting the second sentence of § 40.280 (b) and inserting in lieu thereof the following: "There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked."

17. By amending § 40.282 (a) by deleting the words "all pilots" and substituting in lieu thereof the words "each pilot".

18. By amending § 40.303 (c) to read as follows:

§ 40.303 *Pilot route and airport qualification requirements.* * * *

(c) Each pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Unless impracticable, such entry shall include a landing and take-off under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport.

19. By amending § 40.303 (d) by deleting the words "Where an en route operation" and inserting in lieu thereof the words "On routes on which navigation must be accomplished by pilotage and on which flight".

20. By amending § 40.304 (a) to read as follows:

§ 40.304 *Maintenance and reestablishment of pilot route and airport qualifications for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 40.303 (d), if applicable.

21. By amending § 40.304 by deleting the proviso at the end thereof.

22. By amending § 40.307 by adding a new sentence at the end thereof to read as follows: "This check shall include a check in flight: *Provided,* That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight."

23. By amending § 40.320 (a) (3) by deleting the word "week" and inserting in lieu thereof the words "seven consecutive days".

24. By amending § 40.340 (b) (3) by adding the words "or the equivalent thereof within any one month" at the end thereof.

25. By amending § 40.363 (b) (2) by deleting the word "feathered" and inserting in lieu thereof the word "inoperative".

26. By amending § 40.385 by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

27. By amending § 40.387 by deleting the word "aircraft" and inserting in lieu thereof the word "airplanes".

28. By amending § 40.388 (a) by deleting the proviso and inserting in lieu thereof the following: *"Provided,* That such alternate need not be selected if the ceiling and visibility respectively at the take-off airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile."

29. By amending § 40.389 (a) by deleting the proviso and substituting in lieu thereof the following: *"Provided,* That no alternate need be designated when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least three miles."

30. By amending § 40.391 (a) by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

31. By amending § 40.393 (c) by deleting the word "flight" before the word "release" and inserting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

32. By amending § 40.393 (d) by deleting the word "flight" and inserting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

33. By amending § 40.406 (a) by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

34. By amending § 40.509 (c) by adding a sentence at the end thereof to read as follows: "Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported."

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-1889; Filed, Mar. 16, 1954; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 27]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.214 is amended by changing caption to read: "*Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.),*" and by deleting the last portion which reads: "From the intersection

of a line bearing 354° True from the Godman AFB, Fort Knox, Ky., nondirectional radio beacon and the west course of the Louisville, Ky., radio range via the Godman AFB nondirectional radio beacon to the intersection of a line bearing 171° True from the Godman AFB nondirectional radio beacon and the northeast course of the Bowling Green, Ky., radio range, excluding the portion which overlaps danger areas."

2. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* is amended by changing the last portion to read: "From the Duncanville, Tex., nondirectional radio beacon via the Tyler, Tex., radio range station to the Shreveport, La., radio range station."

3. Section 600.292 is added to read:

§ 600.292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* That airspace over United States territory from the Sault Ste. Marie, Mich., radio range station to the Sudbury, Ontario, Canada, radio range station.

4. Section 600.6002 *VOR civil airway No. 2 (Seattle., Wash., to Boston, Mass.)* is amended between the Fargo, N. Dak., omnirange station and the Lone Rock, Wis., omnirange station to read: "Fargo, N. Dak., omnirange station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station; La Crosse, Wis., omnirange station, including a north alternate from the Minneapolis, Minn., omnirange to the La Crosse, Wis., omnirange station and also a south alternate from the Alexandria, Minn., omnirange station via the intersection of the Alexandria omnirange 137° True radial and the Minneapolis-St. Paul International Airport ILS 301° True localizer course, the Minneapolis-St. Paul International Airport ILS localizer, the intersection of the Minneapolis-St. Paul International Airport ILS 121° True localizer course and the La Crosse omnirange 311° True radial to the La Crosse, Wis., omnirange station;".

5. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended after the Lumberton, N. C., omnirange station to read: "Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including an east alternate; Lawrenceville, Va., omnirange station; intersection of the Lawrenceville, omnirange 039° True and the Flat Rock, Va., omnirange 171° True radials to the Flat Rock, Va., omnirange station. From the point of intersection of the Herndon, Va., omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials via the intersection of the Herndon omnirange 045° True and the Martinsburg, W. Va., 100° True radials; intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 045° True and the Boston omnirange 256° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station to the Bangor, Maine, omnirange station."

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended between the Baker, Oreg., omnirange station and the Malad City, Idaho, omnirange station to read: "Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; Twin Falls, Idaho, omnirange station; Burley, Idaho, omnirange station, including a north alternate from the Boise omnirange station to the Burley omnirange station via the intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Malad City, Idaho, omnirange station;".

7. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended between the Dodge City, Kans., omnirange station and the Emporia, Kans., omnirange station by deleting the portion which reads: "Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials excluding the airspace between this north alternate and the main airway;" and substituting the following in lieu thereof: "Hutchinson, Kans., omnirange station including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials;".

8. Section 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to St. Joseph, Mo.)* is amended between the Abilene, Tex., omnirange station and the Ponca City, Okla., omnirange station to read: "Abilene, Tex., omnirange station; Wichita Falls omnirange station, including an east alternate; Oklahoma City, Okla., omnirange station, including an east alternate and also excluding those portions of this airway which overlap the Fort Sill danger area (D-208); Ponca City, Okla., omnirange station;".

9. Section 600.6082 is amended to read:

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° True and the Rochester omnirange 318° True radials; to the La Crosse, Wis., omnirange station, including a south alternate.

10. Section 600.6134 is added to read:

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).* From the Evergreen, Ala., omnirange station via the Columbus, Ga., omnirange station to the Atlanta, Ga., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. March 16, 1954.

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

[F. R. Doc. 54-1892; Filed, Mar. 15, 1954; 1:22 p. m.]

[Amdt. 27]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.214 is amended by changing caption to read: *"Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.)."*

2. Section 601.292 is added to read:

§ 601.292 *Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).* All of Red civil airway No. 92.

3. Section 601.1102 *Control area extension (Minneapolis, Minn.)* is amended by adding the following portion to present control area extension: "and the airspace north of Minneapolis bounded on the northwest by VOR civil airway No. 13, on the east by Blue civil airway No. 9 and on the southwest by VOR civil airway No. 26.

4. Section 601.1199 is added to read:

§ 601.1199 *Control area extension (St. Cloud, Minn.).* That airspace within 5 miles either side of a line bearing 57° True from the St. Cloud Airport extending from the airport to a point 20 miles northeast.

5. Section 601.1288 *Control area extension (Sault Ste. Marie, Mich.)* is amended by adding the following portion to present control area extension: "and the airspace southeast of Sault Ste. Marie bounded on the northeast by Red civil airway No. 97 and the United States-Canadian Border, on the south by Lat. 46°09'00", and on the west by Blue civil airway No. 3."

6. Section 601.2304 *Fort Knox, Ky., control zone* is revoked.

7. Section 601.2288 is amended to read:

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport, within 2 miles either side of a line bearing 188° True from the airport extending from the airport to a point 10 miles south, and within 2 miles either side of the 313° True radial of the Gregg County, Tex., omnirange extending from the omnirange station to a point 10 miles north.

8. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended by deleting the following reporting point: "The intersection of the west course of the Los Angeles, Calif., VHF radio range and the southeast course of the Camarillo, Calif., radio range;".

