

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10460

PROVIDING FOR THE PERFORMANCE BY THE DIRECTOR OF DEFENSE MOBILIZATION OF CERTAIN FUNCTIONS RELATING TO TELECOMMUNICATIONS

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of Defense Mobilization shall assist and advise the President with respect to the following-described telecommunications functions and such other telecommunications functions as the President may designate:

(a) Coordinating the development of telecommunications policies and standards applying to the executive branch of the Government.

(b) Assuring high standards of telecommunications management within the executive branch of the Government.

(c) Coordinating the development by the several agencies of the executive branch of telecommunications plans and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing nongovernmental requirements.

(d) Assigning radio frequencies to Government agencies under the provisions of section 305 of the Communications Act of 1934, as amended (47 U. S. C. 305), and establishing policies and procedures governing such assignments and their continued use.

(e) Developing United States Government frequency requirements.

SEC. 2. The Director of Defense Mobilization shall, to the maximum extent feasible, perform his functions with the aid, or through the facilities, of appropriate departments and agencies of the Government; and he shall establish such interagency committees and working groups composed of representatives of interested departments and agencies, and consult with such departments and agencies, as may be necessary for the most effective performance of his functions.

SEC. 3. The Interdepartmental Radio Advisory Committee shall report to and

assist the Director of Defense Mobilization in the performance of his functions as he may request.

SEC. 4. Nothing in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission. The Director of Defense Mobilization shall cooperate with the Federal Communications Commission on problems of mutual concern.

SEC. 5. The records, property, personnel, and funds used, held, employed, available, or to be made available in connection with the functions vested in the Telecommunications Advisor to the President by Executive Order No. 10297 of October 9, 1951, entitled "Providing for a Telecommunications Advisor to the President", shall be transferred, consonant with law, to the Office of Defense Mobilization.

SEC. 6. The said Executive Order No. 10297 is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

June 16, 1953.

[F. R. Doc. 53-5529; Filed, June 18, 1953;
11:05 a. m.]

EXECUTIVE ORDER 10461

DELEGATING AND TRANSFERRING CERTAIN FUNCTIONS AND AFFAIRS TO THE OFFICE OF DEFENSE MOBILIZATION PROVIDED FOR IN REORGANIZATION PLAN NO. 3 OF 1953

By virtue of the authority vested in me by the Constitution and the statutes, including the Defense Production Act of 1950, as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. The Office of Defense Mobilization and the Director of the Office of Defense Mobilization provided for in Reorganization Plan No. 3 of 1953 are hereby made in all respects the successors, respectively, of the Office of Defense Mobilization and the Director of Defense Mobilization provided for in Executive Order No. 10193 of December 16, 1950 (15 F. R. 9031).

(Continued on p. 3515)

CONTENTS

THE PRESIDENT

Executive Orders	Page
Delegating and transferring certain functions and affairs to Office of Defense Mobilization provided for in Reorganization Plan 3 of 1953.....	3513
Providing for performance by Director of Defense Mobilization of certain functions relating to telecommunications.....	3513

EXECUTIVE AGENCIES

Agriculture Department

See also Commodity Credit Corporation; Farmers Home Administration; Production and Marketing Administration.

Notices:

Mississippi; sale of mineral interests; revised area designations.....	3542
--	------

Alien Property Office

Notices:

Netherlands, nationals of; amendment to vesting order.....	3547
Schloegl, Theresia; revocation of notice of intention to return vested property and revocation of return order.....	3547
Vested property, notices of intention to return:	
A/S Ostfold Skofabrik.....	3548
Campese, Maria.....	3548
Dobrzynski, Rosa, et al.....	3548
Loddesol, Aasulv.....	3549
Minners, Florence A.....	3549
Norden, Ida, et al.....	3548
Normelli, Wulff Berzeluis.....	3549
Pasca, Attilio, et al.....	3548
Societe Auxiliare Pour Le Developement d'Industries Mecaniques.....	3549
Stangebye, Olaf Kristian.....	3548

Civil Aeronautics Board

Rules and regulations:

General operation rules; validity period of medical certificate.....	3533
Special civil air regulation; long-distance domestic scheduled air carrier operations....	3532

Commerce Department

See International Trade Office.



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Order from
Superintendent of Documents, Government
Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation	Page
Rules and regulations:	
Cotton Loan Program bulletin, 1953.....	3517
Court of Military Appeals	
Rules and regulations:	
Practice and procedure; revision.....	3534
Customs Bureau	
Proposed rule making:	
Appraisal; furnishing value information.....	3542
Farmers Home Administration	
Rules and regulations:	
Account servicing; settlement; miscellaneous amendments.....	3516
Federal Power Commission	
Notices:	
Utah Power & Light Co.; order further amending license (Major).....	3546
Food and Drug Administration	
Rules and regulations:	
Antibiotic and antibiotic-containing drugs; tests and methods of assay and certification of batches; miscellaneous amendments.....	3533
Foreign Assets Control	
Notices:	
Importation of certain merchandise directly from Hong Kong; available certifications.....	3542
General Services Administration	
Notices:	
Secretary of Defense; delegation of authority with respect to disposal of synthetic fuels demonstration plant.....	3544
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Immigration and Naturalization Service	
Notices:	
Statement of organization; miscellaneous amendments.....	3546
Rules and regulations:	
Miscellaneous amendments to chapter.....	3526
Interior Department	
See also Land Management Bureau.	
Notices:	
Nevada; filing of objections to order withdrawing public lands for use of Navy Department.....	3543
International Trade Office	
Notices:	
Perez, Gustavo, and J. Perez, S. A.; temporary denial of export privileges.....	3543
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Brick, drain tile, and related articles from Mason City, Iowa, to Linton, N. Dak.....	3549

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Notices—Continued	
Applications for relief—Con.	
Cement from Kansas Gas Belt and Dewey, Okla., to Missouri.....	3551
Coke from Daingerfield and Lone Star, Tex., to Herculaneum, Mo.....	3550
Grain from Missouri River points to Texas.....	3550
Pig iron from Birmingham, Ala., group to Somerville, N. J.....	3550
Sugar from Bingham and East Grand Forks, Minn., to points in southern Illinois, Iowa, and Wisconsin.....	3549
Superphosphate from Walport, Ark., to Topeka, Kans.....	3550
Rules and regulations:	
Freight rate tariffs, schedules, and classifications.....	3541
Justice Department	
See Alien Property Office; Immigration and Naturalization Service.	
Land Management Bureau	
Notices:	
Alaska; withdrawal of public lands for protection of water supply of Mt. Edgecumbe Boarding School and Medical Center.....	3542
Arkansas; revocation of departmental order reserving public lands for use of War Department.....	3543
Rules and regulations:	
Alaska; exclusion of certain lands from Tongass National Forest and reservation of portions of excluded lands for various public purposes.....	3541
Nevada; withdrawing public lands for use of Navy Department.....	3540
Post Office Department	
Rules and regulations:	
Boxes, letter, call, and lock, and key deposits; treatment of domestic mail matter at receiving post offices; rent of boxes; postage due stamps.....	3539
International postal service: Postage rates, service available, and instructions for mailing; Poland and Rumania.....	3540
Rural delivery; manufacture and sale of boxes.....	3540
Production and Marketing Administration	
Rules and regulations:	
Plums grown in California; regulation by:	
Grades.....	3525
Grades and sizes (5 documents).....	3523-3526

CONTENTS—Continued

CODIFICATION GUIDE—Con.

Securities and Exchange Commission	Page
Notices:	
Hearings, etc.:	
American Cyanamid Co. et al.	3544
American Research and Development Corp. and Ionics, Inc.	3545
Cities Service Co. et al.	3544
Tariff Commission	
Notices:	
Groundfish fillets; investigation and public hearing.	3546
Treasury Department	
See Customs Bureau; Foreign Assets Control.	
Veterans' Administration	
Rules and regulations:	
Claims, dependents and beneficiaries; suicide as result of service-connected mental unsoundness; basic requirements of service and death.	3538

CODIFICATION GUIDE

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

Title 3	Page
Chapter II (Executive orders):	
10161 (see EO 10461)	3513
10193 (see EO 10461)	3513
10200 (see EO 10461)	3513
10219 (see EO 10461)	3513
10224 (see EO 10461)	3513
10269 (see EO 10461)	3513
10281 (see EO 10461)	3513
10296 (see EO 10461)	3513
10297 (revoked by EO 10460)	3513
10308 (see EO 10461)	3513
10433 (see EO 10461)	3513
10438 (see EO 10461)	3513
10456 (see EO 10461)	3513
10460	3513
10461	3513
Chapter III (Presidential documents other than proclamations and Executive orders):	
Reorganization Plan 3, 1953 (see EO 10461)	3513
Title 6	
Chapter III:	
Part 364	3516
Chapter IV:	
Part 607	3517
Title 7	
Chapter IX:	
Part 936 (6 documents)	3523-3526
Title 8	
Chapter I:	
Part 1	3526
Part 2	3526
Part 3	3526
Part 6	3527

Title 8—Continued	Page
Chapter I—Continued	
Part 7	3527
Part 8	3527
Part 9	3527
Part 211	3527
Part 212	3527
Part 214f	3529
Part 214h	3529
Part 223	3529
Part 235	3529
Part 239	3530
Part 242	3530
Part 244	3531
Part 251	3531
Part 252	3531
Part 263	3531
Part 264	3531
Part 274	3531
Part 280	3532
Part 287	3532
Part 337	3532
Title 14	
Chapter I:	
Part 40	3532
Part 43	3533
Part 60	3532
Part 61	3532
Title 19	
Chapter I:	
Part 14 (proposed)	3542
Title 21	
Chapter I:	
Part 141	3533
Part 146	3533
Title 32	
Chapter XVIII:	
Part 1800	3534
Title 38	
Chapter I:	
Part 4	3538
Title 39	
Chapter I:	
Part 27	3539
Part 43	3539
Part 52	3540
Part 127	3540
Title 43	
Chapter I:	
Appendix (Public land orders):	
898	3540
899	3541
Title 49	
Chapter I:	
Part 137	3541

SEC. 2. (a) Except in instances wherein the provisions concerned are for any reason inapplicable as of the effective date of Reorganization Plan No. 3 of 1953, (1) each reference in any prior Executive order to the Director of Defense Mobilization is hereby amended to refer to the Director of the Office of Defense Mobilization provided for in Reorganization Plan No. 3 of 1953, and (2) each reference in any prior Executive order

to the Office of Defense Mobilization shall hereafter be deemed to be a reference to the Office of Defense Mobilization established by Reorganization Plan No. 3 of 1953.

