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TITLE 7—AGRICULTURE

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

Subchapter I—Determination of Prices
[Sugar Determination 873.6]

PART 873—SUGARCANE; FLORIDA
1953 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 6, 1953, the following determination is hereby issued:

§ 873.6 *Fair and reasonable prices for the 1953 crop of Florida sugarcane.* A producer of sugarcane in Florida who processes sugarcane purchased from other producers (hereinafter referred to as "processor") shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1953 crop if he pays or contracts to pay for such sugarcane in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract) adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section.

(2) "Raw sugar" means raw sugar of 96° polarization.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor, from which has been deducted the weight of trash determined in the customary manner.

(4) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(5) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than \$1.07 per ton for each one-cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each week in which sugar is sold by or for the account of the processor by the quantity of 1953 crop raw sugar or raw sugar equivalent of the sugar sold during each week: *Provided, however,* That the resultant weighted average price may be reduced by the average cost per pound of raw sugar for storage, insurance, and other related costs actually incurred on such sugar as a result of marketing allotments. The weighted average price of raw sugar and the deductions provided in this subparagraph shall be approved by the Florida State Committee of the Production and Marketing Administration (hereinafter referred to as "State Committee")

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by applying to the average sucrose content of all sugarcane delivered by a producer the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	Standard sugarcane quality factor ¹
9.5.....	0.70
10.0.....	.75
10.5.....	.80
11.0.....	.85
11.5.....	.90
12.0.....	.95
12.5.....	1.00
13.0.....	1.05
13.5.....	1.10
14.0.....	1.15
14.5.....	1.20
15.0.....	1.25
15.5.....	1.30

¹ The quality factor for sugarcane of intermediate percentage of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

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(d) *Molasses payment.* For each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 6.28 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12-month period ending May 31, 1954.

(e) *General.* (1) The price for sugarcane specified in this section is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is customarily transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided*, That if a producer delivers sugarcane directly to the mill the processor shall pay the producer for transportation of such sugarcane an amount equal to the cost of transporting sugarcane by railroad or by other common carrier whichever customarily is used.

(2) Methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms employed in connection with the purchase of the 1953 crop shall be as set forth in the contract between the producer and the processor or, in the absence of such a contract, as employed in connection with the purchase of the 1952 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be approved by the State Committee.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor and as approved by the State Committee.

(5) The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

(6) The Assistant Administrator for Production of the Production and Marketing Administration will issue such instructions to the State Committee as may be necessary to effectuate the purposes of this section.


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STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor for sugarcane of the 1953 crop purchased from producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on May 6, 1953, a public hearing was held at Clewiston, Florida, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1953 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Florida. In this determination, consideration has been given to the testimony presented at the hearing and to information resulting from investigations.

(c) *1953 price determination.* The 1953 price determination differs from the 1952 determination in several respects. One, the basic price per ton of standard sugarcane is \$1.07 for each one cent per pound of the weighted average spot price of raw sugar, duty paid basis, delivered, for the weeks in which 1953 crop sugar is sold. Heretofore, optional methods of settlement were provided whereby the average price of raw sugar could be calculated from the simple average of the daily prices of raw sugar for the week in which sugarcane was delivered, or the average of weekly prices during a specified marketing period. Two, unusual costs of selling raw sugar incurred by processors as a result of marketing allotments may be deducted from the weighted average price of raw sugar. Prior determinations made no provision for the sharing of marketing costs between the processor and producer. Three, the molasses payment to producers is based on 6.28 gallons per ton of sugarcane, the average production for the most recent five crops. The 5-year average production figure used in the 1952 price determination was 6.25 gallons.

At the public hearing the testimony of two processor representatives and one producer was to the effect that the provisions of the 1952 crop price determination should be adopted for the 1953 determination. Subsequently, following a public hearing in New Orleans on June 23, 1953, with respect to marketing allotments for the 1953 crop, changes in the 1953 crop price determination were recommended by the two processors in Florida who purchase sugarcane from independent growers. One processor recommended that settlement for sugarcane from which is processed raw sugar marketable under the initial 1954 marketing allotment of the processor be based upon the average of the weekly duty paid New York price of 96° raw sugar for the period January through June. Settlement for other sugarcane processed would be based on the simple average of weekly duty paid New York

prices of 96° raw sugar prevailing in the month in which the raw sugar is marketed. The other processor recommended that the basis of settlement for sugarcane should be the actual price received for the raw sugar produced therefrom. Both processors recommended that producers be required to bear a share of the marketing expenses on raw sugar incurred by processors as a result of marketing allotments. Most of the producers concurred in the latter recommendation.

Marketing allotments will alter somewhat the usual marketing period for raw sugar and may result in abnormal marketing costs. Accordingly, provisions have been included in this determination which are designed to relate settlement for sugarcane to the proceeds realized from the sale of sugar so as to preserve the sharing relationship between producers and processors heretofore in effect. The customary use of a moving 5-year average of molasses recovery per ton of net sugarcane in calculating the molasses payment results in a slight change in payments that will have little effect on the sharing relationship.

In making this determination consideration has been given to the recommendations made at and following the public hearing, to information obtained through investigation, and to the probable effects of marketing allotments. An analysis has been made of the comparative returns, costs and profits of the Florida sugarcane and raw sugar industry obtained by survey for prior years and restated in terms of prospective conditions for the 1953 crop. On the basis of analysis and examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 829; 7 U. S. C. Sup. 1131)

Issued this 28th day of August 1953.

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

[F. R. Doc. 53-7708; Filed, Sept. 2, 1953; 8:49 a. m.]

[Sugar Determination 874.6]

PART 874—SUGARCANE; LOUISIANA
1953 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 16, 1953, the following determination is hereby issued:

§ 874.6 *Fair and reasonable prices for the 1953 crop of Louisiana sugar-*

cane. A producer of sugarcane in Louisiana who processes sugarcane purchased from other producers (hereinafter referred to as "processor") shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1953 crop, if he pays or contracts to pay for such sugarcane in accordance with the following requirements.

(a) *Definitions:* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(3) "Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.50 but not more than 76.99.

(4) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the combined weight of sugarcane and trash delivered by a producer.

(5) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(6) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than \$1.06 per ton for each one-cent per pound of the average price of raw sugar determined in accordance with either of the following as agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or,

(ii) The simple average of the weekly prices of raw sugar for the period October 9, 1953, through February 25, 1954: *Provided*, That the average price of raw sugar as determined under this subdivision or subdivision (i) of this subparagraph may be reduced by not more than the following:

(a) 0.065 cent for mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(b) 0.10 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer.

(c) Conversion of net sugarcane to standard sugarcane. Net sugarcane (except for salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice:	Standard sugarcane quality factor ¹
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95

¹ The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

Percent sucrose in normal juice:	Standard sugarcane quality factor ¹
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

and

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR¹

Purity of normal juice		Percent sucrose in normal juice															
		At least...9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than...9.69	9.80	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.99	1.010	.998	.987	.976	.965	.954	.946	.939	.932	.925	.918	.911	.905	.899	.893	.887
69.00	69.49	1.015	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.903	.897	.891
69.50	69.99	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
70.00	70.49	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.50	70.99	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.930	.924	.917	.911	.905
71.00	71.49	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.50	71.99	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
72.00	72.49	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.948	.942	.936	.930	.924	.918
72.50	72.99	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.941	.935	.929	.923
73.00	73.49	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.50	73.99	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
74.00	74.49	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.50	74.99	-----	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
75.00	75.49	-----	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.50	75.99	-----	-----	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
76.00	76.49	-----	-----	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.50	76.99	-----	-----	-----	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
77.00	77.49	-----	-----	-----	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.974	.967	.961	.955	.949
77.50	77.99	-----	-----	-----	1.045	1.032	1.023	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
78.00	78.49	-----	-----	-----	1.035	1.027	1.019	1.011	1.004	.996	.989	.981	.974	.967	.961	.955	.949
78.50	78.99	-----	-----	-----	1.039	1.031	1.023	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
79.00	79.49	-----	-----	-----	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.981	.974	.967	.961	.955
79.50	79.99	-----	-----	-----	-----	1.039	1.030	1.022	1.014	1.007	1.000	.993	.986	.980	.974	.968	.962
80.00	80.49	-----	-----	-----	-----	1.043	1.033	1.025	1.017	1.010	1.003	.996	.989	.983	.977	.971	.965
80.50	80.99	-----	-----	-----	-----	-----	1.037	1.029	1.021	1.014	1.007	1.000	.993	.987	.981	.975	.969
81.00	81.49	-----	-----	-----	-----	-----	1.040	1.032	1.024	1.017	1.010	1.003	.996	.990	.984	.978	.972
81.50	81.99	-----	-----	-----	-----	-----	-----	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988	.982	.976
82.00	82.49	-----	-----	-----	-----	-----	-----	1.039	1.032	1.024	1.017	1.010	1.003	.997	.991	.985	.979
82.50	82.99	-----	-----	-----	-----	-----	-----	-----	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988	.982
83.00	83.49	-----	-----	-----	-----	-----	-----	-----	1.039	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
83.50	83.99	-----	-----	-----	-----	-----	-----	-----	-----	1.035	1.027	1.020	1.013	1.007	.999	.993	.987
84.00	84.49	-----	-----	-----	-----	-----	-----	-----	-----	1.038	1.030	1.023	1.016	1.010	1.004	.998	.992
84.50	84.99	-----	-----	-----	-----	-----	-----	-----	-----	-----	1.033	1.027	1.021	1.015	1.009	.999	.993
85.00	85.49	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	1.036	1.030	1.024	1.018	1.012	1.006

¹ Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State Office of the Production and Marketing Administration, Alexandria, Louisiana, upon request.

(d) Molasses payment. For each ton of net sugarcane (except salvage sugarcane) there shall be paid an amount equal to the product of 7.1 and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered, or the simple average of the weekly prices of blackstrap molasses for the period October 9, 1953 through February 25, 1954, as agreed upon between the processor and the producer.

(e) General. (1) The sucrose and purity of the normal juice shall be determined by acceptable methods of analysis on sugarcane as delivered, such methods to be subject to the approval of the Louisiana State Committee of the Production and Marketing Administration (hereinafter referred to as "State Committee.")

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor provided such deductions are at rates not in excess of 1.5 percent of the payment, computed

without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.) Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the State Committee.

(3) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to approval by the State Committee: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the simple average of the weekly prices of raw sugar and

blackstrap molasses for the period October 9, 1953, through February 25, 1954, less an amount not to exceed \$3.00 per gross ton of sugarcane for processing and less actual costs of hoisting, field weighing and transporting such sugarcane.

(4) A processor who paid the costs for hoisting and weighing sugarcane of the 1952 crop shall also pay such costs with respect to the 1953 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations with respect to such costs, any change to be approved by the State Committee.

