

# THE NATIONAL ARCHIVES

# FEDERAL REGISTER



VOLUME 18

NUMBER 46

Washington, Tuesday, March 10, 1953

## TITLE 3—THE PRESIDENT

### LETTER OF MARCH 6, 1953

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

THE WHITE HOUSE,  
Washington, March 6, 1953.

DEAR MR. SECRETARY:

Reference is made to the President's Proclamation of June 2, 1951 (16 F. R. 5381) carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade and for other purposes.

As Brazil signed the Torquay Protocol on February 19, 1953, I hereby notify you that the following item and parts of items in Part I of Schedule XX annexed to the Torquay Protocol shall not be withheld pursuant to paragraph 4 of that Protocol on or after March 21, 1953:

- Item*
- 10—so much as relates to copaiba balsam 87—all
  - 405—so much as relates to parana pine plywood
  - 1727—so much as relates to tucum nuts

Sincerely,

Dwight D. Eisenhower

Honorable George M. Humphrey,  
The Secretary of the Treasury.

[F. R. Doc. 53-2191; Filed, Mar. 6, 1953; 5:27 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### Part 6—Exceptions From the Competitive Service

#### STATE DEPARTMENT AND DEPARTMENT OF THE ARMY

1. Effective upon publication in the FEDERAL REGISTER, paragraph (m) is added to § 6.102 as follows:

§ 6.102 *State Department.* \* \* \*  
(m) *Bureau of Security and Consular Affairs.*

(1) The Administrator.

2. Effective upon publication in the FEDERAL REGISTER, § 6.105 (a) (7) is amended to read as follows:

§ 6.105 *Department of the Army—(a) General.* \* \* \*

(7) *NC/PD.* Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

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

[F. R. Doc. 53-2133; Filed, Mar. 9, 1953; 8:50 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission [Docket 5180]

#### Part 3—Digest of Cease and Desist Orders

##### GEPPERT STUDIOS

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**CFR SUPPLEMENTS**

(For use during 1953)

The following Supplements are now available:

Title 24 (\$0.65)

Title 25 (\$0.40)

Previously announced: Title 3 (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 49: Parts 71 to 90 (\$0.45)

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with the offering for sale, sale or distribution of photographic products in commerce, (1) stating or implying in any manner that a print or negative submitted for enlargement in response to an advertised offer will not be returned unless an additional purchase is made or act performed which was not required in said offer; (2) engaging in any practice which has the effect of coercing persons to purchase merchandise they otherwise would not have purchased; (3) representing, directly or by implication, (a) that any print or negative submitted will be beautifully enlarged unless it is clearly stated that

for such results the print or negative submitted must be photographically suitable; (b) that respondents' colored enlargements of all prints or negatives submitted will be sharp and clear in detail, will have realism, naturalness or sparkle or will be flattering to the subject; (c) that their colored enlargements are of exceptional value; that they are of a value in excess of their true market value; or that they are comparable or superior in quality or appearance to any specified illustration, unless such is the fact; (d) that any lack of photographic detail or other defects in their black-and-white enlargements are remedied in their colored enlargements unless such is the fact; or, (4) publishing any testimonials which contain any of the above prohibited representations; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Ward S. Hill et al. trading as Geppert Studios, Des Moines, Iowa, Docket 5160, December 23, 1952]

*In the Matter of Ward S. Hill and Jessie A. Hill, Copartners Trading as Geppert Studios*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a hearing examiner of the Commission theretofore duly designated by it, the hearing examiner's recommended decision and exceptions thereto, briefs and oral argument of counsel; and the Commission having made its findings as to the facts<sup>1</sup> and its conclusion<sup>1</sup> that the respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondents Ward S. Hill and Jessie A. Hill, individually and as co-partners trading as Geppert Studios, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographic products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Stating or implying in any manner that a print or negative submitted for enlargement in response to an advertised offer will not be returned unless an additional purchase is made or act performed which was not required in said offer.

2. Engaging in any practice which has the effect of coercing persons to purchase merchandise they otherwise would not have purchased.

3. Representing directly or by implication:

(a) That any print or negative submitted will be beautifully enlarged unless it is clearly stated that for such results the print or negative submitted must be photographically suitable.

<sup>1</sup> Filed as part of the original document.

(b) That their colored enlargements of all prints or negatives submitted will be sharp and clear in detail, will have realism, naturalness or sparkle or will be flattering to the subject.

(c) That their colored enlargements are of exceptional value; that they are of a value in excess of their true market value; or that they are comparable or superior in quality or appearance to any specified illustration, unless such is the fact.

(d) That any lack of photographic detail or other defects in their black-and-white enlargements are remedied in their colored enlargements unless such is the fact.

4. Publishing any testimonials which contain any of the above prohibited representations.

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

Issued: December 23, 1952.

By the Commission.

[SEAL] D. C. DANIEL,  
Secretary.

[F. R. Doc. 53-2153; Filed, Mar. 9, 1953; 8:54 a. m.]

[Docket 6037]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

FROMMES METHOD, INC., ET AL.

Subpart.—*Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections: Personnel or staff: § 3.170 Qualities or properties of product or service.* In connection with the offering for sale and sale of treatments of the hair and scalp in which various specified cosmetic and medicinal preparations are used; and in connection with the sale, offering for sale or distribution of various specified cosmetic and medicinal preparations which are used in the treatment of conditions of the hair and scalp, or any other products or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that the use of said preparations, methods and treatments by respondents' Resident Managers or their operators, in their various places of business or the use by purchasers of said preparations, in their homes, (1) will prevent baldness or small bald patches or cause the growth of hair on bald heads; (2) will cause fuzz on the scalp to develop into normal hair; (3) are an effective treatment for all kinds of scalp disorders; (4) will permanently

eliminate dandruff, falling hair, dry, itchy, or irritated scalp, brittle hair or oily hair or scalp; (5) will normalize the blood circulation in the scalp or revitalize or have any effect upon any hair growing activity of the scalp; or, (6) will sterilize the scalp or normalize the acidity of the scalp; (b) that any of respondents' preparations will destroy subscalp bacteria, or (c) that any of their said preparations will prevent or cure psoriasis; or disseminating, etc., any advertisement, by any means, for the purpose of inducing, or which is likely to induce, etc., the purchase of said preparations in commerce, which advertisement represents, directly or by implication, that respondents' Resident Managers or any of their employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 33 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Frommes Method, Inc., et al., Minneapolis, Minn., Docket 6037, December 2, 1952]

*In the Matter of the Frommes Method, Inc., a Corporation, and Leo N. Frommes, Merlon Frommes and Marion McNeive, Individually and as Officers of Said Corporation*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated December 3, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts<sup>1</sup> and conclusion,<sup>2</sup> reads as follows:

*It is ordered*, That the respondent, The Frommes Method, Inc., a corporation, and its officers, and the respondents, Leo N. Frommes, Merlon Frommes and Marion McNeive, individually and as officers of said respondent corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale and sale of treatments of the hair and scalp in which the various cosmetic and medicinal preparations, as set out in the findings herein, are used; and in connection with the sale, offering for sale or distribution of the various cosmetic and medicinal preparations, as set out in the

findings herein, which are used in the treatment of conditions of the hair and scalp, or any other products or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from, directly or indirectly:

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

(a) That the use of said preparations, methods and treatments by respondents' Resident Managers or their operators, in their various places of business or the use by purchasers of said preparations, in their homes:

(1) Will prevent baldness or small bald patches or cause the growth of hair on bald heads.

(2) Will cause fuzz on the scalp to develop into normal hair.

(3) Are an effective treatment for all kinds of scalp disorders.

(4) Will permanently eliminate dandruff, falling hair, dry, itchy or irritated scalp, brittle hair or oily hair or scalp.

(5) Will normalize the blood circulation in the scalp or revitalize or have any effect upon any hair growing activity on the scalp.

(6) Will sterilize the scalp or normalize the acidity of the scalp.

(b) That any of their preparations will destroy sub-scalp bacteria.

(c) That any of their said preparations will prevent or cure psoriasis.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in subparagraphs (a) through (c) of Paragraph 1 hereof or which represents, directly or by implication, that respondents' resident managers or any of their employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists.

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

The foregoing consent settlement<sup>1</sup> is hereby accepted by the Federal Trade Commission and ordered entered of record on this 2d day of December, 1952.

Issued: December 3, 1952.

By direction of the Commission.

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 53-2157; Filed, Mar. 9, 1953; 8:54 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amtd. 30]

#### PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

##### ALTERATIONS

The minimum en route instrument altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable.

Part 610 is amended as follows:

1. Section 610.102 *Amber civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Northway, Alaska (LFR).	Big Delta, Alaska (LFR).	8,000
Fairbanks, Alaska (LFR).	Bettles, Alaska (LFR).	6,550

2. Section 610.274 *Red civil airway No. 74* is revised to read:

From—	To—	Minimum altitude
Louisville, Ky. (LFR).	Cincinnati, Ohio (LFR).	2,100

3. Section 610.621 *Blue civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Shephardsville (INT), Ky.	Lexington, Ky. (LF/RBN).	2,200

4. Section 610.687 *Blue civil airway No. 87* is amended to read in part:

From—	To—	Minimum altitude
Wright-Patterson, Ohio (LFR).	North Hampton (INT), Ohio.	2,200

5. Section 610.1002 *Direct routes—Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Galveston, Tex. (LFR).	Beaumont, Tex. (LFR).	1,300
Little Rock, Ark. (LFR).	Springfield, Mo. (LFR).	3,500
Ponca City, Okla. (LF/RBN).	Wichita, Kans. (LFR).	2,500

<sup>1</sup> Filed as part of the original document.

6. Section 610.1003 *Direct routes—Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Beaumont, Tex. (LFR).	Galveston, Tex. (LFR).	1,400
Shreveport, La. (LFR).	Texarkana, Ark. (LFR).	1,700
Dallas, Tex. (LFR).	Int. direct crs. Dallas, Tex. (LFR) to Van Buren, Ark. (LF/RBN), and SE crs. Perrin, Tex. (LFR).	2,300
Int. direct crs. Dallas, Tex. (LFR), to Van Buren, Ark. (LF/RBN), and SE crs. Perrin, Tex. (LFR).	Van Buren, Ark. (LF/RBN)	4,000
Port Arthur (INT), Tex.	Beaumont, Tex. (LFR).	1,400
Ponca City, Okla. (LF/RBN).	Wichita, Kans. (LFR).	2,500
Haslet, Tex. (LF/RBN).	Dallas, Tex. (LFR)...	2,200
Haslet, Tex. (LF/RBN).	Dallas (INT), Tex....	2,200
Ft. Worth, Tex. (LFR).	Dallas, Tex. (LFR)...	2,000
Ft. Worth, Tex. (LFR).	Duncanville, Tex. (LF/RBN).	2,200
Ft. Worth, Tex. (INT).	Duncanville, Tex. (LF/RBN).	2,200
Blackwell (INT), Okla.	Ponca City, Okla. (LF/RBN).	2,300
Little Rock, Ark. (LFR).	Int. 357-177° mag. bearing Little Rock, Ark. (LFR), and SE crs. Springfield, Mo. (LFR).	3,000
Int. 357-177° mag. bearing Little Rock, Ark. (LFR), and SE crs. Springfield, Mo. (LFR).	Springfield, Mo. (LFR).	3,000

7. Section 610.6002 *VOR civil airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Livingston, Mont. (VOR).	Bozeman, Mont. (VOR).	10,000
Bozeman, Mont. (VOR).	Int. 119° T. rad. Helena, Mont. (VOR) & 338° T. rad. Bozeman, Mont. (VOR)	11,000

8. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Imperial, Nebr. (VOR), direct.	Lexington, Nebr. (VOR), direct.	4,500

9. Section 610.6021 *VOR civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Pocatello, Idaho (VOR), Dir. or W. alter.	Dubois, Idaho (VOR), Dir. or W. alter.	7,500

10. Section 610.6086 *VOR civil airway No. 36* is amended by adding:

From—	To—	Minimum altitude
Whitehall, Mont. (VOR).	Bozeman, Mont. (VOR).	9,000

11. Section 610.6091 *VOR civil airway No. 91* is amended by adding:

From—	To—	Minimum altitude
Keeseville (INT), N. Y.	Plattsburg, N. Y. (VOR) (north-bound).	4,000

12. Section 610.6124 *VOR civil airway No. 124* is added to read:

From—	To—	Minimum altitude
Burley, Idaho (VOR).	Pocatello, Idaho (VOR).	7,000

13. Section 610.6127 *VOR civil airway No. 127* is added to read:

From—	To—	Minimum altitude
Livingston, Mont. (VOR).	Helena, Mont. (VOR).	11,000

(Sec. 205, 52 Stat. 934, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 651)

These rules shall become effective March 10, 1953.

[SEAL]

F. B. LEE,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 53-2103; Filed, Mar. 9, 1953; 8:45 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter V—Department of the Army**

**Subchapter F—Personnel**

**PART 580—WOMEN'S ARMY CORPS**

**MISCELLANEOUS AMENDMENTS**

Sections 580.1, 580.3 through 580.12 and § 580.14 are revised as follows:

§ 580.1 *Statutory basis.* The Women's Army Corps is a Corps in the Regular Army. See act, 12 June 1948 (Pub. Law 625, 80th Cong.) and section 310, act of 28 June 1950 (Pub. Law 531, 81st Cong.)

§ 580.3 *Composition of Corps.* . . .

(b) The authorized commissioned, warrant, and enlisted strengths of the Women's Army Corps of the Regular Army shall be determined by the Secretary of the Army, within the authorized commissioned, warrant, and enlisted strengths of the Regular Army, but shall not exceed 2 percent of such authorized Regular Army strengths respectively, except that until 31 July 1954, limitations on authorized personnel strength will be suspended. See section 3, act of 19 June 1951 (Pub. Law 51, 82d Cong.).

(d) Initial appointments will be made in the grade of second lieutenant in the

Regular Army except that when the appointee has accrued more than 3 years of creditable service as authorized by statute, the appointment will be made in the grade of first lieutenant.

(e) From the officers in the permanent grade of lieutenant colonel in the Women's Army Corps of the Regular Army, the Secretary of the Army shall select one to be Director of the Women's Army Corps. She shall, without vacation of her permanent grade, have the temporary rank, pay, and allowances of a colonel while so serving. The director shall serve during the pleasure of the Secretary of the Army, but normally not to exceed 4 years.

