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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10450

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22-1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupy-

(Continued on p. 2491)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

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.

ing a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure

of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

SEC. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

SEC. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

SEC. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 27, 1953.

[F. R. Doc. 53-3794; Filed, Apr. 27, 1953; 4:04 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

EDITORIAL NOTE: For order prescribing security requirements for Government employment and revoking Executive Order 9835 of March 21, 1947, see Executive Order 10450, *supra*. Executive Order 9835 is cited in the text of §§ 2.112 and 22.1.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SCHEDULE C

Effective upon publication in the FEDERAL REGISTER, the positions listed below in the State Department, the Department of Justice, and the Post Office Department are excepted from the competitive service under Schedule C.

§ 6.302 *State Department*—(a) *Office of the Secretary.* (1) Until December 31, 1954, one Special Assistant to the Under Secretary for Administration.

* * * * *

§ 6.308 *Department of Justice*—(a) *Office of the Attorney General.* (1) The Executive Assistant to the Attorney General.

(2) The Pardon Attorney.

(b) *Office of the Deputy Attorney General.* (1) The First Assistant to the Deputy Attorney General.

(c) *Office of the Solicitor General.* (1) The First Assistant to the Solicitor General.

(2) One position of Trial Attorney (General)—Second Assistant.

(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.

(e) *Civil Division.* (1) The First Assistant to the Assistant Attorney General.

(f) *Criminal Division.* (1) The First Assistant to the Assistant Attorney General.

(g) *Tax Division.* (1) The First Assistant to the Assistant Attorney General.

(h) *Lands Division.* (1) The First Assistant to the Assistant Attorney General.

(i) *Office of Alien Property.* (1) One Deputy Director.

(2) Chief, Legal and Legislative Section.

(j) *Immigration and Naturalization Service.* (1) General Counsel.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* [Reserved.]

(b) *Bureau of Facilities.* (1) Four members of the Bureau's Committee of Management, namely, the Director, Division of Real Estate, the Director, Division of Supplies, the Director, Division of Vehicles, and the Administrative Aide.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-3753; Filed, Apr. 28, 1953; 8:50 a. m.]

Chapter II—The Loyalty Review Board

PART 200—STATEMENT OF THE LOYALTY REVIEW BOARD

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

PART 220—DIRECTIVES TO DEPARTMENT AND AGENCIES; CASES OF INCUMBENT AND EXCEPTED EMPLOYEES AND EXCEPTED APPLICANTS

PART 230—DIRECTIVES TO REGIONAL LOYALTY BOARDS; CASES OF APPLICANTS AND APPOINTEES IN THE COMPETITIVE SERVICE

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

EDITORIAL NOTE: For order prescribing security requirements for Government employment and revoking Executive Order 9835 of March 21, 1947, see Executive Order 10450, *supra*. Executive Order 9835 is cited as the authority and in the text of Parts 200–230.

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.9]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1953

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of allotting the 1953 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1953 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the 1953 sugar quotas for Puerto Rico shows that production of sugar from the 1952–53 crop, together with stocks in the hands of allottees on January 1, 1953, will exceed by about 250,000 tons the sum of the local and mainland quotas established by the Secretary of Agriculture (R. 7). Some of the allotments made by this order could be exceeded by the marketing of the 1952 carryover plus a comparatively small amount of new crop sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is imperative that this order become effective at the earliest possible date in order to accomplish that end. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a notice was issued on January 19, 1953, of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 11, 1953, at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the 1953 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1953 local quota among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be mar-

keted for local consumption in Puerto Rico.

As stated above, the act requires a preliminary finding of necessity for allotment of a quota or proration as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued by the Secretary provided in part as follows:

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of (1) the 1953 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1953 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 11, 1953, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota," "direct-consumption portion" and "local quota," respectively.

Summary of testimony. With respect to the necessity for allotment of the 1953 mainland and local quotas, the government witness testified that the supply of sugar in prospect in 1953 exceeds the combined quotas sufficiently to result in disorderly marketing and interested persons would not be afforded equitable opportunities to market sugar unless the quotas are allotted (R. 7). This testimony on the necessity for allotments was not controverted by any witness.

Since Central San Jose, Inc., has discontinued grinding, the government witness proposed that this allottee be allotted the quantity necessary for marketing the sugar remaining from its 1952 operations and that the balance of the quotas be allotted to the remaining 24 allottees (R. 15). There was no testimony in opposition to this proposal.

With respect to the manner in which the allotment should be made, the government witness proposed that the mainland and local quotas in excess of the quantity set aside for Central San Jose, Inc., be allotted on the basis of percentages determined as follows (R. 16):

(1) Eighty percent weight to the "processings of sugar or liquid sugar from . . . sugarcane to which proportionate shares . . . pertained" measured by the percentage of 1953 proportionate shares certified to each allottee.

(2) Ten percent weight to "past marketings" measured by the percentage distribution of combined mainland and local marketings for the 5 years 1948 through 1952 among the 24 allottees.

(3) Ten percent weight to "ability to market" measured by the percentage distribution of the sum of 1952–53 crop proportionate shares and 1952 carryover sugar among the 24 allottees.

The method of calculation of allotments from the percentages derived from the above weighting of the factors was proposed to be as follows (R. 13–15):

(1) The combined mainland and local allotments for each allottee would be determined by applying the weighted percentages of the three factors as stated above to the total quantity of sugar to be allotted.

(2) The local allotment for each allottee would be the average percentage which the local marketings of such allottee (including shipments to the Virgin Islands) were of its total mainland and local marketings in the years 1948 through 1952 multiplied by its combined allotment, the resulting quantities being adjusted pro rata so that their sum would equal the local quota.

(3) The mainland allotment for each allottee would be calculated by subtracting the local allotment computed under (2) above from the combined allotment computed under (1) above.

With respect to participation in allotments by producers who receive settlement in sugar, the government witness proposed that there be added to the paragraph in the 1953 order dealing with specific charges against allotments a provision that sugar delivered to a producer in settlement for 1951–52 crop sugarcane and marketed in 1953 shall be charged to the shares of applicable 1953 allotments reserved for such producer by the allottee processing his 1952–53 crop sugarcane (R. 20).

Paragraph (b), *Producers' marketings under allotments,* and paragraph (d), *Transfer or exchange of allotments,* of § 814.7 (17 F. R. 2477) were proposed for inclusion in the 1953 order without change.

Representatives of twelve of the allottees testified at the hearing in regard to the formula which should be used in establishing 1953 allotments. In addition, a representative of the Association of Sugar Producers, representing 21 of the 24 allottees, and a representative of sugarcane producers affiliated with the Puerto Rico Farm Bureau also testified.

Five of the allottees and the Puerto Rico Farm Bureau favored the formula proposed by the government witness (R. 101, 119, 120, 128, 129 and 133). A variety of proposals were made for some modification of the formula. One allottee proposed weights of 90 percent for "proportionate shares" and 5 percent each for "past marketings" and "ability to market" (R. 129)[1] and one proposed that these percentages be 45, 10 and 45, respectively (R. 45), one proposed the addition of sales in the world market to the measures of both "past marketings" and "ability to market" or the substitution for the latter of the highest production of each allottee in any of the past 5 years (R. 120–121); and two proposed the measurement of "past marketings" by the year of highest production or by the sum of "proportionate share" sugar plus all extra sugar made (R. 129–130). One allottee proposed that total carryover should be marketed against the quota and the balance of the quota allotted by assigning 100 percent weight to "proportionate shares" (R. 39). One allottee proposed that "processings from proportionate shares plus inventories" be assigned 100 percent weight (R. 53).

With respect to the method for sharing allotment with growers who receive settlement in sugar, the Association of Sugar Producers of Puerto Rico, representing 21 of the 24 allottees under the order, proposed that the provision of the 1953 allotment order be as follows:

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of its mainland allotment for the marketing of all carryover sugar from the 1951–52 crop, and in addition shall reserve a share of its mainland allotment for the marketings of each producer receiving settlement for his sugarcane in sugar equal to the same percentage of the producers 1952–53 crop sugar that the sum of the processor's mainland and local allotments, less the quantity of sugar from 1951–52 crop sugarcane carried into 1953 by the mill and all producers delivering cane to the mill in 1951–52, is of the processor's 1952–53 production (R. 37).

The representative of the Puerto Rico Farm Bureau contended that such a provision would deprive the growers of the opportunity to participate in the local market (R. 101).

All allottees stipulated for the record at the hearing (R. 148–149) or subsequently in writing as follows, except that one refused to agree to paragraphs 5 and 6 (R. 146–150):

1. To the extent that "carryover sugar" and "processings from proportionate shares" are concerned, the initial allotment order shall be based on (a) the quantities of carryover sugar of each allottee on hand on January 1, 1953, whether in Puerto Rico, afloat, or in bond in continental United States, based on inventory or final outturn information according to the records of the Production and Marketing Administration as of February 27, 1953, and, (b) the quantities of sugar within the 1952–53 crop proportionate shares certified to each allottee by the Caribbean Area Office of the Production and Marketing Administration as of the close of business March 6, 1953. Without further hearing and without change in the initial allotment formula, the order shall be revised on the basis of (1) the quantity of carryover sugar of each allottee on hand on January 1, 1953, whether in Puerto Rico, afloat, or in bond in continental United States, based on the final outturn weights and polarization of such sugar, and (2) "processings from proportionate shares" equal to either the total quantities of sugar within the 1952–53 crop proportionate shares finally certified to each allottee by the Caribbean Area Office of the Production and Marketing Administration, or the production therefrom as shown by the records of the Caribbean Area Office of the Production and Marketing Administration.

[1] Substantially the same position was taken in the brief filed by Corporacion Azucarera Sauri & Subira.

2. To the extent that the "highest production of any year of the five-year period, 1948–1952" is concerned, the allotment order shall be based on the annual production of sugar, raw value, as shown by the statistics of the Caribbean Area Office of the Production and Marketing Administration.

3. Sugar shipped to the Virgin Islands in past years shall be regarded as sugar marketed for local consumption in Puerto Rico.

4. Sugar shipped to the Virgin Islands in 1953 shall be regarded as local allotment sugar and charged to the local allotment of the allottee concerned.

5. To give effect to any change in the 1953 mainland sugar quota for Puerto Rico made after the issuance of the initial allotment order, such order shall be revised without further hearing, using the same allotment formula as was used in the initial order.

6. If any allottee notifies the Department in writing that it will be unable to fill its 1953 allotment, an amount of sugar equal to such deficit shall be allotted, without further hearing and without change in the original allotment formula, to other allottees able to supply the additional sugar.

7. Each allottee waives its (his) right to object to the validity of the 1953 allotment order by reason of any action taken by the Secretary of Agriculture in conformity with the provisions of this stipulation.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *.

All three factors specified in the foregoing provision of law have been considered and each is given a percental weighting by the formula on which this allotment of the 1953 quotas for Puerto Rico is based. Under this formula the factors are measured and weighted as follows: Processings from sugarcane to which proportionate shares pertained, measured by the 1952–53 crop proportionate shares certified to be processed by each allottee, 80 percent weight; past marketings, measured by average mainland and local marketings during the years 1948 to 1952, inclusive, 10 percent weight; ability to market, measured by the sum of the proportionate shares certified to be processed by each allottee and the quantity of 1951–52 crop sugar carried over into 1953 by such allottee, 10 percent weight.

The disagreement at the hearing in regard to the measures and weightings of the factors was prompted largely by different ideas as to what effect the 1952 carryover should have on the 1953 allotments. Several of the witnesses favored both the measures and weightings used in the government formula. The other witnesses were divided in supporting opposite extremes of weighting for 1952 carryover sugar. Measures taken by some allottees to liquidate over-quota sugar in 1951 and 1952 had the effect of increasing 1953 marketing opportunities of all of the interested parties. Accordingly, an allotment method which would severely limit the marketing of 1952–53 crop proportionate shares sugar of such allottees would be unfair to them. The fact that 1952–53 crop proportionate shares are limited to the sum of the initial mainland and local quotas is further justification for maintaining a close relationship between allotments and proportionate shares by assigning a relatively heavy weight to that factor.