(5) A processor who made allowances to producers for transporting sugarcane from the customary delivery points to the mill for the 1952 crop, shall also make such allowances for the 1953 crop: *Provided*, That nothing in this subparagraph shall be construed as requiring the processor to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided further*, That where the only available practicable means of transportation is by railroad and the distance to the nearest mill is in excess

of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor and the producer by agreement, subject to the approval of the State Committee.

(6) If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the cost of such plan. Such deduction may not be made until the plan has been approved by the State Committee.

(7) The processor shall not reduce the returns to the producer below those determined herein through any subterfuge or device whatsoever.

(8) The Assistant Administrator for Production of the Production and Marketing Administration will issue such instructions to the State Committee as may be necessary to effectuate the purpose of this section.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor for sugarcane of the 1953 crop purchased from producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the Act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, a public hearing was held in Thibodaux, Louisiana, on July 16, 1953, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1953 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Louisiana.

(c) *1953 price determination.* The 1953 price determination differs from the 1952 determination in two respects, namely: (1) The pricing period used in calculating the season's average prices of raw sugar and molasses is extended one month, or through February, and (2) the molasses payment to producers is based on a recovery rate of 7.1 gallons per ton of sugarcane, instead of 7.0 gallons, reflecting the average production of the most recent 5-year period.

At the public hearing the Louisiana Grower-Processor Committee recommended that the pricing period used for settlement be extended one month, or October through February, and that other provisions of the 1952 price determination be continued for the 1953 crop. The representative of the Louisiana Farm Bureau indicated that the purity of sugarcane delivered during the last three crops was below the standard specified in the determination and recommended that an early study be made of the standard sugarcane purity factor under current conditions. The representative of the Grower-Processor Committee also recommended that such a study be made.

The recommended change in the pricing period was adopted after considera-

tion of the probable effects of marketing allotments. It is likely that such allotments may result in the marketing of a larger portion of the crop in the following year than was the case in prior years. Therefore, the extended pricing period in this determination will maintain about the customary relationship between sugarcane settlements and raw sugar marketing opportunities of processors.

With respect to the recommendations concerning the standard sugarcane purity factor the Department will undertake a study of pertinent data during the forthcoming harvesting season.

In this determination consideration has been given to recommendations made at the public hearing, to information obtained as a result of investigations and to returns, costs and profits data of the Louisiana sugar industry obtained by survey during prior years and restated in terms of prospective conditions for the 1953 crop. On the basis of analysis and examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable and an equitable relationship will exist under anticipated conditions for the 1953 crop.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 28th day of August 1953.

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

[F. R. Doc. 53-7707; Filed, Sept. 2, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 101-A15 (First Part)]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED REGULATING HANDLING

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hear-

ing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than September 1, 1953, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Chicago, Illinois, marketing area. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held August 11, 1953, and the decision having been executed by the Secretary on August 20, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agree-

ment tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1953) were engaged in the production of milk for sale in the said marketing area.

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

1. In § 941.52 (a) (3) change the period at the end of the sentence to a colon and add the following proviso: "Provided, That this subparagraph shall not apply in September and October 1953."

2. In § 941.52 (b) (3) change the period at the end of the sentence to a colon and add the following proviso: "Provided, That this subparagraph shall not apply in September and October 1953."

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

Issued at Washington, D. C., this 28th day of August 1953, to be effective on and after the 1st day of September 1953.

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

[F. R. Doc. 53-7706; Filed, Sept. 2, 1953;
8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

PART 422—STATEMENTS OF PROCEDURE

MISCELLANEOUS AMENDMENTS

Part 422 of Title 20, Code of Federal Regulations (20 CFR 422.1 et seq.) is amended as follows:

1. Section 422.1 is amended to read:

§ 422.1 *Procedures of the Bureau of Old-Age and Survivors Insurance—(a) Account and identification numbers—*
(1) *Individual's account number* (i) The Bureau maintains a record of the earnings reported for each individual. Every individual who has a social security account receives a social security account number card. The individual's name, together with the number on his card, identifies his account so that the wages or self-employment income reported on informational returns can be properly posted to his record. The form which an individual uses to apply for an ac-

count number is Treasury Department Form SS-5, "Application for Social Security Account Number."

(ii) Any person who wishes to file an application for an account number may do so by filing Form SS-5. Form SS-5 may be obtained at any social security field office. Upon request, the field office will distribute Forms SS-5 to labor or other representative organizations. All post offices, except the main post office in cities having a social security field office, supply Forms SS-5 on request. Except in cities having a social security field office, the United States Employment Service offices will upon request furnish applicants for jobs and unemployment compensation Forms SS-5. Form SS-5 is available also from directors of internal revenue.

(iii) The social security field offices will assign an account number to an applicant on the basis of a completed Form SS-5. If it appears probable that an account number has been previously established for any applicant, his application is checked against the central files located in the Division of Accounting Operations, Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Maryland. In such case, if the applicant states that he needs a social security card at once, the field office prepares and gives to the applicant Form OAAAN-5028, Temporary Unnumbered Card.

(iv) As soon as it is determined that no account has been previously established for an applicant, the field office prepares and delivers Form OA-702, Account Number Card. The card shows the applicant's name and the number of his social security account.

(v) The Division of Accounting Operations uses the Forms SS-5 and duplicate copies of the Forms OA-702 to establish the necessary records for the maintenance of individual records of earnings. The duplicate copies of Form OA-702 are sent to State employment security offices which want them for use in establishing a numerical file of account numbers in that office. Form SS-5 is retained by the Division of Accounting Operations for use in identifying the individual to whom the account number is assigned.

(vi) In the event that a social security card is lost or damaged, an individual may obtain a duplicate card bearing the same account number. Any social security field office will issue a duplicate card at once upon presentation by an individual of the lower portion of the account number card previously issued to him.

(vii) An individual may obtain a duplicate account number card by submitting a properly completed Form SS-5, Application for Social Security Account Number, noted "Duplicate Requested" to any field office or to the Division of Accounting Operations, Baltimore 2, Md. A facsimile Form SS-5 is attached to Form Letter OAAAN-L7012, sent to applicants by field offices in response to a letter requesting a duplicate card, if the letter contains insufficient identifying information. If an individual is in urgent need of a duplicate account num-

ber card, any field office will assist him in preparing a telegram to the Division of Accounting Operations, giving the necessary identifying information. Upon receipt of the request, the Division of Accounting Operations makes an immediate search for the account number and notifies the individual by telegram "collect" of the results of the search. If a previously assigned account number is located, the field office will issue a duplicate account number card. If no previously assigned number can be found, the field office will assign a new account number.

(viii) Form OAAAN-7003, Request for Change in your Social Security Records, should be completed by any person who wishes to correct or change the information he submitted previously. These may be obtained from any field office, from the Division of Accounting Operations, or from one of the sources mentioned earlier where Forms SS-5 may be obtained. The completed request for change in records may be submitted to any office of the Bureau.

(2) *Employer's identification number*

(i) For every State or instrumentality of two or more States which enters into an agreement with the Secretary of Health, Education, and Welfare under section 218 of the Social Security Act, the Division of Accounting Operations assigns an employer's identification number to each State and each political subdivision or each instrumentality included in the agreement. The Division sends to the appropriate official of the State or instrumentality a Form OAR-S14, "Notice of Employer Identification Number," for each number assigned, and, where appropriate, Form OAR-5002, "Register of Employer Identification Numbers Issued," covering all the numbers assigned to the State or its political subdivisions.

(ii) For all employers other than States, political subdivisions, or instrumentalities, identification numbers are issued by directors of internal revenue and the appropriate procedures will be found in the Bureau of Internal Revenue sections of the Code of Federal Regulations (see 26 CFR 402.501)

(b) *Records of earnings—*(1) *Maintenance of records of earnings.* (i) Field Offices furnish employers with information on the established methods for insuring correct and complete reporting.

(ii) If an employer reports an employee without an account number, the Division of Accounting Operations corresponds with the employer regarding each of the incompletely reported earnings items. The employer is asked to furnish the missing account number or other identifying information. When an employer is unable to furnish the employee's account number or satisfactory identifying information and does furnish an address for the employee, the Division of Accounting Operations corresponds with the employee and requests him to furnish the necessary information so that the earnings reported may be properly posted to his account. For self-employment earnings items reported without an account number, the Division of Accounting Operations cor-

responds with the self-employed individual to obtain the missing account number.

(iii) If an employer reports an employee under an account number or name different from that shown on the employee's account number card and the Division of Accounting Operations is unable to identify the employee from its records, correspondence is initiated with the employer regarding such unidentified incorrectly reported earnings items. When an employer is unable to furnish the corrected information and does furnish an address for the employee, the Division of Accounting Operations corresponds with the employee requesting him to furnish the necessary information so that the earnings reported may be properly posted to his account. When self-employment earnings items are reported with an incorrect name or account number and the Division of Accounting Operations is unable to identify the individual from its records, correspondence is initiated with the self-employed individual.

(iv) If an employer or self-employed individual fails to reply to the Division of Accounting Operations' correspondence regarding incompletely or incorrectly reported earnings items, copies of such correspondence are forwarded to the field office servicing the employer or self-employed individual. The copy of the correspondence is used by the field office in making an educational contact with the employer or self-employed individual to improve his reporting practices, to improve his response to correspondence received from the Division of Accounting Operations, and to secure the necessary information.

(v) The Division of Accounting Operations also corresponds with employers when the employer continually reports an employee under the same incorrect identifying information. In such cases, if the employer fails to correct his records on the basis of correspondence received from the Division of Accounting Operations, the field office servicing the employer's address is asked to make a personal call on the employer.

(2) *Statements of earnings.* An individual may obtain a statement of earnings recorded in his old-age and survivors insurance account by filling out and mailing Form OAR-7004, Request for Statement of Earnings, or by a signed written request giving his social security account number and date of birth addressed to Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Md. Upon receipt of this form or the required letter, the Bureau forwards to the individual a Form OAR-7014, Statement of Amounts Recorded in Your Old-Age and Survivors Insurance Account, containing the requested information. The Form OAR-7014 will show a grand total of earnings reported to date, the total for each of the last three complete years, and the amount of earnings reported since the last complete year. Itemized statements of earnings will not be furnished unless the itemization is needed for purposes related to Title II of the Social Security Act.

(3) *Wage discrepancies.* (i) If an individual disagrees with statement of

earnings credited to his social security account he may request a revision by executing Form OAR-7008, Statement of Employment and Self-Employment. These forms may be obtained at any field office or from the Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Md. Upon receipt of this form the Bureau will initiate an investigation of his records of earnings.