(f) From the officers in the permanent grade of lieutenant colonel in the Women's Army Corps of the Regular Army, the Secretary of the Army shall select one to be Deputy Director of the Women's Army Corps. She shall serve during his pleasure, but normally not to exceed 4 years.

(g) From among officers in the permanent grade of lieutenant colonel or major in the Women's Army Corps, the Secretary of the Army shall select to serve during his pleasure such number as he may determine necessary to fill positions designated by him in the administration and training of the Women's Army Corps.

§ 580.4 *Organization of corps.* The organization of the Women's Army Corps will consist of the Office of the Director; such training centers, schools, and other installations as may be required; and such units, detachments, and individuals as may be assigned for duty with the various continental and oversea commands and elsewhere.

§ 580.5 *Director.* The Director of the Women's Army Corps will be an advisor to the Secretary of the Army and the Chief of Staff on Women's Army Corps matters and activities. In addition to such other duties as may be prescribed, she will:

(a) Initiate and formulate those special plans and policies for the supervision, morale, and well-being of Women's Army Corps personnel which deviate from plans and policies for male personnel.

(b) Act as Department of the Army staff advisor on plans and policies for the procurement, reception, classification, utilization, training, logistical support, assignment, separation and mobilization of WAC personnel as prepared by appropriate Department of the Army agencies.

(c) Advise the Army Staff and exercise supervision over the career development and guidance of WAC officers and warrant officers.

(d) Work in closer liaison, through responsible staff agencies, with appropriate civilian and governmental agencies and with other women's services in the Department of Defense.

(e) Inspect WAC units, detachments, and individuals in the continental United States and overseas. In the exercise of this responsibility, the director is authorized to consult directly with the commanding generals concerned, or their appropriate staff officers.

§ 580.6 *Branch.* The basic branch of all WAC personnel will be Women's Army Corps. WAC officers who are detailed in another branch of the Army will use in their signature the designation of the branch in which they are detailed. When orders are issued directing change of assignment of WAC officers who have been so detailed, the designation "(WAC)" will be included in the orders.

§ 580.7 *Commissioned officers*—(a) *Appointment.* Appointment in the Women's Army Corps of the Regular Army will be in accordance with regulations covering the appointment of male officers in the Regular Army, except that no woman will be appointed who has a dependent, or a child under 18 years of age. Appointments may also be made in accordance with Department of the Army directives applicable to WAC personnel.

(b) *Promotion.*—(1) *Permanent.* Permanent promotion of WAC officers will be made in accordance with current Department of the Army policy governing the promotion of Regular Army officers, except that statutory provisions prohibit permanent promotion of WAC officers to the grade of colonel and restrict the percentage of lieutenant colonels to not to exceed 10 percent of the total authorized commissioned officer strength of the corps. The names of all promotion-list officers of the Women's Army Corps shall be placed on the WAC promotion list. Promotion of WAC officers to the grade of lieutenant colonel will be made only when a vacancy exists in the number of lieutenant colonels authorized for the WAC promotion list. Such officers will be appointed in that grade only when selected and recommended for that grade by a selection board under regulations prescribed by the Secretary of the Army.

(2) *Temporary.* Temporary promotion of WAC officers to the grades of first lieutenant, captain, major, and lieutenant colonel will be made under appropriate regulations applicable to temporary promotions of male officers. No promotions of WAC officers to the temporary grade of colonel are authorized except that the officer who is selected by the Secretary of the Army to be Director of the Women's Army Corps will have temporary rank, pay, and allowances of a colonel while so serving.

§ 580.8 *Warrant officers.* WAC personnel will be appointed warrant officers under appropriate current regulations. WAC warrant officers will be addressed as "Miss" or "Mrs." as appropriate.

§ 580.9 *Enlisted women.* (a) Any woman who meets the established mental and physical standards, and who is eligible under current directives, may be enlisted or reenlisted in the Women's Army Corps, Regular Army, within authorized quotas. An applicant must have attained her eighteenth birthday; no woman under the age of 21 years shall be enlisted without the written consent of her parents or guardian.

(b) Regulations pertaining to the promotion of enlisted men are applicable to enlisted women. When WAC enlisted

personnel are attached for rations, quarters and administration (including discipline) recommendations for promotions will be forwarded by the organization of duty assignment through the WAC detachment commander for appropriate comment, prior to submission to the promoting authority.

§ 580.10 *Utilization of enlisted women.* WAC enlisted personnel will be utilized only in military occupational specialties established by the Department of the Army to fill authorized military vacancies.

§ 580.11 *Assignment and transfer* (a) All officers, warrant officers, and enlisted women of the Women's Army Corps will be assigned to duty in continental United States and in oversea commands as the needs of the service require. Enlisted women may be assigned to service type T/O & E and T/D units, with attachment where necessary to WAC detachments for quarters, rations, and administration (including discipline) Commanders desiring to utilize enlisted women singly or in a group smaller than that to be administered as a detachment, may place personnel on detached service from a larger parent WAC detachment.

(b) WAC personnel normally will not be transferred solely because of marriage, nor will marriage to a member of the Armed Forces effect an advantage or disadvantage in the assignment to duty of any member of the Women's Army Corps.

§ 580.12 *Discharge of enlisted women.* All laws and regulations governing the discharge of enlisted men are applicable to the discharge of enlisted women.

§ 580.14 *Maternity care.* (a) A woman separated from the Army under honorable conditions because of pregnancy is eligible for maternity care as provided by § 577.15 of this subchapter.

(b) At the time of discharge of an enlisted woman, the unit commander or other personnel responsible for counseling, will advise her of her eligibility for maternity care at an Armed Forces hospital.

(c) A woman who desires maternity care will request it in writing at the time of her separation. The request will be addressed through the commanding officer of the installation at which she is separated to the surgeon of the army area in which she plans to live following separation. Request will include her forwarding address and a copy of her separation orders. The indorsement by the commanding officer of the installation at which she is separated will indicate eligibility of the woman for maternity care and any pertinent data on the status of her pregnancy.

[AR 625-5, Feb. 16, 1953] (Sec. 101, 62 Stat. 356; 10 U. S. C. Sup. 316)

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

[F. R. Doc. 53-2135; Filed, Mar. 9, 1953;  
8:50 a. m.]

## Chapter XIV—The Renegotiation Board

### Subchapter B—Renegotiation Board Regulations Under the 1951 Act

#### PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

##### MISCELLANEOUS AMENDMENTS

1. Section 1456.3 (b) is amended by deleting the words "other than new durable productive equipment" from the first sentence of subparagraph (1) thereof.

2. Section 1456.4 is deleted in its entirety and the following is inserted in lieu thereof:

§ 1456.4 *How to determine receipts or accruals subject to renegotiation, new durable productive equipment*—(a) *Prime contracts.* Receipts and accruals under prime contracts for new durable productive equipment shall be determined in the same manner as receipts or accruals under all other prime contracts (see § 1456.3 (a))

(b) *Subcontracts*—(1) *Segregation according to use.* Receipts and accruals under subcontracts for new durable productive equipment, before the application of the partial mandatory exemption discussed in Part 1454 of this subchapter, will be segregated according to the use of such equipment (i. e., whether the use is for negotiable or non-negotiable production) Reasonable over-all methods of the types described in § 1456.3 may be used in making this segregation. The extent to which such equipment is used or to be used in negotiable production shall be determined, with respect to each category or equipment classified as described in subparagraph 2 (1) of this paragraph, according to the percentage of time that the equipment is used or to be used in negotiable as compared to non-negotiable production during the first twelve months following the delivery of the equipment to the user. For the purposes of this computation, periods during which the equipment is idle shall not be taken into consideration. When the seller does not know or it is not practicable for the seller to ascertain the extent of negotiable use at the time the seller is required to file its Standard Form of Contractor's Report for the fiscal year in which it has received or accrued payment for the equipment, the seller shall make such determination on the basis of estimates, supported so far as practicable by information available to the seller at the time of the delivery of the equipment or at any time thereafter. It should be noted that equipment which is acquired by the purchaser for the account of the Government or which becomes a part of an end product acquired by the Government under a negotiable prime contract, is not new durable productive equipment as defined in section 106 (c) of the act.

(2) *Application of partial mandatory exemption.* Having segregated its receipts or accruals under subcontracts for new durable productive equipment in accordance with the provisions of subparagraph (1) of this paragraph, the seller of such equipment shall then apply

the partial mandatory exemption set forth in section 106 (c) of the act to that portion of such receipts or accruals which is attributable to the renegotiable use of the equipment, in the following manner:

(i) The seller shall first classify such equipment according to the average useful life thereof. Average useful life of new durable productive equipment shall be determined by reference to Bulletin F of the Bureau of Internal Revenue (1942 edition) If the average useful life of equipment of a particular type is not set forth in Bulletin F and if the Board has not yet made an estimate of the average useful life of equipment of such type, the seller shall estimate the average useful life of the equipment in question, taking into consideration the average useful life of comparable equipment as set forth in Bulletin F It should be noted that equipment having an average useful life of 5 years or less is not covered by the partial mandatory exemption of subcontracts for new durable productive equipment.

(ii) Of the receipts or accruals determined under subparagraph (1) of this paragraph to be attributable to renegotiable use of the equipment, the seller shall then determine the amount referable to each class of equipment having the same average useful life. The seller may make this determination on an over-all basis as illustrated in subparagraph (3) of this paragraph, or on a contract by contract basis.

(iii) The seller shall next apply to the receipts or accruals determined in the manner set forth in subdivision (ii) of this subparagraph, with respect to each group of equipment having the same average useful life, a ratio equal to the ratio that five years bears to the average useful life of such equipment. The aggregate of the resulting figures represents the amount of the seller's renegotiable receipts or accruals from subcontracts for new durable productive equipment.

(3) The following examples illustrate the method of determining renegotiable receipts or accruals under subcontracts for new durable productive equipment. Assume that a seller, employing the accrual method of accounting, delivers during its fiscal year \$1,000,000 worth of new durable productive equipment having an average useful life of 10 years to a purchaser who manufactures both combat cars for military use and trucks for civilian use.

(i) If the purchaser advises the seller that during the 12 months following delivery the equipment was used exclusively in the manufacture of combat cars, the seller's renegotiable accruals are 5/10ths of \$1,000,000, or \$500,000.

(ii) If the purchaser advises the seller that during the 12 months following delivery the equipment was used exclusively in the manufacture of trucks for civilian use, the seller's renegotiable accruals are nil since the contract of sale with the purchaser did not constitute a subcontract within the meaning of section 103 (g) of the act (see § 1452.4 of this subchapter).

(iii) If, at the time of delivery, the purchaser does not know the use to which

the equipment will be put, but subsequently advises the seller that during the 12 months following delivery 40 percent of the equipment was used exclusively in the manufacture of combat cars and 60 percent exclusively in the manufacture of trucks for civilian use, the seller's renegotiable accruals are 5/10ths of 40 percent of \$1,000,000, or \$200,000.

(iv) If the purchaser advises the seller that during the 12 months following delivery the entire equipment was used 40 percent of the time in the manufacture of combat cars and 60 percent of the time in the manufacture of trucks for civilian use, the seller's renegotiable accruals are 5/10ths of 40 percent of \$1,000,000, or \$200,000.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 5, 1953..

NATHAN BASS,  
Secretary.

[F. R. Doc. 53-2123; Filed, Mar. 9, 1953; 8:48 a. m.]

**TITLE 32A—NATIONAL DEFENSE, APPENDIX**

**Chapter I—Office of Defense Mobilization**

[Defense Mobilization Order 26, Correction]

**DMO 26—MAKING THE DIRECTOR FOR MUTUAL SECURITY A MEMBER OF THE DEFENSE MOBILIZATION BOARD**

**CORRECTION**

In paragraph 2 of Defense Mobilization Order No. 26 (18 F. R. 1330) the effective date of February 7, 1953, should be March 7, 1953.

OFFICE OF DEFENSE MOBILIZATION,  
ARTHUR S. FLEMMING,  
Acting Director.

[F. R. Doc. 53-2206; Filed, Mar. 9, 1953; 11:07 a. m.]

**Chapter III—Office of Price Stabilization, Economic Stabilization Agency**

[General Overriding Regulation 42, Amdt. 6, Correction]

**GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY AND RELATED MANUFACTURED GOODS AND BUILDING MATERIALS**

**CORRECTION**

The following correction is made in the text of GOR 42:

In paragraph (c) of section 26, Article II, previously added by Amendment 6, on February 11, 1953, the figure "6.25" under the heading "percentage adjustment" opposite the commodity "asbestos paper" is changed to read "106.25"

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,  
Director of Price Stabilization.

MARCH 9, 1953.

[F. R. Doc. 53-2207; Filed, Mar. 9, 1953; 11:34 a. m.]

[General Overriding Regulation 43, Corr.]

**GOR 43—PASS-THROUGH FOR BERYLLIUM, CHROMIUM, COBALT AND NICKEL**

**CORRECTION**

In the second paragraph of the Statement of Considerations and in Appendix A, Group A, of General Overriding Regulation 43, the pass-through on beryllium master alloy has been erroneously stated as 5.22 cents instead of 5.22 dollars per pound of beryllium contained. Accordingly, the word "(cents)" in the heading of the right-hand column of Appendix A, Group A, is corrected to read: "(dollars)"

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,  
Director of Price Stabilization.

MARCH 9, 1953.

[F. R. Doc. 53-2208; Filed, Mar. 9, 1953; 11:34 a. m.]

**TITLE 39—POSTAL SERVICE**

**Chapter I—Post Office Department**

**PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER**

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

**MISCELLANEOUS AMENDMENTS**

In § 35.18 *Special packing of certain matter* make the following changes:

1. Amend paragraph (g) to read as follows:

(g) *Sharp instruments or tools.* (1) Sharp-pointed or sharp-edged instruments, knives, tools, and the like, shall have their points and edges protected so that they cannot cut through their covering and then must be securely wrapped or boxed. (See paragraph (n) of this section, and § 35.15 (g) and (k).)

(2) Plowshares, stove castings, pieces of machinery, and the like, shall have all points, edges, and corners thoroughly protected with excelsior or similar material and be wrapped in burlap, cloth, or tough paper, or be properly boxed to prevent damage to mail or equipment, when intended for other than local delivery.