Before applying the general method of allotment, 6,998 short tons of sugar, raw value, is set aside for Central San Jose, Inc., which has discontinued operations. This procedure was proposed at the hearing and no objection was made to it. This quantity represents the outturn weight of 1952 carryover already brought into the continental United States for the account of this allottee less a credit for this allottee's share of the quantity brought in after recission of allotments in 1952.

The initial allotments established by this order are based largely upon incomplete certification to the allottees of the quantities of sugar that may be produced from 1952–53 crop sugarcane to which proportionate shares pertained, for which more complete data are to be substituted later. Therefore, in order to prevent any allottee from marketing sugar in excess of the allotment established on the basis of the completed data, only 90 percent of the quotas is allotted until such time as the order may be revised on the basis of completed data. After deducting 6,998 tons allotted to Central San Jose, Inc., the balance of the 90 percent, or 1,064,002 tons, is allotted to the 24 remaining processors on the basis of the weighted percentages of the three factors determined as outlined above to obtain a "combined mainland and local allotment" for each allottee.

Local allotments are determined by applying to each "combined mainland and local allotment" the percentage that the allottee's local marketings were of its total marketings in the calendar years 1948 to 1952, inclusive, and by adjusting the resulting quantities so that the total of such allotments will equal 90 percent of the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the combined allotment.

Processors are required to share their allotments with producers to whom they deliver sugar in payment for sugarcane. The producer's share is equal to the same percentage of his 1952–53 crop sugar that the combined allotments are of the processor's total production of 1952–53 crop sugar. An alternative proposal was supported by several of the processors at the hearing in the belief that it would avoid a gain to producers as a result of changes between cash and sugar as payment for successive crops of sugarcane. Nothing in the allotment order should influence producers' decisions regarding the mode of settlement for their sugarcane or the choice of the processor to process it. The alternative proposal would have that effect in the case of changes from cash to sugar settlements with the same processor and would emphasize the advantage to be gained by a producer shifting to a processor with little or no carryover. In the case of changes from sugar to cash settlements, the effect on the shifting producer would be the same as in the proposal adopted but other producers would have their allotment shares reduced by the shift. The record does not indicate that the proponents of the alternative proposal intended to bring about in 1953 a reshuffling of the quantities of over-quota sugar among processors and producers with whom they have settled in sugar year after year. Yet the alternative proposal would induce such a reshuffling and it would be more significant than the result for which the alternative proposal apparently was made.

Most of the processors and a limited number of their producers disposed of greatly varying proportions of the over-quota sugar produced by them in 1951 and 1952. Such quantities for various processors ranged from zero to more than 35 percent of the 1952–53 crop proportionate shares. These sales indirectly increased 1952–53 crop proportionate shares for all producers alike by about 17 percent. Some of these sales have taken place in 1953 under programs involving the use of foreign aid funds of the United States.

It would be unfair to adopt a method of sharing allotments which would change the marketing responsibility for quantities that represent 1952 carryover sugar in a year in which disposal of over-quota sugar occurs. Moreover, the alternative proposal would further limit the marketings of some producers whose processings have been restricted most under the determination of proportionate shares for the 1952–53 crop. In fact, it would permit the marketing of only 17 percent of the sugar in the sugarcane which some producers have ready for harvest.

In view of the foregoing, it is deemed necessary to adopt a method of sharing allotments solely on the basis of 1952–53 proportionate shares of processors and their producers in order to provide fair and equitable allotments for all.

All producers' shares of allotment are to be in mainland allotment, except that a producer who requests local allotment in writing within 30 days of the effective date of this order shall have his share divided as his processor's combined allotment is divided. Producers who receive raw sugar have as almost their sole local quota outlet sales to the refinery nearest them. Under some circumstances the refiner may not want the producer's sugar. By providing that the producer shall share only in the mainland allotment, unless he requests otherwise, he is assured an equitable opportunity to market the full amount of his allotment share. Uncertainty until 30 days after the effective date of this order regarding the amount of local allotment that may

be requested by producers is unavoidable if producers are to have an equitable opportunity to share in the local market.

Exchanges of local and mainland allotments between Puerto Rican processors are permitted when approved by a local representative of the Department in Puerto Rico. Such adjustments result in greater efficiency in marketing.

Findings and conclusions. On the basis of the record of the hearing and the stipulations of the interested parties, I hereby find and conclude that:

(1) For the calendar year 1953 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 250,000 short tons.

(2) The allotment of the 1953 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1953 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and in Puerto Rico.

(3) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1953, the three statutory standards should be weighted as follows: "Processings * * * from * * * proportionate shares," 80 percent; "past marketings," 10 percent; and "ability to market," 10 percent.

(4) The sum of all proportionate shares certified to be processed by each allottee constitutes a fair and equitable measure of "processings * * * from * * * proportionate shares," and the initial order should be based on the sum of all proportionate shares certified to each allottee as of March 6, 1953.

(5) A fair and equitable measure of past marketings for each processor is its average mainland and local marketings during the years 1948 to 1952, inclusive.

(6) The sum of all proportionate shares certified to be processed by each allottee plus the quantity of sugar carried into 1953 constitutes a fair and equitable measure of the ability of each processor to market sugar during 1953.

(7) The percentages that local marketings were of combined mainland and local marketings for each processor during the years 1948 to 1952, inclusive, are representative for the purpose of dividing the combined 1953 allotment for each processor into a mainland allotment and a local allotment.

(8) The quantities of sugar referred to in paragraphs (4), (5), (6) and (7) above, are as set forth in the following table:

Processor	Short tons, raw value			Marketed locally 1948–52 (percentage)
	Proportionate shares certified as of Mar. 6, 1953	1952 carryover	Average total marketings 1948–52	
Antonio Roig, Sucesores, S. en C	47,222	7,972	47,285	45.6889
Arturo Lluberas (estate of), y Sobrinos (San Francisco)	6,949	1,881	6,226	25.0402
Asociacion Azucarera Cooperativa (Lafayette)	33,855	448	33,079	1.5841
Central Aguirre Sugar Co., a trust	111,689	5,893	110,334	1.6287
Central Coloso, Inc	57,383	21,422	49,431	1.1654
Central Eureka, Inc	37,992	7,541	31,355	4.0727
Central Guamani, Inc	12,289	3,742	9,671	10.9503
Central Igualdad	43,838	13,906	40,773	39.8793
Central Juanita, Inc	36,235	15,258	33,099	6.3567
Central Mercedita, Inc	76,846	16,441	69,804	25.6217
Central Monserrate, Inc	25,747	2,388	23,815	4.1570
Central San Vicente, Inc	60,012	18,451	49,483	2.8494
Compania Azucarera del Camuy, Inc. (Rio Llano)	13,039	1,372	14,406	.4512
Compania Azucarera del Toa	34,799	10,980	28,082	
Cooperativa Azucarera Los Canos	36,883	2,311	32,903	.2005
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	11,326	3,990	11,351	12.0430
Eastern Sugar Associates, a trust	128,186	20,546	126,868	11.9683
Fajardo Sugar Co	121,891	31,571	118,611	.1096
Land Authority of Puerto Rico	66,206	11,834	71,754	.0111
Mario Mercado e Hijos (Rufina)	33,674	14,159	28,615	4.6304
Mayaguez Sugar Co., Inc. (Rochelaise)	10,478	432	10,239	1.5236
Plata Sugar Co	47,278	16,705	41,313	1.1159
Soller Sugar Co	12,476	60	12,304	.0650
South Porto Rico Sugar Co. of Puerto Rico (Guanica)	88,622	13,337	99,737	16.5796
Subtotal	1,154,915	242,640	1,100,538	9.2911
Central San Jose, Inc		7,206	18,901	.1005
Unassigned	35,085			
Total	1,190,000	249,846	1,119,439	9.1360

(9) The combined local and mainland quotas should be allotted on the basis of the weightings of the factors specified in paragraph (3) above and the measures of those factors listed for each allottee in paragraph (8) above; and the combined allotments so established should be divided into local and mainland allotments on the basis of the percentages listed in paragraph (8) above.

(10) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1952–53 crop sugar that the sum of the processor's mainland and local allotments is of the total of 1952–53 crop proportionate shares certified to be processed by such processor, and (b) such permitted quantity should be within the mainland allotment unless the producer requests local allotment.

(11) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to carryover and certifications of proportionate shares, allotments under this order should be limited to 90 percent of the quotas.

(12) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(13) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.9 *Allotment of 1953 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1953 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1953 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown herein, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C	23,330	20,25
Arturo Lluberas (estate of), y Sobrinos (San Francisco)	4,767	1,628
Asociacion Azucarera Cooperativa (Lafayette)	30,268	495
Central Aguirre Sugar Company, a trust	100,257	1,688
Central Coloso, Inc	52,430	628
Central Eureka, Inc	33,057	1,429
Central Guamani, Inc	9,959	1,248
Central Igualdad, Inc	24,160	16,487
Central Juanita, Inc	31,637	2,187
Central Mercedita, Inc	52,113	18,367
Central Monserrate, Inc	22,428	991
Central San Jose, Inc	6,998	
Central San Vicente, Inc	53,375	1,593
Compania Azucarera del Camuy, Inc. (Rio Llano)	12,048	56
Compania Azucarera del Toa	31,836	
Cooperativa Azucarera Los Canos	33,274	68
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	9,313	1,300
Eastern Sugar Associates, a trust	103,704	14,373
Fajardo Sugar Co	112,869	126
Land Authority of Puerto Rico	61,689	7
Mario Mercado e Hijos (Rufina)	29,748	1,471
Mayaguez Sugar Co., Inc. (Rochelaise)	9,397	147
Plata Sugar Co	43,205	496
Soller Sugar Co	11,333	7
South Porto Rico Sugar Co. of Puerto Rico (Guanica)	68,805	13,955
Total allotted	972,000	99,000
Unallotted	108,000	11,000
Total quotas	1,080,000	110,000

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of its mainland allotment for the marketings of each such producer equal to the same percentage of the producer's 1952–53 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1952–53 crop sugar: *Provided,*

That upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments.

(c) *Restrictions on marketing.* (1) During the calendar year 1953, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable allotment established in paragraph (a) of this section.

(2) During the calendar year 1953, all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.7 (17 F. R. 2477, 6759, 7008, 7366, 10644) and held in inventory on December 31, 1952, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section, shall not be exchanged without the approval of the Director or Assistant Director of the Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, Segarra Building, Santurce, Puerto Rico.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1953 shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 24th day of April 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 53-3750; Filed, Apr. 28, 1953; 8:50 a. m.]

[Sugar Reg. 814.10]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION OF 1953 FOR PUERTO RICO

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (herein called "act"), for the purpose of alloting the portion of the 1953 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States. The basis and purpose of the order are more fully explained below.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico (R. 175). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the quota to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States (R. 176). Some of the allotments made by this order are small and delay in the issuance of the order might result in some allottees marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a notice was issued on January 19, 1953, of a public hearing to be held in Santurce, Puerto Rico, on February 11, 1953, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the 1953 sugar quota for Puerto Rico.

As stated above, the act requires a preliminary finding of necessity for allotment of a quota or proration as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued January 19, 1953, provided in part as follows:

> Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1953 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1953 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on February 11, 1953, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota," respectively.

The hearing was held at the time and place specified in the notice.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that in the notice of this hearing the Secretary made a preliminary finding that allotment of the direct-consumption portion of the 1953 sugar quota for Puerto Rico is necessary. That finding was based on the fact that the capacity to produce refined sugar in Puerto Rico far exceeds the sum of 126,033 and 110,000 short tons, raw value, which are the maximum quantities of Puerto Rican direct-consumption sugar that may be marketed within the mainland and local quotas. Six months' continuous operation for each of the prospective allottees at its highest bi-weekly rate for 1952 would result in the production of about 325,000 short tons, raw value, of refined and turbinado sugars. If a suitable market for the sugar were available, the government witness stated, the period of operation could be extended and some of the allottees probably could push their rate of production beyond that demonstrated in 1952 (R. 175). Thus, to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the area's quota, as required by section 205 (a) of the act, allotment of the direct-consumption portion of the 1953 sugar quota for Puerto Rico was found to be necessary. This testimony on the necessity for allotments in 1953 was not controverted by any witness.