(ii) Field offices are authorized to investigate questions of coverage raised by individuals and requests for revision of records of earnings which cannot be resolved through examination of the Division of Accounting Operations records. In conducting such investigations, field office representatives may request employers and employees to submit information concerning the employment in question. On the basis of information submitted, the field office may determine, subject to review, whether the employment is covered by the Social Security Act. In the event that earnings cannot be established on the basis of the records of the employer, the field office will accept earnings evidence on behalf of the employee and will determine, subject to review, whether the evidence is sufficient to establish payment of the alleged earnings.

(iii) When self-employment income is involved, field offices will contact the self-employed individual to determine whether or not an income tax return (schedule Ca) had been filed or if the self-employed activity was covered under the provisions of the Social Security Act. From these contacts, the field office may advise the individual to contact the Director of Internal Revenue and file a tax return; that his self-employment activity was not covered; to submit evidence of having filed a tax return; and of action to be taken to establish his self-employment income.

(iv) After the field investigation has been completed, and the results reviewed by the Division of Accounting Operations, the Bureau notifies the individual of the status of his record of earnings. The individual will also be informed of any determinations with respect to earnings or coverage questions which arose from the investigation and of his right to a reconsideration, hearing, or appeal.

(v) Form OAR-L5069, Letter Advising Employee of an Adverse Adjustment to His Account, is addressed to the employee to notify him of the adverse adjustment received subsequent to the issuance of the statement of earnings previously sent to him. The employee is requested to notify the Bureau if he disagrees with the adjustment to his account. This notice of disagreement must be received by the Bureau before the elapsed 6 months subsequent to the date indicated on the letter or within three years, two months, and 15 days after the year to be adjusted, whichever is later.

(4) *Compensation credited under the Railroad Retirement Act combined with earnings received for employment covered by the Social Security Act in certain cases.* Under certain circumstances, compensation credited under the Railroad Retirement Act is combined with earnings received for employment covered by the Social Security Act for the

purpose of determining insurance benefits under Title II of the Social Security Act to railroad employees who have less than 10 years of railroad employment and to certain dependents and survivors of such employees. Where railroad employees have 10 years or more of railroad employment, such compensation and earnings will be combined under certain conditions to determine insurance benefits under Title II for certain survivors of such employees. Procedure has been established whereby the Bureau and the Railroad Retirement Board exchange information regarding earnings and compensation.

(c) *Claims procedure.* (1) The field offices provide local facilities for the public to file claims and to obtain assistance in perfecting them. To become entitled to any benefit or payment or to a recomputation of benefits, the appropriate application form, which can be obtained from any field office, must be filed with a Bureau office. (See §§ 404.601 and 403.701 of this chapter.) The application forms and related forms used by the public to file claims are as follows:

1. OA-C1, Application for Old-Age Insurance Benefits.
2. OA-C1.1, Application for Recomputation of Primary Insurance Amount.
3. OA-C1.2, Application for Recomputation of Primary Insurance Amount Based on Additional Work Since 1950.
4. OA-C2, Application for Wife's Insurance Benefits.
5. OA-C3, Husband's Certification (this form is part of the wife's application, Form OA-C2 above).
6. OA-C4, Application for Insurance Benefits for Child of Living Wage Earner or Self-Employed Ferron.
7. OA-C5, Application for Survivors Insurance Benefits (to be used by applicant for widow's benefits, mother's benefits, children's benefits).
8. OA-C6, Application on Behalf of Child for Survivors Insurance Benefits.
9. OA-C7, Application of Parent for Survivors Insurance Benefits.
10. OA-C8, Application for Lump-Sum Death Payment.
11. OA-C10, Application for Widow's or Widower's Insurance Benefits (to be used where widow or widower had previously filed for monthly benefits or a lump-sum on the same account).
12. OA-C11, Application for Substitution of Payee (for use when substitute payee files application to receive insurance benefits on behalf of self, minor child, or incompetent beneficiary).
13. OA-C12, Application by Divorced Wife for Mother's and Child's Insurance Benefits.
14. OA-C13, Application for Widower's Insurance Benefits.
15. OA-C14, Application for Husband's Insurance Benefits.
16. OA-C15, Wife's Certification (this form is part of the husband's application, Form OA-C14, above).

(2) In addition to filing the appropriate application form, the claimant must establish by satisfactory evidence the material allegations in his application, except as to earnings shown in the Bureau's records. (See §§ 404.701 et seq. of this chapter.) Claims application forms; instructions, report forms, and forms for the various proofs necessary to support the claims are available to the public in field offices, itinerant stations, and detached official stations. These

offices assist claimants in preparing their applications and in obtaining the proofs required to support their claims. Claims adjudicated in the field offices are reviewed by one of the six area offices of the Bureau. Applications filed with the Railroad Retirement Board shall be deemed filed with the Bureau as of the date such forms were filed with the Railroad Retirement Board where compensation credited under the Railroad Retirement Act is considered in determining entitlement and the amount of benefits payable under the Social Security Act. The area office notifies claimants of the action taken on their claims, informing them at the same time of their right to a reconsideration, hearing, or appeal.

(3) Legislation enacted in 1946 extends protection of the survivors provisions of the Social Security Act in certain instances to survivors of servicemen who served in World War II and who died within 3 years after a discharge occurring prior to July 27, 1951. In addition, under the 1950 amendments to the act, wage credits of \$160 for each month or fraction thereof are allowed, in certain cases, for periods of active military or naval service during World War II (September 16, 1940, to July 24, 1947) in determining entitlement to and computing monthly benefits for months after August 1950. Also, the 1952 amendments provide similar wage credits of \$160 for each month of active service beginning with the end of World War II through December 31, 1953. This applies to monthly benefits for months after August 1952. These wage credits are determined at the time of application for benefits and are not made part of the records of earnings.

(4) Recipients of monthly benefits are obligated to report to the Bureau the occurrence of certain events which suspend or terminate benefits. A post card, Form OA-C611a, for reporting these events is given the claimant at the time he files application for benefits. Additional ones may be obtained from any field office.

(d) *Reconsideration and hearing.* Provisions regarding requests for reconsideration of Bureau determinations are contained in §§ 404.901, 403.707 and 403.708, of this chapter. Provisions regarding requests for hearing with respects to Bureau determinations are contained in §§ 404.901, 403.707 and 403.709-403.711a, inclusive, of this chapter. Such requests may be filed with any Bureau office.

2. Section 422.2 is amended to read:

§ 422.2 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records except as prescribed by regulations of the Secretary of Health, Education, and Welfare. Circumstances under which disclosure may be made are set out in Part 401 of this chapter.

3. Section 422.6 is amended to read:

§ 422.6 *Procedures of the Appeals Council—(a) Request for hearings by referee.* A claimant who is dissatisfied with a determination of the Bureau of Old-Age and Survivors Insurance of the Social Security Administration may file

a request for a hearing of his case before a referee of the office of the Appeals Council. This request may be made on Form AC-501, Request for Hearing, which may be obtained at any referee's office or any office of the Bureau. Instead of executing the form, the request for hearing may be made by an informal letter. The executed form or informal letter may be filed at or mailed to any office of the Bureau or the office of any referee or the office of the Appeals Council. The request must be made within 6 months from date of mailing of notice of the Bureau's initial determination or within 3 months from date of mailing of notice of the Bureau's reconsidered determination. This time may be extended by a referee upon a showing of good cause.

(b) *Hearing by referee.* The referee holds a hearing, upon 10 days' notice to the claimant unless such notice is waived, at a place reasonably convenient to a claimant. A stenographic record of the testimony taken at the hearing is made. This record is not transcribed except where necessary in the judgment of the referee or where required by law. The referee may render a decision or certify the case to the Appeals Council in Washington for decision. In either case the claimant is furnished with a copy of the decision.

(c) *Review of referee's decision by Appeals Council.* If a claimant is dissatisfied with the referee's decision he may file a request for review of the decision by the Appeals Council in Washington. This request may be made on Form AC-520, Request for Review of Referee's Decision, which may be obtained at any referee's office or office of the Bureau, or the request for review may be made by an informal letter. The request may be filed at or mailed to any referee's office, any office of the Bureau, or the office of the Appeals Council in Washington. Such request must be made within 30 days after the date of mailing of the referee's notice of decision. It is within the discretion of the Appeals Council to grant or deny the request for review. If it denies the request the referee's decision stands as the final decision of the Department of Health, Education, and Welfare. If the request for review is granted the Appeals Council renders a decision either with or without the taking of further evidence. The Appeals Council also renders a decision in cases which are certified to it by a referee.

(d) *Judicial review.* A claimant may secure a court review of a decision by a referee, if the Appeals Council has denied the claimant's request for review, or of a decision by the Appeals Council by instituting a civil action in the United States District Court of his residence. Such action must be filed within 60 days of the Appeals Council's notice of denial of request for review of the referee's decision or notice of decision by the Appeals Council. This time may be extended by the Appeals Council upon a showing of good cause.

(e) *Where detailed procedural regulations are located.* Detailed procedural regulations relating to the work of the office of the Appeals Council may

be found in Regulations No. 3 (Part 403 of this chapter) which have, by reference, been made a part of § 404.901 of Regulations No. 4 (Part 404 of this chapter) under the following subjects and section numbers.

Right to hearing; § 403.709 (a).
Time and place of filing request for hearing; § 403.709 (b).
Parties to a hearing; § 403.709 (c).
Referee; § 403.709 (d).
Time and place of hearing; § 403.709 (e).
Subpoenas; § 403.709 (f).
Conduct of hearing and evidence; § 403.709 (g).
Joint Hearings; § 403.709 (h).
Waiver of right to appear and present evidence; § 403.709 (i).
Dismissal of request for hearing; § 403.709 (j).
Referee's decision remanding to Bureau, or certification to Appeals Council; § 403.709 (k).
Effect of referee's decision or revision by Bureau; § 403.709 (l).
Procedure before Appeals Council on certification by the referee; § 403.710 (a).
Review of referee's decision or Bureau's revised determination; § 403.710 (b).
Procedure before Appeals Council on review of referee's decision or Bureau's revised determination; § 403.710 (c).
Decision by Appeals Council or remanding of case; § 403.710 (d).
Effect of Appeals Council's decision or refusal to review; § 403.710 (e).
Extension of time; § 403.711 (a).
Revision for error; § 403.711 (b).
Hearing and review in cases involving war-time maritime services in the employ of the United States and certain services in the employ of the Bonneville Power Administration; § 403.711a.

4. Section 422.7 is amended to read:

§ 422.7 *Inspection of official records.* Section 1106 of the Social Security Act prohibits disclosure of any official records, except as prescribed by regulations of the Secretary of Health, Education, and Welfare. Circumstances under which disclosure may be made are set out in Part 401 of this chapter.

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interpret or apply sec. 205, 49 Stat. 624, as amended, sec. 218, 64 Stat. 514; 42 U. S. C. and Sup., 405, 418)

[SEAL] W L. MITCHELL,
Acting Commissioner of
Social Security.