Note: See paragraph (n) of this section for certain exceptions to the packaging requirement.

2. Amend paragraph (n) by striking out the last sentence and inserting the following sentences in lieu thereof: "Items of this nature weighing over 8 pounds or with length exceeding 25 inches, which are clean and have no sharp points, edges or corners which might injure personnel or damage other mail; which are of sufficient strength to withstand weight of other mail, and which can be readily handled by employees, may be transmitted in the mails without wrapping, boxing, or crating. Metal articles weighing 8 pounds or less or with length not exceeding 25 inches shall be properly padded inside of a strong shipping container to bear safe transmission in the mails without damage to other mails."

(R. S. 161, 396; sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

3. In § 127.254 *French Equatorial Africa (Gabon, Moyen (Middle) Congo, Oubangui-Char, and Tchad)* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

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

[SEAL] ROY C. FRANK,  
Solicitor

[F. R. Doc. 53-2130; Filed, Mar. 9, 1953;  
8:49 a. m.]

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

REFORWARDING; BURMA AIR MAIL SERVICE

a. In § 127.45 *Reforwarding* amend paragraph (c) by the addition of the following undesignated paragraph to subparagraph (1)

The same treatment shall be accorded undeliverable ordinary official (penalty) letters which do not bear printed instructions forbidding their forwarding. Such articles, unless redirected to one of the countries named in § 127.30 (f), are regarded as being totally unpaid and will be rated and marked by the dispatching United States exchange office for collection from the addressee of the charge to which they would have been liable if they had been addressed originally to the country to which redirected.

b. In § 127.226 *Burma* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 90 cents for the first 2 ounces and 70 cents for each additional 2 ounces. (See § 127.20)

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

[SEAL] ROY C. FRANK,  
Solicitor

[F. R. Doc. 53-2128; Filed, Mar. 9, 1953;  
8:49 a. m.]

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

PHILIPPINES

In § 127.329 *Philippines (Republic of the)* make the following changes:

1. Amend paragraph (a) (8) to read as follows:

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are also prohibited or restricted in the regular mails.

2. Amend paragraph (b) (5) to read as follows:

(5) *Prohibitions.* (i) Counterfeit or mutilated coins. False or fraudulent banknotes or securities.

(ii) Gambling devices.

(iii) Publications violating the Philippine copyright laws.

(iv) Opium pipes and parts thereof.

(v) Firearms of all kinds, unless authorized by the Philippine authorities.

(vi) Articles bearing on the wrappers any numbered stamps other than lawful postage stamps.

(vii) Living plant material unless licensed by the Philippine Bureau of Plant Industry, packed in accordance with the regulations of that Bureau, and accompanied by a certificate of inspection issued by competent authorities in the United States.

(viii) Any of the following articles, unless sent as gifts: Canned or preserved bacon, ham, or poultry meat; lard and substitutes therefor; oleomargarine; canned anchovies; canned beets, cabbage, carrots, cauliflower, and corn; vegetable juices other than tomato; pineapple juice; jams, jellies, and marmalades; yeast; peanut butter; shelled and roasted peanuts; peanut oil and other edible oils; pepper, paprika, and saffron; sugar, molasses, syrup, chocolate candy; vinegar.

(ix) Shoes with leather tops; shoes with rubber soles; collars, cuffs, polo shirts; cotton bed coverings.

(x) Cigars; straw manufactures; jute cordage; brooms; mother-of-pearl.

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

[SEAL] ROY C. FRANK,  
Solicitor

[F. R. Doc. 53-2129; Filed, Mar. 9, 1953;  
8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 3 (Radio Broadcast Services) and Part 4 (Experimental and Auxiliary Broadcast Services) of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Parts 3 and 4 of its rules and regulations so that various sections of these parts will be consistent with Part 17 of its rules and regulations as amended pursuant to the proceedings in Docket No. 10344, and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that 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, That Parts 3 and 4 of the Commission's rules and regulations are amended as set forth below to be effective March 30, 1953.

(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)

Adopted: February 25, 1953.

Released: February 26, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

1. Section 3.65 is amended to read as follows:

§ 3.65 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*, § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

2. Section 3.181 is amended by deleting paragraph (c) thereof and substituting the following:

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

3. Section 3.270 is amended to read as follows:

§ 3.270 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*, § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

4. Section 3.281 is amended by deleting paragraph (c) thereof and substituting the following:

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

5. Section 3.570 is amended to read as follows:

§ 3.570 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*, § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter

(Construction, Marking and Lighting of Antenna Structures)

6. Section 3.581 is amended by deleting paragraph (c) thereof and substituting the following:

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

7. Section 3.662 is amended to read as follows:

§ 3.662 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

8. Section 3.663 is amended by deleting paragraph (c) thereof and substituting the following:

(c) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

9. Section 3.768 is amended to read as follows:

§ 3.768- *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

10. Section 3.781 is amended by deleting paragraph (d) thereof and substituting the following:

(d) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

11. Section 4.167 is amended to read as follows:

§ 4.167 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

12. Section 4.181 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in*

*the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

13. Section 4.267 is amended to read as follows:

§ 4.267- *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

14. Section 4.281 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

15. Section 4.367 is amended to read as follows:

§ 4.367 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

16. Section 4.381 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

17. Section 4.466 is amended to read as follows:

§ 4.466 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

18. Section 4.481 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

19. Section 4.566 is amended to read as follows:

§ 4.566 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or

lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

20. Section 4.581 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is to be required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

21. Section 4.666 is amended to read as follows:

§ 4.666 *Antenna structure, marking and lighting*. Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment*; § 17.39, *Cleaning and repainting*; § 17.40, *Time when lights shall be exhibited*; § 17.41, *Spare lamps*; and § 17.42, *Lighting equipment*; of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

22. Section 4.681 is amended by deleting paragraph (b) thereof and substituting the following:

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record*, of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures)

[F. R. Doc. 53-2140; Filed, Mar. 9, 1953; 8:52 a. m.]

[Docket No. 10303]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

DELETION OF CERTAIN FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority of ship telephone and ship telegraph stations and coast stations to operate on certain frequencies and to make available an additional frequency for ship telephone stations; Docket No. 10308.

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

The Commission having under consideration its proposals in the above-entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 16, 1952 (17 F. R. 7511), and that the period for the filing of comments has now expired; and

It further appearing, that subsequent to the issuance of this Notice of Proposed Rule Making another Notice of Proposed Rule Making was issued by the Commission on January 15, 1953 in Docket No.

10377 which involves the same subjects covered by the proposed amendments to Part 8 in the instant Docket No. 10308; and, therefore, the proposed amendments to Part 8 in the instant docket should be held in abeyance pending action in the related Docket No. 10377 and

It further appearing, that with respect to the proposed amendment of Part 7 of the Commission's rules an objection to the deletion of a coast station frequency was received but was later in effect removed upon the satisfactory activation of a replacement frequency and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered to Part 7, the authority for which is contained in section 303 (e) (f) and (r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective April 2, 1953 Part 7 of the Commission's rules 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: February 26, 1953.

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

Section 7.206 (a) is amended by deleting the following frequencies in kilocycles from the assignable frequencies listed therein immediately following the sentence beginning, "Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency \* \* \*"

5555      5560      5565

[F. R. Doc. 53-2137; Filed, Mar. 9, 1953;  
8:51 a. m.]

[Docket No. 10344]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

SUBPART C—SPECIFICATIONS FOR CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

In the matter of amendment of Subpart C, of Part 17 of the Commission's rules concerning the Construction, Marking and Lighting of Antenna Towers and supporting structures; Docket No. 10344.

During the summer and fall of 1952 representatives of the FCC, the CAA, other interested government agencies and the major segments of the aviation, radio and television industries engaged in an extensive coordinated study which was concluded with a report, containing among its recommendations, some pertaining to the marking and lighting of antenna towers and supporting structures.

The recommendations in Part III of the report were embodied almost verbatim in a Notice of Proposed Rule Making issued on November 12, 1952, in the above designated matter, pursuant to the authority contained in sections 4 (i) 303 (f) (q) and (r) of the Communications Act of 1934, as amended. Interested persons were given until December 15,

1952, to file comments and until December 30, 1952, to file comments in reply to the original comments.

The comments generally appear to favor the proposed amendment. The exceptions, together with changes considered acceptable in the finalized rules, are, for convenience, grouped into four categories and discussed as follows:

1. *Comments directed toward the proposed marking and lighting of guy wires (§ 17.36 of the proposal)* A majority of the comments were directed toward the proposed marking and lighting of guy wires. This was anticipated by the government-industry group when its report was being prepared. The proposal was included with the full recognition that it does not represent all possible methods of resolving the problem but in view of the fact that the subject is new, it was expected that comments from parties of interest would materially assist in arriving at an equitable solution. Contrary to expectations, the comments did not suggest a possible solution acceptable to all parties of interest, but restated the already known fact that adequate means of marking and lighting guy wires have not been devised. In addition, the broadcasting industry and manufacturers of towers expressed the view that lighting of guy wires is structurally unsafe and highly impractical from the maintenance standpoint. In view of the foregoing, together with the fact that comments from the broadcasting industry and the CAA recommended deletion of the proposals for marking and lighting of guy wires at this time, the portion of the proposal containing the specifications for marking and lighting of guy wires used on antenna structures has been deleted.

2. *Comments directed toward increasing the height of the unlighted portion of an antenna to allow the installation of UHF antenna masts from 20 to 100 feet in height on top of existing structures without additional lights.* A number of the broadcasting industry comments suggested that the proposed rules be modified to permit the installation of UHF antenna masts up to 100 feet in height on top of existing structures without additional marking and lighting. The present rule provides that masts up to 20 feet in height may be installed without additional marking and lighting. This matter was previously discussed at great length in the government-industry meetings on high antenna towers and it is generally believed by the aviation industry that such a height extension without marking and lighting would jeopardize the safety of air navigation. The CAA is opposed to any increase in the height of any unlighted construction above the presently permitted height of 20 feet. It appears that the broadcasting industry comment on this matter was made primarily from an economic standpoint and that such masts can be made to carry the additional lighting without structural hazards. In view of the foregoing, this request is being denied.

3. *Comments regarding changes in painting and lighting specifications which would permit a pilot to determine the height of the antenna by either counting the bands of paint or the num-*

*ber of beacons on the tower* Comments from the broadcasting industry suggested regrouping of the lights and a method of painting by which pilots of aircraft could determine the height of a tower. The aviation interests have expressed neither a requirement for nor a desire to know the precise height of an antenna tower by visual observation and in fact such a system may have undesirable implications insofar as safety is concerned. The reasons given by the broadcasting industry do not support such a plan, and are divergent from established international standards, hence this request is denied.

4. *Editorial changes for clarification of the text of the rules.* Editorial changes have been made and certain sections renumbered for clarity and consistency.

Accordingly, it is ordered, This 25th day of February 1953, that the amendment of Subpart C of Part 17, rules concerning the Construction, Marking and Lighting of Antenna Towers and Supporting Structures, shall become effective March 30, 1953, as set forth below.

Released: March 3, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
[SEAL] T. J. SLOWIE,  
Secretary.

SUBPART C—SPECIFICATIONS FOR CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

- Sec.
- 17.21 Painting and lighting, when required.
  - 17.22 Particular specifications to be used.
  - 17.23 Specifications for the painting of antenna structures in accordance with § 17.21.
  - 17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height.
  - 17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.
  - 17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.
  - 17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.
  - 17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.
  - 17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.
  - 17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1050 feet in height.
  - 17.31 Specifications for the lighting of antenna structures over 1050 feet up to and including 1200 feet in height.
  - 17.32 Specifications for the lighting of antenna structures over 1200 feet up to and including 1350 feet in height.
  - 17.33 Specifications for the lighting of antenna structures over 1350 feet and up to and including 1500 feet in height.
  - 17.34 Specifications for the lighting of antenna structures over 1,500 feet in height.
  - 17.35 Antenna farms and multiple structure antenna arrays.
  - 17.36 Temporary warning lights.
  - 17.37 Inspection of tower lights and associated control equipment.

<sup>1</sup> Commissioners Sterling and Bartley dissenting.

Sec.	
17.38	Recording of tower light inspections in the station record.
17.39	Cleaning and repainting.
17.40	Time when lights shall be exhibited.
17.41	Spare lamps.
17.42	Lighting equipment.
17.43	Painting and lighting existing structures.

**AUTHORITY:** §§ 17.21 to 17.43 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

**SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES**

§ 17.21 *Painting and lighting, when required.* Antenna structures shall be painted and lighted when:

- (a) They require special aeronautical study or
- (b) They exceed 170 feet in height above the ground.
- (c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 *Particular specifications to be used.* (a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth in this subpart.

(b) Where special aeronautical study is required, the Commission will, insofar as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed in this subpart.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen, the Commission will specify the type of painting and lighting to be used in the individual situation.

§ 17.23 *Specifications for the painting of antenna structures in accordance with § 17.21.* Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 40 feet nor less than 1½ feet in width.