9. Section 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended before "Wilkes-Barre, Pa., radio range station;" by adding the following reporting point: "Westover, Pa., nondirectional radio beacon;".

10. Section 601.4214 is amended by changing caption to read: *"Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)."*

11. Section 601.4292 is added to read:

§ 601.4292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* No reporting point designation.

12. Section 601.6010 is amended to read:

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).* All of VOR civil airway No. 10 including north and south alternates, excluding the airspace between the north alternate from the Dodge City, Kans., omnirange station to the Hutchinson, Kans., omnirange station and the main airway.

13. Section 601.6134 is added to read:

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).* All of VOR civil airway No. 134.

14. Section 601.7001 *Domestic VOR reporting points,* is amended by adding the following reporting points:

Paynesville intersection: The intersection of the Pulaski, Va., omnirange 285° True and the Tri-City, Tenn., omnirange 012° True radials.

Adamsville interesection: The intersection of the Columbus, Ohio, omnirange 082° True and the Mansfield, Ohio, omnirange 149° True radials.

Kokomo intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 079° True radials.

(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 0001 E. S. T. March 16, 1954.

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

[F. R. Doc. 54-1893; Filed, Mar. 15, 1954; 1:22 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6012]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAMCO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.155 *Prices:* Exaggerated as regular and customary; § 3.235 *Source or origin:* Maker; place: *Imported products or parts as domestic.* Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Misbranding or mislabeling:* § 1.325 *Source or origin:* Maker or seller; place: *Imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods;* Goods: § 3.1745 *Source or origin:* Maker; place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* Subpart—*Passing off:* § 3.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 3.2240 *Trade name of competitor or another;* § 3.2245 *Trade name of competitor's or other's product.* Subpart—*Using misleading name*—Goods: § 3.2345 *Source or origin:* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce on the part of respondents Chissik and Foyer, their representatives, etc.: (1) Offering for sale, selling, or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) using the word "Champion" or any simulation thereof as a brand or trade name to designate, describe, or refer to their sewing machines, or sewing machine heads; or representing, through the use of any other word or in any other manner, that the sewing machines or sewing machine heads are manufactured by anyone other than the actual manufcturer; (3) representing, directly or by implication, that certain amounts are the prices of their sewing machines when such amounts are in excess of the prices at which their said sewing machines are ordinarily sold in the usual and regular course of business; and (4) representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed, unless the nature and extent of the guarantee and the manner in which the seller will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Pamco, Inc.; and Max Chissik and Arthur Foyer, doing business as Sewing Machine Factors, San Francisco, Calif., Docket 6012, Feb. 17, 1954]

In the Matter of Pamco, Inc., a Corporation, and Arthur Foyer, Julius Foyer, Edward Sassoon and H. P. Haslehurst, Individually and as Officers of Said Corporation; and Max Chissik and Arthur Foyer, Copartners, Doing Business as Sewing Machine Factors

Pursuant to the provisions of the Federal Trade Commission Act, the Commission, on July 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof except Edward Sassoon and H. P. Haslehurst (upon whom service of the complaint was not made), 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 said act. After the issuance of said complaint and the filing of respondents' answers thereto a hearing was held before a hearing examiner of the Commission theretofore duly designated by it, at which testimony and other evidence, including two written stipulations as to the facts entered into by and between counsel supporting the complaint and counsel for the respondents, in support of and in opposition to the allegations of the complaint were introduced. Such testimony and other evidence were duly recorded and filed in the office of the Commission, and the hearing examiner, on February 25, 1953, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel supporting the complaint filed with the Commission an appeal from said initial decision and thereafter this proceeding came on for final consideration by the Commission upon the record, including briefs of counsel in support of and in opposition to the said appeal (oral argument not having been requested); and the Commission, having entered its order granting in part and denying in part said appeal 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,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondents Max Chissik and Arthur Foyer, individually and as copartners doing business as Sewing Machine Factors, or doing business under any other 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 sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Using the word "champion" or any simulation thereof as a brand or trade name to designate, describe, or refer to their sewing machines, or sewing machine heads; or representing, through the use of any other word or in any other manner, that the sewing machines or sewing machine heads are manufactured by anyone other than the actual manufacturer.

3. Representing, directly or by implication, that certain amounts are the prices of their sewing machines when such amounts are in excess of the prices at which their said sewing machines are ordinarily sold in the usual and regular course of business.

4. Representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed, un-

[1] Filed as part of the original document.

less the nature and extent of the guarantee and the manner in which the seller will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Pamco, Inc., and its officers, and respondents Julius Foyer, Edward Sassoon, and H. P. Haslehurst, individually and as officers of said corporation.

It is further ordered, That respondents Max Chissik and Arthur Foyer 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: February 17, 1954.

By the Commission.

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

[F. R. Doc. 54-1856; Filed, Mar. 16, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, Part 141c; 18 F. R. 5366, 7309; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, Part 146c; 18 F. R. 3533, 7311; 19 F. R. 673, 1141) are amended as indicated below:

1. Section 141c.205 is amended by changing the headnote and paragraph (a) to read:

§ 141c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Potency.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, proceed as directed in § 141c.203 (a) if it is chlortetracycline powder or as directed in §141c.218 (a) if it is tetracycline hydrochloride powder or tetracycline powder. The average potency of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline per gram or per immediate container that it is represented to contain.

2. Part 141c is amended by adding the following new section:

§ 141c.220 *Tetracycline*—(a) *Moisture.* Proceed as directed in § 141a.26 (e) of this chapter. Use the value obtained to calculate the weighed samples used in paragraphs (b), (c), and (f) of this section to the anhydrous compound.

(b) *Potency.* Proceed as directed in § 141c.218 (a), except in the preparation of the solution of the sample dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters 0.1 *N* HCl and dilute with water to 1,000 micrograms per milliliter. Further dilute this stock solution with *M*/10 monopotassium phosphate buffer pH 4.5 to an estimated concentration of 0.24 microgram per milliliter.

(c) *Toxicity.* Proceed as directed in § 141b.103 of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter prepared by dissolving 40 milligrams (as the anhydrous compound) in 1.0 milliliter of 0.1 *N* HCl and diluting with the required amount of water.

(d) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous suspension prepared by adding 10 milligrams per milliliter.

(e) *Crystallinity.* Proceed as directed in § 141a.5 (c) of this chapter.

(f) *Extinction coefficient.* Proceed as directed in § 141c.218 (e), except dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters 0.1 *N* HCl and dilute to 250 milliliters with distilled water.

3. a. In § 146c.205, the headnote and paragraph (a) are amended to read:

§ 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. The content of chlortetracycline or tetracycline hydrochloride or tetracycline is not less than 15 milligrams per gram of powder. The moisture content of chlortetracycline powder or tetracycline hydrochloride powder is not more than 2 percent. The moisture content of tetracycline powder is not more than 7.5 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except subparagraphs (2), (4), and (5) of that paragraph. The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Section 146c.205 (c) (1) (ii) is amended to read:

(c) *Labeling.* * * *

(1) * * *

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline (expressed in terms of equivalency of tetracycline hydrochloride) per gram; or if it is intended for use solely as an ingredient in the drinking water of animals and is conspicuously so labeled, the number of grams of drug per pound in the immediate container;

c. In § 146c.205, subparagraph (1) of paragraph (d) *Request for certification* * * * is amended by changing the words "the chlortetracycline or tetracycline used" to read "the chlortetracycline, tetracycline hydrochloride, or tetracycline used".

d. Paragraph (d) (2) (ii) and (3) (ii) of § 146c.205 is amended to read:

(2) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride or tetracycline.