The government witness presented a proposed method of allotment and estimated individual allotments thereunder. The proposed method of allotment consisted of equal weightings of (1) past marketings as measured by annual marketings of sugar for direct consumption in the continental United States in the years 1948 through 1952 (R. 177) and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1952 for each allottee

(R. 177). This method was applied to 125,500 short tons, raw value, of the quota and the balance of 533 tons would be set aside as an unallotted reserve for the marketing of raw sugar for direct consumption (R. 179). In order to limit effectively the quantity brought into the continental United States by any refiner in Puerto Rico to no more than the allotment of the quota available to him, the witness proposed that each allottee be prohibited from bringing into the continental United States, for consumption therein, sugar from Puerto Rico in excess of the smaller of (i) the allotment established in the direct-consumption allotment order, or (ii) the quantity of sugar transferred to such allottee and charged against a mainland allotment established in the order allotting the 1953 mainland and local quotas (R. 181).

The only objection made to the basis of allotment proposed by the government witness was to the inclusion of the years prior to 1941 in measuring ability to market. This objection was made by witnesses for two of the allottees (R. 181, 182). A representative of another allottee testified in favor of the government proposal, stating that years prior to 1941 should be included in measuring ability to market (R. 182).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

In the allotments for the years 1948 through 1952 no percental weight was given to "processings of sugar or liquid sugar from * * * sugarcane to which proportionate shares * * * pertained" because the allottees accounting for over 95 percent of the marketings of Puerto Rican direct-consumption sugar in the continental United States do not themselves process sugar from sugarcane. This situation continues to prevail and no percental is given this factor in 1953 (R. 177).

The factor of past marketings is measured by marketings of direct-consumption sugar in the continental United States in the years 1948 through 1952. These years represent experience under marketing conditions, including allotments, similar to those which may be expected in 1953 and take into account long-run changes as well. The inclusion of earlier years would not afford as representative a measure of past marketings as the years used. The present action merely adds the most recent year to the series used in allotting the quota for the preceding year. This keeps marketing history up to date and the longer period lends an element of stability to the data used.

For each of the years 1948–1952 the factor "ability to market" was measured by the largest marketings for each allottee in any year beginning with 1935, expressed as a percentage of the sum of such largest marketings for all allottees. As in prior years, actual performance as reflected in shipments of direct-consumption sugar to the continental United States is considered the most practical measure of ability to market and marketings during a single year is deemed an adequate measure if a year selected for each refiner will properly reflect relative abilities. Accordingly, the period was extended back to 1935 in order that a year could be selected for each refiner in which its operations were at or near the highest level in its history. A comparison with present plant capacity shows no impairment in the ability of any of the allottees to produce direct-consumption sugar. Therefore, performance in the years selected is considered a reasonable measure of "ability," and this measure is used in determining the allotments established herein.

Since there have been no apparent developments which would indicate the desirability of a change in the formula used for 1952 allotments, equal weighting of the two factors, "past marketings" and "ability", is again used for 1953 allotments. Accordingly, the portion of the 1953 sugar quota for Puerto Rico that may be brought into the continental United States as direct-consumption sugar is allotted by (1) setting aside 533 short tons, raw value, as a reserve for entries of raw sugar for direct consumption and (2) distributing the balance of 125,500 short tons, raw value, among the five allottees on the basis of equal weight to the percentage distribution of the total marketings of all allottees in the five years 1948 through 1952 and the percentage distribution of the sum of the largest marketing of each of the allottees in any calendar year since 1935.

During the calendar years 1950, 1951 and 1952 totals of 875, 289 and 429 short tons, respectively, of Puerto Rican raw sugar were marketed for direct consumption in the continental United States. It is not practicable to allot such a small quantity among 24 prospective allottees. Such an allotment would disrupt customary trade practices and interfere with the efficient distribution of such sugar. The 533 short tons set aside as a reserve for the marketings of such sugar is approximately equal to the average actual marketings of Puerto Rican raw sugar for direct consumption in 1950, 1951 and 1952.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1953 exceeds 325,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1953 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1953 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percental weight to the "proportionate shares" factor in the final allotment formula would not result in fair, efficient and equitable allotments.

(4) The best measure of the "past marketings" factor for each refiner is its percentage of the average marketings of direct-consumption sugar in the continental United States during the years 1948 through 1952.

(5) The best measure of the "ability to market" factor for each refiner is its percentage of the sum of the largest quantities of direct-consumption sugar marketed in the continental United States during any calendar year during the period 1935–52, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The quantities of sugar referred to in paragraphs (4) and (5) above are set forth in the following table:

MARKETINGS OF REFINED AND TURBINADO SUGAR IN THE CONTINENTAL UNITED STATES

[Short tons, raw value]

Refiner	Average 1948–52	Highest year 1935–52
Arturo Lluberas, estate of, y Sobrinos (San Francisco)	671	2,300
Central Aguirre Sugar Co., a trust	4,686	10,640
Central Roig Refining Co	20,366	28,665
Porto Rican American Sugar Refinery, Inc	79,086	116,611
Western Sugar Refining Co	19,050	29,988
Total	123,859	188,494

(7) A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. The quantities brought in during the calendar years 1950, 1951 and 1952 were 875, 289 and 429 short tons, raw value, respectively. Five hundred and thirty-three short tons, raw value, should be reserved for this purpose in 1953.

(8) Allotments should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4) above, and fifty percent weight to ability to market, measured as provided in paragraph (5) above.

(9) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quotas, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered:*

§ 814.10 *Allotment of the direct-consumption portion of 1953 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1953 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Refiner:	Direct-consumption allotment (short tons, raw value)
Arturo Lluberas, estate of, y Sobrinos	1,202
Central Aguirre Sugar Co., a trust	5,916
Central Roig Refining Co	19,861
Porto Rican American Sugar Refinery, Inc	78,887
Western Sugar Refining Co	19,634
Total	125,500
Unallotted reserve for marketing of raw sugar for direct consumption	533
	126,033

(b) *Restrictions on marketings.* (1) During the calendar year 1953, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1953 mainland allotment under § 814.9

(2) During the calendar year 1953, all persons other than the said allottees are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar except that acquired from an allottee under the limitations of this section and such amount of raw sugar as may be certified under § 817 of this part for entry within the unallotted reserve.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 24th day of April 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 53-3749; Filed, Apr. 28, 1953; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 44 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.18 *Return of certain commodities imported into the United States GLR*, paragraph (a) *Machinery or parts of machinery*, subparagraph (2) is amended by deleting therefrom the following commodities: "precision instruments".

2. Section 373.32 *Petroleum products* is amended by deleting therefrom paragraph (c) *Time for submission of applications.*

3. Section 373.40 *Iron and steel* is amended by deleting therefrom paragraph (f) *Distressed iron and steel scrap.*

4. Section 373.60 *Military wearing apparel*, paragraph (a) *Application requirements* is amended to read as follows:

(a) *Application requirements.* (1) All applications for licenses to export military wearing apparel, new and used, Schedule B No. 999930, must contain a statement fully describing the apparel covered by the application. The statement shall include the following information:

(i) Type of apparel, color (indicating dyed, if dyed), material, and country for which manufactured, if other than the United States;

(ii) Whether new, used, surplus, or rejects; and

(iii) If altered, the exact nature of the alterations.

(2) All distinctive U. S. military insignia, buttons, and other markings must be removed from military wearing apparel before exportation. The applicant must state at the bottom of item 11 of the application, as follows:

All distinctive U. S. military insignia, buttons, and other markings will be removed from the above apparel before exportation.

5. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting therefrom the following entries and related submission dates:

Dept. of Commerce Schedule B No.	Commodity	Submission date, second quarter 1953
	Petroleum and products	
503300 through 504100	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand (see § 373.8)).	On or before Feb. 15, 1953.

This amendment shall become effective as of April 23, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-3759; Filed, Apr. 28, 1953; 8:52 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 39 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The dollar-value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
	Pipe fittings not specially fabricated for particular machines or equipment:	
618959	Lead pipe fittings	500
618959	Zinc pipe fittings	500
	Welding rods and wires:	
619039	Tin	100
619039	Lead and lead base (specify by name and metal content) (report lead solder in 651200).	500
	Foil and leaf (less than .006 inch in thickness) (report paper-backed foil in 486100):	
619250	Tin foil	100
650500	Antifriction metal dross and scrap, lead base; and Babbitt metal dross and scrap, lead base.	500
651200	Lead solder	500
651516	Lead-base Babbitt metal (except scrap and dross) (50 percent or more of lead by weight) (report scrap and dross in 650500; tin-base Babbitt metal in 656517; and Babbitt metal bearings in 769100-769320).	500
654501	Nickel ore, concentrates, and matte.	None
656501	Tin ore and concentrates	100
656501	Tin alloy scrap (new and old) (including tin-base Babbitt metal dross and scrap and tin-base antifriction metal dross and scrap).	100
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms.	100
656517	Tin-base Babbitt metal, except scrap and dross (50 percent or more of tin by weight) (report scrap and dross in 656501; lead-base Babbitt metal in 651516; Babbitt metal bearings in 769100-769320).	100
656519	Tin pipe, plates, sheets, tubes, and other semifabricated forms (specify by name) (report collapsible tubes in 619950).	100
658901	Battery shells, and parts, unassembled.	500
664514	Cadmium dross, flue dust, residues, and scrap.	100
664514	Cadmium metals (metallic shapes included).	100
664514	Cadmium alloys	100

This part of the amendment shall become effective as of 12:01 a. m., April 23, 1953, except the reduction in GLV dollar-value limit for Nickel ore, concentrates, and matte which shall become effective as of 12:01 a. m., April 30, 1953.

2. The following revisions are made in commodity descriptions:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists
619250	Foil and leaf (less than .006 inch in thickness) (report paper-backed foil in 486100): Lead foil and leaf [1]	Lb.	NONF	500	RQ	A B D

[1] The above entry is added to the Positive List under Schedule B No. 619250. It is presently included in the last entry under that Schedule B number. The effect of this revision is to increase the GLV dollar-value limits for lead foil and leaf from $100 to $500.

[1] This amendment was published in Current Export Bulletin No. 701, dated April 23, 1953.

[1] This amendment was published in Current Export Bulletin No. 701, dated April 23, 1953.

This part of the amendment shall become effective as of 12:01 a. m., April 23, 1953.

3. The following commodities are no longer subject to evidence of availability requirements (see § 373.3 of this subchapter). Accordingly, the letter "D" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

Dept. of Commerce Schedule B No.	Commodity
641200	Refined copper in cathodes, billets, ingots, wire bars and other crude forms (include anodes) (report copper bars except wire bars in 642400).
644100	Beryllium copper ingots.
644100	Other copper-base ingots.

This part of the amendment shall become effective as of April 23, 1953.

Shipments of any commodities whose GLV dollar-value limits were reduced as a result of changes set forth in item 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 30, 1953, may be exported under the previous general license provisions up to and including May 23, 1953. Any such shipment not laden aboard the exporting carrier on or before May 23, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-3760; Filed, Apr. 28, 1953; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 54]

PART 608—DANGER AREAS

ALTERATIONS

The danger area 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 when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.13, a Shumaker, Arkansas, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SHUMAKER (D-439) (Shreveport Chart).	Beginning at lat. 33°41'12" N., long. 92°30'00" W.; SSE. to lat. 33°39'24" N., long. 92°29'33" W.; WSW. to lat. 33°38'12" N., long. 92°38'15" W.; NNW. to lat. 33°40'00" N., long. 92°38'42" W.; ENE. to lat. 33°41'12" N., long. 92°30'00" W., point of beginning.	Surface to 8,000 ft. m. s. l.	Daylight hours, Monday through Friday.	Naval Ammunition Depot, Shumaker, Arkansas.

2. In § 608.41, the Lake Waccamaw, North Carolina, area (D-402), published on April 17, 1952, in 17 F. R. 3405, is deleted.

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

This amendment shall become effective on May 1, 1953.

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

[F. R. Doc. 53-3732; Filed, Apr. 28, 1953; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 400—GENERAL PROVISIONS

SUBPART E—CONTINGENT OR OTHER FEES

SCOPE OF SUBPART

The following amendment relates to the definition of the scope of Subpart E.