(b) Without limiting the application of section 2 (a) of this order, the amendments made thereby shall apply subject to the provisions of the said section 2 (a), to prior references to the Director of Defense Mobilization and the Office of Defense Mobilization in the following Executive orders:

Executive Order No. 10161 of September 9, 1950 (16 F. R. 6105), as amended.
Executive Order No. 10200 of January 3, 1951 (16 F. R. 61), as amended, including particularly section 2 (e) thereof.
Executive Order No. 10219 of February 28, 1951 (16 F. R. 1983).
Executive Order No. 10224 of March 15, 1951 (16 F. R. 2543).
Executive Order No. 10269 of July 6, 1951 (16 F. R. 6659).
Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789).
Executive Order No. 10296 of October 2, 1951 (16 F. R. 10103).
Executive Order No. 10308 of December 3, 1951 (16 F. R. 12303).
Executive Order No. 10433 of February 4, 1953 (18 F. R. 761).
Executive Order No. 10438 of March 13, 1953 (18 F. R. 1491).
Executive Order No. 10456 of May 27, 1953 (18 F. R. 3083).

SEC. 3. All records, property, personnel, and funds of the Office of Defense Mobilization established by Executive Order No. 10193 shall be transferred, consonant with applicable law, to the Office of Defense Mobilization provided for in Reorganization Plan No. 3 of 1953.

SEC. 4. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this Executive order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

SEC. 5. The Office of Defense Mobilization established by Executive Order No. 10193, including the office of Director of Defense Mobilization established by the said Executive order, is hereby abolished. The functions conferred upon the said Director by the said Executive order shall hereafter be functions of the Director of the Office of Defense Mobilization provided for in Reorganization Plan No. 3 of 1953.

SEC. 6. The provisions of this Executive order shall become effective when the first Director of the Office of Defense Mobilization appointed under Reorganization Plan No. 3 of 1953 enters upon office as such Director.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 17, 1953.

[F. R. Doc. 53-5528; Filed, June 18, 1953; 11:05 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instructions 456.1, 494.1, A. L. 154 (456)]

PART 364—SETTLEMENT

MISCELLANEOUS AMENDMENTS

Since the last revision of Part 364, agreements have been entered into pursuant to section 2 (f) of Public Law 499, 81st Congress, authorizing settlement of debts arising out of the use of State Rural Rehabilitation Corporation funds in the States of California, Iowa, Kansas, Kentucky, Tennessee, Wisconsin and Wyoming. Under such agreements the same procedures, with two exceptions noted in § 364.3 (f), will be applicable to compromise, adjustment, and cancellation of such corporation claims under the jurisdiction of the Farmers Home Administration as are applicable to other debts owed the Farmers Home Administration. Since the Oregon Rural Rehabilitation Corporation has not entered into a section 2 (f) agreement and its assets are being returned to it, claims arising out of the use of that Corporation's assets are not subject to settlement under this part. Accordingly, the following sections of Part 364 are being revised as indicated below to reflect the changes necessitated by these new section 2 (f) agreements and the lack of such an agreement with the Oregon Rural Rehabilitation Corporation, and for clarification. Section 364.3 also is revised to authorize the cancellation of debts arising from Production and Subsistence loans.

1. In § 364.1, Title 6, Code of Federal Regulations (16 F. R. 11799, 17 F. R. 8064), paragraphs (a), (b) (1) and (8), and (c) are revised to read as follows:

§ 364.1 *General*—(a) *Purpose and scope*. (1) Sections 364.1 to 364.10 provide the policies and procedures for the compromise, adjustment, cancellation, charge-off, and reduction to zero of debts owed the United States which are under the jurisdiction of the Farmers Home Administration, hereinafter referred to as "debts owed to the Farmers Home Administration," except debts arising from:

- (i) Farm Ownership loans;
- (ii) Other Real Estate loans, except indebtedness under rent accounts, D-1 and other leases, and canceled Lease and Purchase Contracts;
- (iii) Farm Housing loans made under 63 Stat. 432;
- (iv) Water Facilities loans made under 50 Stat. 869, as amended;
- (v) 1948 Flood Damage loans made under 62 Stat. 1038, as amended;
- (vi) Property Damage and Destruction loans made under 63 Stat. 82;
- (vii) Disaster, Fur, and Orchard loans made under 63 Stat. 43, as amended.

(b) *Definitions*. The following are definitions of certain terms used in this subpart.

(1) The words, "loan," "debt," and "claim" are used interchangeably in referring to the unpaid principal, accrued interest, and any other amounts which properly are chargeable to the account of the borrower by the Farmers Home Administration, including indebtedness arising out of Regional Agricultural Credit Corporation loans, as well as indebtedness resulting from the use of appropriated, borrowed, or State Rural Rehabilitation Corporation funds.

(8) "Trust Agreements" or "section 2 (f) agreements" as used in this part are agreements entered into between the Government and the various State Rural Rehabilitation Corporations pursuant to section 2 (f) of Public Law 499, 81st Congress (64 Stat. 99).

(c) *Policies*. (1) The authorities contained in this part for the settlement of debts will neither serve as justification for, nor permit, any relaxation of the efforts of officials to collect the debts owed the Farmers Home Administration in accordance with applicable policies and procedures. Generally, debts will not be compromised or adjusted within five years after they were created.

(2) Any case in which a debt settlement action is proposed and in which a further loan is contemplated will be referred to the National Office before either the debt settlement action or the loan is approved. The policies and limitations with respect to making a Production and Subsistence loan to an applicant for whom debts have been settled pursuant to this part, or where settlement of existing indebtedness is contemplated, are set forth in § 342.6 (h) of this chapter.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 58 Stat. 836, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1150, 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec. 41 (g), 60 Stat. 1065, sec. 1, 2, 58 Stat. 836, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 7 U. S. C. 1015 (g), 12 U. S. C. 1150-1150a, 40 U. S. C. 440 (f))

2. Section 364.2 (a) (2), Title 6, Code of Federal Regulations (17 F. R. 8064), is revised to read as follows:

§ 364.2 *Compromise and adjustment of debts upon application*. (a) * * *

(2) Rural Rehabilitation loans.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec. 41 (g), 60 Stat. 1065, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 7 U. S. C. 1015 (g), 40 U. S. C. 440 (f))

3. In § 364.3, Title 6, Code of Federal Regulations (16 F. R. 11800) paragraph (a) (2) is revised and paragraph (a) (8) is added to read as follows:

§ 364.3 *Cancellation of debts upon application*. (a) * * *

(2) Rural Rehabilitation loans.

(8) Production and Subsistence loans. (Sec. 1, 58 Stat. 836, sec. 41 (1), 60 Stat. 1066; 12 U. S. C. 1150, 7 U. S. C. 1015 (1).

Interprets or applies secs. 1, 2, 58 Stat. 836, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1150-1150a, 40 U. S. C. 440 (f))

4. In § 364.5, Title 6, Code of Federal Regulations (16 F. R. 11800, 17 F. R. 8064), paragraph (b) (2) is revoked and paragraph (a) (2) is revised as follows:

§ 364.5 *Cancellation and charge-off of debts without application when the debt is not in excess of \$100*. (a) * * *

(2) Rural Rehabilitation loans.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec. 41 (g), 60 Stat. 1066, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 7 U. S. C. 1015 (g), 40 U. S. C. 440 (f))

5. In § 364.6, Title 6, Code of Federal Regulations (16 F. R. 11801, 17 F. R. 8064), paragraph (b) (2) is revoked and paragraph (a) (2) is revised to read as follows:

§ 364.6 *Cancellation and charge-off of debts without application and without regard to the amount of the debt*. (a) * * *

(2) Rural Rehabilitation loans.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 58 Stat. 836, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1150, 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec. 1, 2, 58 Stat. 836, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 1150-1150a, 40 U. S. C. 440 (f))

6. Section 364.7 (k) (1), Title 6, Code of Federal Regulations (16 F. R. 11801), is revised to read as follows:

§ 364.7 *County Office handling*. * * *

(k) * * *

(1) Notes evidencing debts settled upon application will be returned to borrowers. Notes evidencing debts canceled without application, except those evidencing charged-off Regional Agricultural Credit Corporation loans and judgment debts of deceased or bankrupt borrowers, will be delivered to borrowers upon request, or if the borrower is deceased, to his legal representative or some other person directly interested in the estate, preferably the surviving spouse.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 58 Stat. 836, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1150, 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec. 41 (g), 60 Stat. 1065, sec. 1, 2, 58 Stat. 836, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 7 U. S. C. 1015 (g), 12 U. S. C. 1150-1150a, 40 U. S. C. 440 (f))

7. Section 364.8 (f), Title 6, Code of Federal Regulations (17 F. R. 8064), is revised to read as follows:

§ 364.8 *State Office handling*. * * *

(f) State Directors may not compromise, adjust or cancel claims of the North Carolina or Wisconsin Rural Rehabilitation Corporation without prior written approval of the Corporation.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 1, 58 Stat. 836, sec. 1, 63 Stat. 43; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 12 U. S. C. 1150, 1148a-1. Interprets or applies sec. 1, 63 Stat. 43, sec.

41 (g), 60 Stat. 1065, secs. 1, 2, 58 Stat. 836, sec. 2 (f), 64 Stat. 99; 12 U. S. C. 1148a-1, 7 U. S. C. 1015 (g), 12 U. S. C. 1150-1150a, 40 U. S. C. 440 (f))

DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JUNE 9, 1953.

Approved: June 16, 1953

J. EARL COKE,
Acting Secretary of Agriculture.

[P. R. Doc. 53-5439; Filed, June 18, 1953;
8:56 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1953 COTTON LOAN PROGRAM

1953 COTTON BULLETIN

This bulletin contains the regulations specifying the instructions and requirements with respect to the 1953 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). Loans will be made available on upland and extra long staple (American-Egyptian, Sea Island, and Sealand) cotton produced in 1953, in accordance with this bulletin.

- Sec.
- 607.401 Administration.
- 607.402 Availability of loans.
- 607.403 Approved lending agency.
- 607.404 Eligible producer.
- 607.405 Eligible cotton.
- 607.406 Forms.
- 607.407 Approved storage.
- 607.408 Weight and rate.
- 607.409 Preparation of documents.
- 607.410 Service charges and deposits.
- 607.411 Fees.
- 607.412 Liens.
- 607.413 Set-offs.
- 607.414 Classification of cotton.
- 607.415 Interest rate.
- 607.416 Maturity.
- 607.417 Safeguarding farm-storage cotton.
- 607.418 Warehouse receipts and insurance.
- 607.419 Insurance on farm-storage cotton.
- 607.420 Warehouse charges.
- 607.421 Loans on order bills of lading.
- 607.422 Advance loans.
- 607.423 Loans on upland cotton prior to August 1, 1953.
- 607.424 Loss or damage to pledged cotton.
- 607.425 Transfer of producer's interest.
- 607.426 Repayments.
- 607.427 Tender of notes by lending agencies.
- 607.428 Cotton Cooperative Marketing Association Loans.
- 607.429 Custodial Offices.
- 607.430 Schedule of premiums and discounts for upland cotton and loan rates for extra long staple cotton.