* * * * *

(3) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

4. Part 146c is amended by adding the following new section:

§ 146c.220 *Tetracycline*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline is the hydrated or anhydrous crystalline compound of the deschloro derivative of a kind of chlortetracycline, or a mixture of two or more such compounds. It is so purified that:

(1) Its potency is not less than 975 micrograms per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 13 percent.

(4) Its pH in an aqueous suspension prepared by adding 10 milligrams per milliliter is not less than 3.0 and not more than 7.0.

(5) Its extinction coefficient $E\frac{1\%}{1\text{ cm.}}$ is 402±15 at 380 mμ calculated on the anhydrous basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of tetracycline per milligram expressed in

terms of its equivalency of tetracycline hydrochloride, and the total number of grams in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which it was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and extinction coefficient.

(2) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 60 milligrams taken from a different part of such batch and each packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which tetracycline is to be used, the manufacturer of the batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 11, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-1871; Filed, Mar. 16, 1954; 8:48 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC- AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

REDESIGNATION OF SECTION NUMBERS

Sections 146a.53, 146a.61, 146a.62, 146a.72, 146a.73, and 146a.83, now contained in part 146a, are redesignated as §§ 146.24, 146.25, 146,26, 146.27, 146.28, and 146.29, respectively, and removed to Part 146. No other change is made in the context of any of these sections.

Dated: March 11, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-1870; Filed, Mar. 16, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

CLASS IV STATIONS ON REGIONAL CHANNELS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954.

2. The Commission has under consideration the desirability of making certain changes in Part 3 of its rules and regulations to delete certain obsolete provisions.

3. The Commission on December 18, 1952, adopted a Report and Order (FCC 52-1618) eliminating the assignment of Class IV stations on regional channels. However, the Commission provided that applications which were on file as of that date would be considered upon the basis of rules in existence prior to December 18, 1952.

4. All such applications have now been acted upon and there are no applications for Class IV operation on regional channels pending. Therefore, §§ 3.26 and 3.29 of the rules are being amended to delete the reference to applications which were on file prior to December 18, 1952.

5. The amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

6. The amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

7. *It is ordered,* That effective immediately, §§ 3.26 and 3.29 of the Commission's rules and regulations are amended as set forth below:

I. Section 3.26 is amended by the deletion of footnote 8.

II. Section 3.29 is amended to read as follows:

§ 3.29 *Class IV stations on regional channels.* No license will be granted for the operation of a Class IV station on a regional channel: *Provided, however,* That Class IV stations presently authorized to operate on regional channels will not be required to change frequency, or power but will not be protected against interference from Class III stations.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1879; Filed, Mar. 16, 1954; 8:50 a. m.]

[Docket No. 10712]

PART 12—AMATEUR RADIO SERVICE

OPERATOR EXAMINATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1954;

The Commission having under consideration its notice of proposed rule making in the above entitled matter wherein it was proposed to amend §§ 12.44 (a) and 12.44 (c) of Part 12 to provide for the examination of candidates for Novice and Technician Class amateur operator licenses by mail only, and to amend §§ 12.21 (d), 12.44 (a) (1) and (b) of Part 12 to reduce, from 125 to 50 miles, the distance from Commission examination points beyond which resident applicants are eligible to take a Conditional Class amateur operator examination; and

It appearing, that the foregoing proposal and correction thereto was duly published in the FEDERAL REGISTER (18 F. R. 6438 and 18 F. R. 6547) on October 9 and 14, 1953, respectively, and that written comment was received from interested parties; and

It further appearing, that the Commission has considered all written comments received, the weight of which (a) favors the giving of Novice and Tech-

nician Class amateur operator examinations by mail only and (b) opposes the extent of change in eligibility to take a Conditional Class amateur operator examination whereby the residence distance from Commission examination points would be reduced from 125 to 50 miles; and

It further appearing, that the public interest would be served by amending the rules so that (a) Novice and Technician Class Amateur Operator examinations be given by mail only and (b) the residence distance from Commission examination points be reduced from 125 to 75 miles;

It is ordered, That under the authority contained in section 4 (i) and 303 (1) of the Communications Act of 1934, as amended, effective June 10, 1954, §§ 12.21 (d), 12.44 (a), (b), (c) of the Commission's rules are amended without further proceeding, in the particulars set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 11, 1954.

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

Part 12—Amateur radio service is amended in the following particulars:

1. Amend § 12.21 (d) to read as follows:

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

2. Amend § 12.44 (a) to read as follows:

(a) The examinations for Extra and General Classes of amateur operator licenses will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, will be conducted in accordance with the provisions of paragraph (c) of this section. The examinations for Conditional Class will be available only under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 75 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

3. Amend § 12.44 (b) to read as follows:

(b) A holder of a conditional, technician, or novice class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 75 miles of such licensee's residence and station location.

4. Amend § 12.44 (c) to read as follows:

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class amateur operator license; or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission, or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age. Examinations for Conditional Class will be available only under special conditions set forth in paragraph (a) (1), (2), or (3) of this section.

[F. R. Doc. 54-1880; Filed, Mar. 16, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 10th day of March A. D. 1954.

The matter of applications designated Forms B. M. C.-44, B. M. C.-45, and B. M. C.-46 (§§ 7.44, 7.45, and 7.46), and notices of filing and protests relating thereto, prescribed by orders entered November 12, 1940 (5 F. R. 4698), and March 19, 1942 (7 F. R. 2601), as amended and supplemented by orders entered September 17, 1943 (8 F. R. 13193), December 11, 1945 (11 F. R. 746, 747), December 27, 1951 (17 F. R. 234), June 13, 1952 (17 F. R. 5952–5953), and July 1, 1953 (§§ 180.1, 180.50, 180.6, and 180.70), being under consideration:

It is ordered, That Part 180 be, and it is hereby, amended as follows:

In § 180.1 *Application for authority to merge properties or franchises*, retain paragraphs (a) and (c), and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.50 *Application for authority to acquire control*, retain paragraphs (a) and (c), and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.6 *Application for approval of temporary operation,* retain paragraphs (a) and (c) in their present form, and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof, shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.70 *Protests against applications,* amend headnote to read *Protests against applications pertaining to the transportation of passengers,* and retain paragraphs (a), (b), (c), and (d) thereunder, in their present form.

It is further ordered, That except as hereby amended, the said orders of November 12, 1940, and March 19, 1942, as amended and supplemented by orders of September 17, 1943, December 11, 1945, December 27, 1951, June 13, 1952, and July 1, 1953, shall remain in full force and effect.

And it is further ordered, That this order shall become effective on the 22d day of March A. D. 1954.

(24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply secs. 1, 5, 24 Stat. 379, as amended, 380 as amended, 49 Stat. 544, as amended, 555, as amended; 49 U. S. C. 1, 5, 303, 312)

By the Commission, Division 4.

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

[F. R. Doc. 54-1864; Filed, Mar. 16, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

HANDLING OF MILK IN THE WICHITA, KANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wichita, Kansas, on October 7–9 and December 1–3, 1953, pursuant to notice thereof which was issued on November 20, 1953 (18 F. R. 5629 and 7547).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on February 15, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on February 18, 1954 (19 F. R. 948).