Approved: August 27, 1953.

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

[F. R. Doc. 53-7698; Filed, Sept. 2, 1953; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Fed-

eral Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 2335, 2786) are amended as indicated below:

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

§ 141.65 *Procaine penicillin-streptomycin-neomycin in oil, procaine penicillin-dihydrostreptomycin-neomycin in oil*—(a) *Potency*—(1) *Penicillin content, streptomycin content, dihydrostreptomycin content*. Proceed as directed in § 141.38 (a) (1) (2) and (3)

(2) *Neomycin content*. (i) If it contains streptomycin, proceed as directed in § 141.410 (b) (1) except prepare the sample as directed in § 141.49 (a) (2) (i) and (ii)

(ii) If it contains dihydrostreptomycin, proceed as directed in § 141.410 (b) (1) except prepare the sample as follows: Place 1.0 milliliter of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether and extract with four successive 20-milliliter portions of distilled water. Make the combined aqueous extractions to 100 milliliters with distilled water. Transfer a 10-milliliter aliquot of the aqueous extract to a 25-milliliter volumetric flask and add 1.0 milliliter of 5-percent Ba(OH)₂·8H₂O. Using a test-tube clamp, suspend the open flask in a steam bath so that the mouth of the flask is slightly above the level of the steam bath. Heat with steam for 3 hours; remove, cool, add one drop of 1.0-percent phenolphthalein and neutralize dropwise with 1.0 N H₂SO₄. Make to volume with distilled water and pour a reasonable aliquot into an appropriate centrifuging tube. Centrifuge for 5 minutes at approximately 4,000 r. p. m. and decant. Pipette an appropriate volume for assay and accurately add sufficient 1.0 M potassium phosphate buffer pH 8.0 to provide, after addition of distilled water, a solution having a molarity of 0.1 percent with respect to the potassium phosphate buffer and containing 10 micrograms of neomycin per milliliter.

(b) *Moisture*. Using 1 milliliter as the test sample, proceed as directed in § 141.7 (c).

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

2. In § 146.44 *Procaine penicillin* * * * subparagraph (3) of paragraph (c) *Labeling* is amended by changing the semicolon at the end thereof to a comma and adding the following: "except that the blank may be filled in with the date which is 48 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;"

No. 173—2

3. In § 146.47 *Procaine penicillin for aqueous injection*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by inserting between the words "which is" and "18 months" the words "48 months, if it is the dry mixture of the drug, and" and by inserting between the words "24 months" and "after the month" the words "if it is the aqueous suspension of the drug,"

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

§ 146.89 *Procaine penicillin-streptomycin-neomycin in oil, procaine penicillin-dihydrostreptomycin-neomycin in oil*. Procaine penicillin-streptomycin-neomycin in oil or procaine penicillin-dihydrostreptomycin-neomycin in oil conforms to all requirements and is subject to all procedures prescribed by § 146.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that:

(a) It contains not less than 7.5 milligrams of neomycin per milliliter. The neomycin used conforms to the requirements prescribed for neomycin by § 146.410 (a) (2).

(b) Each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each milliliter of the batch, and its expiration date shall be 12 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146.57 (a) (4) a person who requests certification of a batch of procaine penicillin-streptomycin-neomycin in oil or procaine penicillin-dihydrostreptomycin-neomycin in oil shall submit with his request a statement showing the number of milligrams of neomycin in each milliliter of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 5 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be \$4.00.

5. In § 146.104 *Streptomycin tablets* * * * paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the fifth sentence and adding the following: "or in the case of tablets for veterinary use, streptomycin sulfate oral veterinary conforming to the standards in § 146.114 (a) may be used."

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

This order, which provides for the certification of two new antibiotic drugs, procaine penicillin-streptomycin (or dihydrostreptomycin)-neomycin in oil; for

an expiration date of 48 months for procaine penicillin and for procaine penicillin for aqueous injection, provided the manufacturer has proved that his products are stable for such period of time; and for the use of streptomycin sulfate oral veterinary in the preparation of veterinary streptomycin tablets, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

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

Dated: August 27, 1953.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 53-7637; Filed, Sept. 2, 1953; 8:47 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c) 67 Stat. 18) I find that the requirements of sections 502 (1) and 507 of the act with respect to animal feed containing certifiable antibiotics and 0.0375 percent di-*n*-butyl tin dilaurate, when used for certain conditions, are no longer necessary to insure safety and efficacy of such drugs when used in such manner, and hereby promulgate the following amendments exempting such drugs from the requirements:

1. The introductory sentence of § 146.62 *Animal feed containing penicillin* * * * is amended by changing the words "paragraphs (a) through (h) inclusive, of this section, as follows:" to read "the following paragraphs:"

2. Section 146.62 *Animal feed containing penicillin* * * * is further amended by adding the following new paragraph:

(1) It is intended for use solely in the prevention of coccidiosis and hexamitiasis outbreaks in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains di-*n*-butyl tin dilaurate in a quantity, by weight of feed, of 0.0375 percent.

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

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

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

said amendments, and since it conditionally relaxes existing requirements.

Dated: August 27, 1953.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 53-7698; Filed, Sept. 2, 1953;
8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter I—Security of Waterfront Facilities [CFR 53-27]

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

HANDLING OF EXPLOSIVES

Notice regarding proposed changes in the regulations governing the handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities was published in the *FEDERAL REGISTER* dated February 13, 1953, 18 F. R. 882, as Item XIV on the agenda to be considered by the Merchant Marine Council and a public hearing was held by the Merchant Marine Council on March 24, 1953, in Washington, D. C. No comments were submitted by the public.

The purpose for amending 33 CFR 126.17, 126.19, 126.21, 126.25, and 126.27 is to revise the requirements governing the handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities in order that such requirements will be consistent with the Dangerous Cargo Regulations in 46 CFR Part 146 and will carry out the intent of the act of July 16, 1952 (Pub. Law 562, 82d Cong.) which further amended R. S. 4472 (46 U. S. C. 170).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, the following amendments are prescribed which shall become effective ninety days after the date of publication in the *FEDERAL REGISTER*:

1. Section 126.17 is amended to read as follows:

§ 126.17 *Permits required for handling designated dangerous cargo.* Designated dangerous cargo may be handled, loaded, discharged, and transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port, except that no permit shall be required for the handling, loading, discharging, or transporting of such cargoes to or from, on or across, a waterfront facility used for the transfer of railroad vehicles to or from a railroad carfloat when such cargoes are not removed from, or placed in, the railroad vehicle while in or on such waterfront facility.

2. Section 126.19 is amended to read as follows:

§ 126.19 *Issuance of permits for handling designated dangerous cargo.* (a) Upon the application of the owners or operators of a designated waterfront facility or of their authorized represent-

atives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(1) The facility shall comply in all respects with the regulations in this subchapter.

(2) The quantity of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(3) The quantity of designated dangerous cargo consisting of military explosives shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

3. Section 126.21 is amended to read as follows:

§ 126.21 *Permitted transactions.* All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15 (g)

4. Section 126.25 is amended to read as follows:

§ 126.25 *Penalties for handling designated dangerous cargo without permit.* Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject per-

sons responsible therefor to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

5. Section 126.27 is amended to read as follows:

§ 126.27 *General permit for handling dangerous cargo.* A general permit is hereby issued for the handling, storing, stowing, loading, discharging, and transporting of dangerous cargo (other than designated dangerous cargo) at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) The following classes of dangerous cargo as classified in the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR 146), in the amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported at any one time, except on waterfront facilities used primarily for the transfer of railway or highway vehicles to or from cargo vessels or carfloats, without notification to the Captain of the Port:

(1) Explosives, Class B, in excess of 1 ton.

(2) Explosives, Class C, in excess of 10 tons.

(3) Inflammable liquids, in containers, in excess of 10 tons.

(4) Inflammable solids or oxidizing materials, in excess of 100 tons.

(5) Inflammable compressed gases, in excess of 10 tons.

(6) Poison, Class A, or Radioactive materials, Class D (Groups I and II), in any amount.

(c) Inflammable liquids and compressed gases shall be so handled and stored as to provide maximum separation between freight consisting of acids, corrosive liquids, or combustible materials. Storage for inflammable solids or oxidizing materials shall be so arranged as to prevent moisture coming in contact therewith.

(d) Acids and corrosive liquids shall be so handled and stored as to prevent such acids and liquids in event of leakage from contacting any organic materials.

(e) Poisonous gases and poisonous liquids shall be so handled and stored as to prevent their contact with acids, corrosive liquids, or inflammable liquids.

(f) Dangerous cargo which may be stored on the waterfront facility shall be arranged in such manner as to retard the spread of fire. This may be accomplished by interspersing piles of dangerous freight with piles of inert or less combustible materials.

(40 Stat. 220, as amended; 50 U. S. C. 101, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., as amended by E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4007; 3 CFR, 1952 Supp.)

Dated: August 27, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard.
Commandant.

[F. R. Doc. 53-7715; Filed, Sept. 2, 1953;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167-4]
[CGFR 53-40]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS PERTAINING TO LIGHTHOUSE KEEPERS

Pursuant to the authority vested in me as Secretary of the Treasury, including the authority in title 14, United States Code, specifically sections 92, 631, and 633, and the authority in Reorganization Plan No. 26 of 1950 (15 F. R. 1935) there are hereby delegated to the Commandant, United States Coast Guard, the functions of the Secretary of the Treasury set forth below. The Commandant is authorized to redelegate any function herein delegated to the extent that he may deem to be necessary or appropriate. The functions herein delegated include those vested in me by

- (1) 33 U. S. C. 747b, to prescribe rules for paying actual and necessary traveling expenses of lighthouse keepers at isolated stations incurred in obtaining medical attention;
- (2) 33 U. S. C. 748, to prescribe regulations for the payment of traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses;
- (3) 33 U. S. C. 748a, to prescribe regulations for the transportation of the children of lighthouse keepers at isolated light stations where necessary to enable such children to attend school.

Dated: August 17, 1953.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-7714; Filed, Sept. 2, 1953; 8:51 a. m.]

in writing, in appropriate cases, that the products or services to be furnished by any bakery, laundry, or dry-cleaning facilities proposed for construction, replacement, or reactivation are not obtainable from commercial sources at reasonable rates.

2. The Assistant Secretary of Defense (Properties and Installations) shall not redelegate the authority contained herein.

ROGER M. KYES,
Acting Secretary of Defense.

AUGUST 22, 1953.