AUTHORITY: §§ 607.401 to 607.430 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply

sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 607.401 *Administration.* Under the general direction and supervision of the President, CCC, the Cotton Branch and other appropriate branches of PMA will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans PMA Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as the "New Orleans office"), and PMA State and county committees (hereinafter referred to as State committees and county committees, respectively). Forms will be distributed by the New Orleans office and will be available at county PMA offices (hereinafter referred to as county offices) and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 607.402 *Availability of loans—(a) Loans.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse, farm-storage, and bills of lading loans.

(b) *Area.* Warehouse and farm-storage loans will be available as follows:

(1) Upland cotton wherever produced in the continental United States.

(2) American-Egyptian cotton produced from pure strain seed in those areas in which cotton is normally grown with irrigation throughout the growing season in the States of Arizona and New Mexico, in Imperial and Riverside Counties, California, and in Brewster, Culbertson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves and Ward Counties, Texas.

(3) Sea Island and Sealand cotton produced from pure strain seed in Lanier, Cook, Atkinson and Berrien Counties, Georgia, and Alachua, Bradford, Columbia, Gilchrist, Hamilton, Jefferson, Lafayette, Lake, Leon, Madison, Marion, Orange, Osceola, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from pure strain seed planted in 1953 in Puerto Rico.

Loans on cotton covered by bills of lading will be available in areas specified by the New Orleans office.

(c) *Time.* Loans shall be available from the date rates are announced through April 30, 1954. Notes and chattel mortgages covering farm-storage cotton must be signed by the producer and delivered to the county office on or before April 30, 1954. Note and Loan Agreements covering warehouse-storage cotton must be signed by the producer and delivered to the lending agency on or before such date or postmarked not later than April 30, 1954, if tendered for direct loans to the New Orleans office by mail.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agree-

ments with CCC, or by the New Orleans office. Disbursement of loans will be made not later than May 15, 1954, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 607.403 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) with CCC covering loans on 1953-crop cotton. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office, which will enter into such agreements on behalf of CCC.

§ 607.404 *Eligible producer.* An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant or sharecropper. Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(a) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant and sharecropper may obtain a loan on his separate share.

(b) If the cotton is not divided, (1) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (2) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 607.405 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1953 or extra long staple cotton planted in 1953 and produced in areas designated under § 607.402 which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 607.430.

(b) Such cotton must not be false packed, waterpacked, mixed-packed, reginned, or repacked; upland cotton must not have been reduced in grade because gin-cut, or because of grass, sand, oil, dust, other extraneous matter, whole seeds, parts of seeds, motes or bark; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been reduced in grade or staple on account of irregularities or defects.

(c) Extra long staple cotton must have been produced from seed of a pure strain variety of American-Egyptian, Sea Island, or Sealand cotton for which acceptable proof as to variety has been furnished to the county office.

(d) Such cotton must not be compressed to high density.

(e) Such cotton must have been produced by the person tendering it for a loan and such person must have the legal right to pledge or mortgage it as a security for a loan.

(f) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(g) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(h) Each bale of such cotton must weigh at least 300 pounds, gross weight, and must be packaged in merchantable bales.

§ 607.406 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to §§ 607.422 and 607.428:

(a) *Warehouse-storage loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, hereinafter referred to as "Form A"). (Existing stocks of Form A (3-21-52) may be used until stocks are exhausted.)

(2) Warehouse receipts complying with the provisions of § 607.418.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, hereinafter referred to as "Form B") if the loan is obtained direct from the New Orleans office.

(b) *Farm-storage loans.* (1) Cotton Producer's Note (CCC Cotton Form E, hereinafter referred to as "Form E").

(2) Cotton Chattel Mortgage (CCC Cotton Form F, hereinafter referred to as "Form F") and Cotton Mortgage Supplement (CCC Cotton Form FF, hereinafter referred to as "Form FF") covering the cotton tendered as security for a loan.

(3) Form B if the loan is obtained direct from the New Orleans office.

(c) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the Receiving Agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 607.421 and a Receiving Agent's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office. (Loan documents executed by an administrator, executor or trustee will be

acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans office. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.)

§ 607.407 *Approved storage.* Loans will be made only on cotton in approved storage:

(a) *Warehouses.* Cotton in warehouses will be accepted as security for loans only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1954, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 607.408 *Weight and rate.* (a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. An allowance of 7 pounds per bale will be made for bales of upland cotton covered with cotton bagging. Such bagging must have been manufactured specifically for covering cotton bales.

(b) The base loan rate for upland cotton applicable at each approved warehouse will be shown in the Schedule of Base Loan Rates for Warehouse-Stored Upland Cotton.¹ The base loan rate under the farm-storage program for upland cotton for each county will be shown in the Schedule of Base Loan Rates by Counties for Farm-Stored Upland Cotton.¹ These schedules will be available at county offices. The premium or discount applicable to each eligible grade and staple length is shown in § 607.430. Loan rates for extra long staple cotton are shown in § 607.430. After a loan is made CCC will not be obligated to make adjustments in the amount of the loan as a result of any

subsequent redetermination of the weight or quality of the cotton.

§ 607.409 *Preparation of documents.* All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. All copies should be clearly legible. The spaces provided on Forms A and E for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown and the total must agree with the amount of the note. In the case of warehouse-storage cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency.

(a) *Warehouse-storage cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate on each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The interest rate in the Producer's Note on Forms A (dated 3-21-52) must be corrected from 3½ to 4 percent. The original of Form A must be signed by the producer and the copies marked county office copy and producer's copy are to be retained by the producer. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse.

(b) *Farm-storage cotton.* A producer desiring to obtain a loan on farm-storage cotton should communicate with the county office in the county in which the cotton is to be stored. It will be the responsibility of the county committee to arrange for the inspection of the storage structure and to approve it if it determines that it is of such construction as to afford adequate storage for the cotton. The county office will furnish and prepare the necessary documents for a farm-storage loan.

§ 607.410 *Service charges and deposits.* No service charges will be collected in connection with warehouse loans. A service charge of \$1.00 per bale with a minimum of \$3.00 per loan will be collected by the county office from the producer to cover services rendered in connection with farm-storage loans. State committees are authorized to require prepayment of \$3.00 of the service

¹ Schedule to be issued about August 15, 1953.

charge. No refund of service charges will be made. A deposit of \$1.00 per bale will also be collected from the producer to guarantee delivery of farm-storage cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with delivery instruction issued by the county office. If the producer does not deliver the cotton upon demand by CCC, the county office will arrange delivery and retain the deposit. If delivery costs exceed the deposit, the producer will be liable for the difference.

§ 607.411 *Fees.* The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note:	Maximum fee allowed
1-----	25 cents.
2-6-----	25 cents plus 15 cents for each bale over 1.
7-18-----	\$1 plus 10 cents for each bale over 6.
19 and over---	\$2.20 plus 5 cents for each bale over 18.

§ 607.412 *Liens.* Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 607.420 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse), must be obtained on the Lienholder's Waiver on each Form A and Form FF. If the producer tendering the cotton for loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the note jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 607.413 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges, clerks' fees, and amounts due prior lienholders. If the

producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. County offices will furnish each approved clerk a list of the names and addresses of all persons listed on the county debt register. Lists will also be furnished to clerks in adjacent counties as is determined necessary by the county committee. These lists shall be kept up to date and revised and supplemented as determined necessary by the county committee. Before the clerk prepares loan documents, he shall determine that the producer's name is not shown on the list furnished by the county office. If the person's name is shown on such list, he shall be informed that unless he can produce satisfactory evidence that the indebtedness has been satisfied, he must go to the county office in the county issuing the list containing his name and have his loan documents completed by a clerk in the county office. A clerk in the county office will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the checks should be issued and the amount to be collected from the note. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 607.414 *Classification of cotton.* (a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1953 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-storage cotton), receiving agency (for cotton covered by bills of lading), or county office (for farm-storage cotton), shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, hereinafter referred to as "Form L"), must be prepared by the warehouseman, receiving agency or county office, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a

copy of such form to the warehouse, receiving agency or county office. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman, receiving agency, or county office for all cotton for which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form I classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county offices at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 607.415 *Interest rate.* Loans and charges on the cotton covered by the loans shall bear interest at the rate of 4 percent per annum from the date of disbursement to the date of repayment, except that in the case of default in satisfaction of loans on farm-storage cotton, loans will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 607.416 *Maturity.* (a) Loans mature July 31, 1954, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase or pool the cotton securing the loan in accordance with the provisions of the loan agreement. If the cotton is pooled, the producer will no longer have a right to redeem the cotton but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies at less than the current domestic price for such cotton.

(b) Any sum due the producer as a result of the sale of the cotton or collections of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his farm-storage loan on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section.

§ 607.417 *Safeguarding farm-storage cotton.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or

any other person having control of the storage structure or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed an average of 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales, unless the State committee determines that a larger maximum is required to make the program more effective in the State. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

§ 607.418 *Warehouse receipts and insurance.* Only negotiable warehouse receipts issued by an approved warehouse, properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must show that the cotton is covered by fire insurance and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1953, which by their terms will expire prior to August 1, 1954, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1953. Block warehouse receipts will not be accepted.

§ 607.419 *Insurance on farm-storage cotton.* CCC will not require the producer to insure cotton under farm-storage loan; however, if the producer does insure the cotton, and if an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cotton involved in the loss.

§ 607.420 *Warehouse charges.* The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 15 days preceding the date of the Producer's Note on the Form A (notwithstanding the provision on Form A (3-21-52) which provides for ten days) and must not be executed subsequent to the date of the note. In the case of loans made to a cotton cooperative marketing association as provided in § 607.428, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G-1, hereinafter referred to as "Form G-1") must be executed by the warehouseman storing cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G-1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's

Certificate and Agreement on the reverse side of the Form A or the Warehouseman's Certificate and Agreement on the Form G-1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

The cotton is insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges) at the time and place of loss and will be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. From the dates of the warehouse receipts representing such cotton (hereinafter called "the cotton") or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1954, all charges on the cotton for storage and insurance (as required in § 607.418) shall be at the rate of 43 cents per bale per month or fraction thereof for cotton stored in warehouses operating compress facilities, and at the rate of 48 cents per bale per month or fraction thereof for cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided*, That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 15 cents per bale if such charges are included in the warehouseman's tariff: *And provided further*, That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. All other charges on cotton, including compression charges, and flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided*, That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 35 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the

Schedule of Pledged Cotton on the Form A or Form G-1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G-1, if such charges are included in the warehouseman's tariff: *And provided further*, That in no event shall such charge, a service charge, or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples be collected from CCC or a purchaser of the cotton. No charge for (1) compression or (2) delivery, or out-handling, except for an out-handling charge of not to exceed 15 cents as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I hereby certify that I have removed from the cotton covered by this voucher only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing said cotton except for reconditioning of damaged cotton. I further certify that I have not reconditioned, picked or cleaned by blowing or brushing any of the cotton included in this voucher except as noted on report attached hereto.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. In the event that the cotton is purchased or pooled by CCC or the loan on such cotton is extended or carried in past-due status by CCC after July 31, 1954, the rates quoted herein will remain in effect until terminated by CCC or the warehouseman at the end of any month by giving the other at least 30 days' notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement.