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 948; Doc. 54–1159) are hereby adopted by this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

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

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

This decision filed at Washington, D. C., this 12th day of March 1954.

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

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

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

MINIMUM PRICES

Sec.
968.50 Basic formula price to be used in determining Class I prices.
968.51 Class prices.
968.52 Handler butterfat differential.

APPLICATION OF PROVISIONS

968.60 Producer-handlers.
968.61 Handlers subject to other orders.
968.62 Handler operating an approved plant which is not a pool plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

968.70 Net pool obligations of handlers operating pool plants.
968.71 Computation of uniform prices for base milk and excess milk.

PAYMENTS

968.80 Time and method of payment.
968.81 Producer butterfat differential.
968.82 Producer-settlement fund.
968.83 Payments to the producer-settlement fund.
968.84 Payments out of the producer-settlement fund.
968.85 Adjustment of errors in payments.
968.86 Marketing services.
968.87 Expense of administration.
968.88 Termination of obligation.

BASE RATING

968.90 Determination of daily base.
968.91 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

968.100 Effective time.
968.101 Suspension or termination.
968.102 Continuing power and duty of the market administrator.
968.103 Liquidation after suspension or termination.

AGENTS

968.110 Agents.

AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

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

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

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

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

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

(4) All milk and milk products handled by handlers as defined in this order amending the order, as amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expense an amount not to exceed 4 cents per hundredweight with respect to all milk received from approved dairy farmers during the month, which amount shall be determined by the market administrator subject to review by the Secretary.

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

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.61.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association

causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a), other than a delivery to any milk processing plant.

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 968.30 through § 968.32, or

(2) Made payments pursuant to § 968.80 through § 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum price for Class II milk computed pursuant to § 968.51 (b) and the Class II butterfat differential pursuant to § 968.52 both for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 through § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, (3) skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese (including skim milk used to produce cottage cheese curd, but not including skim milk or butterfat used in creaming cottage cheese disposed of as creamed cottage cheese) plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of producer receipts to be prorated pursuant to § 968.46; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 968.41 (b) (8) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 968.46 (a) (4), or the corresponding step of § 968.46 (b).

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk or cream and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk or cream, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and in Class II milk for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 968.41 (b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

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

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be:

(1) For the months of March, April, May and June, the average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture:

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Bennett Creamery Co., Ottawa, Kans.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Iola, Kans.

(2) For all other months, the higher of such price or the average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.46, 968.50 through 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 through 968.88 shall not apply to a producer-handler.

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

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

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

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 through § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 968.51 and the price for Class II milk pursuant to § 968.51 (b).

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

§ 968.70 *Net pool obligations of handlers operating pool plants.* The net pool

obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (7) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b).

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the Class I price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to § 968.80 and § 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price of Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 3.8 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) there shall be added to or subtracted from the uniform prices per hundredweight for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent an amount computed by multiplying by 0.12 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month and rounding to the nearest one-tenth cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by

the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for which such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) Through December 31, 1954, the daily average base of each producer who regularly delivered milk to a handler during the months of August through November 1953 shall be that effective for January 1954. Effective January 1, 1955, the daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) Effective January 1, 1955, for the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 54-1891; Filed, Mar. 16, 1954; 8:53 a. m.]

Agricultural Research Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

SPECIAL LICENSES

On August 15, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 4893) concerning a proposed amendment of § 102.7 of the regulations relating to viruses, serums, toxins, and analogous products (9 CFR 102.7) under the virus-serum-toxin provisions of the act of March 4, 1913 (21 U. S. C. 151-158). Numerous comments with respect to the proposed amendment were received from various members of the affected industry and other interested persons. After careful consideration of all comments received, it is now proposed to amend § 102.7 to read as follows:

§ 102.7 *Special licenses.* (a) Special licenses may be issued in particular cases for preparation of a biological product when, in the opinion of the Chief, the laboratory and other research data and other information available with respect to the product show that the product has value in the treatment of domestic animals but that the results of its use under a larger variety of conditions should be further evaluated prior to release under a regular license. A special license for such a product may include any or all of the following requirements as may be prescribed by the Chief to protect the livestock industry or other segments of the public:

(1) The product shall be prepared under Branch inspection and tested in such manner as may be administratively determined by the Chief.

(2) The applicant for a license shall currently file with the Chief a statement of all claims proposed to be made for the product at any time while the product is under special license, and the product shall be recommended for use only under such conditions as the Chief deems warranted by the laboratory and other research data and other information currently available concerning it.

(3) Where the nature of the product so requires for the protection of the public, the product shall be recommended for use only by trained personnel.

(4) No change shall be made in the composition or method of preparation of the product without prior approval of the Chief.

(5) The licensee shall distribute the product in any State or other jurisdiction only in accordance with the requirements of such State or other jurisdiction.

(6) The licensee shall request the handlers to whom he distributes the product to (i) keep complete records showing the name and address of each purchaser of the product and the name, serial number and quantity of the product sold to such purchaser; (ii) furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by the Branch, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and (iii) request users of the product to complete and return the report form to an official of the Department specified by the Chief.

(b) Special licenses may include such other requirements as the Chief may impose to protect the livestock industry and other segments of the public when the Chief finds that adequate protection thereof will not be afforded by the requirements set forth in paragraph (a) of this section.

(c) Notice of all requirements to be imposed under paragraph (a) or paragraph (b) of this section shall be given to the applicant for license for any product under the act as soon as possible after it is determined that such product may be licensed only under special license.

(d) Each applicant for a special license shall furnish all information required by other provisions of the regulations in this subchapter, and all provisions of such regulations in terms applicable to a product for which a special license has been or is to be issued shall apply to such product, except insofar as such provisions are inconsistent with any requirement under this section.

(e) Each applicant for a special license shall agree to distribute the product to be covered by the license only for such use as may be authorized under the license.

(f) Violation of any of the conditions of a special license shall constitute a violation of this section and may be grounds for suspension or revocation of the special license under § 102.51.

(g) Special licenses shall be converted to regular licenses as soon as field data and other available information justify the change.

In the preparation of the foregoing proposal thorough consideration has been given to the comments submitted with respect to the proposed amendment of the regulations set forth in the FEDERAL REGISTER of August 15, 1953 (18 F. R. 4893). Any interested person who wishes to submit additional comments on the new proposal may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of March 1954.

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

[F. R. Doc. 54-1867; Filed, Mar. 16, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10953]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10953.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 11, 1954, by Sarkes Tarzian, Inc., Bloomington, Indiana, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations as follows:

City	Channel No.	
	Add	Delete
Huntington, Ind	21+	
Anderson, Ind	23	61
Logansport, Ind	25	51
Madison, Ind	38	25
Connersville, Ind	45	38
South Bend, Ind	*72	*40
Lebanon, Ind	75	18

3. The Commission on this date has adopted a memorandum opinion and order denying the request for the institution of rule making in so far as it has been proposed to amend channel assignments in Anderson, Logansport, Connersville, Madison, South Bend, and Lebanon. Accordingly, the petition for the institution of rule making is being granted only insofar as it requests the institution of rule-making proceedings to add Channel 21 to Huntington, Indiana.