1. Section 400.500 (18 F. R. 1988, April 9, 1953) is revised as follows:

§ 400.500 *Scope of subpart.* This subpart sets forth the procedures to be followed and prescribes the form to be used for obtaining information concerning contingent or other fees paid by Contractors for soliciting or securing contracts from the Department of Defense, including the Departments of the Army, the Navy, and the Air Force.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup. 165-161)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53-3729; Filed, Apr. 28, 1953; 8:45 a. m.]

PART 401—PROCUREMENT BY FORMAL ADVERTISING

MISCELLANEOUS AMENDMENTS

The following amendment relates to the addition of a new § 401.204 concerning the establishment and maintenance of bidders' mailing lists.

§ 401.204 *Bidders' mailing lists.* Bidder's mailing lists shall be established by purchasing offices or activities to insure ready and current sources of supplies, except when the purchasing office or activity is relatively small and sources of supply are readily available in sufficient number to provide adequate competition. All suppliers who appear, from the bidders' mailing list application or other available information, to be qualified and eligible to fill the requirements of a particular procurement shall be placed on the appropriate bidders' mailing list. Such lists shall be maintained on a current basis and subject to continuous review and revision by the head of the purchasing office or activity or his authorized representatives.

§ 401.204-1 *Use of bidders' mailing list standard application form.* Standard Form 129 (Bidders' Mailing List Application) shall be used in connection with the establishment and maintenance of bidders' mailing lists, as provided in §§ 401.204-2 and 401.204-3. (DD Forms 558 and 558AF may continue in use until present stocks are exhausted.) Supplemental information, where required, may be obtained by the use of DD Form 558-1.

§ 401.204-2 *Preparation of application form.* A supplier desiring to be placed on a bidders' mailing list shall be required to file a properly completed application on Standard Form 129. Instructions for the use of Standard Form 129 are provided on the form. Where additional instructions are required, such instructions will be furnished to the prospective bidders. The application shall be signed by a principal as distinguished from an agent. Principals are not precluded from designating on the Standard Form their agents to receive invitations for bids.

§ 401.204-3 *Item listings for information of bidders.* In order to enable suppliers to indicate readily the items on which they will normally desire to submit bids there shall be attached to Standard Form 129 a list of items or item groups or an index to such listings of the items normally procured by the purchasing office or activity maintaining the list, which are considered applicable to the bidder's type of business.

§ 401.204-4 *Suppliers' response to invitations for bids.* Included with or in each invitation for bids or pre-invitation notice there shall be a notice to suppliers that if no bid is to be submitted, the supplier should advise the issuing officer in writing if future invitations for the type of supplies or services covered by the invitation are desired. Where Standard Form 30 (Invitation and Bid) or Standard Form 33 (Invitation, Bid, and Award) are used for the solicitation of bids, such notice is given by paragraph 13 of the terms and conditions of the Invitation for Bids as printed on the reverse side of these forms.

§ 401.204-5 *Removal of names from bidders' mailing lists.* Removal of names from bidders' mailing lists shall be accomplished as provided in this section. Purchasing offices and activities shall

provide for periodic review to insure conformance with the provisions of this section.

(a) The name of each supplier who fails to respond to an invitation for bids or pre-invitation notice may be removed from the bidders' mailing list without notice to the supplier, but only for the item or items involved in the invitation or pre-invitation notice. Where a supplier fails to respond to two consecutive invitations for bids or pre-invitation notices, his name shall be removed from the bidders' mailing list to the extent indicated above, except that, in individual cases, suppliers thus failing to respond may be retained on a bidders' mailing list if such retention is determined to be in the best interest of the Government. A response to an invitation for bids or pre-invitation notice shall be deemed to include both actual bids and written requests from non-bidding suppliers for retention on the bidders' mailing list.

(b) The names of suppliers who have been (1) debarred from entering into Government contracts or (2) otherwise determined to be ineligible to receive an award of a Government contract, including ineligibility by reason of suspension or other disqualification, shall be removed from the bidders' mailing lists to the extent required by such debarment or determination of ineligibility.

§ 401.204–6 *Reinstatement on bidders' mailing lists.* Suppliers whose names have been removed from bidders' mailing lists may be reinstated upon their request and, where required, by filing a new application on Standard Form 129: *Provided*, That no supplier who has been debarred or declared to be ineligible shall be reinstated until after termination of the period of his debarment or ineligibility.

§ 401.204–7 *Excessively long bidders' mailing lists.* When the number of names on a bidders' mailing list is deemed to be excessive in relation to a specific procurement, such methods as (a) rotation of bidders' mailing lists, (b) use of pre-invitation notices, or (3) otherwise determined to be advantageous in this respect, may be employed to provide a reduced list of names for use in making the specific procurement.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53-3730; Filed, Apr. 28, 1953; 8:45 a. m.]

PART 408—PATENTS AND COPYRIGHTS

TITLE TO FOREGROUND PATENTS

The following amendment deletes certain of the examples of instances where it is proper and desirable for the government to acquire title (as distinguished from a license) to an invention made in the performance of research and development work.

1. In § 408.107–2 (b), subparagraphs (1) through (5) are revoked, and the following substituted therefor.

§ 408.107–2 *Title to foreground patents.* * * *

(b) * * *

(1) Where one Contractor has assembled a group of research scientists through the cooperation of other similar firms, institutions or organizations;

(2) Where the Contractor, in completing a final phase of a development project, utilizes the work of other cooperating persons, institutions or organizations, and it would be unfair to such other persons, institutions or organizations to allow the Contractor to retain title to inventions resulting from such developments;

(3) Where the major portion of the work under the contract is to be done in Government-operated laboratories and with Government-furnished equipment;

(4) Where the Contractor is an organization, the principal business of which is doing research or development work for the public, and which does not customarily retain patent rights under inventions made by it in the research or development work conducted for others: *Provided*, That the Contractor may be permitted to retain title in such case (subject to a license to the Government as set forth in § 408.107–1) if proper adjustment therefor is made in the contract cost or price;

(5) Where the Contracting Officer ascertains that title to foreground patents is necessary for military security and so notifies the Contractor prior to its beginning performance;

* * * * *

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. Sup. 151–161. E. O. 9001, Dec. 27, 1941, 6 F. R. 6787, as amended by E. O. 9296, Jan. 30, 1943, 8 F. R. 1429; 3 CFR, 1943 Cum Supp.)

J. H. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53-3731; Filed, Apr. 28, 1953; 8:46 a. m.]

Chapter VI—Department of the Navy

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

EXECUTION OF LOYALTY CERTIFICATE

EDITORIAL NOTE: For order prescribing security requirements for Government employment and revoking Executive Order 9835 of March 21, 1947, see Executive Order 10450, *supra*. Executive Order 9835 is cited in § 710.58.

Chapter VII—Department of the Air Force

PART 889—CIVILIAN PERSONNEL LOYALTY AND SECURITY PROGRAM

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

EDITORIAL NOTE: For order prescribing security requirements for Government employment and revoking Executive Order 9835 of March 21, 1947, see Executive Order 10450, *supra*. Executive Order 9835 is cited as the authority for and in the text of Part 889.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 134 to Schedule A]

[Rent Regulation 2, Amdt. 132 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

Effective April 29, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that Item 103 indicated below of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of April 1953.

WILLIAM G. BARR,
Acting Director of
Rent Stabilization.

(103) [Revoked and decontrolled.]

These amendments decontrol all of the Indianapolis, Indiana Defense-Rental Area by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said Defense-Rental Area is no longer included within a critical defense housing area.

[F. R. Doc. 53-3761; Filed, Apr. 28, 1953; 8:53 a. m.]

[Rent Regulation 3, Amdt. 128 to Schedule A]

[Rent Regulation 4, Amdt. 71 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

Effective April 29, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that Item 103 indicated below of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of April 1953.

WILLIAM G. BARR,
Acting Director of
Rent Stabilization.

(103) [Revoked and decontrolled.]

These amendments decontrol all of the Indianapolis, Indiana Defense-Rental Area by reason of the joint de-

termination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said Defense-Rental Area is no longer included within a critical defense housing area.

[F. R. Doc. 53-3762; Filed, Apr. 28, 1953; 8:53 a. m.]

[Rent Regulation 1, Amdt. 47 to Schedule B]

[Rent Regulation 2, Amdt. 48 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

INDIANA

Effective April 29, 1953, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 35 is deleted from Schedule B of Rent Regulation 1.

2. Items 40 and 49 are deleted from Schedule B of Rent Regulation 2.

The deletion of the items specified above from Schedules B of Rent Regulation 1 and Rent Regulation 2 is based on the decontrol of the territory to which they pertained.

[F. R. Doc. 53-3763; Filed, Apr. 28, 1953; 8:53 a. m.]

[Rent Regulation 4, Amdt. 12 to Schedule B]

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

INDIANA

Effective April 29, 1953, Rent Regulation 4 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Item 103 of Schedule B is deleted.

The deletion of Item 103 specified above from Schedule B of Rent Regulation 4 is based on the decontrol of the territory to which the item pertained.

[F. R. Doc. 53-3764; Filed, Apr. 28, 1953; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

KENNEBEC RIVER, MAINE; STATE HIGHWAY COMMISSION BRIDGES BETWEEN RICHMOND AND DRESDEN AND BETWEEN GARDINER AND RANDOLPH

The last sentence of § 203.10 (b) is corrected to read as follows:

§ 203.10 *Kennebec River, Maine;* * * * (b) * * * Notices stating exactly how the draw tender may be reached shall be posted in the same manner as the copies of the regulations posted in accordance with paragraph (e) of this section.

* * * * * *

[Regs., Mar. 14, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 53-3755; Filed, Apr. 28, 1953; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter B—Personnel

PART 21—COMMISSIONED OFFICERS

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

PART 63—NATIONAL HEART INSTITUTE TRAINEESHIPS

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

EDITORIAL NOTE: For order prescribing security requirements for Government employment and revoking Executive Order 9835 of March 21, 1947, see Executive Order 10450, *supra*. Executive Order 9835 is cited in §§ 21.155, 61.13, and 63.7.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

1. The Commission has under consideration editorial revisions of §§ 3.614 and 3.685 of its rules and regulations.

Since the amendments adopted herein are editorial in nature provisions of section 4 of the Administrative Procedure Act are inapplicable, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended.

It is ordered, This 16th day of April 1953, that effective immediately, Part 3, §§ 3.616 and 3.685 of the Commission's rules and regulations are revised as set forth below:

1. In § 3.614:

A. The caption in the table appearing in paragraph (a) is amended to read: "Minimum visual effective radiated power in db above 1 kilowatt (dbk) for the antenna height shown".

B. Add a subparagraph (1) to paragraph (a) to read as follows:

(1) The minimum effective radiated power in any horizontal direction shall meet the minimum power requirements of this section and Appendix III, Figure 1.

C. The caption in the table appearing in paragraph (b) is amended to read: "Maximum visual effective radiated power in db above 1 kilowatt (dbk)".

D. Add subparagraphs (3) and (4) to paragraph (b) to read as follows:

(3) The effective radiated power in any horizontal or vertical direction may not exceed the maximum values permitted by this section and Appendix III, Figures 2 (a) and 2 (b).

(4) The maximum effective radiated power in any direction above the horizon shall be as low as the state of the art permits and may not exceed the effective radiated power in the horizontal direction in the same vertical plane.

2. Delete § 3.685 (e) and substitute the following:

(e) A directional antenna is considered to be an antenna that is designed or altered for the purpose of obtaining a noncircular radiation pattern. Directional antennas may not be used for the purpose of reducing minimum mileage separation requirements but may be employed for the purpose of improving service or for the purpose of using a particular site; however, directional antennas with a ratio of minimum to maximum radiation in the horizontal plane of more than 10 decibels will not be permitted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303)

Released: April 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3756; Filed, Apr. 28, 1953; 8:51 a. m.]