§ 607.421 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginner, and other re-

sponsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agent's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 607.420 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect from producers a fee of not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 607.422 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (hereinafter called "the advance loan") on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, hereinafter referred to as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Form A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have

been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1953, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The producer's copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Agreement of Warehouseman and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the county office, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 607.423 *Loans on upland cotton prior to August 1, 1953.* Loans on upland cotton will be made available to producers in the area where such cotton is harvested prior to August 1, 1953. Base loan rates for warehouse locations in the early harvesting area will be announced by the New Orleans office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 607.430. Other provisions for loans prior to August 1, 1953, will be the same as provided for loans after that date, except that in the event that the base loan rate based on August 1, 1953, parity is in excess of the base loan rate announced prior to such date, the difference will be paid to the producer upon his application to the New Orleans office.

§ 607.424 *Loss or damage to pledged cotton.* In any case where there is loss or damage to loan collateral, which loss or damage occurs while the cotton is pledged to CCC or a lending agency, CCC

will determine and file claim against any liable third parties for the resulting loss and, after having satisfied the amount due on the loan out of the proceeds of the claim, will credit any excess proceeds of the claim to the producer's loan account, or if the loan has been repaid, any excess proceeds of the claim will be payable to the party properly repaying the loan.

§ 607.425 *Transfer of producer's interest.* If the producer desires to sell his equity in the cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee or a notary public and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness or notary public. It will not be required that the amount paid for the producer's equity be shown, notwithstanding that space is provided for such an entry in the Producer's Equity Transfer Agreement. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to any approved bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted. In the event the Producer's Loan Statement—A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 607.426 *Repayments—(a) Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or de-

liver the Producer's Loan Statement—A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as shown in § 607.429. Upon receipt of the Producer's Redemption Request, the custodial office will forward the note and warehouse receipts to any approved bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an Attorney-in-Fact to act in his place and stand in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instructions from the county office of the county in which the cotton is stored. Partial releases will be allowed.

§ 607.427 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Form C, all notes on Form A and Form E, with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the date of disbursement of the notes. All

notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Notes secured by warehouse receipts, by bills of lading, by chattel mortgages, or notes executed by attorneys-in-fact, must be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 607.428 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligi-

bility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 607.429 *Custodial offices.* The custodial offices referred to in this section and the district served by each are shown below:

(a) *Warehouse-stored cotton.*

Custodial Office and District Served:

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona, Nevada.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans PMA Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma, Kansas.

(b) *Farm-storage cotton.*

Custodial Office and District Served: New Orleans PMA Commodity Office: All States.

§ 607.430 *Schedule of premiums and discounts for upland cotton (basis $1\frac{1}{16}$ -inch Middling), and loan rates for extra long staple cotton—(a) Premiums and discounts for eligible qualities of 1953 American upland cotton (basis $1\frac{1}{16}$ -inch Middling).*

Grade	Staple length (inches)													
	$\frac{3}{16}$	$\frac{7}{16}$	$\frac{9}{16}$	$1\frac{1}{16}$	$1\frac{1}{8}$	1	$1\frac{1}{2}$	$1\frac{3}{8}$	$1\frac{1}{2}$	$1\frac{3}{8}$	$1\frac{1}{2}$	$1\frac{3}{8}$	$1\frac{1}{2}$	$1\frac{3}{8}$ and longer
WHITE AND EXTRA WHITE¹														
Good Middling and Better ¹	Pts. -225	Pts. -140	Pts. -45	Pts. 55	Pts. 95	Pts. 140	Pts. 175	Pts. 210	Pts. 275	Pts. 415	Pts. 670	Pts. 900	Pts. 1,180	Pts. 1,465
Strict Middling	-240	-155	-65	35	80	120	155	190	260	398	650	880	1,160	1,445
Middling	-280	-190	-100	Base	40	80	110	145	210	320	530	740	1,020	1,255
Strict Low Middling	-405	-320	-235	-145	-100	-60	-30	-5	35	115	200	340	490	650
Low Middling	-730	-665	-590	-505	-440	-395	-370	-355	-350	-325	-300	-280	-260	-240
Strict Good Ordinary	-965	-895	-825	-745	-705	-665	-655	-650	-650	-650	-650	-650	-650	-650
Good Ordinary	-1,185	-1,120	-1,060	-985	-945	-905	-900	-895	-895	-895	-895	-895	-895	-895
SPOTTED														
Good Middling	-395	-325	-245	-165	-130	-90	-65	-35	-8	55	105	155	210	260
Strict Middling	-420	-350	-270	-185	-150	-110	-85	-60	-25	10	70	110	135	165
Middling	-695	-630	-565	-485	-420	-360	-340	-325	-295	-270	-235	-210	-195	-170
Strict Low Middling	-935	-875	-810	-730	-685	-635	-615	-610	-610	-610	-610	-610	-610	-610
Low Middling	-1,250	-1,140	-1,080	-980	-950	-895	-890	-885	-885	-885	-885	-885	-885	-885
TINGED														
Good Middling	-550	-480	-405	-325	-260	-200	-160	-110	-55	-10	10	110	135	165
Strict Middling	-585	-515	-440	-360	-295	-235	-195	-145	-90	-40	10	110	135	165
Middling	-1200	-1145	-1085	-995	-970	-915	-905	-900	-900	-900	-900	-900	-900	-900
Strict Low Middling	-1495	-1420	-1355	-1270	-1250	-1205	-1195	-1195	-1195	-1195	-1195	-1195	-1195	-1195
Low Middling	-1755	-1630	-1565	-1485	-1445	-1410	-1400	-1395	-1395	-1395	-1395	-1395	-1395	-1395
YELLOW STAINED														
Good Middling	-1280	-1230	-1165	-1080	-1045	-1010	-1005	-1000	-1000	-1000	-1000	-1000	-1000	-1000
Strict Middling	-1325	-1275	-1205	-1105	-1090	-1055	-1045	-1040	-1040	-1040	-1040	-1040	-1040	-1040
Middling	-1665	-1540	-1480	-1365	-1345	-1320	-1315	-1310	-1310	-1310	-1310	-1310	-1310	-1310
GRAY														
Good Middling	-335	-290	-225	-155	-125	-90	-70	-45	-20	60	110	160	215	270
Strict Middling	-370	-325	-260	-185	-160	-125	-100	-80	-45	5	75	105	140	170
Middling	-630	-580	-515	-435	-395	-355	-335	-320	-295	-270	-240	-210	-185	-160
Strict Low Middling	-910	-826	-760	-685	-650	-595	-575	-565	-563	-565	-565	-565	-565	-565

¹ Cotton classed on and after Aug. 15, 1953, will be classed on standards effective Aug. 15, 1953, after which no cotton will be designated extra white or better than good Middling.

(b) Schedules of loan rates (in cents per pound) for eligible qualities of 1953-crop extra long staple cotton¹—(1) American-Egyptian Cotton.

Grade	Staple length (inches)					
	1 3/4		1 7/8		1 1/2 and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	73.25	73.65	77.25	77.65	79.00	79.40
2	71.95	72.35	76.05	76.45	77.90	78.30
3	69.95	70.35	73.90	74.30	76.40	76.80
4	64.65	65.05	69.20	69.60	71.70	72.10
5	57.50	57.90	61.95	62.35	64.30	64.70
6	49.80	50.20	53.80	54.20	56.85	57.25
7	44.90	45.30	48.45	48.85	51.50	51.90
8	39.60	40.00	43.10	43.50	45.75	46.15
9	34.35	34.75	37.75	38.15	40.45	40.85

(2) Sea Island and Sealand Cotton.

Grade	Staple length (inches)		
	1 3/4	1 7/8	1 1/2 and longer
1	57.80	60.90	62.30
2	56.75	60.00	61.40
3	55.15	58.30	60.25
4	51.05	54.60	56.60
5	45.40	48.90	50.75
6	39.35	42.50	44.90
7	35.50	38.30	40.70
8	31.30	34.05	36.15
9	27.20	29.85	32.00

Issued this 15th day of June 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

HOWARD H. GORDON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 53-5438; Filed, June 18, 1953;
8:48 a. m.]

TITLE 7—AGRICULTURE

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

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.451 Plum Order 6—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agree-

¹ The loan rates shown in these schedules are based on rates announced pursuant to section 406 of the Agricultural Act of 1949. If higher loan rates are required based on the parity price of upland cotton as of the beginning of the marketing year, new schedules will be issued for extra long staple cotton.

ment and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 20, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 21, 1953, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 20, 1953 and ending at 12:01 a. m., P. s. t., November 1, 1953 no shipper shall ship any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious

damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-5466; Filed, June 18, 1953;
8:54 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.452 Plum Order 7—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time interven-

ing between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 20, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 21, 1953, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 20, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-5469; Filed, June 18, 1953;
8:55 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.453 Plum Order 8—(a) Findings.

(1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 20, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 23, 1953, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers

any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 20, 1953 and ending at 12:01 a. m., P. s. t., November 1, 1953 no shipper shall ship any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack if said quantity does not exceed two hundred (200) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and
Marketing Administration.

[F. R. Doc. 53-5470; Filed, June 18, 1953;
8:55 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES

§ 936.454 Plum Order 9—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 19, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are now being made; this section should be

applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 19, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship any package or container of miscellaneous varieties of plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-5471; Filed, June 18, 1953;
8:55 a. m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN
CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.455 Plum Order 10—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 22, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1953, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953 no shipper shall ship any package or container of Duarte plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all

other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and
Marketing Administration.

[F. R. Doc. 53-5472; Filed, June 18, 1953;
8:55 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.456 Plum Order 11—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 22, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 2, 1953, and this section should be appli-

cable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) Order. (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1953 and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.; 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-5473; Filed, June 18, 1953;
8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 1—GENERAL

Subparagraphs (8) and (10) of paragraph (a) of § 1.1 are amended to read as follows:

§ 1.1 Definitions—(a) Terms used in this chapter. * * *

(8) The term "district director" means:

(i) The officer duly appointed to the titular position as the Service officer in charge of a district whose appointment has not terminated, or

(ii) The officer or employee of the Service who has been designated to act as district director in the absence of the district director, or

(iii) The officer in charge at Agana, Guam.

(10) The term "officer in charge" means the Service officer in charge of the Service office having administrative jurisdiction over a case. Except as otherwise provided in subparagraph (8) of this paragraph, the term does not include a district director.

PART 2—SERVICE RECORDS: FEES

Section 2.5 is amended by revising items (7) and (19) so that when taken with the introductory material items (7) and (19) will read as follows:

§ 2.5 Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act. In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are fixed and established:

(7) For filing application for Alien Registration Receipt Card in lieu of one lost, mutilated, or destroyed, or in changed name, or in lieu of Form AR-3: \$5.00.