4. In support of the requested amendment, petitioner urges that it expects to file applications for UHF stations in Huntington, Anderson, and Logansport, Indiana; that the proposed stations will stimulate the growth of UHF in the area; that they would provide the areas with educational and other types of programs; and that the assignments as proposed conform with the Commission's rules.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 9, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1873; Filed, Mar. 16, 1954; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10954]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10954,

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 9, 1954, by WGOV-TV, Inc., Valdosta, Georgia, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Fitzgerald, Ga	23	53+

3. In support of its requested amendment, petitioner urges that it is the permittee of Station WGOV-TV on Channel 37 at Valdosta, Georgia; that efforts have been made to select a suitable site for this station; that such a site meeting the approval of zoning and aeronautical authorities has been selected; that this site is a few miles short of the required spacing to the assignment of Channel 23 at Fitzgerald, Georgia; and that the requested amendment would remove this conflict and conform to the Commission's rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 9, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1874; Filed, Mar. 16, 1954; 8:49 a. m.]

[1] Commissioner Bartley dissenting and stating: "I would issue as a Notice of Rule Making the proposal of the petitioner."

[47 CFR Part 3]

[Docket No. 10952]

TELEVISION BROADCAST STATIONS

TRANSMITTER POWER AND HEIGHT REQUIREMENTS

In the matter of amendment of § 3.614, rules governing television broadcast stations; Docket No. 10952.

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

2. Section 3.614 (a) of the Commission's rules specifies the minimum visual effective radiated power for television broadcast stations. At the time of the adoption of this rule in the Sixth Report and Order, high power equipment for television stations was not available, especially for stations operating on Channels 14–83. Such equipment is presently becoming available and in order to assure the best possible technical service, the Commission proposes to amend the rule governing minimum powers and heights so as to require the use of a transmitter with a minimum rated power of 5 kilowatts for Channels 14–83. Stations which are presently authorized with transmitters below the proposed minimum rating will not be required to comply at this time. It is also proposed to cease the issuance of Special Temporary Authorizations for operation with lower powers than those specified in stations' construction permits, except upon a showing that the specified transmitting equipment is not available.

3. In view of the above, it is proposed to amend Part 3 as follows:

A. In § 3.614:

I. The heading of paragraph (a) is changed to read:

(a) *Minimum requirements for Channels 2–13.*

II. A new paragraph (b) is added to read as follows:

(b) *Minimum requirements for Channels 14–83.* Applications filed for television broadcast stations on Channels 14–83 will not be accepted for filing if they fail to specify a transmitter with at least a rated power of 7 dbk (5 kw).[1a]

III. Redesignate present paragraphs (b) and (c) as (c) and (d).

B. Figure 1 of Appendix III to Subpart E is amended by the addition of the following to the title: "For Channels 2–13."

4. Authority for the issuance of the proposed amendment is contained in sections 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 16, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulatons, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

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

[F. R. Doc. 54–1872; Filed, Mar. 16, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141, 187]

[No. 31450]

FREIGHT SCHEDULES AND FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

PUBLICATION OF RULES AND CHARGES FOR ACCESSORIAL SERVICES BY RAIL AND MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 5th day of March A. D. 1954.

It appearing, that under date of January 22, 1954, Division 2, issued a notice of proposed rule making in the above proceeding, which provided that respondents and other interested parties may file, on or before April 12, 1954, with this Commission written statements containing data, views, or arguments concerning the proposed revised rules.

It further appearing, that the National Traffic Committee of the Trucking Industry requested an extension of time for filing views and arguments concerning these proposed rules.

It is ordered, That the respondents herein and other interested parties may file, on or before June 15, 1954, written statements containing data, views or arguments concerning the proposed revised rules. Such statements shall conform to the specifications provided in Rule 15 of this Commission's general rules of practice and an original and signed copy and 5 copies shall be furnished for the use of the Commission.

And it is further ordered, That notice to the respondents and to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–1863; Filed, Mar. 16, 1954; 8:47 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10215]

ARTHUR WESTLUND

ORDER CONTINUING HEARING

In re application of Arthur Westlund, Walnut Creek, California, Docket No. 10215, File No. BP–8321; for construction permit.

The Commission having under consideration a petition filed on March 5, 1954, by counsel for Arthur Westlund, petitioner herein, and counsel for Finley Broadcasting Company, requesting a continuance for a period of ninety days of the hearing scheduled to begin in this proceeding on March 16, 1954; and

It appearing, that counsel for the Broadcast Bureau has consented to said postponement and that a grant of the postponement requested may enable the parties to resolve the matters in issue and thus avoid the necessity for a hearing;

It is ordered, This 10th day of March 1954, that the petition for continuance is granted and the hearing heretofore scheduled for March 16, 1954, is postponed until June 15, 1954, at 10 o'clock a. m., in the Commission's offices, Washington, D. C.

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

[F. R. Doc. 54–1875; Filed, Mar. 16, 1954; 8:49 a. m.]

[Docket No. 10950]

ROBERT LEX EASLEY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Robert Lex Easley, 2950 S. Broadway, Albuquerque, New Mexico, Docket No. 10950; application for renewal of Radiotelephone First-Class Operator License, P–2–4503.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1954;

The Commission having under consideration the application of Robert Lex Easley for renewal of his Radiotelephone First-Class Operator License, P–2–4503; and

It appearing, that Robert Lex Easley, in the District of Columbia, operated and caused to be operated a business and enterprise under the trade name of Consulting Radio Engineers and/or Mason & Dixon, Engineers, 945 Pennsylvania Avenue, Washington, D. C. which purported to be a legitimate, responsible and reputable business; and

It further appearing, that there is evidence that Robert Lex Easley has transmitted through the United States Mail, false and fraudulent correspondence and misrepresentations designed and intended to induce and procure a class of persons who could or might be induced to erect, construct, or support new radio broadcasting stations and induce that class of persons to contact and communicate with the applicant and to become customers and deliver to the applicant their money and property for the express purpose of obtaining for such persons, Radio Broadcasting Station Construction Permits, and providing complete service including all the required technical assistance for obtaining such permits; the installation of radio station equipment, engineering supervision and recruiting of a suitable staff; and

It further appearing, that certain persons hereinafter named, paid sums of money to the applicant to obtain such services as a result of the applicant's pretenses and misrepresentations; and

It further appearing, that the applicant did not intend to file and did not in fact file such applications;

[1a] Stations authorized prior to the effective date of this paragraph will not be required to conform to this section.

It further appearing, that there is evidence that Robert Lex Easley, while employed by the State Highway Department of South Carolina as a radio engineer prior to October 18, 1947, without authority from the State of South Carolina, converted State material to his own use and the use of other persons in the construction of a privately owned radio station, and wilfully damaged or altered or permitted radio equipment to be damaged or altered; and

It further appearing, that the Commission is unable to determine from consideration of the application before it that a grant of renewal of a Radiotelephone First-Class Operator License to the said Robert Lex Easley would be in the public interest;

It is ordered, That the above-entitled application is hereby designated for hearing at 10:00 a. m., May 19, 1954, at the Commission's offices in Washington, D. C., on the following issues:

(1) To obtain full information with respect to representations made by Robert Lex Easley to Dallam R. Jackson; Tri-State Broadcasting Company, or representatives thereof, and full information with respect to all contracts and agreements which have been entered into between those persons in connection with the filing of applications before the F. C. C.

(2) To obtain full information with respect to representations made by Robert Lex Easley to Howard N. Lee; Horace Danley; the Opp Broadcasting Company, or representatives thereof, and full information with respect to all contracts and agreements which have been entered into between those persons in connection with the filing of applications before the F. C. C.