[F. R. Doc. 53-7689; Filed, Sept. 2, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARIES AND ASSISTANT SECRETARIES OF COMMERCE

DELEGATIONS OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

Pursuant to the authority vested in me by Reorganization Plan No. 5 of 1950, each Under Secretary of Commerce and Assistant Secretary of Commerce is hereby authorized to designate an official or officials who report directly to him or who are in some line of authority under his jurisdiction, to serve for him in his absence or inability to serve, and to delegate authority to such official or officials to be responsible for and to exercise any duties of the respective secretarial officer not inconsistent with the provisions of any law. This authority shall not include matters in which the personal signature of a secretarial officer is required under specific law, order or regulation.

This notice is effective July 30, 1953.

ROBERT B. MURRAY, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 53-7709; Filed, Sept. 2, 1953; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF CONSTRUCTION, REPLACEMENT OR REACTIVATION OF BAKERY, LAUNDRY, OR DRY-CLEANING FACILITIES

By virtue of the authority vested in me pursuant to section 202 (f) of the National Security Act of 1947, as amended, 5 U. S. C. 171a, the following designation and delegation of authority is effective this date.

1. The Assistant Secretary of Defense (Properties and Installations) shall exercise the functions, duties and authority conferred on me by section 604 of the Military Public Works Appropriation Act, 1952 (65 Stat. 766) by section 804 of the Military Public Works Appropriation Act, 1953 (66 Stat. 647) and by section 804, Supplemental Appropriation Act, 1954, (67 Stat. 429) to certify

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 522.168, as amended December 31, 1951, 16 F. R. 12043; and June 2, 1952, 17 F. R. 3818).

Ball Braslery Manufacturing Co., Bedford Street, Getstown, Pa., effective 8-21-53 to 2-20-54; 40 learners for expansion purposes (brasleres).

Bedford Manufacturing Corp., 381 Pleasant Street, Fall River, Mass., effective 8-20-53 to 8-19-54; 10 percent of the factory production workers for normal labor turnover purposes (ladies' house dresses).

Burch Manufacturing Co., 7831 South Seventh Avenue, Birmingham, Ala., effective 8-16-53 to 8-15-54; 10 learners for normal labor turnover purposes (shirts).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 8-17-53 to 2-16-54; 10 learners for expansion purposes (work pants and waistband overalls).

Colonial Fashions, Inc., 114 North Union Street, Petersburg, Va., effective 8-21-53 to 2-20-54; 75 learners for expansion purposes (dresses and blouses).

Enterprise Manufacturing Co., Enterprise, Ala., effective 8-19-53 to 2-18-54; 25 learners for expansion purposes (dress shirts).

Frances Geo Garment Co., Richmond, Mo., effective 8-21-53 to 8-20-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton uniforms).

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pa., effective 8-21-53 to 8-20-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton and rayon dresses).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill., effective 9-1-53 to 8-31-54; 4 learners for normal labor turnover purposes (men's, boys', girls' slacks).

McKenzie Pajama Corp., McKenzie, Tenn., effective 8-21-53 to 2-23-54; 35 learners for expansion purposes (pajamas).

Opp Textile Co., Ltd., Dothan-Andalusia Highway, Opp, Ala., effective 8-17-53 to 8-16-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton utility jackets).

Star Sportswear Manufacturing, Perchtown Road, Iona, N. J., effective 8-17-53 to 8-16-54; 10 learners for normal labor turnover purposes (cotton dress shorts and jackets).

Tex Manufacturing Co., Inc., 1705 Texas Street, El Paso, Tex., effective 8-19-53 to 8-18-54; 10 learners for normal labor turnover purposes (boys', girls', and ladies' jeans and jackets).

Wright Manufacturing Co., P. O. Box 509, Toccoa, Ga., effective 8-20-53 to 8-19-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton work clothing).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888; and July 13, 1953, 18 F. R. 3292).

Brookville Glove Co., Indiana, Pa., effective 8-21-53 to 2-20-54; 5 learners for expansion purposes (cotton work gloves).

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 certificates 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

Portage Hosiery Co., 107 East Mullett Street, Portage, Wis., effective 8-19-53 to 8-18-54; 5 learners in the manufacture of mittens (mittens).

Wells Lemont Corp., Waynesboro, Miss., effective 8-25-53 to 8-24-54; 10 percent of the total number of machine stitchers, or 10 learners, whichever is greater (leather palm work gloves).

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

Morris Hosiery Mills, Denton, N. C., effective 8-18-53 to 8-17-54; 4 learners.

Portage Hosiery Co., Portage, Wis., effective 8-19-53 to 8-18-54; 5 percent of the total number of factory production workers engaged in the production of hosiery (not including office and sales personnel).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866)

Blue Ridge Knitting Mill, Inc., Walnutport, Tenn., effective 8-19-53 to 8-18-54; learners (wool sweaters and miniature doll sets).

Cynthiana Mills, Inc. Cynthiana, Ky., effective 8-20-53 to 8-19-54; 5 percent of the total factory production force (not including office and sales personnel) (men's and boys' woven undershorts).

Lexington Industries, Inc., Lexington, Miss., effective 8-31-53 to 2-28-54; 25 learners for expansion purposes (women's and misses' underwear, nightwear, and negligees from knit and woven fabrics).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500)

Carmo Shoe Manufacturing Co., Union, Mo., effective 8-19-53 to 8-18-54; 10 percent of the number of productive factory workers in the plant.

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

Brinkley Pearl Works, Brinkley, Ark., effective 8-24-53 to 2-23-54; 5 learners; blank button cutters, 480 hours at 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (button blanks).

The following special learner certificates were issued to the school-operated industries listed below:

Campion Academy, Loveland, Colo., effective 9-1-53 to 8-31-54; broom shop—broom maker, stitcher, sorter, binder, and related skilled and semiskilled occupations; 8 learners; 150 hours at 60 cents per hour, 125 hours at 65 cents per hour, 125 hours at 70 cents per hour.

Emmanuel Missionary College, Berrion Springs, Mich., effective 9-1-53 to 8-31-54; bookbinding—bookbinder, bindery worker, and related skilled and semiskilled occupations; 25 learners; 200 hours at 60 cents per hour, 200 hours at 65 cents per hour, 200 hours at 70 cents per hour; print shop—pressman, compositor, and related skilled and semiskilled occupations; 35 learners; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, 325 hours at 70 cents per hour; woodwork shop— assembler, (furniture) machine operator, furniture finisher, and related skilled and semiskilled occupations; 55 learners; 250 hours at 60 cents per hour, 250 hours at 65 cents per hour, 250 hours at 70 cents per hour; clerical—bookkeeper, typist, and related skilled and semiskilled occupations; 15 learners; 200 hours at 60 cents per hour, 200 hours at 65 cents per hour, 200 hours at 70 cents per hour.

Washington Missionary College, Takoma Park, Md., effective 9-1-53 to 8-31-54; print shop—pressman, compositor, and related skilled and semiskilled occupations; 6 learners; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, 325 hours at 70 cents per hour; bindery shop—machine operator, hand stitcher, and related skilled and semiskilled occupations; 3 learners; 200 hours at 60 cents per hour, 200 hours at 65 cents per hour; clerical—clerk, typist, stenographer, bookkeeper, and related clerical occupations; 3 learners; 200 hours at 60 cents per hour, 200 hours at 65 cents per hour, 200 hours at 70 cents per hour.

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 24th day of August 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator

[F. R. Doc. 53-7691; Filed, Sept. 2, 1953; 8:45 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, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Opportunity Workshop of the Jewish Vocational Service of Essex County, 652 High Street, Newark 2, N. J., at a rate of not less than 25 cents per hour. Certificate is effective August 6, 1953, and expires February 28, 1954.

Buffalo Goodwill Industries, Inc., 153 North Division Street, Buffalo 3, N. Y., at a rate of not less than 20 cents per hour for a training period of 60 hours in the contract department and 30 cents thereafter and at a rate of not less than 20 cents per hour for a training period of 60 hours in the Sorting Department and 50 cents thereafter. Certificate is effective August 1, 1953, and expires July 31, 1954.

Goodwill Industries, Inc., of Jacksonville, Florida, 6 North Newman Street, Jacksonville, Fla., at a rate of not less than 50 cents per hour for a training period of 80 hours and 50 cents thereafter. Certificate is effective August 1, 1953, and expires July 31, 1954.

Georgia Association of Workers for the Blind, 539 Courtland Street NE., Atlanta, Ga., at a rate of not less than 50 cents per hour for a training period of 160 hours in the workshop and 50 cents thereafter and at a rate of not less than 40 cents per hour for a training period of 160 hours for the homebound and 40 cents thereafter. Certificate is effective August 1, 1953, and expires July 31, 1954.

Georgia Factory for the Blind, Atlanta, Plant, 59 Ormond Street SE., Atlanta, Ga., at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective August 4, 1953, and expires July 31, 1954.

Goodwill Industries of Toledo, Inc., 601 Cherry Street, Toledo 4, Ohio; at a rate of not less than 30 cents per hour for a training period of 40 hours and 50 cents thereafter. Certificate is effective August 10, 1953, and expires July 31, 1954.

Workshop for the Blind, 509 Sibley Street, St. Paul 1, Minn., at a rate of not less than 65 cents per hour. Certificate is effective August 1, 1953, and expires August 1, 1954.

The Volunteers of America, 320 North Illinois Street, Indianapolis, Ind., at a rate of not less than 35 cents per hour. Certificate is effective September 1, 1953, and expires August 31, 1954.

Inland Empire Goodwill Industries, 130 East Third, Spokane, Wash., at a rate of not less than 40 cents per hour for a training period of 80 hours and 50 cents thereafter. Certificate is effective September 1, 1953, and expires August 31, 1954.

The Volunteers of America, 1955 Post Street, San Francisco, Calif., at a rate of not less than 40 cents per hour for a training period of 80 hours and 50 cents thereafter. Certificate is effective August 28, 1953, and expires August 27, 1954.

Davis Memorial Goodwill Industries, 1218 New Hampshire Avenue NW., Washington, D. C., at a rate of not less than 50 cents per hour. Certificate is effective August 1, 1953, and expires July 31, 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 handi-capped 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 rehabilitat-ing activity of an educational or thera-peutic 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 publica-tion of this notice in the FEDERAL REG-ISTER.

Signed at Washington, D. C. this 26th day of August 1953.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 53-7690; Filed, Sept. 2, 1953;
8:45 a. m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket Nos. 10556, 10557, 10558]

SUPERIOR TELEVISION, INC., ET AL.

ORDER DELETING ISSUE

In re applications of Superior Tele-vision, Inc., Corpus Christi, Texas, Docket No. 10556, File No. BPCT-1031, KEYS-TV, Inc., Corpus Christi, Texas, Docket No. 10557, File No. BPCT-1045; K-Six Television, Inc., Corpus Christi, Texas, Docket No. 10558, File No. BPCT-1434; for construction permits for new tele-vision broadcast stations.