(19) For special statistical tabulations a charge will be made to cover the cost of the work involved.

PART 3—IMMIGRATION BONDS

Paragraph (c) of § 3.1 Immigration bonds, is amended to read as follows:

(c) Violation of conditions; cancellation. (1) Whenever it shall appear that a condition of a bond executed in connection with the administration of the immigration laws may have been violated, the bond, all appurtenant documents, and a full report of the circumstances, shall be forwarded to the district director or officer in charge having administrative jurisdiction over the office where the bond is retained for decision as to whether the conditions of the bond have been met so that it may be cancelled, or whether any condition of the bond has been violated so that liability thereunder should be enforced, or whether the circumstances are such that the bond should be continued in effect. If the obligors are adversely affected by the decision of the district director or officer in charge, they shall be notified by the district director or officer in charge in writing on Form I-323 of his decision and of their right to appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter, by filing a Notice of Appeal, Form I-290B, at the office of the district director or officer in charge within 10 days from the receipt of notification of such decision. No appeal shall lie from the

decision of the Assistant Commissioner, Inspections and Examinations Division.

(2) If all the conditions of a bond executed in connection with the administration of the immigration laws have been complied with and the obligation has thereby been discharged by its own terms, the district director or officer in charge shall so notify the obligors on Form I-391. Similar notice shall be given if all the conditions of the bond have been complied with and (i) the alien has departed from the United States or, if the alien is his own surety, is about to depart from the United States, (ii) the alien has died, (iii) the alien has been naturalized as a citizen of the United States, (iv) a new bond has been furnished to replace the existing bond, or (v) in the case of a delivery bond, the warrant of arrest or deportation has been cancelled, or the alien's application for suspension of deportation has been approved, or the alien has been imprisoned, or inducted into the armed forces of the United States.

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Section 6.16 is amended to read as follows:

§ 6.16 *Fees*. Except as otherwise provided in this section, a notice of appeal or a motion filed under this part by any person other than an officer of the Service shall be accompanied by a fee specified by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for an appeal or a motion, he shall file with the notice of appeal or the motion his affidavit stating the nature of the motion or appeal, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and request permission to prosecute the appeal or motion without prepayment of such fee. If such an affidavit is filed with the officer of the Service from whose decision the appeal is taken or with respect to whose decision the motion is addressed, he shall, if he believes that the appeal or motion is not taken or made in good faith, certify in writing his reasons for such belief for consideration by the Board. The Board may, in its discretion, authorize the prosecution of any appeal or motion without prepayment of fee.

2. Paragraph (c) of § 6.21 *Motion to reopen or motion to reconsider*, is amended to read as follows:

(c) *Distribution of motion papers when Assistant Commissioner, Inspections and Examinations Division, is the moving party*. Whenever a motion to reopen or a motion to reconsider is made by the Assistant Commissioner, Inspections and Examinations Division, he shall cause one copy of the motion to be served upon the alien or party affected, as provided in §§ 292.11 and 292.12 of this chapter, and shall cause one copy of the motion to be filed directly with the Board, together with proof of service upon the alien or other

party affected and the record in the case. Such alien or party shall have a period of ten days from the date of service upon him of the motion within which to submit a brief in opposition to the motion. Two copies of such brief shall be filed directly with the Board and one copy directly with the Assistant Commissioner, Inspections and Examinations Division. The submission of such brief may be waived. The Board, in its discretion, for good cause shown may extend the time within which such brief may be submitted.

PART 7—ASSISTANT COMMISSIONER, INSPECTIONS AND EXAMINATIONS DIVISION: APPEALS

1. Subparagraph (1) of paragraph (a) of § 7.1 is amended so that when taken with the introductory material it will read as follows:

§ 7.1 *Assistant Commissioner, Inspections and Examinations Division—(a) Appellate jurisdiction*. Appeals shall lie to the Assistant Commissioner, Inspections and Examinations Division, from the following:

(1) Decisions of district directors or officers in charge determining that a condition of a bond has been violated, as provided in § 3.1 (c) of this chapter;

2. Section 7.16 is amended to read as follows:

§ 7.16 *Fees*. Except as otherwise provided in this section, a notice of appeal filed under this part shall be accompanied by a fee of \$10 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for an appeal, he shall file with the notice of appeal his affidavit stating the nature of the appeal, the affiant's belief that he is entitled to redress, his inability to pay the required fee, and requesting permission to prosecute the appeal without prepayment of such fee. If such an affidavit is filed, the officer of the Service from whose decision the appeal is taken shall, if he believes that the appeal is not taken in good faith, certify in writing his reasons for such belief for consideration by the Assistant Commissioner, Inspections and Examinations Division. The Assistant Commissioner, Inspections and Examinations Division, may, in his discretion, authorize the prosecution of any such appeal without prepayment of fee.

PART 8—REOPENING AND RECONSIDERATION

Paragraph (f) of § 8.11 *Motion to reopen or reconsider*, is amended to read as follows:

(f) *Fees*. Except as otherwise provided in this paragraph, a motion filed under this part shall be accompanied by a fee of \$5 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. In any case in which an alien or other party affected is unable to pay the fee for a motion, he shall file with the motion his affidavit stating the nature of the motion, the affiant's belief that he is entitled to

redress, his inability to pay the required fee, and request permission to prosecute the motion without prepayment of such fee. If such an affidavit is filed, the district director or officer in charge having administrative jurisdiction over the place where the proceedings were conducted shall, if he believes that the motion is not made in good faith, certify in writing his reasons for such belief for consideration by the officer having jurisdiction to act on the motion as provided in § 8.1. The officer having jurisdiction to act on the motion may, in his discretion, authorize the prosecution of any such motion without prepayment of fee.

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

Paragraph (k) of § 9.4 is amended so that when taken with the introductory material it will read as follows:

§ 9.4 *Authority of Assistant Commissioner, Border Patrol, Detention and Deportation Division*. The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division:

(k) Control and guarding of boundaries and borders of the United States against the illegal entry of aliens and the fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and Part 287 of this chapter.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Paragraph (c) of § 211.2 is amended by redesignating present subparagraph (11) as subparagraph (12) and inserting a new subparagraph (11) so that when taken with the introductory material new subparagraph (11) will read as follows:

§ 211.2 *Immigrants not required to present visas or passports*. Immigrants of the following-described classes applying for admission to the United States need not present visas or passports:

(c) Aliens (including alien crewmen) of the following-described classes who have been lawfully admitted for permanent residence, who are otherwise admissible, and who are returning after a temporary absence:

(11) An alien who is returning to the United States after employment with or under the supervision of United States armed forces authorities in remote Pacific Islands.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS: PAROLE

1. Sections 212.7 and 212.8 are amended to read as follows:

§ 212.7 *Request by certain resident aliens for permission to reenter the*

United States. An alien who has been lawfully admitted for permanent residence and who is or believes himself to be inadmissible to the United States under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27), (28) or (29), may, prior to or after his temporary departure from the United States, apply for permission to reenter the United States under the authority contained in section 212 (c) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.8 *Request by certain nonimmigrant aliens for permission to enter the United States temporarily.* (a) An alien who desires to enter the United States temporarily as a nonimmigrant and who is or believes himself to be inadmissible under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27) or (29), may apply for permission to enter the United States temporarily under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

(b) Pursuant to the authority contained in section 212 (d) (3) of the Immigration and Nationality Act, the ground of inadmissibility contained in section 212 (a) (24) of the act is waived in the case of an alien, otherwise admissible under the immigration laws, who is in possession of appropriate documents or has been granted a waiver thereof and is seeking admission to the United States as a nonimmigrant.

2. Paragraph (c) of § 212.11 *Nonresident alien's border crossing identification card*, is amended to read as follows:

(c) *Form I-186; who may apply.* A nonresident alien's border crossing identification card may be issued to any alien who, upon application therefor, (1) submits satisfactory evidence that he is a Canadian citizen or a British subject residing in Canada, or a native-born citizen of Mexico residing therein, (2) presents a valid unexpired passport required of nonimmigrants, unless a passport is not required to be presented under the provisions of this part, (3) desires temporary admission into the continental United States for a period or periods of not more than 72 hours each, and (4) is admissible to the United States: *Provided, however,* That no such card shall be issued unless the applicant is known or shown to be a person who has complied fully with all provisions applicable to him of laws, regulations, Executive orders, or other governmental requirements regulating the entry of aliens to the United States: *And providing further,* That such card may be issued to an applicant who desires temporary admission into the United States for more than 72 hours if such applicant desires such card to facilitate admission and is a citizen of Canada or a British subject having his residence in Canada and is entitled to enter the United States under § 212.3 (a) or (b) without presenting a visa, border-crossing identification card, or passport.

3. Paragraph (a) of § 212.71 is amended to read as follows:

§ 212.71 *Application for permission to reenter the United States—(a) Form and execution.* An application for the exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act shall be submitted on Form I-191, executed by the applicant, in any case in which the application is made prior to the alien's application for readmission to the United States at a port of entry. If the applicant is mentally incompetent, the application shall be executed by his parent or guardian.

4. The first sentence of paragraph (a), *Action by officer with whom application is filed*, of § 212.72, *Disposition of application*, is amended by changing "§ 212.17" to "§ 212.71".

5. Section 212.73 is added as follows:

§ 212.73 *Application for permission to reenter the United States at time of application for readmission—(a) Form and execution.* An application for the exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act made at the time of applying for readmission to the United States at a port of entry shall be made by the applicant orally or in writing. If the applicant is mentally incompetent, the application shall be made by his parent or guardian.

(b) *When made.* The application shall be made during the proceedings conducted in the case by a special inquiry officer in accordance with the provisions of section 236 of the Immigration and Nationality Act and Part 236 of this chapter.

(c) *Disposition of application.* The special inquiry officer receiving an application for the exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act shall cause such inquiry to be made as he deems necessary for the proper disposition of the application. The special inquiry officer may, in his discretion, grant or deny the application. In any case in which an appeal may not be taken from the decision of a special inquiry officer excluding an alien but in which the alien has applied for the exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter.

6. Section 212.81 is amended to read as follows:

§ 212.81 *Application for permission to enter the United States temporarily; prior to application for admission at a port of entry—(a) Form and execution.* An application for the exercise of the discretion under the provisions of section 212 (d) (3) of the Immigration and Nationality Act made prior to application for admission to the United States at a port of entry by an alien who is in possession of appropriate documents or who has been granted a waiver thereof shall be submitted on Form I-192, or, if such form is not readily available and

the case is one of unforeseen emergency, the application shall be in writing and shall contain all the information required by such form. Whenever it is impracticable for an applicant to execute the application, it may be executed by his parent, guardian, attorney or representative.