[Docket No. 10380]

PART 6—PUBLIC RADIOCOMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

FREQUENCY TOLERANCES

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 23d day of April 1953;

The Commission having under consideration the matter of amending Part 6 of the Commission's rules to provide frequency tolerance requirements for radio stations in the International Fixed Public Service, which are in conformance with the tolerance requirements of Appendix 3 to the Atlantic City Radio Regulations (1947);

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making was duly published in the FEDERAL REGISTER on February 10, 1953, which notice proposed the above amendment to the Commission's rules;

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired;

It further appearing, that Press Wireless, Inc. submitted the only comments received and these comments have been considered;

It further appearing, that the comments of Press Wireless, Inc. do not raise an objection to adoption of the frequency tolerances proposed insofar as its ability to maintain the required frequency stability is concerned, but present an operating problem which arises from its practice of operating on frequencies removed from actually assigned frequencies by more than 0.003 percent of the assigned frequency (the tolerance proposed), but by less than 0.01 percent of the assigned frequency (the tolerance presently in effect);

It further appearing, that assignment to Press Wireless, Inc. of frequencies actually being used in those cases where such frequencies are outside of the limits of the proposed new tolerance provides a satisfactory answer to Press Wireless' need for additional frequency separation in certain cases;

It further appearing, that Press Wireless has applied for frequencies adjacent to present assignments and that such applications have been granted;

It further appearing, that paragraph 296 of the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) provides that the frequency tolerances as specified in Column 3 of Appendix 3 to the Atlantic City Radio Regulations shall apply after May 1, 1953;

It further appearing, that the Commission's rules regarding frequency tolerances should be brought into conformity with the Atlantic City Table of Tolerances on or before May 1, 1953, the effective date of the Atlantic City Table;

It further appearing, that, due to the fact that insufficient time remains, it will be impossible to make the proposed rule change effective on May 1, 1953 and at the same time to comply with section 4 (c) of the Administrative Procedure Act which requires publication of final orders of proposed rule changes 30 days prior to the effective date thereof except for good cause shown for making such changes effective less than thirty days from the date of publication thereof, and that such good cause has been shown;

It further appearing, that the public interest, convenience and necessity will be served by the amendment, the authority for which is contained in sections 4 (i), 303 (e), (f) and (r) of the Communications Act as Amended;

It is ordered, That effective May 1, 1953, Part 6 of the Commission's rules and regulations governing Public Radiocommunication Services is amended as set forth below.

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

Released: April 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Delete present § 6.30 of the Commission's rules and substitute therefor the following:

§ 6.30 *Tolerances.* The operating frequency of stations in the International Fixed Public Radiocommunication Service shall be maintained within a tolerance of plus or minus the assigned frequency as follows:

Frequency range:	*Tolerance (percent)*
10 to 50 kc	0.1
50 to 535 kc	0.02
1605 to 30000 kc	0.003

[F. R. Doc. 53-3757; Filed, Apr. 28, 1953; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR Part 159]

[File No. 21-383]

HEARING AID INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In the matter of proposed revised and extended trade practice rules for the Hearing Aid Industry; File No. 21-383.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Hearing Aid Industry (which constitute a proposed revision and extension of the rules for such industry as promulgated by the Commission on December 30, 1944), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 15, 1953. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., May 15, 1953, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture, distribution, or sale of hearing aid instruments or devices, and parts and accessories therefor, designed for or represented as aiding, improving, or correcting defective hearing.

Issued: April 23, 1953.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-3754; Filed, Apr. 28, 1953; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

CANNED APPLES

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Apples, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed

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

Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.119 *Canned apples.* Canned apples is the product prepared from sound, fresh apples of proper ripeness, which fruit has been washed, peeled, cored, trimmed, and sliced; is packed with or without the addition of sweetening ingredients, water, salt, and spices; and is sufficiently processed by heat to assure preservation of the product in hermatically sealed containers.

(a) *Styles of canned apples.* (1) "Sliced" means canned apples consisting of segments of apples cut longitudinally and radially from the core axis.

(b) *Grades of canned apples.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned apples that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section: *Provided,* That the canned apples may be fairly uniform in size, if the total score is not less than 85 points.

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

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

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with apples as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Recommended drained weights.* (1) Drained weight recommendations for canned apples are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. Canned apples that comply with the recommendations contained in Table I of this subparagraph will be considered as "Heavy Pack." The drained weight of canned apples is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the apples less the weight of the dry sieve. A sieve of 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR "HEAVY PACK"

Can size	Can dimensions (in inches)		Drained weight (in ounces)
	Diameter	Height	
No. 2	3 7/16	4 9/16	18
No. 2½	4 1/16	4 13/16	26
No. 10	6 3/16	7	96

(2) Compliance with the recommended drained weights for canned apples is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendation if:

(i) The average drained weight from all the containers meets the recommended drained weight;

(ii) One-half—or more of the containers meet the recommended drained weight; and

(iii) The drained weights from the containers which do not meet the recommended drained weights are within the range of variability for good commercial practice.

(e) *Ascertaining the grade.* (1) The grade of canned apples is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

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

Factors:	*Points*
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	20
(iv) Character	40
Total score	100

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

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

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

(1) *Color.* (i) Canned apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the slices, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(ii) If the canned apples possess a fairly good color, a score of 14 to 16 points may be given. Canned apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the slices possess a color characteristic of apples of similar varieties; may vary noticeably in color; may possess a slight, but not markedly, brown, pink, or gray cast; and are practically free from internal discoloration.

(iii) Canned apples that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size.* (i) The factor of uniformity of size refers to the degree of wholeness and to the uniformity of thickness of the slices.

(*a*) "Practically whole slice" means that the individual slice may be cut or broken but at least three-fourths of the apparent original slice remains.

(ii) Canned apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that at least 90 percent, by weight, of the contents of the container consists of whole or practically whole slices of 1¼ inches in length or longer; and that of the 90 percent, by weight, of such whole or practically whole slices having the most uniform thickness, the thickness of the slices does not vary more than ¼ inch.

(iii) Canned apples that are fairly uniform in size may be given a score of 14 to 16 points. "Fairly uniform in size" means that at least 75 percent, by weight, of the contents of the container consists of whole or practically whole slices of 1¼ inches in length or longer; and that of the 75 percent, by weight, of such whole or practically whole slices having the most uniform thickness, the thickness of the slices does not vary more than ¼ inch.

(iv) Canned apples that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from harmless extraneous matter, from damaged or seriously damaged slices, and from carpel tissue.

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

(*b*) "Damaged unit" means any unit possessing green peel that exceeds in the aggregate an area of a circle ½ inch in diameter, or red peel that exceeds in the aggregate an area of a circle ¼ inch in diameter, light brown bruise which is more than ¼ inch deep, and any unit in which the appearance or eating quality is materially affected by blossom and

material, dark brown bruise or other internal or external discoloration, pathological injury, insect injury, or by any other means.

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

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

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

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

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

(iv) Canned apples that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the texture of the slices and to the tendency to retain their conformation without material softening or disintegration.

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

(ii) Canned apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the slices possess a reasonably tender texture, and that not more than 5 percent, by weight, are mushy.

(iii) Canned apples that possess a fairly good character may be given a score of 28 to 33 points. Canned apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standarad, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the slices may be variable in texture, with not more than 20 percent, by weight, of the slices that are markedly soft, markedly hard, or mushy.

(iv) Canned apples that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned apples, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

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

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

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

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

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

(h) *Score sheet for canned apples.*

Size and kind of container			----
Container mark or identification			----
Label			----
Net weight (ounces)			----
Vacuum readings (in inches)			----
Drained weight (ounces)			----
Factors	**Score points**		
I. Color	20	(A) 17–20 (C) [1] 14–16 (SStd) [1] 0–13	
II. Uniformity of size	20	(A) 17–20 (C) 14–16 (SStd) [1] 0–13	
III. Absence of defects	20	(A) 17–20 (C) [1] 14–16 (SStd) [1] 0–13	
IV. Character of fruit	40	(A) 34–40 (C) [1] 28–33 (SStd) [1] 0–27	
Total score	100		
Normal flavor and odor			----
Grade			----

[1] Indicates limiting rule.

Issued at Washington, D. C., this 23d day of April 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-3773; Filed, Apr. 28, 1953; 8:55 a. m.]

[7 CFR Part 942]

[Docket No. AO 103-A-13]

MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK; PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the St. Regis Airline Restaurant, 3500 Airline Highway, New Orleans, Louisiana, beginning at 10:00 a. m., May 7, 1953, for the purpose of receiving evidence with respect to economic conditions which relate to the handling of milk in the New Orleans, Louisiana, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area (7 CFR 942 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area were proposed, as follows:

By the Borden Company, Cloverland Dairy Products Corporation, Gold Seal Creamery, St. Charles Dairy, Inc., Estelle Dairy, Hayes Dairy Products, Inc., Roemer Dairies, and Brown's Velvet Dairy Products, Inc.:

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

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

2a. Delete § 942.41 (d) and substitute, therefor, the following:

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

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

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

3. Change the number of § 942.54 to § 942.55.

4. After § 942.53, insert § 942.54 which shall read as follows:

§ 942.54 *Class IV prices.* The price for Class IV milk shall be computed in the same manner as the price for

Class III milk, less a cooling and transportation charge of $0.35 a hundredweight.

By Brown's Velvet Dairy Products, Inc.:

5. To re-examine the classification and pricing of skim milk and butterfat utilized as Class I and Class I–A milk.

By Dairy Branch, Production and Marketing Administration:

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

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, M. M. Truxillo, 3709 S. Carrollton Avenue, New Orleans 12, Louisiana, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated April 23, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-3775; Filed, Apr. 28, 1953; 8:56 a. m.]

[7 CFR Part 988]

HANDLING OF MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING 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 Knoxville, Tennessee, on February 16 and 17, 1953, pursuant to notice thereof which was issued on February 11, 1953 (18 F. R. 846) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 3, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 8, 1953 (18 F. R. 1942). No exceptions were filed within the period reserved therefor.

Preliminary statement. The hearing on the record of which the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Knoxville, Tennessee on February 16–17, 1953, pursuant to notice thereof which was issued February 11, 1953 (18 F. R. 846). A decision with respect to proposed amendments to certain pricing provisions of the order considered at this hearing was issued March 6, 1953. The findings and conclusions with respect to the issues dealt with herein were deferred pending further consideration and issuance of this decision.

The material issues of record remaining for consideration are as follows:

(1) A revision of the definition of base milk;

(2) A provision for monthly reports to be furnished by the market administrator to a cooperative association showing for each handler the percentage classification in each class of milk received from association members;

(3) A redesignation of inventory variations as Class I milk instead of Class II milk.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and record thereof:

1. The method of computing monthly base quantities of milk applied during the base operating period should be changed.

The producers association proposed that each producer's base quantity should be determined by multiplying the daily base previously established by such producer by the number of days in the delivery period, rather than by the number of days on which deliveries of milk are made. They proposed this change to facilitate the computations of individual producer's bases used in the monthly payments for milk of their members. Producers testified that nearly all of the adjustments which are required in the payments to their members result from errors in the reporting of the number of days of delivery. The use of the number of days in the delivery period also would permit handlers and the association to make these computations well in advance of the date for making payments. Under the present method they must await completion of producer delivery reports. Such reports cannot be made available to the association until a few days prior to making payments to their members. Under the proposed change, individual producers will receive full credit for their established bases for each delivery period during the base operating period even though deliveries are not made each day. Producers favored this change also because it would tend to give individual producers somewhat more freedom in disposing of seasonal reserve milk by diversion directly to manufacturing outlets or by use on the farm. It is concluded, therefore, that the definition of base milk should be revised to provide for computation of base quantities on the basis of the number of days in the delivery period.

2. The order should be amended to provide for monthly reports to be furnished by the Market Administrator to a cooperative association showing for each handler the percentage classification in each class of milk received from association members.

The Knoxville Producers' Association exercises authority over the movement and sale of a substantial portion of the total receipts of milk from producers. This organization has been active in allocating milk among handlers by transferring producers both on a temporary and permanent basis and by transfers of truckloads of milk among handlers. Monthly utilization reports would enable the association to perform more fully the function of allocating milk among handlers, and would facilitate the movement of excess milk to the highest priced available outlets. Such practices are helpful to both producers and handlers in promoting more orderly marketing.

Producers at the hearing revised their original proposal to provide that the Market Administrator also include in the report the relationship of total producer receipts to gross Class I sales for each handler. Handlers testified that they had no objections to the Market Administrator furnishing this information to the association, provided that it would be maintained on a confidential basis by the association. Primarily, the function of the Market Administrator is to release market information to the public without identification of individuals involved. Under the condition stated by the handlers, the requested information could not be made public. Since the handlers appear to have no objection to the cooperative having this information, this problem, therefore, appears to be one which more appropriately should be made the subject of direct negotiation between handlers and the association.