At a session of the Federal Communi-cations Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

The Commission having under consid-eration a "Motion to Strike Issue and Amend Order" filed by K-Six Television, Inc., Corpus Christi, Texas; and a "Statement of the Broadcast Bureau" with respect thereto; and

It appearing, that the application of the petitioner was designated for con-solidated hearing with the above-named applicants on the following issue, among others:

1. To determine whether the installation and operation of the station proposed by K-Six Television, Inc., in its above-entitled application would constitute a hazard to air navigation.

It further appearing, that petitioner requests that the Commission's order re-leased June 29, 1953, designating the above-entitled applications for consoli-dated hearing, be amended to strike Issue No. 1 and to find that K-Six Television, Inc., is technically qualified to construct,

own and operate a television broadcast station in Corpus Christi, Texas; and

It further appearing, that the K-Six application was amended on June 19, 1953, to show a new antenna location and certain related engineering matters, and that the Fort Worth Regional Air-space Subcommittee notified K-Six Tele-vision, Inc., by letter dated June 17, 1953, that it has considered the new antenna site and has determined that the site will not be hazardous to aircraft operations in the area; and

It further appearing, that the Broad-cast Bureau in its "Statement" of July 16, 1953, does not oppose the "Motion to Strike Issue and Amend Order", stating that the records of the Commission show that the antenna construction proposed by K-Six Television, Inc. will not involve a hazard to air navigation provided marking and lighting are afforded in accordance with the Commission's rules (47 CFR Part 17)

It is ordered, That the Commission order, released June 29, 1953, is hereby amended to find that K-Six Television, Inc. is technically qualified to construct, own and operate a television broadcast station, and to strike Issue No. 1 therefrom.

Released: August 28, 1953.

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

[F. R. Doc. 53-7716; Filed, Sept. 2, 1953;
8:51 a. m.]

[Docket Nos. 10655, 10656]

TIMES-WORLD CORP. AND RADIO
ROANOKE, INC.

**ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED
ISSUES**

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

At a session of the Federal Communi-cations Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

The Commission having under con-sideration the above-entitled applica-tions, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Roanoke, Virginia; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one appli-cant would result in mutually destruc-tive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated September 10, 1952 and July 29, 1953, that their applications were mutu-ally exclusive; and that a hearing would be necessary; that Times-World Corporation was advised by the letter of

July 29, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and that Radio Roanoke, Incorporated, was ad-vised by the letter of July 29, 1953, that certain questions were raised as the re-sult of deficiencies of a financial nature in its application; and

It further appearing, that upon due consideration of the above-entitled ap-plications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is manda-tory and that Times-World Corporation is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "1" below and that Radio Roanoke, Incorporated, is legally, finan-cially and technically qualified to con-struct, own and operate a television broadcast station;

It is ordered, That pursuant to sec-tion 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to com-mence at 10:00 a. m. on September 25, 1953, in Washington, D. C., upon the following issues:

1. To determine whether the installa-tion of the station proposed by Times-World Corporation in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, con-venience and necessity in the light of the record made with respect to the significant differences between the ap-plications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television sta-tion.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service pro-posed in each of the above-entitled ap-plications.

Released: August 28, 1953.

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

[F. R. Doc. 53-7717; Filed, Sept. 2, 1953;
8:51 a. m.]

[Docket Nos. 10657, 10658]

SOUTH JERSEY BROADCASTING CO. AND
PATRICK JOSEPH STANTON

**ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES**

In re applications of South Jersey Broadcasting Company, Camden, New Jersey, Docket No. 10657, File No. BPCT-1522; Patrick Joseph Stanton, Philadel-

phia, Pennsylvania, Docket No. 10658, File No. BPCT-1674; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 17 assigned to Philadelphia, Pennsylvania; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated July 14, 1953, that their applications were mutually exclusive and that a hearing would be necessary that South Jersey Broadcasting Company was advised by the said letter that certain questions were raised as a result of deficiencies of a financial and technical nature in its application and that the question as to whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; that Patrick Joseph Stanton was advised that certain questions were raised as a result of deficiencies of a financial nature in his application; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Patrick Joseph Stanton is legally, financially and technically qualified to construct, own, and operate a television broadcast station; and that South Jersey Broadcasting Company is legally and technically qualified to construct, own, and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on September 25, 1953, in Washington, D. C., upon the following issues:

1. To determine whether South Jersey Broadcasting Company is financially qualified to construct, own, and operate its proposed television station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience, and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: August 31, 1953.

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

[F. R. Doc. 53-7718; Filed, Sept. 2, 1953;
8:51 a. m.]

[Docket Nos. 10662, 10663, 10664]

ROYAL OAK BROADCASTING CO. ET AL
ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED
ISSUES

In re applications of Royal Oak Broadcasting Company, Ferndale, Michigan, Docket No. 10662, File No. BPCT-725; Knight Newspapers, Incorporated, Detroit, Michigan, Docket No. 10663, File No. BPCT-1507; UAW-CIO Broadcasting Corporation of Michigan, Detroit, Michigan, Docket No. 10664, File No. BPCT-1589; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 62 assigned to Detroit, Michigan; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated July 16, 1953, that their applications were mutually exclusive and that a hearing would be necessary that Royal Oak Broadcasting Company was advised by the said letter that a question was raised as to the propriety of designating its proposed television broadcast station as a Royal Oak-Ferndale station, under the Commission's rules and policies; that Knight Newspapers, Incorporated, was advised by the said letter that certain questions were raised as the result of deficiencies of a legal and technical nature in its application and that the question—as to whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; that UAW-CIO Broadcasting Corporation of Michigan was advised by the said letter that a question was raised to its legal qualifications to construct, own and operate the proposed television broadcast station; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is

mandatory that Royal Oak Broadcasting Company and UAW-CIO Broadcasting Company of Michigan are legally, financially, and technically qualified to construct, own and operate a television broadcast station; and that Knight Newspapers, Incorporated, is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "1" below:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on September 25, 1953, in Washington, D. C., upon the following issues:

1. To determine whether the installation of the station proposed by Knight Newspapers, Incorporated, in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: August 31, 1953.

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

[F. R. Doc. 53-7719; Filed, Sept. 2, 1953;
8:52 a. m.]

[Docket Nos. 10667, 10668]

STRAITS BROADCASTING CO. AND MID-
WESTERN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED
ISSUES

In re applications of Richard E. Hunt, tr/as Straits Broadcasting Company, Cheboygan, Michigan, Docket No. 10667, File No. BP-8753; Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 10668, File No. BP-8795; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

The Commission having under consideration the above-entitled applications for construction permits for a new standard broadcast station at Cheboygan, Michigan, to operate on 1240 kc, 250 w, unlimited time.

It appearing, that the applicants are legally, technically, financially and otherwise qualified to operate the proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated June 3, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the applicant Richard E. Hunt, tr/as Straits Broadcasting Company has replied to the Commission's letter dated June 3, 1953, and that the applicant Midwestern Broadcasting Company, failed to reply to said letter; and

It further appearing, that The Commission, after consideration of the reply, is still unable to conclude that a grant would be in the public interest.

It is ordered, That, pursuant to section 09 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications or broadcast facilities, 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.

2. To determine the overlap, if any, which would exist between the service areas of the proposed operation of the Midwestern Broadcasting Company and of Stations WATC, Gaylord, Michigan, and WMBN, Bear Creek Township, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission rules.

3. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

Released: August 31, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

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

F. R. Doc. 53-7720; Filed, Sept. 2, 1953;
8:52 a. m.]

**ORDER CLOSING THE GALVESTON, TEXAS,
SHIP INSPECTION OFFICE**

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of August 1953;

It is ordered, Under the authority of the Communications Act of 1934, as amended, that;

The ship inspection office of the Federal Communications Commission at Galveston, Texas, be hereby closed.

This order shall become effective November 1, 1953.

Released: August 28, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

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

[F. R. Doc. 53-7721; Filed, Sept. 2, 1953;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6506]

CALIFORNIA OREGON POWER Co.

NOTICE OF ORDER AUTHORIZING SALE OF
PORTION OF TRANSMISSION LINE

AUGUST 28, 1953.

Notice is hereby given that on August 27, 1953, the Federal Power Commission issued its order adopted August 26, 1953, in the above-entitled matter, authorizing the sale of a portion of the transmission line, under license as part of Project No. 281, to The United States of America, Department of the Interior.

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

[F. R. Doc. 53-7692; Filed, Sept. 2, 1953;
8:46 a. m.]

[Docket No. E-6520]

SOUTHERN PENNSYLVANIA POWER Co.
ET AL.

NOTICE OF APPLICATION

AUGUST 27, 1953.

In the matters of Southern Pennsylvania Power Company, Chester County Light and Power Company, Philadelphia Electric Company, Docket No. E-6520.

Take notice that on August 26, 1953, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Southern Pennsylvania Power Company ("Southern"), Chester County Light and Power Company ("Chester"), and Philadelphia Electric Company ("Philadelphia"), all corporations organized under the laws of the Commonwealth of Pennsylvania, and doing business in said State, with each of their principal business offices at Philadelphia, Pennsylvania, seeking an order authorizing Southern to sell and dispose of its electric facilities, by merger, to Philadelphia; authorizing Chester to sell and dispose of its electric facilities, by merger, to Philadelphia; and authorizing Philadelphia to merge its electric facilities with the electric facilities of Southern and Chester. Philadelphia presently owns

all the issued and outstanding shares of Capital Stock of Southern and Chester and the consideration for the proposed transactions is the assumption by Philadelphia of all outstanding debts, obligations, and liabilities of Southern and of Chester, respectively, such consideration involving the cancellation of all indebtedness of Southern to Philadelphia and of all indebtedness of Chester to Philadelphia. Simultaneously with the respective sales, dispositions, assignments, and conveyances, Philadelphia will cause to be cancelled all of Southern's and all of Chester's outstanding shares of Capital Stock. Upon consummation of the transactions proposed in the application filed herein, all of the electric facilities of Southern and all of the electric and gas facilities of Chester will be owned and operated by Philadelphia; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of September 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 53-7693; Filed, Sept. 2, 1953.
8:46 a. m.]

[Docket Nos. G-2130, G-2197]

EQUITABLE GAS CO. AND MISSISSIPPI
VALLEY GAS Co.

NOTICE OF FINDINGS AND ORDERS

AUGUST 28, 1953.

In the matters of Equitable Gas Company, Docket No. G-2130; Mississippi Valley Gas Company, Docket No. G-2197.

Notice is hereby given that on August 27, 1953, the Federal Power Commission issued its findings and orders adopted August 26, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

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

[F. R. Doc. 53-7694; Filed, Sept. 2, 1953;
8:46 a. m.]

[Docket No. ID-1233]

E. H. ZEIGLER

NOTICE OF ORDER AUTHORIZING APPLICANT TO
HOLD CERTAIN POSITIONS

AUGUST 28, 1953.