(b) *Filing of application.* The application shall be filed with the Assistant Commissioner, Inspections and Examinations Division.

(c) *Action by the Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner, Inspections and Examinations Division, may, in his discretion, grant or deny the application. The applicant shall be given written notice of decision, and, if the application is denied, of the reasons therefor and of his right to appeal to the Board in accordance with the provisions of Part 6 of this chapter within 10 days from receipt of notification of such decision.

(d) *Conditions on which application is granted.* If the application is granted initially or on appeal, it shall be under such terms and conditions, including the exaction of bond on Form I-331, Form I-332, or Form I-337 as the Assistant Commissioner, Inspections and Examinations Division, or the Board, when granting the application, deems appropriate.

7. Section 212.82 is added as follows:

§ 212.82 *Application for permission to enter the United States temporarily; at time of application for admission at a port of entry—(a) Form and execution.* An alien applying at a port of entry for temporary admission to the United States as a nonimmigrant may apply orally or in writing for the exercise of discretion under the provisions of section 212 (d) (3) of the Immigration and Nationality Act provided (1) he was not aware of the ground of inadmissibility prior to his departure for the United States and such ground of inadmissibility could not have been ascertained by the exercise of reasonable diligence, and (2) the alien is in possession of appropriate documents or has been granted a waiver thereof.

(b) *Where made.* If the ground of inadmissibility sought to be waived is not within paragraph (9), (10), (23) or (28) of section 212 (a) of the Immigration and Nationality Act and the case has not been referred to a special inquiry officer for further inquiry, the application shall be made to the immigration officer conducting the examination of the alien who shall refer it for decision to the district director having administrative jurisdiction over the place where the examination is being conducted. In any other case the application shall be made during the proceedings before the special inquiry officer to whom the case is referred in accordance with the provisions of section 235 (b) of the Immigration and Nationality Act.

(c) *Disposition of application.* The district director, in his discretion, may grant or deny the application referred to him for decision. If the application is denied, the district director shall return the case to the examining immigration

officer for further proceedings in accordance with sections 235 and 236 of the Immigration and Nationality Act. No appeal shall lie from the decision of the district director but if adverse to the alien, it shall be without prejudice to the renewal of the application before the special inquiry officer to whom the case is referred for further proceedings in accordance with sections 235 and 236 of the Immigration and Nationality Act. The special inquiry officer, in his discretion, may, in his decision provided for in Part 236 of this chapter, grant or deny any such application which is submitted to him. In any case in which an appeal may not be taken from a decision of a special inquiry officer excluding an alien but in which the alien has applied for the exercise of discretion under the provisions of section 212 (d) (3) of the Immigration and Nationality Act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.15 of this chapter.

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

1. Paragraphs (c) and (d) of § 214f.1 are amended so that when taken with the introductory material they will read as follows:

§ 214f.1 *Special prerequisites for admission.* An alien, otherwise admissible to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act, shall not be eligible for admission to the United States in such nonimmigrant classification unless he agrees that while in the United States he will not enroll in any institution or place of study other than the one he is authorized to attend without prior consent of the district director having administrative jurisdiction over the place in which is located the institution or place of study the alien is authorized to attend, and unless he establishes that:

(c) He will carry a full course or a full program of study or of study and training, of the scope and nature required by such institution, place of study, or American institute of research;

(d) He has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course, or if his knowledge of the English language is inadequate to enable him to pursue a full program of studies in such language, the institution of learning or other recognized place of study is equipped to offer, and has accepted him expressly for, a full program of study in a language with which he is sufficiently familiar; and

2. Section 214f.4 is amended to read as follows:

§ 214f.4 *Employment.* (a) An alien admitted as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act or as a nonquota immigrant of the class described in section 4 (e) of the Immigration Act of 1924 shall not be permitted to work during a school term either for

wages or for board or lodging unless he does not have sufficient means to cover his necessary expenses. If such alien wishes to accept employment, he shall, before accepting such employment, apply on Form I-24 to the district director or officer in charge having administrative jurisdiction over the place in which is located the approved institution or place of study attended by the applicant for permission to accept such employment. If such district director or officer in charge is satisfied that the alien is meeting all the conditions and requirements of his status, that he does not have sufficient means to cover his expenses, and that the desired employment will not interfere with his carrying successfully a course of study of the required scope, he may grant permission to the alien to accept such employment.

(b) Whenever employment for practical training is required or recommended by the institution or place of study attended by the applicant, the district director or officer in charge having administrative jurisdiction over the place in which the institution is located may permit such employment of the alien for a six-month period subject to extension for not over two additional six-month periods, but any such extension shall be granted only upon certification by the school and the training agency that the practical training cannot be completed in a shorter period of time.

3. Section 214f.5 is amended to read as follows:

§ 214f.5 *Petition for approval.* Any institution of learning or other recognized place of study desiring the approval required by section 101 (a) (15) (F) of the Immigration and Nationality Act may file with the district director having administrative jurisdiction over the place in which the institution or place of study is located a petition for such approval on Form I-17 executed by the principal officer of such institution or place of study authorized to execute contracts. The district director, after consultation with the Office of Education of the United States, may approve the petition if he is satisfied that the petitioning institution or place of study:

(a) Is a bona fide institution of learning or recognized place of study; and

(b) Possesses the necessary facilities and is otherwise qualified for the instruction of students in recognized courses; and

(c) If it is engaged in the field of education below college level, qualifies graduates for acceptance to accredited schools of a higher educational level; or

(d) If it is engaged in the field of higher education,

(1) Confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees; or

(2) Does not confer such degrees but its credits are recognized by and transferable to an institution or place of study which does confer such degrees; or

(3) Is an American institute of research recognized by the Attorney General; or

(e) If it is a vocational or business school or an American institute of research recognized as such by the Attor-

ney General, its courses of study are generally accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective and are not avocational or recreational in character.

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR OR TRAINING

1. Part 214h is amended by adding the following section:

§ 214h.6 *Limitation.* The provisions of this part shall not be applicable to a nonimmigrant agricultural worker applying for admission, or admitted, to the United States in accordance with the provisions of Title V of the Agricultural Act of 1949, as amended. The case of such alien shall be governed by the provisions of Part 475 of this chapter.

2. Section 214h.51 is amended to read as follows:

§ 214h.51 *Application for extension of temporary admission; form and procedure.* Application for extension of temporary stay of an alien having a nonimmigrant classification described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be made in writing by the alien's employer or trainer under oath and shall include a statement describing the current and intended employment or training of the alien and, when originally required by § 214h.41, clearance from the United States Employment Service establishing that the facts which justified the importation of the alien under the Immigration and Nationality Act continue to exist. An employer or trainer who has imported more than one alien on the basis of a single petition filed in accordance with § 214h.41 (b) may file a single application for an extension of temporary stay of such aliens.

PART 223—REENTRY PERMITS

1. The first sentence of paragraph (a) of § 223.11 is amended to read as follows:

§ 223.11 *Application—(a) Contents; form; submission.* An application for a reentry permit under the provisions of section 223 of the Immigration and Nationality Act shall be executed under oath and be submitted on Form I-131 with two photographs of the applicant. * * *

2. The second sentence of paragraph (b) of § 223.12 *Reentry permits*, is amended to read as follows:

(b) *Period of validity; extensions.* * * * An application for extension of a reentry permit shall be addressed to and filed with the district director having administrative jurisdiction over the applicant's place of residence in the United States prior to the expiration of the period of validity of the reentry permit. * * *

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Section 235.12 is amended to read as follows:

§ 235.12 *Referral of certain cases to district director or officer in charge.* The immigration officer conducting the preliminary examination of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because he is likely to become a public charge or because of a physical disability other than tuberculosis, leprosy, or a dangerous contagious disease, shall refer the question of the alien's admission to the district director or officer in charge having administrative jurisdiction over the place where the examination is being conducted. The district director or officer in charge may, in his discretion, admit the alien on primary inspection, if the alien is otherwise admissible, in accordance with Part 213 of this chapter. If the district director or officer in charge does not so admit the alien, the question of his admission shall be referred to a special inquiry officer, and the special inquiry officer may, in his discretion, admit the alien, if he is otherwise admissible, in accordance with the provisions of Part 213 of this chapter. The immigration officer conducting the preliminary examination at a port of entry of an alien applying for temporary admission to the United States who is liable to be excluded on grounds other than those set forth in paragraph (9), (10), (23) or (28) of section 212 (a) of the Immigration and Nationality Act and who appears to be eligible to apply for the exercise of discretion under the provisions of section 212 (d) (3) of that act and § 212.82 of this chapter, shall, if the alien applies for the exercise of such discretion, defer further examination and refer the application to the district director having jurisdiction over the place where the examination is being conducted.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT, DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

Section 239.3 is amended to read as follows:

§ 239.3 *Aircraft; how considered.* Except as otherwise specifically provided in the Immigration and Nationality Act and this chapter, aircraft arriving in or departing from the continental United States or Alaska directly from or to foreign contiguous territory or the French island of St. Pierre or Miquelon shall be regarded for the purposes of the Immigration and Nationality Act and this chapter as other transportation lines or companies arriving or departing over the land borders of the United States. Aliens on aircraft arriving overland in foreign contiguous territory on journeys which did not begin outside of North or South America or islands belonging to countries or to political subdivisions of these continents shall not be held to be subject to section 212 (a) (24) of the Immigration and Nationality Act.

PART 242—ALIENS: APPREHENSION, CUSTODY AND DETERMINATION OF DEPORTABILITY

1. Paragraph (a) of § 242.1 is amended to read as follows:

§ 242.1 *Warrant of arrest—(a) Issuance.* Subject to the limitations provided in this part, district directors, deputy district directors, district enforcement officers, district officers and the assistant district officers who are in charge of investigations, and officers in charge of suboffices may issue warrants of arrest.

2. Sections 242.2 and 242.3 are amended to read as follows:

§ 242.2 *Detention or release of aliens from custody.* District directors, deputy district directors, district enforcement officers, or officers in charge may exercise the authority contained in section 242 of the Immigration and Nationality Act to continue or detain aliens in, or release them from, custody.

§ 242.3 *Release—(a) Prior to final order.* Except as provided in § 242.72, pending final determination of deportability, an alien taken into or continued in custody under a warrant of arrest in a deportation proceeding may be detained, released under bond on Form I-353, or released on conditional parole, in the discretion of the district director, the deputy district director, the district enforcement officer, or the officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any of such officers.

(b) *After final order of deportation; within six months' period—(1) Alien detained.* Except as provided in § 242.72, at any time during the period of six months immediately following the date of the making of the final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, the alien, if then in custody of the Service, may be released under bond on Form I-353, or on conditional parole, in the discretion of the district director, deputy district director, district enforcement officer, or officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any of such officers.

(2) *Alien previously released under bond.* During the period of 6 months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, deputy district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released under bond pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such bond, (ii) continued at liberty under such bond but with such other or addi-

tional conditions as then are deemed appropriate, (iii) continued at liberty under conditional parole in lieu of bond, in which event the outstanding bond shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event, unless a breach has occurred, the outstanding bond shall be revoked and canceled.