§ 17.24 *Specifications for the lighting of antenna structures up to and including 150 feet in height.* (a) Antenna structures up to and including 150 feet in height above the ground located in areas set forth in § 17.15 shall be lighted as follows:

- (1) There shall be installed at the top of the tower at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at

any angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it should be adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.25 *Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.* (a) Antenna structures over 150 feet up to and including 300 feet in height above the ground shall be lighted as follows:

- (1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate mid point of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.26 *Specifications for the lighting of antenna structures over 300-feet up to and including 450 feet in height.* (a) Antenna structures over 300 feet up to and including 450 feet in height above the ground shall be lighted as follows:

- (1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed

visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower, there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.27 *Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.* (a) Antenna structures over 450 feet up to and including 600 feet in height above the ground shall be lighted as follows:

- (1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately one-half of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally-opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.28 *Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.* (a) Antenna structures over 600 feet up to and including 750 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.29 *Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.* (a) Antenna structures over 750 feet up to and including 900 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously and equipped with aviation red

color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.30 *Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.* (a) Antenna structures over 900 feet up to and including 1,050 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously and equipped with aviation red color filters. Where a rod or other construction of less than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.31 *Specifications for the lighting of antenna structures over 1,050 feet up to and including 1,200 feet in height.* (a) Antenna structures over 1,050 feet up to and including 1,200 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.32 *Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.* (a) Antenna structures over 1,200 feet up to and including 1,350 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths and two-ninths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.33 *Specifications for the lighting of antenna structures over 1,350 feet and up to and including 1,500 feet in height.* (a) Antenna structures over 1,350 feet up to and including 1,500 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (FS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed heights.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.34 *Specifications for the lighting of antenna structures over 1,500 feet in height.* Antenna structures over 1,500 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.35 *Antenna farms and multiple structure antenna arrays.* In the case of antenna structures which are so grouped as to present a common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.36 *Temporary warning lights.* During construction of an antenna structure, for which obstruction lighting is required, at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.37 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively:

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.38 *Recording of tower light inspections in the station record.* The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.37:

(a) The time the tower lights are turned on and off each day if manually controlled;

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided;

**RULES AND REGULATIONS**

(c) In the event of any observed or otherwise known failure of a tower light:  
 (1) Nature of such failure.  
 (2) Date and time the failure was observed, or otherwise noted.  
 (3) Date, time and nature of the adjustments, repairs, or replacements were made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 17.39 *Cleaning and repainting.* All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.40 *Time when lights shall be exhibited.* All lighting shall be exhibited from sunset to sunrise unless otherwise specified. Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.41 *Spare lamps.* A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.42 *Lighting equipment.* The lighting equipment, color of filters, and

shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings: (Lamps are referred to by standard numbers.)

Aviation red.....	Army-Navy Specification.....	AN-C-56. <sup>1</sup>
Outside white.....	Federal Specifications.....	TT-P-40, Type 1 or 2. <sup>2</sup>
Aviation surface orange.....	do.....	TT-P-59. <sup>2</sup>
Code beacon.....	CAA Specifications.....	446 (sec. II-d-Style 4). <sup>4</sup>
Obstruction light globe, prismatic.	Army-Navy Drawing.....	} AN-L-10A <sup>1</sup> or CAA Specification L-810.
Obstruction light globe, Fresnel.....	do.....	
Single multiple obstruction light fitting assembly.	do.....	
Obstruction light fitting assembly.	do.....	} #100 A21/TS. <sup>5</sup> #111 A21/TS (3,000 hours). #500 PS 40/45. <sup>5</sup> #620 PS 40/45 (3,000 hours).
100-watt lamp.....		
111-watt lamp.....		
500-watt lamp.....		
620-watt lamp.....		

<sup>1</sup> Copies of Army-Navy Specifications or drawings can be obtained by contacting Commanding General, Air Materiel Command, Wright Field, Dayton, Ohio, or the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Information concerning Army-Navy Specifications or drawings can also be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

<sup>2</sup> Copies of this specification can be obtained from the Government Printing Office for 5 cents.

<sup>3</sup> At the Air Routes and Ground Aids Division Meeting of the International Civil Aviation Organization during November 1949, the designation "Aviation Surface Orange", was adopted to replace "International Orange"

<sup>4</sup> Copies of this specification can be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce.

<sup>5</sup> It is strongly recommended that the 111-watt and 620-watt, 3,000-hour lamps, be used instead of the 100-watt and 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.43 *Painting and lighting existing structures.* Nothing in the criteria set forth in §§ 17.11 to 17.17 or this subpart concerning antenna structures or locations shall apply to painting and lighting those structures authorized

prior to the effective date of this part except where lighting and painting requirements are reduced, in which case the lesser requirements may apply.

[F. R. Doc. 53-2138; Filed, Mar. 9, 1953; 8:51 a. m.]

**PROPOSED RULE MAKING**

**DEPARTMENT OF AGRICULTURE**  
**Production and Marketing Administration**

**[ 7 CFR Part 936 ]**

**FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA**

**FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUATION IN EFFECT OF AMENDED MARKETING AGREEMENT AND ORDER**

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) notice was given in the FEDERAL REGISTER on November 27, 1952 (17 F. R. 10777), that a referendum would be conducted among the growers who, during the marketing season beginning on March 1, 1952 (which period was determined to be a representative period for

the purpose of such referendum) had been engaged, in the State of California, in the production of any fruit (as such term is defined in the amended marketing agreement and order) for shipment in fresh form to determine whether a majority of such growers favor the termination of the amended marketing agreement and order as to any one or more of such fruits.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 16 to January 31, 1953, both dates inclusive, it is hereby found and determined that the termination of the said marketing agreement and order, with respect to any of the fruits covered thereby, is not favored by the requisite majority of such growers.

Done at Washington, D. C., this 5th day of March 1953.

[SEAL] **EZRA TAFT BENSON,**  
*Secretary of Agriculture.*

[F. R. Doc. 53-2155; Filed, Mar. 9, 1953; 8:54 a. m.]

**[ 7 CFR Part 962 ]**

[Docket No. AO 162-A3]

**FRESH PEACHES GROWN IN GEORGIA**

**NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER REGULATING HANDLING**

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lanier Hotel, 553 Mulberry Street, Macon, Georgia, beginning at 10:00 a. m., e. s. t., March 17, 1953, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of fresh peaches

grown in the State of Georgia. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments have been proposed by the Industry Committee, established pursuant to the aforesaid marketing agreement and order:

1. Delete § 962.11 and insert, in lieu thereof, the following:

§ 962.11 *Adjacent markets.* "Adjacent markets" means the States of Florida, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, and that portion of Louisiana which is east of the Mississippi River.

2. Delete § 962.62 and substitute, in lieu thereof, the following:

§ 962.62 *Exemption certificates.* In the event peaches are regulated pursuant to §§ 962.60 or 962.61 the committee shall issue one or more exemption certificates to any grower who furnishes evidence satisfactory to the Industry Committee that, by virtue of conditions beyond his control, he will be prevented by reason of such regulation from having as large a proportion of his peaches shipped as the average proportion of all peaches which will be shipped by all growers in the same district. The Industry Committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to growers. Such exemption certificates may be transferred to handlers.

3. Delete the period at the end of the first sentence in § 962.64 and insert, in lieu thereof, the following: " *Provided further* That the Industry Committee may, with the approval of the Secretary, provide that this requirement shall not be applicable to any shipment of peaches in bulk to the adjacent markets."

The following amendments have been proposed by the Fruit and Vegetable Branch, Production and Marketing Administration:

4. Amend § 962.60 to authorize the issuance of regulations under this section with respect to other than adjacent markets during a specified period or periods when no such regulations are effective with respect to the adjacent markets.

5. Make such other changes in the marketing agreement and order as may be necessary 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 may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 50 Seventh Street NE., Atlanta 5, Georgia.

Filed at Washington, D. C., this 6th day of March 1953.

[SEAL]

ROY W. LENHARTSON,  
Assistant Administrator.

[F. R. Doc. 53-2186; Filed, Mar. 9, 1953; 8:50 a. m.]

[P. & S. Docket No. 383]

ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order dated April 22, 1952 (11 A. D. 358), as continued in effect by an order dated September 15, 1952 (11 A. D. 764), authorizes assessment of the current rates and charges to and including April 29, 1953.

On February 26, 1953, a petition was filed on behalf of respondents requesting authority to put into effect beginning April 30, 1953, a schedule of rates and charges containing certain modifications in the currently authorized rates and charges. The modified schedule would embody the following rates and charges:

DEFINITIONS

(1) A *consignment*, for the purpose of assessing selling charges is all the livestock of one species (cattle, calves and bulls weighing 800 pounds or over and hogs and stags, to be considered as of different species) belonging to one owner and delivered to one market agency to be offered for sale during the trading hours of any one day.

(2) A *purchase order*, for the purpose of assessing buying charges, is all the livestock of one species (cattle, calves and bulls weighing 800 pounds or over and hogs, stags, and packing sows, to be considered as of different species) bought by any one buying agency for any one principal, and shipped to or delivered to that principal on any one market day.

(3) A *weight draft*, for the purpose of assessing extra draft charges on cold livestock is all those animals in one consignment weighed as a single sales classification.

(4) A *person*, is an individual, a partnership, a corporation, and/or an association of any such acting as a unit.

(5) *Cattle*, are animals of the bovine species, weighed in drafts wherein the average weight of the animals is more than 400 pounds.

(6) *Calves*, are animals of the bovine species, weighed in drafts wherein the average weight of the animals is 400 pounds or under.

(7) *Bulls*, are uncastrated male animals of the bovine species, weighed in drafts wherein the average weight of the animals is 800 pounds or over.

(8) *Hogs*, are all swine irrespective of weight, except boars and stags.

(9) *Sheep*, are animals of the ovine species irrespective of weight. (For the purpose of this tariff, goats are counted as sheep.)

(10) *Resales*, for the purpose of assessing selling charges, are sales of livestock which are purchased on this market and without having been removed from the market, are resold by a market agency for the account of a purchaser who operates on the National Stock Yards and is registered with the Packers and Stockyards Division as a market agency or dealer.

NOTE: No commission will be charged on dead animals.

SELLING CHARGES

	<i>Per head</i>
<b>Cattle:</b>	
Consignments of 1 head and 1 head only	\$1.50
Consignments of more than 1 head:	
First 5 head in each consignment	1.20
Next 10 head in each consignment	1.15
Each head over 15 in each consignment	1.10
<b>Calves:</b>	
Consignments of 1 head and 1 head only	.95
Consignments of more than 1 head:	
First 5 head in each consignment	.80
Next 10 head in each consignment	.60
Each head over 15 in each consignment	.50
<b>Bulls:</b>	
Bulls irrespective of the number in a consignment	2.00
<b>T. B. or Bangs Reactors and Subjects:</b> (Cattle and calves irrespective of weight)	2.00
<b>Hogs:</b>	
Consignments of 1 head and 1 head only	.80
Consignments of more than 1 head:	
First 10 head in each consignment	.43
Next 15 head in each consignment	.33
Each head over 25 in each consignment	.33
<b>Boars and stags</b>	1.00
<b>Sheep:</b>	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 10 head in each 240 head in each consignment	.45
Next 50 head in each 240 head in each consignment	.30
Next 60 head in each 240 head in each consignment	.18
Next 120 head in each 240 head in each consignment	.14

MAXIMUM CHARGES

The maximum calling charge on any one rail consignment of sheep shall not exceed an amount equal to \$28 multiplied by the number of single-deck cars in the consignment plus an amount equal to \$40 multiplied by the number of double-deck cars in the consignment.

	<i>Per head</i>
<b>RESALES</b>	
<b>Bulls</b>	\$1.80
<b>Cattle</b>	1.05
<b>Calves</b>	.50
<b>Hogs</b>	.30
<b>Sheep</b>	.30

BUYING CHARGES

Buying charges shall be the same as selling charges, with the following exceptions:

**Cattle:** Maximum charge on any purchase order of cattle shipped out by rail shall not exceed an amount equal to \$35 multiplied by the number of cars in which the order is shipped out.

**Calves:** Maximum charge on any purchase order of calves shipped out by rail shall not exceed an amount equal to \$35 multiplied by the number of single-deck cars plus \$50 multiplied by the number of double-deck cars in which the order is shipped out.

**Bulls:** Maximum charge on any purchase order of bulls shipped out by rail shall not exceed an amount equal to \$35 multiplied by the number of cars in which the order is shipped out.

**Hogs:** Maximum charge on any purchase order of hogs shipped out by rail shall not exceed an amount of \$30 multiplied by the number of single-deck cars plus \$40 multiplied by the number of double-deck cars in which the order is shipped out.

Maximum charge on a purchase order of hogs shipped out by truck or driven out shall

PROPOSED RULE MAKING

not exceed an amount equal to \$35 for each 17,000 pounds in the order plus 12¢ for each additional 100 pounds or fraction thereof necessary to account for the entire weight of the order.

Boars, stags and packer sows only\*  
Purchase orders for more than 1 head: *Per head*  
First 10 head in each order..... \$1.00  
Next 15 head in each order..... .90  
Each head over 25 in each order.. .80

The maximum charge on any purchase order of boars, stags and packer sows shipped out by rail shall not exceed an amount equal to \$35 multiplied by the number of single-deck cars plus \$50 multiplied by the number of double-deck cars in which the order is shipped out.

The maximum charge on a purchase order of boars, stags and packer sows shipped out by truck or driven out shall not exceed an amount equal to \$35 for each 17,000 pounds in the order plus 20¢ for each additional 100 pounds or fraction thereof necessary to account for the entire weight of the order.

Sheep: Maximum charge on any purchase order of sheep shipped out by rail shall not exceed an amount of \$28 multiplied by the number of single-deck cars plus \$40 multiplied by the number of double-deck cars in which the order is shipped out.

NOTE: All purchases of any species which are paid for by a commission agency, or by his shipping clearance, whether made by or for a dealer, feeder or a farmer or by any other person than a resident yard dealer, shall be considered to be a purchase and shall be charged for at the rates set out above. In the case of all such purchases, all charges incident to bank exchange and wires in making credit arrangements shall be borne by the purchaser.

EXTRA SERVICE CHARGES

Each weight draft in excess of one necessary to handle sold livestock in the best interest of the owner, or requested by him..... \$0.10

NOTE: On purchased livestock no draft charge applies.

Each additional check, each additional copy of account sales, each proceeds deposit or bank credit over one (1)..... \$0.10

INSURANCE SCHEDULE

Carlots: Insurance, all species, 10 cents per deck.  
Driven or hauled in:  
Cattle—1 head 1 cent and ½ cent per head thereafter.  
Calves—1 head 1 cent and ½ cent per head thereafter.  
Hogs—1 head 1 cent and ½ cent per head thereafter.  
Sheep—1 head 1 cent and ½ cent per head thereafter.  
(In computing, drop fractions of cents after the first head.)

If authorized, the modifications will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 3d day of March 1953.

[SEAL] AGNES B. CLARKE,  
Hearing Clerk.

[F. R. Doc. 53-2156; Filed, Mar. 9, 1953; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 3 ]

[Docket No. 10374]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

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

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 53-22) setting forth the above amendment was issued by the Commission on January 9, 1953, and was duly published in the FEDERAL REGISTER (18 F. R. 322) which notice provided that interested parties might file statements of briefs with respect to the said amendment on or before February 11, 1953; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation,

It further appearing, that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in the Washington, D. C., area;

It is ordered, That effective April 6, 1953, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Baltimore, Md.....	238	.....
Washington, D. C.....	.....	238

Released: February 26, 1953.