(3) To obtain full information with respect to Robert Lex Easley's use, disposition, damage or alteration of radio equipment and other property owned by the State of Carolina while he was employed as radio engineer by the Highway Department of that State prior to September 15, 1947.

(4) To determine in the light of evidence adduced in the foregoing issues, whether the applicant's character qualifications are such and his conduct as a radio operator has been such that it would be in the public interest to grant the applicant a renewal of his Radiotelephone First-Class Operator License.

Released: March 12, 1954.

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

[F. R. Doc. 54-1876; Filed, Mar. 16, 1954; 8:50 a. m.]

SCHEDULED TRANSMISSION AND RECEPTION OF MARINE WEATHER BULLETINS FOR GREAT LAKES REGION

EXTENSION OF TIME

MARCH 11, 1954.

The Federal Communications Commission, on December 21, 1953, announced a change in policy in reference to the use of certain radio channels for the scheduled transmission of Government weather information to ships navigating the Great Lakes, beginning with the 1954 season of navigation.

In its announcement, the Commission for reasons set forth therein informed all interested persons that, in granting authority for coast stations in the Great Lakes region to transmit by telephony (after March 15, 1954) marine weather information in accordance with an approved schedule, it would expect any person who might request approval of the use of any radio channel in the 2000–3000 kc band for this purpose, other than the channel utilizing the carrier frequency 2514 kc, to show, before February 15, 1954, why the desired service cannot be effectively provided in this band on the 2514 kc channel only.

Under date of February 1, 1954, the Commission was advised formally of the fact that, because of the widespread lack of equipment capable of receiving on the 2514 kc frequency on vessels of the Lake Carriers' Association, Cleveland, Ohio, and because of the short time available between the time of the Commission's related December 21, 1953 notice and March 15, 1954, in which to obtain such equipment, the matter had become the subject of a resolution adopted unanimously by the Dominion Marine Association (Toronto, Canada) and the Lake Carriers' Association at a joint meeting of the two Associations in January, 1954. This resolution, copies of which were forwarded to the Commission, proposes that:

(a) Canadian weather broadcasts be transmitted on 2514 kc as planned.

(b) United States weather broadcasts be transmitted on 2514 kc as of March 15, 1954, but that they also be transmitted on 2550 kc during the 1954 navigation season.

In consideration of this resolution and the associated request of the Lake Carriers' Association under date of February 1, 1954, together with representation by that Association that over two hundred of its vessels are not yet equipped to receive on 2514 kc and that it "will do everything possible to see that United States vessels are equipped to receive on Channel 39 (2514 kc) before 1955", the Commission will continue to authorize on a temporary basis until not later than March 15, 1955, the use of the 2550 kc frequency, in addition to the frequency 2514 kc in this band, by public coast stations for the scheduled transmission of Government weather information to ships navigating the Great Lakes.

Authorizations for this purpose for particular coast stations will be subject to an approved schedule as contemplated by § 7.185 of the Commission's rules.

Adopted: March 10, 1954.

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

[F. R. Doc. 54-1877; Filed, Mar. 16, 1954; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954, 96th. Supp.]

EXCESS INSURANCE COMPANY OF AMERICA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS, REVOCATION OF AUTHORITY

MARCH 11, 1954.

The certificate of authority issued by the Secretary of the Treasury to Excess Insurance Company of America, New York, New York, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been revoked effective as of the close of business on December 28, 1953.

American Motorists Insurance Company, an Illinois corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States, and as the sole surviving corporation under an agreement of merger dated December 10, 1953, and effective December 28, 1953, approved by the Department of Insurance of the State of Illinois on December 15, 1953, and the Insurance Department of the State of New York on December 17, 1953, acquired all of the assets and assumed all of the liabilities of American Motorists Insurance Company and Excess Insurance Company of America. Further details as to this agreement of merger may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

The underwriting limitations as of May 1, 1953, of American Motorists Insurance Company and Excess Insurance Company of America are $400,000 and $197,000, respectively. The merger of the two companies results in a combined underwriting limitation of $597,000 for the surviving corporation, American Motorists Insurance Company.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1869; Filed, Mar. 16, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2284]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER RESCINDING ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND RECONVENING HEARING

The Commission on January 22, 1954, issued an order denying the request of Central Kentucky Natural Gas Company (Applicant) that its application in the above-entitled proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) and fixed February 23, 1954, as the date for an unabridged hearing upon said application.

In said order the Commission found that although no formal protests to said application had been filed, the Commis-

sion had received a letter from Kentucky Creosoting Company (Kentucky Creosoting) on December 24, 1953, in which it was alleged, among other things, that Kentucky Creosoting Company had refused to sign a service agreement with Applicant for the sale of natural gas which is the subject of said application. Said letter has been designated as an informal complaint by Kentucky Creosoting and assigned Docket No. IN–863 by the Commission.

The Commission on February 8, 1954, received a letter from Kentucky Creosoting wherein it alleges that certain alterations have been made in Applicant's facilities by mutual agreement, and it believes the supply pressure problems have been alleviated. Kentucky Creosoting requests permission to withdraw its letter designated Docket No. IN–863.

On February 10, 1954, Applicant filed a petition for reconsideration of the Commission's order issued on January 22, 1954 and requests that its application herein be disposed of under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure, in view of the changes in operations which have been effected and the requested withdrawal of Kentucky Creosoting's letter in Docket No. IN–863.

At the hearing on February 23, 1954, in response to a motion by counsel for Applicant, concurred in by Staff Counsel, the Presiding Examiner recessed said hearing subject to further order of the Commission, to enable the Commission to act upon Applicant's petition for reconsideration.

The Commission has reconsidered its order issued on January 22, 1954, and in the circumstances has concluded that this matter is appropriate for disposition pursuant to § 1.32 (b) of its rules of practice and procedure. The Commission is of opinion that the request of Kentucky Creosoting for withdrawal of its informal complaint in Docket IN–863 should be granted. No protest or petition to intervene in Docket No. G–2284 has been received.

The Commission finds:

(1) Good cause has been shown for rescinding the order of the Commission issued on January 22, 1954 denying Applicant's request for disposition of its application under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure.

(2) The request of Kentucky to withdraw its informal complaint should be granted.

(3) This proceeding is now a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request of Kentucky Creosoting Company to withdraw its informal complaint be and the same hereby is granted.

(B) The order of the Commission issued on January 22, 1954 so far as it denies the request of Central Kentucky Natural Gas Company that its application herein be disposed of pursuant to the provisions of § 1.32 (b) be and the same hereby is rescinded.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the hearing heretofore commenced and recessed on February 23, 1954 be and the same hereby is ordered reconvened on April 2, 1954, at 9:30 a. m. in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purpose of receiving evidence concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1854; Filed, Mar. 16, 1954; 8:45 a. m.]

[Docket No. G–2335]

OLIN INTERSTATE CORP.

ORDER FIXING DATE OF ORAL ARGUMENT

Public hearings were concluded February 2, 1954, and the filing of briefs was completed on March 9, 1954, in the above-entitled proceeding, which involves the application filed on December 14, 1953, by Olin Interstate Corporation (Applicant) for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of the facilities owned and operated by Interstate Natural Gas Company, Incorporated.

It appearing that this proceeding involves important issues, as reflected in the briefs heretofore filed by Applicant and Commission Staff Counsel, the Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold oral argument, as hereinafter provided and ordered.