In supplying the information on the classification of association members' milk, such milk should be prorated to each class in the proportion that the total receipts of producer milk were used in each class by such handler. This information will be available to the Market Administrator on or before the 15th day after the end of each delivery period from handler's regular reports.

3. Inventory variations of fluid milk and cream and fluid milk products should be redesignated as Class I milk and frozen cream should be classified as Class II milk.

Under the present order, variations between the beginning and ending inventories held by handlers of bulk milk and cream, and bottled milk and milk products are designated Class II milk. Because other source milk is received during some delivery periods, it has been necessary to maintain separate inventory accounts for producer and other source milk. Handlers proposed that inventory variations be designated Class I milk.

Handlers favor the classification of inventory variations as Class I milk to simplify the accounting procedure and to provide for the reclassification, on a current basis, of milk from inventory which is used in another class. Any such reclassification would be made through the regular monthly classification procedure. Most of the milk which will be carried in inventory will be disposed of as Class I milk. Thus, the amount of milk that might be subject to reclassification will be at a minimum. Over a period of time, the proposed change will have very minor, if any, effect on the returns to producers.

The question as to whether frozen cream should be included in inventory or be considered a Class II product, was discussed on the record. At least one handler frequently stores frozen cream for later use in ice cream. Because ice cream is a Class II use and is the principal, if not the only use made of such cream, it is reasonable that skim milk and butterfat contained in frozen cream should be classified as a Class II product. Any quantity of such cream which later may be devoted to a Class I use, would be subject to reclassification under the order provisions.

It is concluded, therefore, that the definitions of the classes of milk should be amended to designate inventory variations as Class I milk and to include frozen cream as a Class II milk product.

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Knoxville, Tennessee, 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 § 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 order set forth below which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of April 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

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

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

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

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

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

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

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

1. In § 988.15 delete "such producer delivered milk to such handler", and the proviso following thereafter.

2. Add a new section to read as follows:

§ 988.34 *Reports to cooperative associations.* On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 988.88 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

3. In § 988.41 (a) delete "ice cream mix and (2)" and substitute therefore "frozen cream and ice cream mix; (2) in inventory variation; and, (3)".

4. In § 988.41 (b) delete "(2) in inventory variation" and renumber "(3)", "(4)" and "(5)" as "(2)", "(3)" and "(4)", respectively.

5. In § 988.45 (a) (1) delete "(4)" and substitute therefore "(3)".

[F. R. Doc. 53-3774; Filed, Apr. 28, 1953; 8:55 a. m.]

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

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6483]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION OF SECURITIES

APRIL 23, 1953.

Notice is hereby given that on April 22, 1953, the Federal Power Commission issued its order entered April 21, 1953, authorizing and approving acquisition of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3738; Filed, Apr. 28, 1953; 8:47 a. m.]

[Docket Nos. G-1732, G-2028]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 23, 1953.

In the matters of the Manufacturers Light and Heat Company, Docket No. G-1732; the Manufacturers Light and Heat Company and Cumberland and Allegheny Gas Company, Docket No. G-2028.

Notice is hereby given that on April 22, 1953, the Federal Power Commission issued its order entered April 21, 1953, modifying order (17 F. R. 11130) issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3739; Filed, Apr. 28, 1953; 8:47 a. m.]

[Docket Nos. G-1813, G-1937, G-2023]

INDIANA GAS & WATER CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER MODIFYING AND AFFIRMING AS MODIFIED INITIAL DECISION AND DENYING MOTION FOR ORAL ARGUMENT

APRIL 23, 1953.

In the matters of Indiana Gas & Water Company, Inc., Docket No. G-1813; Panhandle Eastern Pipe Line Company, Docket No. G-1937; Indiana Gas & Water Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket No. G-2023.

Notice is hereby given that on April 22, 1953, the Federal Power Commission issued its order entered April 16, 1953, modifying and affirming as modified initial decision of Presiding Examiner and denying motion for oral argument in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3740; Filed, Apr. 28, 1953; 8:47 a. m.]

[Docket No. ID-1196]

PAUL J. CONNERY

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

APRIL 23, 1953.

Notice is hereby given that on April 22, 1953, the Federal Power Commission issued its order entered April 21, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3741; Filed, April 28, 1953; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

TALKEETNA TOWNSITE; NOTICE OF SALE

Notice is hereby given that there will be offered at public sale to the highest bidder at 2:00 p. m. on April 29, 1953, in the Fairview Inn, Talkeetna, Alaska, the lots listed at the end of this notice.

These lots will not be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in multiples of $5. Bids may be offered by all who may care to do so, and when there will be no further offers, the lots will be declared sold to the last and highest bidder.

Full payment may be made in cash, postal money order, or bank draft at the date of sale. On bids in excess of $100, a minimum of $100 will be required at time of sale. The balance must be paid to the Manager, Anchorage Land Office, within one year from date of sale. A charge of 4 percent will be made on the deferred balance. If any person who has made partial payment for a lot fails to make the succeeding payment, the money theretofore paid and his rights to the lot will be forfeited.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn or postpone the sale of the lots, and to reappraise the lots at the time of sale or after the sale has been adjourned or closed. If the lots remain unsold, they may, at the discretion of the Superintendent of Sales, be sold at private entry for the appraised price. Lots, the rights to which have been declared forfeited for nonpayment of the succeeding installment, or for any other reason, shall be subject to private entry upon reappraisement at the sale price. Patents for these lots, when issued, will contain a reservation of fissionable materials. All persons are warned against violation of the provisions of 18 U. S. C. 1860, prohibiting unlawful combinations or intimidation of bidders.

Following are the lots being offered for sale, the area embraced by each and the minimum acceptable bids for these lots:

Block No. 2:	
Lot 7, 3,750 square feet	$10.00
Lot 8, 3,750 square feet	10.00
Block No. 4:	
Lot 5, 7,000 square feet	15.00
Lot 6, 7,000 square feet	15.00
Lot 7, 7,000 square feet	15.00
Lot 9, 7,000 square feet	15.00
Lot 10, 7,000 square feet	15.00
Lot 11, 7,000 square feet	15.00
Block No. 5:	
Lot 3, 7,000 square feet	15.00
Lot 4, 7,000 square feet	15.00
Lot 5, 8,400 square feet	15.00
Lot 6, 8,400 square feet	15.00
Lot 7, 8,400 square feet	15.00
Lot 8, 8,400 square feet	15.00
Lot 9, 8,400 square feet	15.00
Lot 10, 8,400 square feet	15.00
Lot 11, 7,000 square feet	15.00
Lot 13, 7,000 square feet	15.00
Block No. 6:	
Lot 1, 12,312 square feet	20.00
Lot 2, 12,312 square feet	20.00
Lot 3, 12,312 square feet	20.00
Lot 4, 12,312 square feet	20.00
Block No. 7:	
Lot 1, 12,960 square feet	50.00
Lot 2, 16,200 square feet	50.00
Lot 3, 16,200 square feet	50.00
Block No. 8:	
Lot 1, 7,000 square feet	50.00
Lot 2, 7,000 square feet	50.00
Lot 3, 7,000 square feet	50.00
Lot 4, 7,000 square feet	50.00
Lot 5, 7,000 square feet	50.00
Lot 6, 7,000 square feet	50.00
Lot 7, 7,000 square feet	50.00
Lot 9, 7,000 square feet	50.00
Lot 10, 7,000 square feet	50.00
Lot 11, 7,000 square feet	50.00
Lot 12, 7,000 square feet	50.00
Lot 13, 7,000 square feet	50.00
Lot 14, 7,000 square feet	50.00
Block No. 17:	
Lot 1, 12,960 square feet	40.00
Block No. 18:	
Lot 1, 7,000 square feet	25.00
Lot 2, 7,000 square feet	25.00
Lot 12, 7,000 square feet	25.00
Lot 13, 7,000 square feet	25.00
Lot 14, 7,000 square feet	25.00
Block No. 25:	
Lot 1, 15,467 square feet	50.00
Lot 2, 15,467 square feet	50.00
Block No. 26:	
Lot 1, 31,000 square feet	250.00
Lot 2, 31,000 square feet	200.00
Lot 5, 16,002 square feet	200.00
Lot 7, 31,000 square feet	200.00
Lot 8, 31,000 square feet	200.00
Lot 9, 31,000 square feet	250.00
Block No. 27:	
Lot 1, 32,550 square feet	150.00
Lot 2, 32,550 square feet	150.00
Lot 3, 32,550 square feet	250.00
Lot 4, 32,550 square feet	250.00
Lot 5, 32,550 square feet	150.00
Lot 6, 32,550 square feet	150.00
Block No. 28:	
Lot 1, 44,100 square feet	200.00
Lot 2, 44,100 square feet	200.00
Lot 3, 44,100 square feet	300.00
Block No. 29:	
Lot 1, 42,000 square feet	300.00
Lot 2, 42,000 square feet	250.00
Lot 3, 21,460 square feet	200.00
Block No. 30:	
1.66 acres	350.00

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

[F. R. Doc. 53-3736; Filed, Apr. 28, 1953; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

APRIL 17, 1953.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 200 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 367

For lease and sale for homesites only.

T. 5 N., R. 1 W., S. B. M.,
Sec. 29, E½NE¼, S½SW¼NE¼, W½NW¼SW¼, W½SE¼.

The lands are located in the western part of Lucerne Valley, San Bernardino County, California, at an average elevation of 2,900 feet. Topography is rolling and vegetation is a typical desert shrub association. Water for domestic purposes can probably be obtained from wells on most tracts ranging from 50 to 200 feet in depth.

2. As to applications regularly filed prior to 9:00 a. m., April 13, 1953, and are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete phostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 660 feet by 330 feet, containing approximately 5 acres, the longer dimension extending east and west, which form aliquot parts of the existing official survey.

6. Preference right leases referred to in paragraph 2 will be issued for the lands described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $125 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along or as near as practicable to the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 53-3734; Filed, Apr. 28, 1953; 8:46 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 74; AMENDED

APRIL 20, 1953.

Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), California Small Tract Classification Order No. 74 dated August 27, 1948, is hereby amended in part to authorize sales to lessees at $15.00 per acre of the following-described lands for homesite purposes only:

T. 3 S., R. 5 E., S. B. M.,
Sec. 28, E½E½, W½SE¼;
Sec. 32, SW¼NE¼, W½SW¼, SE¼SW¼;
Sec. 34, W½NW¼, SW¼, W½SE¼, SE¼SE¼.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 53-3735; Filed, Apr. 28, 1953; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 59; Docket No. 50]

B & T METALS CO.

MODIFICATION AND TERMINATION

The Acting General Counsel of the National Production Authority having filed a motion for modification herein and having represented to the Acting Chief Hearing Commissioner that full recoupment of the amount of aluminum used by respondents in violation of the orders and regulations of the National Production Authority has been had, as shown by Suspension Order 59 issued on April 10, 1953, and that by reason thereof said Suspension Order 59 should be modified, cancelled, and terminated on and as of this 14th day of April 1953.

It is accordingly ordered, That said Suspension Order 59 be, and the same is, hereby modified, cancelled, and terminated as of this 14th day of April 1953.

It is further hereby ordered, That said respondents shall be allotted and shall be permitted to order and receive all aluminum to which they are as of this date entitled as the residue of various allotments for the second quarter of 1953 heretofore withdrawn and withheld from them by virtue of said suspension order, and said respondents shall be entitled to order and receive all aluminum which they are entitled to receive under the various orders and regulations of the National Production Authority less the amounts heretofore referred to as having been returned under NPA Form 12.

Dated and issued at Washington, D. C., April 14, 1953.

NATIONAL PRODUCTION AUTHORITY,
By MORRIS R. BEVINGTON,
Acting Chief Hearing Commissioner.

[F. R. Doc. 53-3827; Filed, Apr. 28, 1953; 11:43 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5055 et al.]