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

[F. R. Doc. 53-2139; Filed, Mar. 9, 1953; 8:51 a. m.]

[ 47 CFR Parts 7, 8 ]

[Docket No. 10377]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICE

DELETION OF OPERATION AUTHORITY BY COAST, SHIP, AND AIRCRAFT STATIONS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to

delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February 1953;

The Commission having under consideration a motion filed by American Waterways Operators, Incorporated, requesting that the Commission extend the time for filing comments in the above-entitled rule making proceeding from March 2, 1953 to April 25, 1953;

It appearing, that the petitioner has no interest in that portion of the notice of proposed rule making which concerns the 12 and 16 Mc bands and the assignments in Honolulu, San Francisco and Miami, and there is, therefore, no reason for extending the time for commenting on those portions of the notice of proposed rule making; and

It further appearing, that petitioner has set forth adequate reasons why an extension of time should be granted for commenting on the remaining portions of the notice of proposed rule making issued in this proceeding;

It is ordered, That, except for the proposals concerning the 12 and 16 Mc bands and the assignments at Honolulu, San Francisco and Miami, the time for filing comments concerning the notice of proposed rule making issued in this proceeding is extended until March 25, 1953.

Released: March 2, 1953.

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

[F. R. Doc. 53-2143; Filed, Mar. 9, 1953; 8:53 a. m.]

[ 47 CFR Part 11 ]

[Docket No. 10415]

INDUSTRIAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 11.252 (b) 11.302 (b) 11.352 (b), 11.402 (a) and 11.502 (b) of Part 11, rules governing Industrial Radio Services; Docket No. 10415.

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

2. In accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Genova 1951) the frequency 2398 kc is shown in the Region 2 list as being assigned to particular stations in the Industrial Radio Services. It is proposed, therefore, to amend Part 11, rules governing the Industrial Radio Services, as set forth below, to provide for the use of the frequency 2398 kc by stations operating in the Industrial Radio Services, with the exception of the Relay Press and Low Power Industrial Radio Services.

3. No frequencies below those in the VHF band have heretofore been made available to either the Low Power or the Relay Press Radio Service, and the Commission has no information that would indicate that these Services have a substantial need for such frequencies. Accordingly, it is not proposed to make the frequency 2398 kc available to stations operating in either of these Services.

4. It will be noted from the appendix as set forth below that use of the frequency 2398 kc by stations in the Industrial Radio Services is on a shared basis with other stations in those Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in those Services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. Accordingly, the frequency may not be available for assignment to stations in the Industrial Radio Service in all cases or at all locations where its use is desired.

5. The proposed amendment which is set forth below is issued under authority of sections 4 (i) 303 (c) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunications and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951).

6. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before March 23, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: February 25, 1953.

Released: February 26, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

1. In Subpart F of Part 11, rules governing the Power Radio Service, amend paragraph (b) of § 11.252 by adding the frequency 2398 kc and a new footnote, so that the amended paragraph reads as follows:

(b) The following frequencies are available for assignment to base stations and mobile stations in the Power Radio Service on a shared basis with other services:

Frequency (Kc)	Frequency (Mc)
<sup>2</sup> 2293	<sup>4</sup> 35.03
<sup>2</sup> 2398	<sup>4</sup> 35.10
<sup>1,2</sup> 4637.5	35.14
	<sup>4</sup> 35.18

<sup>1</sup>This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Power Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

<sup>3</sup>This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

<sup>4</sup>The use of these frequencies by stations in the Power Radio Service is subject to causing no harmful interference to the Maritime Mobile Service.

2. In Subpart G of Part 11, rules governing the Petroleum Radio Service, amend paragraph (b) of § 11.302 by adding the frequency 2398 kc and a new footnote, so that the amended paragraph reads as follows:

(b) The following frequencies are available for assignment to base stations and mobile stations in the Petroleum Radio Service on a shared basis with other services:

Frequency (Kc)	Frequency (Mc)	Frequency (Mc)
1614	30.66	153.23
1628	30.70	153.29
1652	30.74	153.35
1676	30.78	153.31
1700	30.82	153.37
<sup>2</sup> 2292	153.05	153.43
<sup>2</sup> 2398	153.11	
<sup>1,2</sup> 4637.5	153.17	

<sup>1</sup>This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Petroleum Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in the services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

<sup>3</sup>This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

3. In Subpart H of Part 11, rules governing the Forest Products Radio Service, amend paragraph (b) of § 11.352 by adding the frequency 2398 kc and a new footnote, so that the table in the amended paragraph reads as follows:

Frequency (Kc)	Frequency (Mc)	Frequency (Mc)
1676	49.54	153.65
1700	49.58	153.11
<sup>2</sup> 2398	49.62	153.17
	49.66	153.23
		153.29
		153.35
		153.31
		153.37
		153.43

<sup>1</sup>This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Forest Products Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

<sup>3</sup>This frequency is limited to daytime use only, with a maximum plate power input to

locations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Forest Products Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

4. In Subpart I of Part 11, rules governing the Motion Picture Radio Service, amend paragraph (a) of § 11.402 by adding the frequency 2398 kc and a new footnote, so that the amended paragraph reads as follows:

(a) The following frequencies are available for assignment to Base stations and Mobile stations in the Motion Picture Radio Service on a shared basis with other services:

Frequency (Kc)	Frequency (Mc)	Frequency (Mc)
1628	49.70	152.99
1652	49.74	173.225
<sup>2</sup> 2292	49.78	173.275
<sup>2</sup> 2398	49.82	173.325
<sup>1,2</sup> 4637.5	152.87	173.375
	152.93	

<sup>1</sup>This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Motion Picture Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

<sup>3</sup>This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

5. In Subpart K of Part 11, rules governing the Special Industrial Radio Service, amend paragraph (b) of § 11.502 by adding the frequency 2398 kc and a new footnote, so that the amended paragraph reads as follows:

(b) The following frequencies are available for assignment to Base stations and Mobile stations in the Special Industrial Radio Service on a shared basis with other services:

Frequency (Kc)	Frequency (Mc)	Frequency (Mc)
<sup>2</sup> 2292	49.54	49.73
<sup>2</sup> 2398	49.58	49.82
<sup>1,2</sup> 4637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	154.57

<sup>1</sup>This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

<sup>2</sup>Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

<sup>3</sup>This frequency is limited to daytime use only, with a maximum plate power input to

the final radio frequency stage not to exceed 100 watts.

[F. R. Doc. 53-2142; Filed, Mar. 9, 1953; 8:52 a. m.]

### [ 47 CFR Part 14 ]

[Docket No. 10416]

#### RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

##### NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 14 of the rules governing Radio Stations in Alaska regarding certain frequencies in the 1500-3500 kc band; Docket No. 10416.

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

2. Proposed amendments of Part 14 of the Commission's rules are set forth below.

3. The proposed amendments to the rules are intended as a part of the Commission's program of implementation of the International Radio Regulations (Atlantic City, 1947) in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951). It is proposed to amend Part 14 of the Commission's rules to delete certain frequencies now available, and to add replacement frequencies that are available for assignment at this time. The frequencies involved for deletion are 1540, 1592, 1606, 2994 and 3190 kc. The frequencies 1540, 1592, and 1606 kc are proposed to be deleted because 1540 and 1592 kc are in the band allocated to the Broadcast Service (535-1605 kc) and utilization of 1606 kc would cause harmful interference to broadcast operations in the high end of the band. The frequency 2994 kc is in a band allocated to the aeronautical mobile service and the frequency 2292 kc specified in the Geneva list for fixed and coast stations will be made available as a replacement for the frequency 2994 kc in the vicinity of Circle, Alaska. Since the Geneva Agreement specifies the frequency 3201 kc as a replacement frequency for Alaskan fixed and coast stations operating on 3190 kc and 3201 kc is now available for use, it is proposed to also reflect this change in the rules at this time. While the Geneva list does not specifically list the replacement frequencies for use by ship stations, the proposed amendments make them available to ships in Alaska. The use of these frequencies by ship stations is in accordance with the Atlantic City Table of Frequency Allocations.

4. The proposed amendments are issued under the authority of sections 4 (i) and 303 (c) (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person of the opinion that the proposed amendment should not be adopted should file with the Commission on or before March 20, 1953, a written statement or brief setting forth his comments. Persons desiring to sup-

port the amendment may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within 5 days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs before taking final action. An original and fourteen copies of each brief or written statement should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: February 25, 1953.

Released: February 26, 1953.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

a. Amend § 14.15 by deleting the frequencies 1540, 1606, 2994<sup>10</sup> and 3190 kc listed therein and by adding the following frequencies to those listed:

2292 kc<sup>10a</sup> 3201 kc

b. Section 14.15 is further amended by adding a new footnote 10a to read as follows:

<sup>10a</sup> For use in the vicinity of Circle, Alaska.

c. Amend § 14.31 by deleting the frequencies 1540, 1592, 1606, 2994<sup>10</sup> and 3190 kc listed therein and by adding the following frequencies to those listed:

2292 kc<sup>10a</sup> 3201 kc

d. Section 14.31 is further amended by adding a new footnote 10a to read as follows:

<sup>10a</sup> For use in the vicinity of Circle, Alaska.

e. Amend § 14.52 by deleting the frequencies 1540, 1606, 2994<sup>10</sup> and 3190 kc listed therein and by adding the following frequencies to those listed:

2292 kc<sup>10a</sup> 3201 kc

f. Section 14.52 is further amended by adding a new footnote 10a to read as follows:

<sup>10a</sup> For use in the vicinity of Circle, Alaska.

g. Section 14.54 (a) is amended to read as follows:

§ 14.54 *Frequencies for ship stations.* (a) The following frequency is allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 2538 kc; A1, A2, A3 emission, maximum power, 100 watts.

h. Section 14.54 (a) is further amended by deleting footnote 14 thereto.

[F. R. Doc. 53-2141; Filed, Mar. 9, 1953; 8:52 a. m.]

#### FEDERAL POWER COMMISSION

### [ 18 CFR Ch. I ]

[Docket No. R-126]

#### TREATMENT OF FEDERAL INCOME TAXES AS AFFECTED BY ACCELERATED AMORTIZATION

##### NOTICE OF CONTINUANCE OF ORAL ARGUMENT

MARCH 3, 1953.

Notice is hereby given that the oral argument now scheduled for 10:00 a. m., March 11, 1953, in the above-entitled

matter, is postponed to March 18, 1953, at the same time and place.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 53-2127; Filed, Mar. 9, 1953; 8:49 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 210 ]

#### FORM AND CONTENT OF FINANCIAL STATEMENTS

#### TREATMENT OF COMPENSATION IN FORM OF STOCK OPTIONS GRANTED BY CORPORATIONS TO THEIR OFFICERS AND EMPLOYEES

During the past decade an increasing number of industrial companies which file financial statements with the Securities and Exchange Commission have adopted a plan or plans for granting options to key officers and employees, usually a small number of persons, to purchase capital stock of such companies. While some of these plans have given the optionees the unrestricted right to exercise the options immediately, others have required that the optionees remain in the employ of the company for a specific period before they have the unrestricted right to exercise the options, and still others have granted the right to purchase a specified number of shares each year over a period of years provided the optionees were in the employ of the company upon each such option date.

Prior to 1950 many of these plans fixed the purchase price at substantially less than the market price of the stock optioned at the date the option was granted. In 1950 section 130A of the Internal Revenue Code was enacted which created the "restricted stock option" defined as "an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any such corporations, but only if \* \* \* at the time such option is granted the option price is at least 85 per centum of the fair market value at such time of the stock subject to the option; and such option by its terms is not transferable by such individual, \* \* \* and is exercisable, during his lifetime, only by him \* \* \*"

Pursuant to section 130A no tax is required to be paid by an optionee with respect to the optioned shares until he disposes of such shares, provided disposition thereof is not made within two years from the date of the granting of the option nor within six months after the transfer of the optioned shares to him. If these conditions are met, and the option price is between 85 percent and 95 percent of the fair value of the stock at the date of grant, the gain upon disposition is taxable as compensation only to the extent that the option price is exceeded by the lesser of the fair market value of the stock at (1) the time of disposition, or (2) the time the option was granted. If these conditions are not met or in the case of a non-

restricted option, any excess of the fair market value as of the date on which the option was exercised over the option price of the shares optioned would be taxable as compensation.

Where the conditions of section 130A are met, no tax deduction is allowable to the corporation at any time by reason of stock purchased by employees under a restricted option plan, whereas otherwise an amount equal to the aggregate excess of the fair market value of the optioned shares over the option price thereof on the date such shares are acquired by the optionees is deductible for tax purposes by the corporation.

Since the enactment of section 130A many corporations have changed their methods of granting options to qualify them as restricted options. While some of these plans set the option price at varying amounts (but not more than 15 percent) under the market price, in most instances the option price is the same as market.

Stock option plans, whether or not they meet the conditions specified in section 130A, unquestionably afford benefits to the participating employees which are susceptible of monetary expression. This has been generally recognized in court decisions, in the varying treatments, which have been accorded such options under the Internal Revenue Code, and in financial statements filed with the Securities and Exchange Commission. Accordingly, the Commission has required financial statements filed with it to reflect amounts corresponding to the benefit to the optionees as charges against income of the issuer in the period or periods in which the optionees first obtained the unrestricted right to exercise their options.

This accounting for the compensation resulting from the option agreements was concurred in by the accounting profession in November 1943 through the issuance by the Committee on Accounting Procedure of the American Institute of Accountants of their Accounting Research Bulletin No. 37 entitled "Accounting for Compensation in the Form of Stock Options," which expressed the view that: (1) The options are part of the corporation's cost of the services of officers and other employees, and should be accounted for as such; (2) the omission of such costs from the corporation's income accounting may result in overstatement of net income to a significant degree; (3) the proper date as of which to measure the value of the option is the

date the grantee has met all conditions which would permit him to exercise the option; and (4) the cost of such services to the corporation should be measured by the excess, at such date, of the fair value of the shares then exercisable over the option price thereof.

The American Institute of Accountants has reconsidered its Accounting Research Bulletin No. 37 and now, after several years of acceptance by the accountants certifying financial statements made available to investors through filings with the Securities and Exchange Commission and in corporate reports to stockholders, has revised that bulletin to establish the date on which an option is granted as the date on which such compensation is to be determined and to indicate that the amount of compensation to be recorded in the accounts of the corporation should be merely the excess of the fair value of the optioned stock over the option price as at that date.