The Commission orders: Oral argument be held before the Commission, commencing on March 19, 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., concerning the matters involved and the issues presented by this proceeding.

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1853; Filed, Mar. 16, 1954; 8:45 a. m.]

[Docket No. G–2355]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

The applicant in this proceeding has requested that its application for a certificate of public convenience and necessity to construct and operate certain facilities and to sell and deliver natural gas as described in its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on January 18, 1954, pursuant to section 7 of the Natural Gas Act. No request to be heard, protest or petition has been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 18, 1954 (19 F. R. 964). This proceeding is, therefore, a proper one for disposition under the provisions of the aforesaid rule for non-contested proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 1, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1855; Filed, Mar. 16, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3208]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES BY HOLDING COMPANY AND OF COMMON STOCKS AND NOTES BY SUBSIDIARY COMPANIES

MARCH 11, 1954.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, United Natural Gas Company, Pennsylvania Gas Company, Republic Light, Heat and Power Company, Inc.; File No. 70–3208.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its gas utility-company subsidiaries Iroquois

Gas Corporation ("Iroquois"), United Natural Gas Company ("United"), Pennsylvania Gas Company ("Pennsylvania"), and Republic Light, Heat and Power Company, Inc. ("Republic") have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

It is stated that Iroquois, United, Pennsylvania and Republic have substantial construction programs during 1954 involving additional plant facilities needed to provide adequate service to the public, the total estimated cost of which is $11,364,250; that Republic has a bank loan of $1,500,000 maturing in 1954, the payment of which is contemplated; that Republic plans also to conduct a conversion program during 1954, involving alteration of its gas distribution plant and facilities to provide gas of higher thermal content and adjustment of the gas burning appliances in over 34,000 dwelling units at an estimated cost of approximately $720,000; and that, in order to provide the funds so required by these companies, the following transactions are proposed:

Transaction No. 1. National proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of its ____ percent Sinking Fund Debentures due 1979. The interest rate on the debentures (which shall be a multiple of ⅛ of 1 percent and the price (exclusive of accrued interest) to be paid for the Debentures (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by the competitive bidding. The Debentures will be issued pursuant to the provisions of an Indenture between National and The Hanover Bank, Trustee, to be dated as of April 15, 1954.

National proposes to use the net proceeds from the sale of these Debentures to purchase the capital stocks of or to make loans to its said subsidiaries and to apply any balance of the net proceeds not so needed, which is estimated will approximate $2,500,000, to reduce its outstanding bank loans which aggregated $13,000,000 principal amount as at December 31, 1953.

Transaction No. 2. Iroquois proposes to issue and sell, and National proposes to buy, 45,000 shares of Iroquois' common capital stock, of a par value of $100 per share, for $4,500,000 cash.

Iroquois proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $4,695,000, and to discharge short-term bank loans aggregating $1,000,000 made in connection with the company's 1953 construction program.

Iroquois has petitioned the New York Public Service Commission for approval of this transaction.

Transaction No. 3. United proposes to issue and sell, and National proposes to buy, 92,000 shares of United's no par common capital stock (having a stated value of $25 per share) for $2,300,000 cash.

United proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $2,889,100.

United has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to the issuance and sale of its common stock as proposed.

Transaction No. 4. Pennsylvania proposes to issue and offer for sale to its stockholders, pursuant to their preemptive rights, on the basis of one share for each 12½ shares held on the record date (March 19, 1954), 46,080 shares without par value (having a stated value of $12.50 per share) of its common capital stock at a subscription price of $15 per share.

It is stated that National owns 356,931 shares (61.97 percent) of the common stock of Pennsylvania now outstanding; that National proposes to exercise its preemptive right and subscribe for 28,554 shares for a total purchase price of $428,310; that the remaining stockholders of Pennsylvania will be entitled to subscribe for 17,526 shares for a total purchase price of $262,890; that in addition to their primary subscription rights, all stockholders will be accorded a conditional purchase privilege, subject to allotment pro rata according to their primary subscription rights exercised, to subscribe for additional shares of the stock allocated for public subscription; that subscription rights and conditional purchase privileges will be evidenced by negotiable warrants expiring on April 26, 1954; that no fractional shares will be issued; that Warren National Bank, of Warren, Pennsylvania, will act as subscription agent and will assist, without charge to the subscribers for such services, in buying and selling rights in order that subscriptions may be made for full shares; that, according to the "Weekly Over-the-Counter List" published by The Wall Street Journal for February 23, 1954, the market prices for Pennsylvania's common stock were $15.50 bid and $17.00 asked.

National states that it intends to subscribe for 28,554 additional shares, and to exercise its conditional purchase privilege and purchase such shares as are allotted to it under such privilege. Pennsylvania has entered into an agreement with National whereby Pennsylvania agrees to sell to National, and National agrees to purchase, at the subscription price of $15 per share, the total number of additional shares not taken by other stockholders.

Pennsylvania proposes to apply the proceeds from the sale of said stock to finance its 1954 construction program, estimated at $2,108,650, and to increase its supply of gas in underground storage.

Pennsylvania has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to its issuance and sale of its common stock as proposed.

Transaction No. 5. Pennsylvania also proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $1,500,000. Such notes will be unsecured and each will be in the principal amount of $125,000. The notes will mature at annual intervals beginning April 1, 1967. Each note will bear interest at a rate per annum equal to the interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semi-annually on April 1 and October 1 of each year until paid in full. Pennsylvania will have the option of prepaying these notes in whole or in part, after payment in full of all notes presently outstanding which aggregated $5,400,000 as at December 31, 1953, and which are held by National.

Pennsylvania will use the proceeds from the sale of said notes, together with funds to become available through the sale of its common stock as aforesaid, to finance its 1954 construction program.

Pennsylvania has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to its issue and sale of its notes as proposed.

Transaction No. 6. Republic proposes to issue and sell, and National proposes to buy 30,000 shares of Republic's capital stock, of a par value of $100 per share, for $3,000,000 cash.

Republic proposes to apply the net proceeds from the sale of this stock (1) To repay bank loans due October 1, 1954, in the amount of $1,500,000, and (2) To finance, in part, its 1954 construction program, estimated at $1,671,500.

Republic has petitioned the New York Public Service Commission for permission to issue and sell its common stock as proposed.

Transaction No. 7. Republic proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $720,000. Such notes will mature in the aggregate amount of $90,000 on May 15 of each year beginning with the year 1955, and will bear interest at a rate per annum equal to the coupon interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semi-annually.

Republic proposes to use the net proceeds from the sale of these notes to pay the cost of its 1954 conversion program aforesaid.

Republic has petitioned the New York Public Service Commission for permission to issue and sell its promissory notes as proposed.

Notice is further given that any interested person may, not later than March 26, 1954 at 12:30 p. m., e. s. t., request 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 said application-declaration which he desires to controvert; or he 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 filed or as amended, may be granted and permitted to become effective as pro-

vided in Rule U-3 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.

[F. R. Doc. 54-1857; Filed, Mar. 16, 1954; 8:46 a. m.]

[File No. 70-3217]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED EXTENSION OF SHORT-TERM NOTES

MARCH 11, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 and 7 thereof as applicable to the proposed transaction which is summarized as follows:

By order dated May 21, 1953, the Commission permitted to become effective a declaration filed by Columbia regarding the borrowing of not in excess of $30,000,000 from certain designated banking institutions. (Holding Company Act Release No. 11931.) Pursuant thereto, Columbia issued short-term 3 percent notes, evidencing the bank borrowing, to be repaid in installments of $9,000,000 on February 26, 1954, $9,000,000 on March 31, 1954, and $12,000,000 on April 30, 1954.