(3) *Alien previously released on conditional parole.* During the period of six months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, deputy district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released on conditional parole pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such parole, (ii) continued at liberty under such parole but with such other or additional terms as then are deemed appropriate, (iii) continued at liberty under bond in lieu of conditional parole, in which event the outstanding conditional parole order shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event the outstanding conditional parole order shall be revoked and canceled.

(c) *Release; supervision after six months' period has expired; warning of penal provisions.* An alien against whom an order of deportation has been outstanding for more than six months shall, pending deportation, be placed under supervision by the district director, deputy district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office in which the detention or release of such alien was authorized. An alien placed under supervision pursuant to this paragraph shall be advised of the penal provisions of section 242 (d) of the Immigration and Nationality Act. Aliens placed under such supervision shall, among other things, be required to:

(1) Appear from time to time at specified times or intervals before an officer of the Service for identification;

(2) Submit, if necessary, to medical and psychiatric examination at government expense;

(3) Give information under oath as to his nationality, circumstances, habits, associations and activities, and other information whether or not related to the foregoing as may be deemed fit and proper; and

(4) Conform to such reasonable written restrictions on his conduct or activities as may be prescribed.

3. Section 242.21 is amended to read as follows:

§ 242.21 *Report to district director of continued detention.* In any case in which a deputy district director, a district enforcement officer or officer in charge has exercised the authority to continue or detain an alien in custody,

the facts and a report of the action taken shall be promptly transmitted to the district director having administrative jurisdiction over the office in which the proceedings were instituted. Further action shall be taken in the case, with respect to the alien's detention or release, as the district director shall direct.

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Part 244 is amended by adding the following section:

§ 244.15 *Extension of time to depart.* An application for extension of time within which to depart voluntarily from the United States in lieu of deportation shall be made to the district director or officer in charge having administrative jurisdiction of the office in which the case is pending. Such officer may, in his discretion, grant or deny the application. His decision shall be in writing and served upon the alien. No appeal shall lie from a decision by the district director or officer in charge denying an application for an extension of time within which to depart.

PART 251—CREWMEN: LISTS OF; REPORTS OF ILLEGAL LANDINGS

1. Section 251.31 is amended to read as follows:

§ 251.31 *Arrival crew lists for vessels other than Great Lakes vessels.* The lists required by section 251 (a) of the Immigration and Nationality Act and § 251.3 for vessels other than Great Lakes vessels shall be submitted on Form I-480 and shall be delivered to the United States immigration officer boarding the vessel at the first port of arrival in the United States, who, in the event the vessel has to call at any other port in the United States, shall give the master of the vessel a receipt therefor. Except as otherwise provided in this section for a vessel making voyages to the United States at regular or periodic intervals and a returning resident alien crewman, the persons responsible for the delivery of the alien crew list and as a part thereof shall prepare a set of Forms I-95 for each arrival in the United States of an alien crewman on board a vessel and shall deliver them to such crewman for presentation by him, with any Foreign Service Forms 256, 257 or immigration Forms I-132 or I-151 in his possession, to the United States immigration officer at the first port of arrival in the United States. If the crewman for whom a set of Forms I-95 is prepared has an immigrant or nonimmigrant visa, the visa number shall be noted on all copies of the Form I-95 in the box entitled "Visa or Alien Registration number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of Form I-95 in the box entitled "Visa or Alien Registration number". In the case of a vessel making voyages to the United States at regular or periodic intervals, a set of Forms I-95 need not be prepared for an alien crewman seeking the landing privilege under section 252 (a) (1) of the Immigration and Nationality Act: *Provided*, That such

crewman is in possession of a Form I-95A, less than one year old, previously issued to him for landing under that section of the act; in arriving on the same vessel shown on such form; and has not arrived in the United States as a crewman on any other vessel since such form was issued to him. In the case of a returning resident alien crewman, a set of Forms I-95 need not be prepared if such crewman is in possession of a Form I-95A, less than one year old, previously issued to him.

2. Section 251.36 is amended to read as follows:

§ 251.36 *Listing of change in crew of vessel or aircraft.* The list required by section 251 (c) of the Immigration and Nationality Act shall be submitted on Form I-489. Except with respect to international ferries, if no change in crew occurs that fact shall be noted on Form I-489. A Form I-489 need not be submitted in the case of departing aircraft but a departure manifest may be submitted in lieu thereof on Customs Form 7507. If an alien crewman of an aircraft ceases to be employed by the transportation line while in the United States, the transportation line shall report immediately in writing to the Assistant Commissioner, Inspections and Examinations Division, the alien crewman's name, his date of birth and nationality, and the date and place where he was hired. For the purposes of section 251 (c) of the Immigration and Nationality Act and this section, aircraft shall not be regarded as departing from a port in the United States if such aircraft departs from the continental United States or Alaska and is destined directly to Canada or the French island of St. Pierre or Miquelon. The persons responsible for the delivery of Form I-489 or Customs Form 7507 shall attach to and make a part of the Form I-489 or Customs Form 7507 all Forms 257a and I-95A surrendered to the master or commanding officer by departing members of the crew, as provided in § 252.11 of this chapter, after recording thereon the name or identification marks of the vessel or aircraft, respectively, and the date and port of its departure from the United States.

PART 252—LANDING OF ALIEN CREWMEN

1. The second sentence of paragraph (c) of § 252.1 *Conditional permit to land*, is amended to read as follows: "The Form I-95A shall be returned to the alien crewman and shall constitute his conditional permit to land."

2. The fifth sentence of § 252.11 is amended to read as follows:

§ 252.11 *Disposition of entry documents of aliens departing as crewmen.* * * * Form I-95A need not be surrendered until one year from the date on which it was issued in any of the following-described cases and shall, provided the crewman is found otherwise admissible under the immigration laws and such form is noted to show arrival by the examining immigration officer on each subsequent arrival, constitute the crewman's conditional permit to land

upon subsequent arrivals during such year:

(a) A crewman of a vessel making voyages to the United States at regular or periodic intervals, provided he departs as a crewman within the period for which he was permitted to land aboard the same vessel and on the same voyage on which he arrived;

(b) A resident alien crewman;

(c) A crewman of an aircraft making flights to and from the United States at regular or periodic intervals, for such time as he continues to be employed as a crewman by the same transportation line, provided he departs as a crewman, within the period for which he was permitted to land, on the aircraft on which he arrived or on another aircraft of the same transportation line;

(d) A crewman who departs as a member of the crew of a Great Lakes vessel;

(e) A crewman of an aircraft described in § 251.34 of this chapter, for such time as he continues to be employed as a crewman by the same transportation line, provided he departs as a crewman within the period for which he was permitted to land, on the aircraft on which he arrived or another aircraft of the same transportation line.

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

Section 263.2 is amended to read as follows:

§ 263.2 *Canadian citizen and British subject visitors.* The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens or British subjects admitted to the United States under the provisions of § 212.3 (a) or (b) of this chapter who depart from the United States within 6 months of admission. If such an alien's stay in the United States is to exceed six months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the six-month period.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

1. The first sentence of paragraph (a) of § 264.51 *Replacement of alien registration receipt cards; procedure*, is amended to read as follows: "Application for a new alien registration receipt card shall be made on Form I-90."

2. Paragraph (b) *Disposition of application*, of § 264.51 is amended by deleting the penultimate sentence in that paragraph.

The following new part is added:

PART 274—ALIENS; BRINGING IN AND HARBORING

§ 274.1 *Power to arrest persons who bring in, transport, or harbor certain aliens, or induce them to enter.* See § 287.1 (e) of this chapter.

PART 280—IMPOSITION AND COLLECTION OF FINES

Section 280.4 is amended to read as follows:

§ 280.4 *Data concerning cost of transportation.* Within five days after request therefor, transportation companies shall furnish to the district director or officer in charge pertinent information contained in the original transportation contract of all rejected aliens whose cases are within the purview of any of the provisions of the Immigration and Nationality Act relating to refund of passage monies, and shall specify the exact amounts paid for transportation from the initial point of departure (which point shall be indicated) to the foreign port of embarkation, from the latter to the port of arrival in the United States and from the port of arrival to the inland point of destination, respectively, and also the amount paid for headtax, if any.

PART 287—FIELD OFFICERS: POWERS AND DUTIES

Section 287.1 is amended to read as follows:

§ 287.1 *Definitions.*—(a) *Reasonable distance from external boundary.* The phrase "within a reasonable distance from any external boundary of the United States", as used in section 287 of the Immigration and Nationality Act, means within a distance of not exceeding 100 air miles from any external boundary of the United States or any shorter distance which may be fixed by the district director, or, so far as the power to board and search aircraft is concerned, any distance fixed pursuant to paragraph (b) of this section.

(b) *Reasonable distance; fixing by district directors.* In fixing distances not exceeding 100 air miles pursuant to paragraph (a) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided,* That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would be because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner, who may, if he determines that such action is justified, declare such distance to be reasonable.

(c) *Certain powers of immigration officers.* Any immigration officer is hereby authorized to exercise anywhere in the United States all the powers conferred by section 287 of the Immigration and Nationality Act, including:

(1) The power to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;

(2) The power to execute warrants and other processes, to arrest without warrant, to board and search vessels and other conveyances without warrant, and to enter private lands within a distance of twenty-five miles of any external boundary of the United States without warrant to prevent the illegal entry of aliens into the United States;

(3) The power to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of the Immigration and Nationality Act and the administration of the Service; and

(4) The power to conduct a search, without warrant, of the person, and of the personal effects in the possession of any person seeking admission to the United States.

(d) *Disposition of felony cases.* The cases of persons arrested for felonies under paragraph (4) of section 287 (a) of the Immigration and Nationality Act shall be handled administratively in accordance with the applicable provisions of § 287.2, but in no case shall there be prejudiced the right of the person arrested to be taken without unnecessary delay before another near-by officer empowered to commit persons charged with offenses against the laws of the United States.

(e) *Power to arrest persons who bring in, transport, or harbor certain aliens, or induce them to enter.* Any immigration officer shall have authority to make arrests for violations of any provision of section 274 of the Immigration and Nationality Act.

(f) *Patrolling the border.* The phrase "patrolling the border to prevent the illegal entry of aliens into the United States" as used in section 287 of the Immigration and Nationality Act means conducting such activities as are customary, or reasonable and necessary, to prevent the illegal entry of aliens into the United States.

PART 337—OATH OF ALLEGIANCE

Paragraph (a) of § 337.1 is amended to read as follows:

§ 337.1 *Oath of allegiance.*—(a) *Form of oath.* Except as otherwise provided in the Immigration and Nationality Act, a petitioner or applicant for naturalization shall, before being admitted to citizenship, take in open court the following oath of allegiance, to which he shall thereafter affix his signature on his petition or application for naturalization:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; or that I will perform noncombatant service in the armed forces of the United States when required by the law; or that I will perform work of national im-

portance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God. (Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Acts of 1942.