Acceptance of the method prescribed in the revised bulletin would result in the almost complete exclusion from corporate income statements of charges for compensation to employees in the form of stock options; for most option plans are no longer of the unrestricted type and under the restricted plans the option price is fixed generally at market or within 95 percent of market.

In view of the revision of Accounting Research Bulletin No. 37, the Commission deems it necessary and appropriate to give consideration to the adoption of a rule requiring a corporation which grants options to its officers and employees to acquire its capital stock, thereby incurring costs in the form of compensation to the optionees, to account for such costs, at the time the optionees have complied fully with the terms of the option, by charging corporate income with an amount equal to the fair value of the stock over the option price at that date. This would continue in effect the procedure the Commission has required in the past.

Until the Commission has had full opportunity to receive and study the views of all interested persons, and the proposed rule is adopted or otherwise disposed of, registrants will be permitted to disclose in footnotes to the financial statements filed with the Commission all pertinent details relative to outstanding option arrangements in lieu of accounting for the compensation resulting therefrom as required in the past.

This interim treatment is not to be construed as indicative of the Commission's ultimate decision with respect to the proposed rule but merely recognizes the difficulty of determining appropriate accounting procedures with respect to these option arrangements which in many instances materially affect financial statements.

The text of the rule, which it is proposed to adopt pursuant to authority conferred upon the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (d) and 38 (a) thereof, is as follows:

§ 210.— *Capital stock optioned to officers and employees.* (a) Compensation to officers and employees in the form of options granted to acquire capital stock should be reflected in the profit and loss account, at the time the optionees have complied fully with the terms of the option agreements and thereby become entitled to exercise the options, in an amount equal to the excess of the fair value of the stock exercisable over the option price, at that date.

(b) A brief description of each option arrangement including (1) the title and amount of securities subject to option; (2) the date or dates upon which the options were granted; (3) the date or dates upon which the optionees become entitled to exercise the options; (4) the option price or prices; (5) the fair value per share of the optioned shares at the dates the options were granted; and (6) the fair value per share of the optioned shares which became exercisable during the period should be shown in a footnote to the financial statements.

All interested persons are hereby invited to submit views and comments in writing on the proposed rule addressed to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before March 25, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

FEBRUARY 25, 1953.

[F. R. Doc. 53-2122; Filed, Mar. 9, 1953; 8:48 a. m.]

## NOTICES

### DEPARTMENT OF LABOR

#### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068,

as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these cer-

tificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in

certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818)

Abingdon Manufacturing Corp., Abingdon, Va., effective 2-26-53 to 2-25-54; 10 percent of the productive factory force engaged in the manufacture of men's woven pajamas only (men's woven pajamas).

Arkay Pants Co., 110 Chace Street, Fall River, Mass., effective 2-26-53 to 2-25-54; 10 learners (boys' and girls' outerwear and storm coats).

Calloway Manufacturing Co., Murray, Ky., effective 3-2-53 to 9-1-53; 100 learners for expansion purposes (men's work trousers, boys' dungarees and hobby jeans).

Cagleco Sportswear, 115 Themis Street, Cape Girardeau, Mo., effective 3-2-53 to 3-1-54; 10 learners (men's and boys' cloth and leather jackets).

David Manufacturing Co., 80 Broad Street, Beaver Meadows, Pa., effective 2-28-53 to 2-27-54; 10 learners (children's bathrobes).

Dixie Lou Frocks, Inc., 120 South Water Street, Henderson, Ky., effective 2-28-53 to 2-27-54; 10 percent of the productive factory force or 10 learners, whichever is greater (women's cotton dresses and related articles).

Excel Manufacturing Co., 910 Girod Street, New Orleans, La., effective 3-2-53 to 3-1-54; 5 learners (boys' pants, shirts, coat suits, jackets, and overalls).

Fuhrman Levitt, Inc., 1486-88-90 Haddon Avenue, Camden, N. J., effective 2-26-53 to 2-25-54; 10 learners (children's dresses).

Gem Sportswear Co., 94 Kilburn Street, New Bedford, Mass., effective 3-2-53 to 3-1-54; 5 learners (women's dresses— inexpensive cotton).

General Garment Manufacturing Co., Inc.; 308 Canal Street, Petersburg, Va., effective 3-3-53 to 3-2-54; 10 percent of the productive factory force (cotton flannel sport shirts).

Glen of Michigan, Rhea Manufacturing Co., 77 Hancock Street, Manistee, Mich., effective 2-28-53 to 2-27-54; 10 percent of the productive factory force. Learners not to be engaged at subminimum wage rates in the production of skirts (women's apparel).

Horton Garment Co., Horton, Kans., effective 2-28-53 to 2-27-54; 10 percent of the productive factory force or 10 learners, whichever is greater (junior dresses).

Jan Garment Co., 54 South Penn Avenue, Wilkes-Barre, Pa., effective 2-24-53 to 2-23-54; 6 learners (ladies' dresses and blouses).

Jasper Brassiere Co., Inc., Bankhead Farmsteads, Route 5, Jasper, Ala., effective 2-26-53 to 8-25-53; 25 learners for expansion purposes (brassieres).

Kane Manufacturing Co., Morgantown, Ky., effective 3-2-53 to 8-17-53; 25 additional learners for expansion purposes (men's and boys' sport jackets) (supplemental certificate).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 3-1-53 to 2-26-54; 5 learners (children's underwear, slips).

R. Lowenbaum Manufacturing Co., Sparta, Ill., effective 2-25-53 to 8-24-53; 20 learners for expansion purposes (junior dresses).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 2-25-53 to 8-24-53; 25 learners for expansion purposes (junior dresses).

Luzerne Outerwear Manufacturing Co., 87-93 North Canal Street, Shickshinny, Pa.,

effective 3-2-53 to 9-1-53; 20 learners for expansion purposes (men's outerwear).

Nunnally & McCrea Co., 98 Mitchell Street SW., Atlanta, Ga., effective 2-26-53 to 2-25-54; 10 percent of the productive factory force (coveralls, dungarees, pants).

Nunnally & McCrea Co., Jasper, Ga., effective 2-26-53 to 2-25-54; 10 percent of the productive factory force (dungarees).

The Rice Corp., Monterey, Ind., effective 2-25-53 to 2-24-54; 5 learners (dungarees).

The Rice Corp., Winamac, Ind., effective 2-26-53 to 2-25-54; 10 learners (dungarees).

J. Rogat Shirt Co., 55-61 Broadway, Bangor, Pa., effective 2-26-53 to 2-25-54; 10 learners (dress and sport shirts).

H. B. Spont Co., 12-18 East Coal Street, Shenandoah, Pa., effective 3-1-53 to 2-28-54; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' wool and cotton sport shirts, ladies' shorts and pedal pushers).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn., effective 3-1-53 to 2-28-54; 10 percent of the productive factory force or 10 learners, whichever is greater (cotton dungarees).

Tempest Shirt Manufacturing Co., Inc., 461 Cherry Street, Jesup, Ga., effective 2-27-53 to 2-26-54; 10 percent of the productive factory force (men's and boys' shirts).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-53 to 3-5-54; 10 percent of the productive factory force (women's house dresses).

Williamson-Dickie Manufacturing Co., Weslaco, Tex., effective 2-28-53 to 8-27-53; 50 learners for expansion purposes (work clothing).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888)

Good Luck Glove Co., Metropolis, Ill., effective 3-2-53 to 3-1-54; 10 percent of the productive factory force engaged in machine stitching occupations (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733)

Bijou Hosiery Mills, Inc., Denver, Pa., effective 3-4-53 to 3-3-54; 5 percent of the productive factory force.

Joseph Black & Sons Co., Inc., 1200 West Market Street, York, Pa., effective 3-2-53 to 3-1-54; 5 percent of the productive factory force.

Elliott Knitting Mills, Inc., Hickory, N. C., effective 3-2-53 to 3-1-54; 5 percent of the productive factory force.

Full Knit Hosiery Mills, Inc., Highway 70, Burlington, N. C., effective 2-24-53 to 2-23-54; 5 percent of the productive factory force.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia 24, Pa., effective 3-2-53 to 3-1-54; 5 percent of the productive factory force.

Piedmont Knitting Co., Inc., Gordonsville, Va., effective 3-2-53 to 3-1-54; 5 percent of the productive factory force.

Veitel Hosiery Mills Co., 26 West Main Street, LeRoy, N. Y., effective 2-27-53 to 2-16-54; 5 learners (replacement certificate).

Waldensian Hosiery Mills, Inc., Pauline Plant, Valdese, N. C., effective 3-2-53 to 3-1-54; 5 percent of the productive factory force.

Waldensian Hosiery Mills, Inc., Lenoir Plant, Lenoir, N. C., effective 3-2-53 to 3-1-54; 5 learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

DeMoulin Bros. & Co., Greenville, Ill., effective 3-2-53 to 3-1-54; 7 learners; machine operators (except cutting), pressers, hand-sewers; each 480 hours; 65 cents per hour for the first 240 hours and 70 cents per hour for

the remaining 240 hours (military and band uniforms).

Wilkes-Barre Cap Manufacturing Co., East Market and South State Streets, Wilkes-Barre, Pa., effective 3-2-53 to 3-1-54; 2 learners; sewing machine operators; 240 hours at 65 cents per hour (mlners' caps and work caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 2d day of March 1953.

MILTON BROOKE,  
Authorized Representative  
of the Administrator

[F. R. Doc. 53-2114; Filed, Mar. 9, 1953;  
8:46 a. m.]

## Wage and Hour and Public Contracts Divisions

### EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

#### ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525) and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102)

The names, and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

New Hampshire Association for the Blind, 155 North Main Street, Concord, N. H., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for a training period of 160 hours, and 15 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Goodwill Industries of New Jersey, 288 Clerk Street, Jersey City 4, N. J., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective February 19, 1953, and expires January 31, 1954.

Goodwill Industries of New Jersey, 574 Jersey Avenue, Jersey City, N. J., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective February 19, 1953, and expires January 31, 1954.

Albany Association of the Blind, Inc., 19 Chestnut Street, Albany, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 34 cents per hour, whichever is higher. Certificate is effective February 19, 1953, and expires January 31, 1954.

Albany Association of the Blind, Inc., 208 State Street, Albany, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 34 cents per hour, whichever is higher. Certificate is effective February 19, 1953, and expires January 31, 1954.

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour, whichever is higher. Certificate is effective February 20, 1953, and expires January 31, 1954.

Altro Work Shops, Inc., 1021 Jennings Street, Bronx 60, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour, whichever is higher. Certificate is effective February 24, 1953, and expires January 31, 1954.

Northampton County Branch, Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pa., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 120 hours, and 35 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Council Thrift and Workshop, 2073 Northwest Seventh Avenue, Miami 37, Fla., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry main-

taining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Goodwill Industries, Inc., 316 Chapin Street, South Bend, Ind., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Arkansas Lighthouse for the Blind, 1706 East Ninth Street, Little Rock, Ark., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 50 cents thereafter, whichever is higher. Certificate is effective March 1, 1953, and expires February 28, 1954.

Saint Vincent de Paul Society of Los Angeles, Inc., 717 South Burlington Avenue, Los Angeles 5, Calif., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation, and/or a training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective February 28, 1953, and expires February 15, 1954.

Richmond Goodwill Industries, Inc., 1903 East Marshall Street, Richmond, Va., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective March 1, 1953, and expires February 28, 1954.

Opportunity Workshop of the Jewish Vocational Service of Essex County, 652 High Street, Newark 2, N. J., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective March 1, 1953, and expires February 28, 1954.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental

deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of February 1953.

JACOB I. BELLOW,  
Assistant Chief of Field Operations.

[F. R. Doc. 52-2115; Filed, Mar. 9, 1953;  
8:47 a. m.]

## DEPARTMENT OF THE TREASURY,

### Bureau of Customs

[T. D. 53210]

#### PRODUCTS OF GERMANY, POLAND, AND DANZIG

#### TARIFF STATUS, MARKING, AND CUSTOMS VALUATION

MARCH 3, 1953.

In the matter of tariff status, marking to indicate the name of the country of origin, and customs valuation of products of Germany, Poland, and Danzig.

In accordance with the President's Proclamation 2935 of August 1, 1951 (2 CFR, 1951 Supp., Chap. I, T. D. 52782) and Notifications pursuant thereto dated August 1, 1951 (3 CFR, 1951 Supp., Chap. III, Subchap. E; T. D. 52788) and January 17, 1953 (18 F. R. 593; T. D. 53191), products of Poland, the Soviet Zone of Germany, the Soviet Sector of Berlin, or areas in Germany under the provisional administration of the Soviet Union or of Poland, as well as the former Free City of Danzig, entered, or withdrawn from warehouse, for consumption shall not receive reduced rates of duty established pursuant to any trade agreement. Products of the Federal Republic of Germany or of the Western Sectors of Berlin continue to receive most-favored-nation treatment.

For the purposes of the value provisions of section 402, Tariff Act of 1930, as amended (19 U. S. C. 1402), the area of the Federal Republic of Germany and the Western Sectors of Berlin shall be treated as one "country"; the area of the Soviet Zone of Germany and the Soviet Sector of Berlin shall be treated as another "country"; the area of Poland and the areas under the provisional administration of Poland immediately east of the Oder-Neisse line and in East Prussia, as well as the former Free City of Danzig, shall be treated as another "country"; and the area in East Prussia under the provisional administration of the Soviet Union shall be treated as another "country." Insofar as this ruling on value results in any change of practice, it shall be applied to merchandise exported after the date of the publication of this decision in the weekly Treasury Decisions.

Articles manufactured or produced in the Federal Republic of Germany or a Western Sector of Berlin shall continue to be marked to indicate Germany as the "country of origin," but products of the Soviet Zone of Germany or of the Soviet Sector of Berlin shall be marked to indicate Germany (Soviet occupied) as the "country of origin."

Articles manufactured or produced in Poland, in an area under the provisional administration of Poland immediately east of the Oder-Neisse line and in East Prussia, or in the former Free City of Danzig shall be marked to indicate Poland as the "country of origin."