Notice is hereby given that on August 27, 1953, the Federal Power Commission issued its order adopted August 26, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

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

[F. R. Doc. 53-7675; Filed, Sept. 2, 1953;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-957]

MARKET STREET RAILWAY CO.

NOTICE OF APPLICATION TO STRIKE FROM
LISTING AND REGISTRATION, AND OF OP-
PORTUNITY FOR HEARING

AUGUST 27, 1953.

The New York Stock Exchange, pur-
suant to section 12 (d) of the Securities
Exchange Act of 1934 and Rule X-12D2-
1 (b) promulgated thereunder, has made
application to strike from listing and
registration the 6 percent Cumulative
Prior Preference Stock, \$100 Par Value,
of Market Street Railway Company.

The application alleges that the rea-
sons for striking this security from list-
ing and registration on this exchange
are:

(1) The Modified Amended Plan for
the Liquidation and Dissolution of the
above issuer, approved by the Securities
and Exchange Commission on May 13,
1953, and by the District Court of the
United States for the Northern District
of California, Southern Division, on July
3, 1953, as revised in Step Two of the
Plan, provided for a second pro-rata
partial cash distribution to the holders of
the above security, upon surrender and
cancellation of their certificates for the
above security.

(2) The Board of Directors of the
above issuer on July 6, 1953, voted a
second pro-rata partial cash distribu-
tion of \$3.50 per share to the holders of
the above security payable as of July 28,
1953, and fixed July 27, 1953, as the date
of permanent closing of the transfer
books of the issuer of the above security.

(3) Facilities for transfer or registra-
tion of the above issue in the Borough of
Manhattan are no longer available.

Upon receipt of a request, prior to
September 23, 1953, from any interested
person for a hearing in regard to terms
to be imposed upon the delisting of this
security, the Commission will determine
whether to set the matter down for hear-
ing. Such request should state briefly
the nature of the interest of the person
requesting the hearing and the position
he proposes to take at the hearing with
respect to imposition of terms or condi-
tions. In addition, any interested per-
son may submit his views or any addi-
tional facts bearing on this application
by means of a letter addressed to the
Secretary of the Securities and Exchange
Commission, Washington, D. C. If no
one requests a hearing on this matter,
this application will be determined by
order of the Commission on the basis of
the facts stated in the application, and
other information contained in the offi-
cial file of the Commission pertaining to
this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7699; Filed, Sept. 2, 1953;
8:47 a. m.]

[File No. 70-3120]

ELECTRIC ENERGY, INC.

MEMORANDUM OPINION AND ORDER REGARD-
ING ISSUANCE OF SHORT-TERM PROMIS-
SORY NOTES TO BANKS,

AUGUST 28, 1953.

We are here concerned with a decla-
ration filed with this Commission by
Electric Energy, Inc. ("Electric En-
ergy") a subsidiary company of Union
Electric Company of Missouri and Mid-
dle South Utilities, Inc., both registered
holding companies, of Illinois Power
Company and Kentucky Utilities Com-
pany, both public utility companies and
registered holding companies which are
exempt as holding companies from the
provisions of the act, and of Central Illi-
nois Public Service Company which is
exempt under section 2 (a) (7) of the act
from the provisions thereof applicable to
holding companies. Declarant proposes
to issue not to exceed \$30,000,000 of
short-term promissory notes to banks
and has designated sections 6 and 7 of
the act as applicable to the proposed
transactions.

Electric Energy is engaged in the con-
struction of a 6-unit electric generating
station and related transmission facili-
ties at Joppa, Illinois, which are being
built for the purpose of supplying up to
735,000 kw of firm power to an atomic
energy project being constructed by the
Atomic Energy Commission ("A. E. C.")
at Paducah, Kentucky. The first four
generating units are referred to hereinafter
as "Joppa Plant" and the remain-
ing two units as "Joppa Plant Additions."
Formerly the power supply arrange-
ments between Electric Energy and
A. E. C. were embodied in two separate
contracts. The first related to the 500-
000 kw capacity of the four Joppa Plant
units and the second, relating to the re-
maining 235,000 kw from the two addi-
tional units was contingent upon the
passage of certain pending legislation.
Since the enactment of an amendment
to the Atomic Energy Act of 1946, ef-
fected by Public Law 137, 83d Congress
(H. R. 5905) approved July 17, 1953, the
contracting parties have entered into a
single contract dated July 23, 1953, which
covers the full 735,000 kw.

The financing of these facilities and
the execution of various related con-
tracts have been the subject of prior ap-
plications to this Commission, and are
described in the following memorandum
opinions and orders of the Commission
permitting them: January 15, 1951
(Holding Company Act Release No. 10,-
340) June 26, 1951 (Holding Company
Act Release No. 10,639) January 30,
1953 (Holding Company Act Release No.
11,689) and July 10, 1953 (Holding Com-
pany Act Release No. 12,048) The
Commission's 1951 orders permitted the
issuance and sale by Electric Energy of
\$3,500,000 of common stock to its parent
companies and \$100,000,000 of 3 percent
First Mortgage Sinking Fund Bonds, due
1979 ("3 percent Bonds") to two in-
surance companies in order to finance
the Joppa Plant. The Commission's
order of January 30, 1953, permitted the
issuance and sale by Electric Energy of

\$2,700,000 of additional common stock to
the parent companies and \$65,000,000 of
3¾ percent First Mortgage Sinking Fund
Bonds due 1982 ("3¾ percent Bonds"),
to the same insurance companies, the
proceeds of which bonds are to be used
to finance the Joppa Plant Additions.
The Commission's order of July 10, 1953,
permitted the issuance and sale by Elec-
tric Energy to said insurance companies
of \$30,000,000 of 4½ percent First Mort-
gage Sinking Fund Bonds, due 1979 ("4½
percent Bonds"), of which the proceeds
are to be used to finance increases in the
cost of the Joppa Plant.

The bond purchase agreements relat-
ing to the 4½ Percent Bonds contemplate
that Electric Energy will sell to the in-
surance companies \$10,000,000 of 4½
Percent Bonds in July 1953 and that no
additional 4½ Percent Bonds will be
sold until 1954. The funds required by
Electric Energy for construction pur-
poses with respect to the Joppa Plant in
1953 are estimated to be approximately
\$20,000,000 in excess of the \$10,000,000
to be realized from the sale of said 4½
Percent Bonds. Similarly, the bond pur-
chase agreements with respect to the
3¾ Percent Bonds contemplated that
Electric Energy will sell to the insurance
companies \$10,000,000 of 3¾ Percent
Bonds in August 1953, and that no addi-
tional 3¾ Percent Bonds will be sold
until 1954. The funds required by Elec-
tric Energy for construction purposes
with respect to the Joppa Plant Additions
for 1953 are estimated to be approxi-
mately \$10,000,000 in excess of the
\$10,000,000 to be realized from the sale
of said 3¾ Percent Bonds.

Accordingly, Electric Energy proposes,
pursuant to a Credit Agreement dated
July 16, 1953, to issue from time to time
but not later than June 30, 1954, its
promissory notes not to exceed the ag-
gregate maximum principal amount of
\$30,000,000, to mature July 1, 1954, and
to bear interest at the rate of 3¾ percent
per annum. Said notes will be issued to
the following banks ("Lenders") in the
following maximum amounts:

Name of bank:	Amount of commitment
The Chase National Bank of the City of New York.....	\$11,000,000
Guaranty Trust Co. of New York	11,000,000
Mercantile Trust Co.....	4,000,000
First National Bank in St. Louis.....	3,000,000
The Boatmen's National Bank of St. Louis.....	1,000,000
	<hr/>
	30,000,000

Electric Energy will have the right to
prepay from time to time without
penalty the notes in whole or in part on
five days' notice or on closing dates for
the sale of additional 4½ percent or
3¾ percent Bonds. Electric Energy will
pay a commitment fee of ½ of 1 percent
per annum on the daily unused amount
of the credit of each Lender, such com-
mitments to be subject to termination in
whole or in part by Electric Energy at
any time on five days' notice.

The proceeds of said notes must be
used for construction of the Joppa Plant
or the Joppa Plant Additions. In con-

nection with each borrowing, Electric Energy must certify the amount of the borrowing which is being made for construction costs of the Joppa Plant and the Joppa Plant Additions. The aggregate of the former amounts so certified may not exceed \$20,000,000 and the aggregate of the latter amounts may not exceed \$10,000,000. Proceeds of borrowings for costs of constructing the Joppa Plant shall be deposited in the Construction Fund under the Mortgage and Deed of Trust dated June 1, 1951, of Electric Energy, as amended by its First Supplemental Indenture dated as of July 1, 1953, securing said Bonds ("Mortgage") and proceeds of borrowings for costs of the Joppa Plant Additions shall be deposited in the Additional Construction Fund under said Mortgage. Such proceeds will thereafter be withdrawable by Electric Energy only in accordance with the provisions of the Mortgage.

Concurrently with the execution and delivery of the Credit Agreement there as executed and delivered an Implementing Agreement between Electric Energy, the Lenders, and St. Louis Union Trust Company as Trustee under said Mortgage. The Implementing Agreement provides that proceeds of borrowings deposited in the Construction Fund shall be available for the issuance of 1/2 percent Bonds upon the sale of such bonds for the purpose of providing funds to pay off the borrowings effected under the Credit Agreement for Joppa Plant construction costs. Proceeds of borrowings deposited in the Additional Construction Fund shall be available for the issuance of 3 3/4 percent Bonds upon the sale of such Bonds for the purpose of providing funds to pay off the borrowings effected under the Credit Agreement for construction costs of the Joppa Plant Additions. Pursuant to the Implementing Agreement, Electric Energy has instructed the insurance companies, as holders of all the Bonds issued under the Mortgage, to pay the purchase price of said Bonds to the Lenders for the purpose of retiring the indebtedness contracted under the Credit Agreement. The Implementing Agreement also contains provisions designed to give the holders of the notes issued under the Credit Agreement certain rights under the Mortgage in the event of default under the Mortgage in certain circumstances.

It is stated in the declaration that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice was given of the filing of the declaration and no hearing was requested or ordered by us.

In our previous opinions we have adverted to the problems arising in connection with this whole financing program and with respect to the relationships of the five parent companies to Electric Energy, and we reaffirm what was there said. Since the parent companies are not parties to the instant proceeding, it seems unnecessary that our order contain a condition such as is found in subparagraph (a) of our order of July 10, 1953 (Holding Company Act Release No. 2,048) which condition, of course, re-

mains in full force and effect. In this context, we find that the provisions of the act and the rules promulgated thereunder, insofar as they apply to the issuance of the notes now under consideration, are met and that no adverse findings are necessary. The record with respect to fees and expenses in connection with the issuance of the notes has not been completed and accordingly jurisdiction will be reserved with respect thereto:

It is ordered, Pursuant to Rule U-23 that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred or to be incurred in connection with the issuance of the notes.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-7702; Filed, Sept. 2, 1953; 8:48 a. m.]