REOPENED WIGGINS RENEWAL INVESTIGATION CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matters raised in the petitions for reconsideration filed herein by Wiggins, the City of Rutland, Vt., the Vermont Aeronautics Commission, the State of New Hampshire, the Town of Norwood, Mass., the State of Rhode Island, and the Greater Boston Chamber of Commerce, including particularly the alternative route pattern proposed in the petition of Wiggins.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on May 12, 1953, is hereby postponed to May 19, 1953, at 10:00 a. m. (local time) in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 24, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-3758; Filed, Apr. 28, 1953; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

ACTING COMMISSIONER AND DEPUTY COMMISSIONER

DELEGATION OF AUTHORITY AND ASSIGNMENT OF DUTIES

Section 12, *Designation of Acting Commissioner*, is amended by renumbering the present designations of authority to act as "Acting Commisioner", numbered "1, 2, 3, 4, 5, 6, 7" to read "2, 3, 4, 5, 6, 7, 8" respectively, and inserting the following designation, numbered "1":

1. Walter L. Greene, Deputy Commissioner.

Section 13, *Specific delegations to named positions*, is amended by redesignating the present subsections "(A)" through "(N)" to read "(B)" through "(O)" respectively, and inserting a new subsection "(A)" as follows:

(A) To the position of Deputy Commissioner:

1. To assist the Commissioner in the general administration of the Administration, and to be responsible to the Commisioner for the general supervision and coordination of all operations.

2. To approve organizational changes.

GUY T. O. HOLLYDAY,
Federal Housing Commissioner.

APRIL 21, 1953.

[F. R. Doc. 53-3737; Filed, Apr. 28, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-186, 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. AND CITIES SERVICE CO.

NOTICE OF FILING OF SUPPLEMENTAL APPLICATION REGARDING THE OFFER OF DEBENTURES IN EXCHANGE FOR OUTSTANDING PREFERRED STOCK, THE SALE AT COMPETITIVE BIDDING OF DEBENTURES NOT EXCHANGED AND APPROVAL OF TAX AGREEMENT

APRIL 23, 1953.

In the matter of Arkansas Natural Gas Corporation, Cities Service Company, File No. 54-186; Arkansas Natural Gas Corporation and its subsidiaries and Cities Service Company, respondents, File Nos. 59-93, 70-1804;

The Commission, by order dated October 1, 1952, having approved an Amended Plan filed by Arkansas Natural Gas Corporation ("Arknat"), a registered holding company and a subsidiary of Cities Service Company ("Cities"), also a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") which Plan was ordered enforced by the United States District Court for the District of Delaware by order dated January 29, 1953;

The Commission, by said order dated October 1, 1952, having reserved jurisdiction with respect to the terms and conditions under which debentures of Arkansas Fuel Oil Corporation ("Arkfuel"), the successor in merger of Arknat and its non-utility subsidiary, Arkansas Fuel Oil Company, are to be issued and sold and with respect to the taking of such further action as may be appropriate in connection with the consummation of said Plan;

Arknat, Arkfuel and Arkansas Louisiana Gas Company ("Arkla"), a gas utility subsidiary of Arknat, having filed Supplemental Application No. 2 proposing the following transactions:

Pursuant to the provisions of the Amended Plan ("Plan") of Arknat, Arkfuel proposes to retire the Preferred Stock of Arknat by the payment to the holders thereof, against the surrender of their certificates, of $10.60 per share, together with an amount equivalent to unpaid dividends to the date for payment, and to provide an opportunity to holders of such Preferred Stock (other than Cities) to exchange their holdings for 20-year Sinking Fund Debentures ("Debentures") of Arkfuel with such cash adjustments as may be appropriate. The holders of Preferred Stock electing to exchange their shares for Debentures will be entitled to an amount of Debentures of authorized denominations which, at the initial public offering price (or the highest accepted bid price, if no public offering is contemplated) of the Debentures sold at competitive bidding, will be equal to $10.60 for each share of such Preferred Stock surrendered for exchange. Such holders also will be paid in cash the amount by which the value of their shares at $10.60 each may exceed the price of the Debentures to be issued in exchange therefor plus an amount equivalent to unpaid dividends on the Preferred Stock deposited to the date of exchange, less the amount of interest accrued on the Debentures from June 1, 1953, to said date. The price and interest rate of the Debentures will be determined only after and as a result of competitive bidding.

Subject to satisfactory market conditions, Arkfuel proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $23,000,000 principal amount of its Sinking Fund Debentures due 1973 less such Debentures as may be required for exchanges with holders of such Preferred Stock. The interest rate of the Debentures and the redemption prices thereof will be determined pursuant to competitive bidding. The Debentures are to be issued under and secured by an indenture, to be dated as of June 1, 1953, to The Hanover Bank, as Trustee.

The net proceeds (exclusive of accrued interest but after deduction of expenses) from the sale of the Debentures offered at competitive bidding, together with Debentures issued in exchange for such Preferred Stock, will be used in connection with the retirement of the Preferred Stock.

Arkfuel proposes to give notice to the Preferred Stockholders of the exchange offer on or about May 5, 1953, and requests that the order of the Commission (insofar as it relates to the release of jurisdiction of the terms and conditions under which the proposed Debentures are to be issued) be issued prior to that date. The Commission is requested to shorten to not less than six (6) days the period for inviting bids provided for by Rule U-50 (b).

Shares of the Common Stock of Arkla have been distributed to former holders of the Common Stock and Class A Common Stock of Arknat who have surrendered their certificates, and Arkla on April 17, 1953, ceased to be eligible for inclusion in the consolidated Federal income tax returns of Arknat or Arkfuel and its subsidiaries. Accordingly, on said date, subject to the approval of the Commission, Arkfuel and Arkla entered into a Tax Agreement. Said Tax Agreement provides in substance for the indemnification of Arkla by Arkfuel against any liability for Federal Income or Excess Profits taxes in respect of any consolidated Federal Income or Excess Profits Tax returns filed or to be filed by Arknat or Arkfuel for any periods to and including April 17, 1953, and for the assignment by Arkla to Arkfuel of all of its rights to refunds or credits for Federal Income or Excess Profits taxes in respect of such periods. In connection with such indemnification of Arkla by Arkfuel, Arkla has agreed to pay Arkfuel the sum of $1,155,102.54, being the amount of reserves accrued on Arkla's books as of March 31, 1953, for Federal Income and Excess Profits Taxes in respect of all consolidated return years to and including 1952; and, in addition, Arkla has agreed to pay to Arkfuel the sum of $1,056,176, being the amount of reserves accrued on Arkla's books for Federal Income and Excess Profits Taxes for the period from January 1, 1953, to April 17, 1953. These sums are to be

paid by Arkla in certain installments on various dates, the first such installment to be paid on June 15, 1953 and the last on December 15, 1954.

Notice is hereby given that any interested person may, not later than May 4, 1953, at 5:30 p. m., e. s. t. (or e. d. t. if then effective in the District of Columbia), request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, 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 May 4, 1953, said application, as filed or as amended, may be granted or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the rules and regulations promulgated under the act or the Commission may take such other action as may appear appropriate.

It is ordered, That copies of this notice be sent by registered mail to Arknat, Arkla, Arkfuel, Cities, to the Federal Power Commission and to all parties to this proceeding, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list for releases under the act, and that further notice shall be given to all other persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 53-3746; Filed, Apr. 28, 1953; 8:49 a. m.]

[File No. 70-2994]

CENTRAL MAINE POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

APRIL 23, 1953.

The Commission, by orders dated March 2, 1953, and March 11, 1953, having granted the application, as amended, of Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company, regarding the issuance and sale, at competitive bidding, of $10,000,000 principal amount of First and General Mortgage Bonds, Series U, 3⅝ percent, due 1983; and the Commission having in said orders reserved jurisdiction over the payment of legal fees and expenses incurred or to be incurred in connection with the said transactions; and

The record having been completed with respect to the legal fees and expenses, and it appearing that such fees and estimated expenses to be paid by Central Maine aggregate $14,618.70 as follows: Ropes, Gray, Best, Coolidge & Rugg, $9,000; E. H. Maxcy, $2,725.25; N. W. Wilson, $2,393.45; and Choate, Hall & Stewart for services relative to the qualification or exemption of bonds under Blue Sky Laws, $500; and it being stated that the amount of fees set forth above for E. H. Maxcy and N. W. Wilson represent an allocation of services on a time basis and do not increase the amounts of their annual retainer fees from New England Public Service Company and system companies; and

It also appearing that the fees and estimated expenses of Choate, Hall & Stewart, counsel for the underwriters, which are to be paid by said underwriters, amount to $5,250; and

The Commission having examined the information furnished with respect to the fees and expenses, and finding that the services rendered by Choate, Hall & Stewart for Central Maine in connection with the Blue Sky Laws were performed prior to the Commission's announced objections to the practice of dual employment in the case of underwriters' counsel (see Brockton Edison Company, Holding Company Act Release No. 11832, April 8, 1953); and also finding that all of the legal fees and estimated expenses proposed to be paid herein are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved over the payment of legal fees and expenses incurred or to be incurred in connection with the transactions be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 53-3743; Filed, Apr. 28, 1953; 8:48 a. m.]

[File No. 70-3023]

CENTRAL AND SOUTH WEST CORP. AND CENTRAL POWER AND LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO ITS PARENT COMPANY AND RESERVING JURISDICTION OVER PROPOSED ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

APRIL 22, 1953.

Central and South West Corporation ("Central"), a registered holding company, and its public utility subsidiary, Central Power and Light Company ("Central Power"), having filed a joint application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions, more fully described in the application-declaration as amended:

Central Power proposes, by amendment to its charter, to increase the total number of authorized shares of its common stock ($10 par value per share) from 2,097,300 shares to 2,397,300 shares, and to issue and sell, and Central proposes to acquire, 300,000 shares of Central Power's common stock for the sum of $3,000,000 in cash.

Central Power further proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $8,000,000 principal amount of its First Mortgage Bonds, Series E, due May 1, 1983. The bonds will be issued under an indenture dated November 1, 1943, as modified by indentures supplemental thereto, and by a proposed supplemental indenture to be dated May 1, 1953.

The application-declaration states that Central Power will use the proceeds to be received from the sale of the bonds and stock to pay, in part, for its construction program which, for the years 1953-54, is estimated by the company to aggregate an expenditure of approximately $43,500,000.

Said application-declaration having been filed March 20, 1953, and the last amendment having been filed April 20, 1953, notice of said filing having been given in the form and manner provided in Rule U-23 promulgated under the act, the Commission not having received a request for or ordered a hearing within the time specified in said notice, or otherwise; and

Applicants-declarants having requested the Commission to issue at this time its order in respect of Central Power's proposed amendment to increase the authorized number of shares of its common stock, and the proposed issuance and sale of its common stock to, and the proposed acquisition thereof by, Central, and to reserve jurisdiction in respect of the issuance and sale of Central Power's bonds at competitive bidding until the record in respect thereof is completed; and

The Commission finding with respect to the proposed increase in the authorized number of shares of Central Power's common stock and the issue and sale of 300,000 shares of Central Power's common stock to, and the acquisition thereof by, Central, that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, observing no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant and permit to become effective said application-declaration, as amended, without the imposition of conditions other than those set forth herein:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, subject to the terms and conditions specified in Rule U-24, that said application-declaration, as amended, with respect to the increase in authorized shares of common stock ($10 par value per share) of Central Power from 2,097,300 shares to 2,397,300 shares, and the issuance and sale of 300,000 shares of its common stock by Central Power to, and the acquisition thereof by, Central, be, and hereby is, granted and permitted to become effective forthwith:

It is further ordered, That jurisdiction be, and hereby is, reserved over the proposed issuance and sale by Central Power of $8,000,000 principal amount of First Mortgage Bonds, Series E, due May 1, 1983, and with respect to the payment of all fees and expenses incurred, and to be incurred, in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-3742; Filed, Apr. 28, 1953; 8:48 a. m.]

[File No. 70-3044]

CONSOLIDATED NATURAL GAS CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF DEBENTURES

APRIL 22, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, in respect of a proposal to issue and sell $40,000,000 principal amount of debentures. Declarant designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed issuance and sale of securities.