Articles manufactured or produced in the area in East Prussia under the provisional administration of the Soviet Union shall be marked to indicate the Union of Soviet Socialist Republics as the "country of origin."

T. D. 51527 and the entries for Germany and Poland in item 3 of Bulletin of Marking Rulings—3 are superseded, except that the markings specified therein for products of the areas in question, or the markings listed above, shall be acceptable on articles arriving in the United States before the expiration of 90 days after the publication of this decision in the weekly Treasury Decisions.

[SEAL] FRANK DOW,  
Commissioner of Customs.

[F. R. Doc. 53-2148; Filed, Mar. 9, 1953;  
8:54 a. m.]

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

[Order No. 3229, Revised]

#### PRODUCTION OR DISCLOSURE OF MATERIALS OR INFORMATION

JANUARY 13, 1953.

Pursuant to authority vested in me by R. S. 161 (5 U. S. C. 22) it is hereby ordered:

1. When a United States Attorney or any other officer or employee of the Department of Justice is served with a subpoena or order for the production or disclosure of materials or information contained in the files of the Department, the United States Attorney, or such other attorney as may be designated, will appear with the person upon whom the demand is made and inform the court or other issuing authority that such person is not authorized to produce or disclose the materials or information sought. Time will be requested within which to refer the subpoena or order to the Attorney General, and the United States Attorney or other attorney designated will refer the court to this order as published in the FEDERAL REGISTER. Advice as to such subpoena or order will be given immediately to the Attorney General without awaiting court appearance.

2. In the event the court declines to defer a ruling until instructions from the Attorney General have been received, or in the event the court rules adversely on a claim of privilege asserted under instructions of the Attorney General, the person upon whom such demand is made

will, pursuant to this order, respectfully decline to produce the material or information sought. United States ex rel Touhy v. Ragen, 340 U. S. 462.

3. Order No. 3229 (dated May 2, 1939) and Supplements 1, 2, 3, and 4 thereto (dated December 8, 1942, June 6, 1947, May 1, 1952, and August 20, 1952, respectively) heretofore in effect, are hereby revoked.

JAMES P. McGRANERY,  
Attorney General.

[F. R. Doc. 53-2165; Filed, Mar. 9, 1953;  
8:58 a. m.]

### Office of Alien Property

ANNA ELISABETH HAUPT

#### 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*

Anna Elisabeth Haupt, Munich, Germany; Claim No. 57153; \$6,738.51 in the Treasury of the United States.

All right of Anna Elisabeth Haupt to demand, receive and collect the net proceeds due or to become due during her lifetime under an annuity contract evidenced by policy No. 575646, issued by The Guardian Life Insurance Company of America, New York, New York.

Executed at Washington, D. C., on March 4, 1953.

For the Attorney General.

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

[F. R. Doc. 53-2136; Filed, Mar. 9, 1953;  
8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2901 et al.]

### PORTLAND-SEATTLE SERVICE CASE

#### NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

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 assigned to be held on March 24 is postponed to April 2, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 5, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 53-2112; Filed, Mar. 9, 1953;  
8:46 a. m.]

[Docket No. 5233 et al.]

### TRANS-TEXAS AIRWAYS, INC., RENEWAL CASE; SEGMENTS 2 AND 6

#### NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the renewal of the temporary certificate of public convenience and necessity for segments 2 and 6 of route No. 82 held by Trans-Texas Airways, Inc.

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, assigned to be heard on March 26, is postponed to April 9, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 4, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 53-2113; Filed, Mar. 9, 1953;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27857]

### PAN-ATLANTIC STEAMSHIP CORP., CLASS RATES BETWEEN THE EAST AND THE SOUTHWEST

#### APPLICATION FOR RELIEF

MARCH 5, 1953.

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

Filed by W. S. Jermain, Agent, for carriers parties to schedules listed below. Involving: Class rates and rates made percentages thereof.

Territory: Between Baltimore, Md., Boston, Mass., New York, N. Y., Philadelphia, Pa., and interior points in trunk-line and New England territories, on the one hand, and Galveston and Houston, Tex., and interior points in southwestern territory, on the other, over ocean-rail and rail-ocean-rail routes in connection with Pan-Atlantic Steamship Corporation via North Atlantic and Texas ports.

Grounds for relief: Rail, water, or water-rail competition, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: W. S. Jermain, Agent, I. C. C. No. 16, Supp. 60; F. C. Kratzmeir, Agent, I. C. C. No. 3920, Supp. 109; C. W. Boin, Agent, I. C. C. No. A-732, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Com-

mission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-2132; Filed, Mar. 9, 1953;  
8:50 a. m.]

**FEDERAL COMMUNICATIONS  
COMMISSION**

[Docket No. 10274]

WESTERN UNION TELEGRAPH CO.

**ORDER CONTINUING HEARING**

In the matter of the Western Union Telegraph Company, Docket No. 10274; new and increased charges for tickers furnished in connection with leased facilities.

The Commission having under consideration a motion, filed by the Western Union Telegraph Company on February 25, 1953, requesting that the further hearing in the above-entitled proceeding now scheduled for March 10, 1953, be postponed until April 7, 1953, because of conflicting commitments of counsel for respondent; and

It appearing, that counsel for all parties to the proceeding have informally agreed to the immediate consideration and grant of the motion, and that the postponement of the hearing will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 3d day of March 1953, that the motion is granted, and the further hearing in the above-entitled proceeding now scheduled for March 10, 1953, is hereby continued to April 7, 1953, at Washington, D. C.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 53-2147; Filed, Mar. 9, 1953;  
8:53 a. m.]

[Docket No. 10417]

MARTIN COUNTY BROADCASTING CO.

**ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES**

In re application of Ernest D. Tyner, T. T. Oughterson and D. W. King, Jr., d/b as Martin County Broadcasting Company, Stuart, Florida, Docket No. 10417, File No. BP-8186; for construction permit.

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

The Commission having under consideration the above-entitled application for a construction permit for a new

standard broadcast station to operate on 1450 kc, 250 watts power, unlimited time, at Stuart, Florida.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Radio Station WWPB, Miami, Florida, and;

It further appearing, that by letter dated August 20, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiencies and that the Commission was unable to conclude that a grant would be in the public interest; and

It further appearing, that Station WWPB, Miami, Florida, filed a letter requesting that the application of the Martin County Broadcasting Company, File No. BP-8186 be designated for a hearing because of interference to its operation; that the applicant has not replied to the Commission's letter and that the Commission, after consideration of the replies, is still unable to conclude that a grant of the application would be in the public interest and, moreover, is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WWPB, Miami, Florida, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That, Paul Brake, licensee of Station WWPB, Miami, Florida is made a party to this proceeding.

Released: March 2, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 53-2144; Filed, Mar. 9, 1953;  
8:53 a. m.]

[Docket No. 10418]

CLINTON RADIO ADVERTISING CO.

**ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES**

In re application of T. E. Addison tr/as Clinton Radio Advertising Company, Clinton, South Carolina, Docket No. 10418, File No. BP-8204; for a construction permit.

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

The Commission having under consideration the above-entitled application requesting the frequency of 600 kilocycles, with 500 watts power, daytime only at Clinton, South Carolina;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Station WSJS, Winston-Salem, North Carolina; and

It further appearing, that the applicant was informed of the deficiencies by letter dated August 20, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, and that the Commission was unable to conclude that a grant would be in the public interest; and

It further appearing, that the applicant has not replied; that Station WSJS, replied to the Commission's letter on September 15, 1952, requesting an opportunity to show cause why the application should not be granted and that the Commission, after further consideration, is still unable to conclude that a grant would be in the public interest and, moreover, is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WSJS, Winston-Salem, North Carolina.

It is further ordered, That the Piedmont Publishing Company, licensee of Radio Station WSJS, Winston-Salem, North Carolina, is made a party to this proceeding.

Released: March 2, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 53-2145; Filed, Mar. 9, 1953;  
8:53 a. m.]

[Docket No. 10419]

MADERA BROADCASTING CO., INC.

**ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES**

In re application of Madera Broadcasting Company, Inc., Madera, California, Docket No. 10419, File No. BP-8487; for construction permit.

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

Washington, D. C., on the 25th day of February 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1230 kc, 100w, unlimited time, at Madera, California.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station; but that the application may involve interference with Radio Stations KWG, Stockton; KERO, Bakersfield; and KRDU, Dinuba; all in California; and

It further appearing, that by letter dated October 30, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiencies and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that no reply was filed by the applicant in response to the above-mentioned letters; that legal counsel for Stations KWG and KRDU filed oppositions to a grant of the instant application and requested the same be designated for hearing because of the interference to their respective operations; that the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest, and moreover, is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Radio Station KWG, Stockton; KERO, Bakersfield; and KRDU, Dinuba (all in California) and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That Radio Dinuba Company, licensee of Station KRDU, Dinuba, California, Kern County Broadcasters, Inc., licensee of Station KERO, Bakersfield, California; and McClatchy Broadcasting Company, Licensee of Station KWG, Stockton, California, are made parties to this proceeding.

Released: March 2, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 53-2146; Filed, Mar. 9, 1953;  
8:53 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

[CDHA 105]

CLINTON-ELK CITY-CORDELL, OKLAHOMA,  
AREA

FINDING AND DETERMINATION OF CRITICAL  
DEFENSE HOUSING AREAS UNDER THE  
DEFENSE HOUSING AND COMMUNITY FACILITIES  
AND SERVICES ACT OF 1951

MARCH 9, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

*Clinton-Elk City-Cordell, Oklahoma, Area.*  
(The area consists of Clinton Township, including Clinton City, in Custer County; the townships of Bessie, Cordell, South Elk, North Elk, East Turkey Creek and West Turkey Creek, and all cities and towns, in Washita County; and the townships of Elk and Merritt, including Elk City, in Beckham County; all in Oklahoma.)

ARTHUR S. FLEMMING,  
Acting Director of  
Defense Mobilization.

[F. R. Doc. 53-2209; Filed, Mar. 9, 1953;  
11:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-210]

SOUTHERN NATURAL GAS CO. AND ALABAMA  
GAS CORP.

ORDER OF THE COMMISSION APPROVING PLAN

MARCH 4, 1953.

Southern Natural Gas Company ("Southern") a registered holding company, and Alabama Gas Corporation ("Alabama") a public utility subsidiary of Southern, having filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for compliance with section 11 (b) thereof, in which it is proposed that Southern will distribute to the holders of its common stock all of its stock holdings in Alabama, and

Said plan providing, inter alia, that the common stock of Alabama held by Southern will be distributed pro rata to the holders of common stock of Southern on a record date (to be fixed by the

Board of Directors of Southern) at least ten but not more than twenty days prior to the distribution date at the rate of .24306 share of Alabama for each share of Southern common stock and providing further that this Commission will be notified, at least five days in advance of any distribution under the plan, of the arrangements which shall have been made for carrying out such distribution and the transactions incident thereto and for the designation of the distributing agent or agents, and Southern may proceed in accordance with such arrangements in the absence of objection from the Commission made within five days of the filing of such notification with the Commission; and

Public hearings having been held, after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard; and

Southern having requested the Commission to enter an order approving the plan and containing recitals and specifications with respect to the distribution of the stock of Alabama in accordance with the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission being duly advised, and having this day issued its findings and opinion, finding that said plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected, on the basis of said findings and opinion and pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder:

It is ordered, That the plan be, and hereby is, approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act, and to the following reservations of jurisdiction:

(1) The payment by Southern and Alabama of only such fees and expenses in connection with the plan and the proceedings relating thereto as the Commission may approve on appropriate application;

(2) The selection and composition of the new Board of Directors of Alabama; and

(3) The entertaining of such further proceedings, the entering of such further orders, and the taking of such other action as may be necessary or appropriate to effectuate the provisions of section 11 (b) of the act and as may be appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof.

It is further ordered and recited, That the steps and transactions itemized below involved in the consummation of the plan, as amended, are necessary or appropriate to the integration or simplification of the holding company system of which Southern and Alabama are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are hereby approved and authorized:

(1) The delivery by Southern to the transfer agent of Alabama of certificates for 831,765.48 shares of Alabama common stock (of the par value of \$2.00 each) endorsed in blank;

(2) The issuance by the transfer agent of Alabama of new certificates evidencing said 831,765.48 shares of common stock of Alabama, and more particularly (a) the issuance in the name of each holder of shares of common stock of Southern (of the par value of \$7.50 each) on a record date to be fixed by the Board of Directors of Southern of a certificate for such number of full shares of said common stock of Alabama as such stockholder of Southern shall be entitled to receive under the terms of the plan approved herewith, and (b) the issuance in the name of a distribution agent selected pursuant to the plan of a certificate or certificates for such shares of common stock of Alabama as remain after the issuance of the foregoing certificates in the names of such holders of common stock of Southern;

(3) The delivery to such distribution agent by the transfer agent of Alabama of the new certificates evidencing said 831,765.48 shares of common stock of Alabama;

(4) The sale by the distribution agent of the shares of common stock of Alabama not issued in the name of holders of common stock of Southern and the delivery to the purchaser of the certificate or certificates evidencing such shares;

(5) The distribution by the distribution agent to holders of common stock of Southern of (a) the certificates evidencing the full shares of common stock of Alabama to which each such holder shall be entitled under the plan, and (b) in lieu of any fraction of a share of Alabama common stock to which such holder would otherwise be entitled, an amount of cash equivalent to his pro rata share of the proceeds of the foregoing sale of the shares of common stock of Alabama.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may be necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 53-2121; Filed, Mar. 9, 1953;  
8:48 a. m.]

[File No. 70-2993]

NEW ENGLAND POWER Co.

SUPPLEMENTAL ORDER REGARDING SHARES OF  
NEW PREFERRED STOCK

MARCH 4, 1953.