AMERICAN NATURAL GAS CO. AND AMERICAN
LOUISIANA PIPE LINE CO.

NOTICE AND ORDER FOR HEARING REGARDING
ISSUANCE AND SALE BY NON-UTILITY SUBSIDIARY OF COMMON STOCK TO PARENT

AUGUST 28, 1953.

American Natural Gas Company ("American Natural") a registered holding company, and American Louisiana Pipe Line Company ("American Louisiana") a non-utility subsidiary thereof, having filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and having designated sections 6 (a) 7, 9 (a), 10, and 12 (f) thereof and Rule U-50 (a) (3) promulgated thereunder as being applicable to the proposed transactions, which are summarized as follows:

American Louisiana, a Delaware corporation, was recently organized to construct and operate a natural gas pipe line system extending from points in Louisiana to markets served by subsidiaries of American Natural.

The corporation has an authorized capital stock consisting of three hundred fifty thousand (350,000) shares of the par value of one hundred dollars (\$100) each, all of one class.

From time to time as funds are needed by American Louisiana to pay certain costs and expenses of such pipe line project, and for other corporate purposes, American Louisiana proposes to issue to American Natural for cash at the par value thereof such number of shares of its capital stock (up to but not exceeding 5,000 shares) as may be necessary to provide funds for such purposes; and American Natural proposes to acquire and pay for the shares so issued to it.

The Commission having heretofore issued its Notice of Filing Subject to Rule U-23 (Holding Company Act Release No. 12103) with respect to said

application-declaration in which it was provided that any interested person may request the Commission in writing that a hearing be held on such matter; and

The Public Service Commission of Indiana and the State of Wisconsin, among others, having requested that a hearing be held on such matter; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to grant said request and that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on the said application-declaration under the applicable provisions of the act and the rules and regulations thereunder be held on September 10, 1953, at 10:00 a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated on that day by the hearing room clerk in Room 193.

It is further ordered, That Harold B. Teegarden or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. 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 the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the said application-declaration and that, upon the basis thereof, there is presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further consideration, the following questions:

1. Whether the proposed issuance and sale of securities by American Louisiana are solely for the purpose of financing its business, under the last clause of the third sentence of section 6 (b) of the act.

2. Whether the proposed acquisition of the securities of American Louisiana by American Natural is detrimental to the carrying out of section 11 of the act.

3. What terms or conditions, if any, should be attached to the Commission's order.

4. Whether the proposed transactions are in all respects consistent with the provisions and standards of the applicable sections of the act and the rules promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing question.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on American Natural Gas Company, American Louisiana Pipe Line Company, The Public Service Commission of Indiana, the State of Wisconsin, the City of Detroit, Michigan, and Panshandle Eastern Pipe Line Company and notice shall be given to all other persons

by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-7700; Filed, Sept. 2, 1953;
8:48 a. m.]

[File No. 70-3129]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF
PRINCIPAL AMOUNT OF FIRST MORTGAGE
BONDS AND TEMPORARY BANK NOTES

AUGUST 28, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Arkansas Louisiana Gas Company ("Arkansas Louisiana") a public utility subsidiary of Cities Service Company, a registered holding company. Declarant has designated sections 6 (a) 7 and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1953, at 5:30 p. m., e. d. 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 September 9, 1953, said declaration, 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 Rules U-20 (a) and U-100 thereof.

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

Pursuant to Article 3 of Part II of an Amended Plan (the "Plan") for the simplification of the corporate structure of Arkansas Natural Gas Corporation ("Arknat") under section 11 (e) of the act approved by the Commission by order dated October 1, 1952, and ordered enforced by the United States District Court for the District of Delaware by order dated January 29, 1953, Arkansas Louisiana in May 1953 (at the time a subsidiary of Arknat but now a direct subsidiary of Cities Service Company as a result of the distribution of the Arkansas Louisiana stock pursuant to the Plan) offered \$35,000,000 principal amount of its First Mortgage Bonds at competitive bidding, and on May 25, 1953, received two bids designating interest rates of 5 percent and 5½ percent, respectively, for its First Mortgage Bonds. In view of the high interest rates, the Board of Directors of Arkansas Louisiana

determined not to accept either bid and said Plan was thereafter amended to eliminate Article 3 of Part II and as so amended was approved by order of the Commission dated July 22, 1953, and ordered enforced by order of the United States District Court for the District of Delaware dated July 29, 1953.

Arkansas Louisiana now proposes to issue and sell on a firm commitment basis, \$35,000,000 principal amount of its First Mortgage Bonds, 4½ Percent Series due 1973 (the "Bonds") to certain institutional investors, the names of which and the principal amount of Bonds to be purchased by each will be supplied by amendment. Under the terms of the Bond Purchase Agreements, payment for the Bonds will be made on a specified date in September 1953 or thereafter, at the option of each separate purchaser, at any time on or prior to June 30, 1954. In connection with the proposed issuance and sale of the Bonds and in view of the prior unsuccessful attempt to sell its First Mortgage Bonds, Arkansas Louisiana requests an exemption from the competitive bidding requirements of Rule U-50.

The sale price of the Bonds is to be 100 percent of the principal amount thereof plus accrued interest from September 1, 1953, for Bonds delivered prior to March 1, 1954, and plus accrued interest from March 1, 1954, in the case of Bonds delivered thereafter and on or prior to June 30, 1954.

The Bonds will be dated September 1, 1953 (or as provided in the Indenture) and will mature September 1, 1973, and will be issued and secured by an Indenture of Mortgage and Deed of Trust. The Mortgage will constitute a first mortgage lien, subject to permitted encumbrances, on substantially all of the property of Arkansas Louisiana except non-producing gas, oil and other mineral leases, development and drilling equipment, cash, accounts receivable, securities and other miscellaneous property specifically excluded. All gas purchase and gas sales contracts having a term in excess of one year and involving individually the payment of \$200,000 or more annually will be specifically pledged under the Mortgage.

The bonds will be redeemable at a premium of 4½ percent beginning in 1953 and continuing until September 1, 1964, and thereafter at a premium reduced ½ percent annually. *Provided however*, That none of such bonds may be redeemed prior to September 1, 1963, as a part of any refunding operation involving the incurring of indebtedness bearing an interest rate or cost lower than 4½ percent per annum except that in the event the company prior to September 1, 1963, is consolidated with or merged with or into any other corporation, then such restriction shall not apply. The entire issue will be retired on or before maturity through annual sinking fund payments beginning on September 1, 1957, in the initial amount necessary to redeem \$1,250,000 principal amount of the bonds at stated sinking fund prices. The sinking fund payments increase periodically so that in 1973 the retirement of \$3,500,000 principal amount of bonds is required.

Since it is not expected that all of the purchasers will pay for their Bonds at the closing in September 1953, Arkansas Louisiana has arranged to make a commitment bank loan in an amount equal to the aggregate principal amount of Bonds not paid for at the September closing, such loan to be evidenced by an agreement ("Loan Agreement") and by a note or notes of Arkansas Louisiana. Bonds not delivered to the respective purchasers at the September closing will, concurrently with the execution of the Bond Purchase Agreements, be issued and deposited with the Bank as security for the payment of the commitment bank loan. From time to time as Bonds sold under the Bond Purchase Agreements are paid for and delivered, the proceeds thereof will be applied to the reduction of the amount of the commitment bank loan and a corresponding principal amount of Bonds will be turned over to the purchasers thereof.

The net proceeds from the sale of the Bonds and the bank loan will be used (a) to prepay outstanding notes held by Guaranty Trust Company of New York ("Guaranty Trust") in the principal amount of \$24,500,000, of which \$18,250,000 is presently included in current liabilities; (b) to pay to Arkansas Fuel Oil Corporation (formerly Arknat), an affiliate, the sum of \$3,412,032, representing the difference between the net book values of properties transferred pursuant to the Amended Plan, or to replace working capital for money so paid; and (c) to provide a portion of the funds required for the Company's construction program.

It is represented that the Arkansas Public Service Commission has jurisdiction over the proposed issuance and sale of the bonds and that a copy of the order authorizing the proposed transactions will be supplied by amendment. Fees and expenses to be paid by Arkansas Louisiana in connection with the proposed transactions are also to be supplied by amendment.

It is requested that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-7701; Filed, Sept. 2, 1953;
8:48 a. m.]

INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 28397]

BRICK AND RELATED ARTICLES FROM
KNOXVILLE, TENN., TO PRINCETON,
W VA.

APPLICATION FOR RELIEF

AUGUST 31, 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 R. E. Boyle, Jr., Agent, for and on behalf of the Louisville and Nashville Railroad Company, Norfolk and

Western Railway Company, and Virginia Railway Company.

Commodities involved: Brick and related articles.

From: Knoxville, Tenn.

To: Princeton, W. Va.

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

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1278, Supp. 34.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7711; Filed, Sept. 2, 1953;
8:50 a. m.]

[4th Sec. Application 28398]

TEA FROM NORTH ATLANTIC PORTS TO
CINCINNATI, OHIO AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

AUGUST 28, 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 C. W. Boin, and I. N. Doe, Agents, for carriers parties to schedules listed below.

Commodities involved: Tea, carloads (import traffic)

From: North Atlantic ports and points grouped therewith.

To: Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-914, Supp. 56; I. N. Doe's tariff I. C. C. No. 591, Supp. 103; L. B. LeGrande's tariff I. C. C. No. 238, Supp. 122.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7712; Filed, Sept. 2, 1953;
8:50 a. m.]

[4th Sec. Application 28399]

LARD AND RELATED ARTICLES FROM
MEMPHIS, TENN., TO POINTS IN THE
SOUTH

APPLICATION FOR RELIEF

AUGUST 31, 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 R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1215, Supp. 32.

Commodities involved: Lard, lard compounds, lard substitute, cooking oils, salad oils or vegetable oil shortening, carloads.

From: Memphis, Tenn.

To: Points in Florida, Georgia, North Carolina, and South Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1215, Supp. 32.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7713; Filed, Sept. 2, 1953;
8:51 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 27]

PENNSYLVANIA RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, because of breakdown of the coal dumping facilities located on The Penn-

sylvania Railroad Company at the port of Erie, Pennsylvania, The Pennsylvania Railroad Company is unable to dump carloads of coal on hand at that port, or en route to that port: *It is ordered, That:*

(a) Rerouting of traffic: The Pennsylvania Railroad Company is hereby authorized to reroute or divert carloads of coal now on hand at Erie, Pennsylvania, or en route to Erie, over any available route to any accessible lake port, to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a. m., August 28, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., September 8, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 28, 1953.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-7710; Filed, Sept. 2, 1953;
8:50 a. m.]