Notice is further given that any interested person may, not later than May 11, 1953, at 5:30 p. m., e. s. t. (or e. d. t. if then effective in the District of Columbia), request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission orders 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 May 11, 1953, 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 transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Consolidated proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $40,000,000 principal amount of debentures due 1978. The debentures are to be issued under an indenture to be dated June 1, 1953. The price to be received by the company for, and the interest rate of, said debentures is to be determined by competitive bidding.

The proceeds from the sale of the debentures will be added to the general funds of Consolidated and, together with other funds, will be used for the purchase, from time to time, of securities of its operating subsidiaries. The funds so procured by the subsidiary companies, together with other corporate funds of such subsidiaries, will be used for the construction of additional needed plant facilities and for other proper corporate purposes. The estimated expenditures of such subsidiaries for plant construction for the year 1953 amount in the aggregate to $49,000,000, including $12,000,000 to cover certain gas transmission lines and facilities. The completion of construction in 1953 depends upon the procurement of satisfactory contracts for additional natural gas supplies, the procurement of the requisite additional and supplemental certificates of public convenience and necessity, and the availability of steel pipe and other critical materials.

In connection with the system's overall financing program for 1953, it should be noted that there is pending a joint application-declaration (File No. 70-3030) by Consolidated and its subsidiaries, Hope Natural Gas Company and New York State Natural Gas Corporation, for approval of a proposal by Consolidated to issue and sell to one or more banks one year 3 percent unsecured notes in the aggregate amount of $10,000,000, and to loan the proceeds of such loans to such subsidiaries who in turn propose to use such funds for the purchase of storage gas to be held to meet demands during the 1953-1954 winter.

The filing indicates that no State commission or other regulatory authority has jurisdiction over the proposed transaction.

Consolidated desires to invite bids for the debentures on or about May 14, 1953, to open the bids on or about May 26, 1953, and to sell the debentures on or about June 1, 1953; and declarant requests the Commission to enter its orders herein permitting said declaration to become effective in time to enable it to consummate the transactions on said dates.

By the Commission.

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

[F. R. Doc. 53-3744; Filed, Apr. 28, 1953; 8:48 a. m.]

[File No. 70-3045]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE TO PARENT BY SUBSIDIARIES OF NOTES AND STOCK

APRIL 22, 1953.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Company ("New York Natural"), and The River Gas Company ("River"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 6 (b), 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-43 and U-50 (a) (1) and (3) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1953, at 5:30 p. m., e. s. t. (or e. d. t. if then effective in the District of Columbia), request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission orders 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 on or after May 8, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Consolidated proposes to make loans to its five subsidiaries in the following amounts:

East Ohio	$10,000,000
Hope	6,500,000
Peoples	9,500,000
New York Natural	3,500,000
River	100,000
Total	29,600,000

The respective sums are to be advanced from time to time during the twelve months ending June 30, 1954, and each sum advanced is to be evidenced by a non-negotiable note. The notes to be issued by East Ohio are to mature serially in equal amounts of $500,000 on May 31, 1958, and on each May 31 thereafter to and including May 31, 1977. The notes to be issued by Hope are to mature serially in the amounts of $250,000 on May 31, 1958, and $250,000 on each May 31 thereafter to and including May 31, 1973, and $500,000 on May 31, 1974, and $500,000 on each May 31 thereafter to and including May 31, 1978. The notes to be issued by Peoples are to mature serially in the amounts of $250,000 on May 31, 1958, and $250,000 on each May 31 thereafter to and including May 31, 1963, and $500,000 on May 31, 1964, and $500,000 on each May 31 thereafter to and including May 31, 1977, and $1,000,000 on May 31, 1978. The notes to be issued by New York Natural are to mature serially in the amounts of $500,000 on May 31, 1957, and $500,000 on each May 31 thereafter to and including May 31, 1963. The notes to be issued by River are to mature serially in the amounts of $5,000 on May 31, 1959, and $5,000 on each May 31 thereafter to and including May 31, 1963, and $15,000 on May 31, 1964, and $15,000 on each May 31 thereafter to and including May 31, 1968. The interest rate on all of the notes will be predicated on and will be substantially equal to the effective cost of money to be secured by Consolidated as the result of the proposed issuance and sale by it, as competitive bidding, of $40,000,000 of debentures in respect of which there has been filed with this Commission an application-declaration (File No. 70-3044).

New York Natural proposes to issue and sell to its parent, Consolidated, 100,000 additional shares of authorized but unissued $100 par value common stock for a cash consideration of $10,000,000.

The proceeds received by the respective subsidiaries from the issuance and sale

of the respective securities are to be used to pay the cost of constructing additional needed facilities, and for other appropriate corporate purposes. The cost of the construction program of the subsidiaries for the year 1953 is estimated at $49,000,000 in the aggregate. Included in such construction program are certain gas transmission lines and facilities the cost of which is estimated at $12,000,000, and the construction of which during 1953 depends upon the procurement of satisfactory contracts for additional natural gas supplies, the procurement of the requisite additional and supplemental certificates of public convenience and necessity, and the availability of steel pipe and other critical items.

The application-declaration states that the proposed issuance and sale of notes by East Ohio and River are subject to the jurisdiction of the Public Utilities Commission of Ohio and the approval of that Commission is to be obtained; the proposed issuance and sale of notes by Hope are subject to the jurisdiction of the Public Service Commission of West Virginia, and the approval of that Commission is to be obtained; the proposed issuance and sale of notes by Peoples are subject to the jurisdiction of the Pennsylvania Public Utility Commission, and the approval of that Commission is to be obtained; and the proposed issuance and sale of stock and notes by New York Natural are subject only to the jurisdiction of the Securities and Exchange Commission. It is also stated that all of the proposed subsidiary transactions are exempt from the requirements of section 7 of the act under the provisions of the third sentence of section 6 (b), and all such transactions are exempt from the public bidding requirements of Rule U-50 under the provisions of subdivisions (a) (1) and (3) thereof.

Applicants-declarants request that the Commission enter its order on or before May 11, 1953, granting and permitting the application-declaration to become effective forthwith, insofar as it relates to the proposed issuance of 100,000 shares of $100 par value common stock by New York Natural and the sale thereof to Consolidated.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-3745; Filed, Apr. 28, 1953; 8:48 a. m.]

[File No. 70-3048]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING CASH CAPITAL CONTRIBUTION BY PARENT COMPANY TO SUBSIDIARY

APRIL 22, 1953.

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 provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 of the rules and regulations promulgated thereunder. All interested persons are referred to said declaration which is on file in the office of this Commission for a more detailed statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to contribute to United Fuel Gas Company ("United Fuel"), a public-utility subsidiary of Columbia, from time to time prior to July 1, 1953, up to $2,000,000 in cash, which amount United Fuel will credit to its capital surplus account. Columbia will increase the carrying value of its investment in the comon stock of United Fuel by $1,999,989.51 and will charge $10.49 (the amount of the contribution applicable to the minority interest in United Fuel's comon stock) to its operating expense.

It is stated that the $2,000,000 will be used by United Fuel to finance, in part, its 1953 construction program involving expenditures estimated at approximately $18,300,000.

The contribution by Columbia to United Fuel will be submitted to the Public Service Commission of West Virginia for its approval.

Notice is further given that any interested person may, not later than May 7, 1953, at 5:30 p. m., 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 said 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.

NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-3747; Filed, Apr. 28, 1953; 8:49 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 51-101]

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA

ORDER REQUIRING REGISTRATION

Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. The Communist Party of the United States of America, Respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13 (a) of the Subversive Activities Control Act of 1950, for an order of the Board requiring the Communist Party of the United States of America to register as required by sections 7 (a), (c), and (d) of the act, the Board on April 20, 1953, issued and caused to be served on the Parties its Report in writing stating its findings as to the facts, and caused to be served on the Respondent an order reading as follows:

The Board having this day issued its Report in which it finds and determines that the Communist Party of the United States of America, respondent herein, is a Communist-action organization under the provisions of the Subversive Activities Control Act of 1950;

It is ordered, That the said respondent, the Communist Party of the United States of America, shall register as a Communist-action organization under and pursuant to section 7 of the Subversive Activities Control Act of 1950, and

It is further ordered, That if the Communist Party of the United States of America fails to comply with the registration requirements of said act, pursuant to the above order, then each and every section, branch, fraction, or cell of said respondent shall register in accordance with the requirements of said act.

By the Board.

(Signed) Peter Campbell Brown, Chairman, (Signed) Kathryn McHale, Member, (Signed) David J. Coddaire, Member, (Signed) Watson B. Miller, Member.

Washington 25, D. C., April 20, 1953.

WATSON B. MILLER,
Acting Chairman.

APRIL 23, 1953.

[F. R. Doc. 53-3751; Filed, Apr. 28, 1953; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AMEDEO CELLITTI 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 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

Amedeo Cellitti, Ferentino, Italy, Giuseppe Cellitti, Ferentino, Italy, Angelo Cellitti, Anagni, Italy; Claim No. 44849; vesting order No. 420; $482.75 in the Treasury of the United States, payable as follows: $160.92, each, to Amedeo and Angelo Cellitti, and $160.91 to Giuseppe Cellitti.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3766; Filed, Apr. 28, 1953; 8:54 a. m.]

GIUSEPPINA BRIGNANI 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 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

Giuseppina Brignani ved. Mola, Spezia, Italy, Anna Maria Mola Formichini, Gabriella Mola Zucchini Solimei, Rome, Italy; Claim No. 39778; $18.66 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 10 shares, common capital stock, par value $50 per share, Certificate No. 224, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Giuseppina Brignani ved. Mola, Anna Maria Mola Formichini and Gabriella Mola Zucchini Solimei.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3767; Filed, Apr. 28, 1953; 8:54 a. m.]

HEINRICH C. A. MEYER

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

Heinrich C. A. Meyer, Rouxville-Johannesburg, South Africa; Claim No. 45074; $797.40 in the Treasury of the United States.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3768; Filed, Apr. 28, 1953; 8:54 a. m.]

PNEUMATIQUES ET CAOUTCHOUC MANUFACTURE KLEBER-COLOMBES

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

Pneumatiques et Caoutchouc Manufacture Kleber-Colombes, Colombes (Seine) France; Claim No. 40445; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to an undivided one-half interest in United States Patent Application Serial No. 335,573 (now United States Letters Patent No. 2,378,528).

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3769; Filed, Apr. 28, 1953; 8:54 a. m.]

JACK BARTH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY; AMENDMENT

The Notice of Intention to Return Vested Property respecting the claim of Jack Barth, Baltimore, Maryland, Max Barth and Wolfgang Barth of Zurich, Switzerland, Claim No. 42577, executed on April 6, 1953, and published in the FEDERAL REGISTER on April 9, 1953 (18 F. R. 2012), is hereby amended as follows and not otherwise: By deleting therefrom under "Property" the figure ⅓ and substituting therefor the figure ⅛.

All other provisions of said Notice of Intention to Return Vested Property are hereby ratified and confirmed.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3772; Filed, Apr. 28, 1953; 8:54 a. m.]

LUISA COEN 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 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

Luisa Coen ved. Enriques, Alma Enriques, Adriana Enriques, Rome, Italy, Giovanni Enriques, Turin, Italy; Claim No. 39770; $57.49 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 10 shares, third preferred capital stock, par value $25 per share, Certificate No. 261 and 5 shares, common stock, par value $50 per share, Certificate No. 215, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Luisa Coen ved. Enriques, Alma Enriques, Adriana Enriques and Giovanni Enriques.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3771; Filed, Apr. 28, 1953; 8:54 a. m.]

ERIK VIGGO KROGH 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

Erik Viggo Krogh, Aarhus, Denmark, Ellen Rigmor Ljunghusen, nee Krogh, Eslöv, Sweden, Agnes Helga Lindberg, nee Krogh, Borghamn, Sweden, Bodil Mimi Schmidt-Nielsen, Genhofte, Denmark; Claim No. 37330; equal shares of $192.39 in the Treasury of the United States.

An undivided one-fourth share to each claimant of 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 The Anatomy and Physiology of Capillaries as listed in Exhibit A to Vesting Order No. 4034 effective August 22, 1944 (Vol. 538, pages 326 through 391) to the extent owned by August Krogh immediately prior to the vesting thereof by Vesting Order No. 4034.

Executed at Washington, D. C., on April 23, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3770; Filed, Apr. 28, 1953; 8:54 a. m.]