The Commission, by order dated February 24, 1953, having granted and permitted to become effective the application-declaration, as amended, of New England Power Company ("NEPCO") a public utility subsidiary of New England Electric System, a registered holding company, proposing among other things, that NEPCO offer to the holders of its outstanding 6 percent Cumulative Pre-

ferred Stock (non-callable) pursuant to such stock's charter preemptive rights, 80,140 shares of Cumulative Preferred Stock, \_\_\_ percent Series for subscription (through the exercise of rights to be evidenced by warrants) on the basis of one share of new preferred stock for each share of 6 percent Cumulative Preferred Stock held, and also proposing that such offering be underwritten, and that the underwriter be chosen pursuant to competitive bidding under Rule U-50, the underwriters' bids to specify an aggregate amount of compensation to be paid for their commitments, the dividend rate on the new preferred stock and the price to the company, the price specified in the successful bid to be also the subscription offering price; and

The Commission's said order having contained the condition, among others, that the proposed issuance and sale by NEPCO of the new preferred stock shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been made with respect thereto, and jurisdiction having been reserved therein over the fees and expenses to be paid by the successful bidder to its counsel; and

NEPCO having on March 4, 1953, filed a further amendment to its application-declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

Group headed by--	Price to company (per share)	Annual dividend rate (per cent)	Amount of compensation (per share)	Annual cost to company (per cent)
Lehman Bros..... Equitable Securities Corp., Kidder, Peabody & Co., Lee Higginson Corp., White, Weld & Co.	\$100	4.00	\$1.6717	4.0374
Merrill Lynch, Pierce, Fenner & Beane.....	100	4.04	2.8450	4.7757
	100	4.72	2.4500	4.8202

The amendment having further stated that NEPCO has accepted the bid of the group headed by Lehman Brothers, as set forth above; and

The Commission having examined said application-declaration, as further amended, and having considered the record herein and finding no basis for imposing terms or conditions with respect to the price to be received for said preferred stock, the dividend rate and the underwriters' compensation; and it appearing that further data may be required with respect to fees and expenses of counsel for the purchasers of the preferred stock not taken by subscription:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined by the competitive bidding in connection with the issuance and sale of the preferred stock under Rule U-50 be, and it hereby is, released, and that said application-declaration, as further amended, be and it hereby is, granted and permitted to become effective forthwith, subject to the terms

and conditions prescribed in Rule U-24 and to the continuation of the jurisdiction heretofore reserved with respect to fees and expenses to be paid by the successful bidder to its counsel.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 53-2120; Filed, Mar. 9, 1953;  
8:48 a. m.]

[File No. 70-2333]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING PROPOSED ISSUANCE OF SHARES OF PREFERRED STOCK AND SHARES OF COMMON STOCK IN CONNECTION WITH PROPOSED MERGER; AND ORDER PERMITTING SOLICITATION OF STOCKHOLDERS WITH RESPECT TO BY-LAW AMENDMENTS AND PROPOSED MERGER

MARCH 4, 1953.

Notice is hereby given that an application-declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Central Vermont Public Service Corporation ("Central Vermont") a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant-declarant has designated sections 6 (a) 6 (b) 9 (b) (1) and 12 (e) of the act and Rule U-62 promulgated thereunder as applicable to the proposed transactions.

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

Central Vermont proposes to enter into an Agreement of Merger with Public Electric Light Company ("Public Electric") a Massachusetts corporation engaged in generating, distributing, transmitting and selling electric energy to customers in St. Albans, Vermont, and in 22 other Vermont communities in the surrounding area.

Pursuant to the Agreement of Merger:

(a) Public Electric will be merged into Central Vermont which will continue as the surviving corporation and will acquire and possess all of the remaining rights and properties and will assume and be subject to all of the debts and liabilities of Public Electric;

(b) Each of the 11,030 outstanding shares of 6 percent Preferred Stock of Public Electric will be converted into one share of Preferred Stock, \$100 Par Value, 4.75 percent Dividend Series, and one-half share of Common Stock, \$6 Par Value, of Central Vermont; and the holder thereof will also be entitled to receive \$1.50 in cash for each share of 6 percent Preferred Stock owned by him (the amount of dividend arrears on such stock)

(c) Each of the 8,000 outstanding shares of Common Stock, no par value, of Public Electric will be converted into 12½ shares of Common Stock, \$6 Par Value, of Central Vermont.

In connection with such merger, Central Vermont proposes to issue 11,030 shares of Preferred Stock, \$100 Par Value, 4.75 percent Dividend Series, and 105,515 shares of Common Stock, \$6 Par Value, and to assume the liability upon \$2,817,000 principal amount of First Mortgage 3¾ percent Bonds and \$395,000 principal amount of General Mortgage 4½ percent Bonds of Public Electric. The application-declaration states that it is presently contemplated that at or immediately after the merger Central Vermont will redeem all of the 4½ percent Bonds through the use of a short-term bank borrowing.

Central Vermont further proposes to solicit proxies to be used at its special meeting of stockholders to be held April 6, 1953, in connection with the following proposals:

(a) To amend its By-Laws to provide for restrictions against interlocking of officers and directors, and for a limitation on employee directors;

(b) To amend its By-Laws to provide that the provision relating to quorum requirements cannot be altered or repealed except upon the affirmative vote of the holders of two-thirds of the corporation's outstanding capital stock then entitled to vote;

(c) To merge Public Electric with and into Central Vermont and to authorize its Board of Directors, or officers or agents of the company designated by said Board, to carry out the merger.

It is stated that the vote of the holders of a majority of the outstanding common stock of Central Vermont is required to authorize the By-Law amendments, and that the vote of the holders of two-thirds of such common stock is required to authorize the Agreement of Merger and the merger provided for therein. Also, the merger is subject to the authorization of the holders of two-thirds of the Common Stock, and to the consent of the holders of 51 percent of the General Mortgage 4½ percent Bonds, of Public Electric.

It is represented that Central Vermont has applied to the Public Service Commission of Vermont, which it is stated has jurisdiction, for approval of the acquisition of the assets of Public Electric and the accounting therefor, the assumption of Public Electric's obligations, and the proposed issuance of preferred and common stocks. It is also represented that Central Vermont has applied to the Federal Power Commission, which it is stated also has jurisdiction, for approval of the merger.

Central Vermont estimates that its fees and expenses in connection with the proposed merger and the issue of securities will aggregate \$45,000, including legal fees of \$20,800 and agent's fee of \$12,500.

It is requested that the declaration, as amended, with respect to the solicitation of Central Vermont's stockholders be permitted to become effective not later than March 5, 1953; and it appearing to the Commission that such request may appropriately be granted and that it is not necessary to order a hearing on the declaration, as amended, with respect to such solicitation; and

It further appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a public hearing be held with respect to all other matters involved in said application-declaration, and that said application-declaration, other than the declaration, as amended, with respect to such solicitation shall not be granted nor permitted to become effective, except pursuant to a further order of the Commission:

*It is ordered*, That a hearing on said application-declaration, other than on the declaration, as amended, with respect to such solicitation, pursuant to the applicable provisions of the act, and the rules thereunder, be held at 10:00 a. m., e. s. t., on March 23, 1953, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that date by the hearing room clerk in Room 193. Any person desiring to be heard, or otherwise wishing to participate, in the proceedings, shall file with the Secretary of the Commission on or before March 20, 1953, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, on the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuances of securities by Central Vermont are solely for the purpose of financing the business of the company and have been expressly authorized by the Public Service Commission of Vermont;

2. Whether the proposed acquisition of utility assets by Central Vermont has been expressly authorized by the Public Service Commission of Vermont;

3. Whether the fees, commissions, or other remuneration proposed to be paid by Central Vermont in connection with the proposed transactions are reasonable;

4. Whether the proposed transactions comply with all the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder;

5. Whether, if the transactions proposed herein are approved, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions.

*It is further ordered*, That at said hearing particular attention be directed to the foregoing matters and questions.

*It is further ordered*, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Central Vermont Public Service Corporation, the Public Service Commission of Vermont and the Federal Power Commission; and that notice shall be given to all other persons by a general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list of this Commission for releases under the act; and that further notice be given to all persons by publication of a copy of this notice and order in the FEDERAL REGISTER.

*It is further ordered*, That said declaration, as amended, with respect to the proposed solicitation of Central Vermont's stockholders be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 53-2118; Filed, Mar. 9, 1953;  
8:47 a. m.]

[File No. 70-3005]

GENERAL PUBLIC UTILITIES CORP

NOTICE OF PROPOSAL OF HOLDING COMPANY  
TO MAKE CAPITAL CONTRIBUTIONS TO  
SUBSIDIARY

MARCH 5, 1953.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly section 12 (b) thereof and Rule U-45, proposing that GPU make capital contributions, from time to time, in the aggregate amount of \$750,000, to its subsidiary, New Jersey Power & Light ("NJP&L"), all of whose common stock is owned by GPU. The proposed capital contributions, which are to be initially credited to capital surplus by NJP&L and promptly thereafter transferred to the stated capital applicable to its common stock, will be used by NJP&L to finance construction or to reimburse its treasury for expenditures made for such purpose.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction and that fees and expenses of GPU in connection with the proposed transaction, including legal fees, are estimated not to exceed \$300. It requests that the declaration become effective upon issuance.

Notice is further given that any interested person may, not later than March 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said 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 transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-2160; Filed, Mar. 9, 1953;  
8:55 a. m.]

[File No. 70-3006]

UTAH POWER AND LIGHT CO. AND WESTERN  
COLORADO POWER CO.

NOTICE OF FILING REGARDING REFINANCING  
OF NOTE OF SUBSIDIARY, AND ISSUANCE AND  
SALE TO PARENT OF NOTES AND COMMON  
STOCK

MARCH 4, 1953.

Notice is hereby given that Utah Power and Light Company ("Utah") a registered holding company and electric utility company, and its wholly-owned electric utility subsidiary, the Western Colorado Power Company ("Colorado"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (b) 9 (a) 10 and 12 (f) thereof of the Rule U-45 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Colorado proposes to issue and Utah proposes to acquire a note in the principal amount of \$500,000, bearing interest at the rate of 4½ percent per annum, and maturing July 1, 1963, in exchange for the 11-month note of Colorado now held by Utah in the same principal amount. Colorado also proposes to issue and sell to Utah, during the period ending March 31, 1954, not more than 20,000 shares of its \$20 par value common stock for a cash consideration of \$20 per share and to borrow from Utah not more than \$1,000,000, such borrowings to be evidenced by Colorado's promissory note or notes bearing interest at the rate of 4 percent per annum and maturing not more than 11 months from the date thereof. Proceeds from the loan proposed to be made by Utah to Colorado, and from the sale of common stock will be used in connection with the construction program of Colorado which is presently estimated to require the expenditure of approximately \$2,016,000 during the year 1953, and \$550,000 during the year 1954.

The application-declaration states that the Public Utilities Commission of Colorado has jurisdiction over the issuance by Colorado of the note maturing July 1, 1963, and over the issuance and sale of common stock by Colorado.

Notice is further given that any interested person may, not later than March 16, 1953, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any,

raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-2116; Filed, Mar. 9, 1953;  
8:47 a. m.]

[File No. 70-3008]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF FILING REGARDING BANK  
BORROWINGS

MARCH 4, 1953.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated section 6 thereof as applicable to the proposed transactions, which are summarized as follows:

Indiana proposes to borrow from banks from time to time prior to December 31, 1953, amounts not to exceed in the aggregate \$5,500,000. Said borrowings will be evidenced by promissory notes dated as of the date of each such borrowing, maturing not more than nine months after the issuance thereof, and bearing interest from the date of issuance at the then current prime credit rate which Indiana is informed is at present 3 percent per annum. The initial borrowing is proposed to be made on or about April 1, 1953, in the amount of \$1,000,000, and subsequent borrowings will be made from time to time prior to December 31, 1953, in amounts depending upon Indiana's cash requirements.

At least five days before each borrowing subsequent to the initial borrowing, Indiana will file an amendment herein setting forth the amount of such proposed borrowing and the annual interest rate thereon, such amendment to become effective five days after the filing thereof if no action is taken by the Commission within such five-day period.

The proposed borrowings will be in addition to borrowings aggregating \$6,000,000, made or expected to be made prior to the effective date of the application, which Indiana states are exempted from the provisions of section

6 (a) of the Act by the provisions of the first sentence of section 6 (b)

Proceeds from the proposed borrowings will be used to finance, in part, the construction program of Indiana which, it is estimated, will require the expenditure of approximately \$32,800,000 during the year 1953. Indiana states that financing of a more permanent nature, expected to be undertaken late in 1953, or early in 1954, will provide for the payment of the then outstanding notes.

Indiana states that an application for approval of the proposed issuance of notes will be submitted to the Public Service Commission of Indiana, the State in which Indiana is organized and doing business.

Notice is further given that, any interested person may, not later than March 17, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 17, 1953, at 5:30 p. m., e. s. t., said application, as filed or as amended, may be granted as provided by Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 53-2117; Filed, Mar. 9, 1953;  
8:47 a. m.]

[File No. 70-3012]

DERBY GAS & ELECTRIC CORP.

NOTICE OF FILING REGARDING PROPOSED  
ISSUANCE AND SALE TO A BANK OF NINE  
MONTHS NOTE

MARCH 4, 1953.

Notice is hereby given that Derby Gas & Electric Corporation ("Derby") a registered holding company, has filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding a proposal to issue and sell to a commercial bank a nine month note in the principal amount of \$140,000.

Notice is further given that any interested person may, not later than March 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request

## NOTICES

should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 16, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

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

Derby proposes to issue and sell to a commercial bank an unsecured note for the principal amount of \$140,000, maturing not more than nine months, exclusive of days of grace, after date of

issuance, and bearing interest at the rate of three per cent per annum. The issuance of such note, together with other outstanding notes maturing in nine months or less, would result in the aggregate of all such notes outstanding being in excess of the five per centum of the principal amount of debentures and fair market value at date of issuance of no par value common stock of the company now outstanding permitted by the first sentence of section 6 (b) of the act, and applicant requests authorization of the issuance and sale of the proposed \$140,000 note. It is stated that the proceeds of the proposed note, together with the proceeds of other outstanding like notes issued August 11, 1952, and February 13, 1953, respectively, will be advanced to applicant's subsidiaries as a

capital contribution for use by such subsidiaries for construction purposes. It is further stated that the proposed transactions are exempt from the competitive bidding requirements of Rule U-50, under subparagraphs (a) (2) and (a) (4) thereof.

It does not appear that any state commission has jurisdiction over the proposed transaction.

Applicant requests that an order, to become effective upon its issuance, be entered granting the application not later than March 16, 1953.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
*Secretary.*

[F. R. Doc. 53-2119; Filed, Mar. 9, 1953;  
8:48 a. m.]