Columbia paid the first installment of $9,000,000 on February 26, 1954, and has made arrangements with the lending banks to extend the maturity dates of the last two installments (aggregating $21,000,000) to May 31, 1954. Interest on the $9,000,000 installment due March 31, 1954, will accrue from March 31 to May 31, 1954, at the prime rate for short-term money as at March 31, 1954. Interest on the $12,000,000 installment due April 30, 1954, will accrue from April 30, 1954, to May 31, 1954, at the prime rate for short-term money as at April 30, 1954. Under the new arrangements Columbia has the option to prepay the $9,000,000 installment presently due on March 31, 1954, at any time after April 30, 1954.

According to Columbia, the original $30,000,000 of bank indebtedness was incurred for the purpose of obtaining funds to advance to its subsidiaries to finance their purchase of inventory gas. The proposed extension of the unpaid balance of the bank loans is considered an interim arrangement to enable Columbia to meet a portion of the cash requirements of its subsidiaries in connection with their 1954 construction program until funds are obtained by Columbia from the sale of securities which are the subject of a declaration filed with the Commission on March 2, 1954 (File No. 70-3210) which contemplates the issuance and sale on or before May 14, 1954, of $50,000,000 principal amount of Subordinated Debentures, the proceeds of which are to finance, in part, the cost of the system's overall construction requirements for 1954. The Commission has ordered that a public hearing be held on March 22, 1954, in connection with the proposed issuance and sale of Subordinated Debentures. (See Holding Company Act Release No. 12388.) Columbia estimates that the fees and expenses to be incurred in connection with the proposed extension of bank loans will not exceed $500.

Notice is further given that any interested person may, not later than March 26, 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 declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1858; Filed, Mar. 16, 1954; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANTONIO PISANI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Antonio Pisani, Rome, Italy, Claim No. 58603; $220.09 in the Treasury of the United States.

Clementina Pisani Belli, Potenza, Italy, Claim No. 44816; $220.09 in the Treasury of the United States.

Lucia Belli, Andrea Belli, Luigi Belli, Maria Belli, Ernestina Belli, Potenza, Italy; Rosina Belli, Bari, Italy; Eleonora Pisani Tacchetti, Andrea Pisani and Gina Ida Pisani Governatori, Rome, Italy; Claim No. 35353; all right, title and interest of Antonio Pisani, Clementina Pisani Belli, Lucia Belli, Andrea Belli, Luigi Belli, Maria Belli, Ernestina Belli, Rosina Belli, Ida Pisani, Andrea Pisani and Eleanora Pisani in and to the trust created under the will of Nicola Belezza, deceased; People's Savings and Trust Company, Hazleton, Pennsylvania, Trustee.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1881; Filed, Mar. 16, 1954; 8:50 a. m.]

DAVID KRIGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

David Krigler, Shikhum Hapoel Hamizrachi, Rehovoth, Israel, Claim No. 60892; $448.15 in the Treasury of the United States.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1882; Filed, Mar. 16, 1954; 8:50 a. m.]

GIUSEPPE BUFFATO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Giuseppe Buffato, Varese, Italy, Claim No. 35472; Vesting Order No. 870; $117.88 in the Treasury of the United States.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1883; Filed, Mar. 16, 1954; 8:51 a. m.]

MME. VVE. GASTON LEROUX ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mme. Vve. Gaston Leroux, 22, rue Verdi, Nice (Alpes-Maritimes), France; $637.50 in the Treasury of the United States.

Mme. Madeleine Jeanne Marie Louise Leroux, 1 rue Newton, Paris, France; $106.25 in the Treasury of the United States.

M. Gaston Alfred Joseph Leroux, 22 Qual du Louvre, Paris 1, France; Claim No. 59843; $106.25 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Phantom of the Opera," as listed in Exhibit A to Vesting Order 3430 (9 F. R. 6464, June 13, 1944) and 3552 (9 F. R. 6464, June 13, 1944) to the extent owned by Pierre Lafitte et Cie immediately prior to the vesting thereof by Vesting Orders 3430 and 3552, 1-6ths to Mme. Vve. Gaston Leroux and 2-6ths each to Mme. Madeleine Jeanne Marie Louise Leroux and M. Gaston Alfred Joseph Leroux.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1884; Filed, Mar. 16, 1954; 8:51 a. m.]

JOHAN HENRIK L'ABEE-LUND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Johan Henrik L'Abee-Lund, Nordstrand per Oslo, Norway; Claim No. 36146; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent Nos. 2,108,263 and 2,274,073.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1887; Filed, Mar. 16, 1954; 8:52 a. m.]

No. 52——4

EUGENIA CIPRIANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Eugenia Cipriani, Casale Monferrato, Italy, Claim No. 44909, Vesting Order No. 2947: All right, title, interest and claim of any kind or character whatsoever of Eugenia Cipriani in and to the Estate of Eugene Cipriani, also known as Gene Cipriani, deceased; in the process of administration by David Dotta, Administrator with the Will Annexed, acting under the judicial supervision of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1625; Filed, Mar. 16, 1954; 8:51 a. m.]

LIDO NOMELLINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Lido Nomellini, Massa Macinaia, Lucca, Italy; Marina Nomellini Micheli, Massa Macinaia, Lucca, Italy; Vittorio Nomellini, San Francisco, California; John (Giovanni) Buscaglia, Sacramento, California; Rose Buscaglia Sapnaro, Sacramento, California, Claim No. 39917, Vesting Order No. 4599; $7,837.73 in the Treasury of the United States, one-half thereof to Lido Nomellini, one-sixth each to Vittorio Nomellini and Marina Nomellini Micheli and one-twelfth each to John (Giovanni) Buscaglia and Rose Buscaglia Sapnaro.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

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

[F. R. Doc. 54-1886; Filed, Mar. 16, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29005]

VARIOUS COMMODITIES FROM ILLINOIS AND IOWA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 12, 1954.

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

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in Illinois and Iowa.

To: Specified points in southern territory.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1860; Filed, Mar. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29006]

GRAIN, GRAIN PRODUCTS AND RELATED ARTICLES BETWEEN POINTS IN TEXAS INCLUDING ADJACENT POINTS

APPLICATION FOR RELIEF

MARCH 12, 1954.

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

Filed by: Lee Douglas, Agent for carriers parties to his tariff I. C. C. No. 764.

Commodities involved: Grain, grain products and related articles, carloads.

Between: Points in Texas including adjacent points.

Grounds for relief: Rail competition, to maintain grouping and operation through higher-rated territory.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1861; Filed, Mar. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29007]

ROCK SALT FROM GRAND SALINE, TEX., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MARCH 12, 1954.

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

Filed by: Lee Douglas, Agent, for the Kansas City Southern Railway Company and the Texas and Pacific Railway Company.

Commodities involved: Rock salt, crushed or screened, but not otherwise processed, carloads.

From: Grand Saline, Tex.

To: Beaumont, Chaison, Nederland, Port Arthur, Port Neches, Ruliff, Smiths Bluff, West Port Arthur and Zummo, Texas.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: Lee Douglas, Agent, I. C. C. No. 807, supp. 40.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1862; Filed, Mar. 16, 1954; 8:47 a. m.]