This order shall become effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to interpretative rules or to matters of agency management or procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

HERBERT BROWNELL, Jr.,
Attorney General.

JUNE 11, 1953.

Recommended: June 2, 1953.

ARGYLE R. MACKEY,
Commissioner of
Immigration and Naturalization

[F. R. Doc. 53-5452; Filed, June 18, 1953;
8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Reg. No. SR-396]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of June 1953.

Special Civil Air Regulation SR-382 which terminates June 30, 1953, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. At the time SR-382 was adopted it was anticipated that the revision of Parts 40 and 61, which incorporate similar provisions, would be in effect prior to June 30, 1953. Although revised Part 40 was recently adopted by the Board, it will not become effective until October 1, 1953. It is therefore desirable to extend the rules provided in SR-382 until October 1, 1953, at which time revised Part 40 will apply.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any

person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective immediately:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W and 14,500 feet above sea level west of longitude 100° W shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.45, § 61.252, or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of § 60.21, § 60.43, § 60.47, and § 61.171 (c), except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-382 and shall terminate October 1, 1953, unless sooner superseded or rescinded.

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

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-5451; Filed, June 18, 1953; 8:51 a. m.]

[Supp. 10]

PART 43—GENERAL OPERATION RULES

VALIDITY PERIOD OF A MEDICAL CERTIFICATE

The purpose of this interpretation is to clarify the validity period of a medical certificate or renewal issued as evidence that the physical requirements have been met for the appropriate pilot rating.

Section 43.41-1 is adopted to read as follows:

§ 43.41-1 *Medical certificate and renewal (CAA interpretations which apply to § 43.41).* A medical certificate becomes valid on the date the physical examination is conducted, and continues in effect for the remainder of that month plus the number of calendar months specified in § 43.41. A calendar month includes that period of time extending from the first day of any month as de-

lineated by the calendar through the last day thereof. As an example, if an air-line transport pilot is issued a first class medical certificate on any day during January, he must renew such certificate within six calendar months, i. e., before July 31, in order to exercise the privileges of an air-line transport pilot rating after that date.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1008, as amended; 49 U. S. C. 552)

This interpretation shall become effective June 30, 1953.

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

[F. R. Doc. 53-5426; Filed, June 18, 1953; 8:45 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 Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141; 18 F. R. 351) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 1205, 2784) are amended as set forth below:

1. In § 141.59, *Penicillin-streptomycin-bacitracin dental paste* * * *, paragraph (a) is amended to read:

(a) *Potency.* Proceed as directed in § 141.49 (a).

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

2. Section 146.51 *Buffered penicillin powder* * * * is amended as follows:

a. In § 146.51, paragraph (a) *Standards of identity* * * * is amended by inserting in the first sentence, between the words "buffer substances," and "with or without", the words "with or without probenecid,".

b. In § 146.51, paragraph (b) *Packaging* is amended by inserting in the last sentence, between the words "aqueous vehicle," and "with or without", the words "with or without probenecid, and".

c. Section 146.51 (c) (1) (iii) is amended to read:

(c) *Labeling.* * * *

(1) * * *

(iii) If the batch contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in the immediate container;

d. Section 146.51 (c) (3) is amended to read:

(3) On the label and labeling if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "buffered penicillin powder," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

e. Section 146.51 (d) (3) (iii) is amended to read:

(d) *Request for certification* * * *

(3) * * *

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

3. Section 146.205 *Aureomycin powder* * * * is amended as follows:

a. Section 146.205 (c) (1) (ii) is amended to read:

(c) *Labeling.* * * *

(1) * * *

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

b. Section 146.205 (d) (3) (i) is amended to read:

(d) *Request for certification* * * *

(3) * * *

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 5 or more than 12 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than five 1.0-gram portions or more than twelve 1.0-gram portions, except if it is intended for use as an ingredient in the drinking water of animals, each portion in the sample submitted shall consist of 1 ounce in lieu of 1.0 gram. Such sample shall be collected by taking single immediate containers, 1.0-gram portions, or 1-ounce portions at such intervals throughout the entire time the containers are being filled that the quantities filled during the intervals are approximately equal.

c. Section 146.205 (e) (1) is amended to read:

(e) *Fees.* * * *

(1) \$4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

4. In § 146.414 *Bacitracin-neomycin with vasoconstrictor* * * *, paragraph (a) (2) is amended by adding the following new sentence: "Furthermore, in lieu of the 1-week storage statement for the solution prescribed by § 146.405 (c) (2) (iv), the labeling may bear a 3-week storage statement if the person who requests certification has submitted to the

RULES AND REGULATIONS

Commissioner results of tests and assays showing that solutions of the drug as prepared by him are stable for such period of time after storage at room temperature."

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

This order, which provides for an improved method of assay for penicillin-streptomycin-bacitracin dental paste; the optional use of probenecid in the manufacture of buffered penicillin powder; certification of aureomycin powder intended solely for use as an ingredient in the drinking water of animals; a reduction in the number of immediate containers of aureomycin powder required to be submitted for certification-test purposes from a minimum of 20 and a maximum of 100 to a minimum and maximum of 5 and 12, respectively, and an increase in the certification fee for each immediate container of this preparation in the certification sample; and a change in the labeling provisions for bacitracin-neomycin with vasoconstrictor, which authorizes storage of solutions prepared from the drug for a period of 3 weeks at room temperature if the person who requests certification has proved his drug to be stable for such period of time, 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 amendments set forth above.

Dated: June 15, 1953.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 53-5449; Filed, June 18, 1953;
8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

REVISION

The rules of practice and procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 129), to which Code reference should be made for all Articles cited herein, and which were revised at 17 F. R. 2046, 11195, are hereby further revised to read as follows:

GENERAL

Sec.	
1800.1	Name.
1800.2	Seal.
1800.3	Jurisdiction.
1800.4	Scope of review.
1800.5	Quorum.
1800.6	Process.
1800.7	Parties.

CLERK'S OFFICE

Sec.	
1800.8	Clerk.
1800.9	Docket.

ADMISSIONS

1800.10	Professional requirements.
1800.11	Application form.
1800.12	Certificate.
1800.13	Oath.
1800.14	Motions.

APPEARANCE AND ASSIGNMENT OF COUNSEL

1800.15	Entry of appearance by counsel.
1800.16	Assignment of counsel.

APPEALS

1800.17	Methods of appeal.
1800.18	Form of Petition for Grant of Review.
1800.19	Form of Certificate for Review.
1800.20	Form of Assignment of Errors or petition.
1800.21	Reply to Petition for Grant of Review.

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

1800.22	Petition for Grant of Review (Article 67 (b) (3) cases).
1800.23	Certificate for Review (Article 67 (b) (2) cases).
1800.24	Assignment of Errors or petition (Article 67 (b) (1) cases).
1800.25	Pleadings or other papers.
1800.26	Computation of time.
1800.27	Enlargement.
1800.28	Motions.
1800.29	Additional time when service is by mail.
1800.30	Continuances and interlocutory matters.

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

1800.31	Filing.
1800.32	Copies.
1800.33	Style.
1800.34	Record references.
1800.35	Signature.
1800.36	Service.

BRIEFS

1800.37	Form of brief.
1800.38	Brief in support of Petition for Grant of Review (Article 67 (b) (3) cases).
1800.39	Brief in support of Certificate for Review (Article 67 (b) (2) cases).
1800.40	Brief in support of Assignment of Errors or petition (Article 67 (b) (1) cases).
1800.41	Brief in support of petition granted.

HEARINGS

1800.42	Petition for Grant of Review.
1800.43	Motions.
1800.44	Oral argument.
1800.45	Notice of hearing.

PETITION FOR REHEARING, MODIFICATION, OR RECONSIDERATION

1800.46	Time requirement on filing.
1800.47	Contents.
1800.48	Oral argument.

PETITION FOR NEW TRIAL

1800.49	Filing.
1800.50	Notice of reference.
1800.51	Proceedings.
1800.52	Additional investigation.
1800.53	Answer.
1800.54	Briefs.
1800.55	Oral argument.

MANDATES

1800.56	Issuance.
1800.57	Petition denied.

OPINIONS

1800.58	Filing.
1800.59	Reproduction and distribution.

AUTHORITY: §§ 1800.1 to 1800.59 issued under Art. 67, 64 Stat. 129; 50 U. S. C. 654.

GENERAL

§ 1800.1 *Name.* The Court adopts "United States Court of Military Appeals" as the title of the Court.

§ 1800.2 *Seal.* The seal of the Court is of the following description:

In front of a silver sword, point up, a gold and silver balance supporting a pair of silver scales, encircled by an open wreath of oak leaves, green with gold acorns; all on a grey blue background and within a dark blue band edged in gold and inscribed "United States Court of Military Appeals" in gold letters. (E. O. 10295, September 28, 1951, 16 F. R. 10011.)

§ 1800.3 *Jurisdiction.* The Court will review the record in the following cases:

(a) *General or flag officers; death sentences.* All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer, or extends to death;

(b) *Certified by The Judge Advocate General.* All cases reviewed by a board of review which The Judge Advocate General forwards by Certificate for Review to the Court; and,

(c) *Petitioned by the accused.* All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, the Court has granted a review, except those reviewed under Article 69.

§ 1800.4 *Scope of review.* The Court will act only with respect to the findings and sentence as approved by the convening or reviewing authority, and as affirmed or as set aside as incorrect in law by a board of review. In those cases which The Judge Advocate General forwards to the Court by Certificate For Review, action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, action need be taken only with respect to issues specified by the Court in the grant of review. The Court may, in any case, however, review other matters of law which materially affect the rights of the parties. The points raised in the Court will involve only errors in law.

§ 1800.5 *Quorum.* Two of the judges shall constitute a quorum. The concurrence of two judges shall be required for the rendition of a final decision or the allowance or denial of a Petition for Grant of Review. In the absence of a quorum, any judge may make all necessary orders relating to any matter pending before the Court relative to the filing of papers or preparatory to a hearing or decision thereon. If, at any time, a quorum is not present on any day appointed for holding a hearing, any judge present may adjourn the Court from time to time, or, if no judge is present, the Clerk may adjourn Court from day to day.

§ 1800.6 *Process.* All process of the Court, except mandates, shall be in the name of the President of the United States, and shall contain the given names as well as the surname of the parties.

§ 1800.7 *Parties.* The accused will be deemed to be the appellant in all cases except those in which The Judge Advocate General has certified a decision of a board of review in which a finding of guilty is set aside. In such cases, the United States shall be deemed the appellant.

CLERK'S OFFICE

§ 1800.8 *Clerk—(a) Location of office.* The Clerk of the Court shall keep the office at the seat of the National Government, Washington, D. C.

(b) *Restriction on incumbent.* He shall not practice as attorney or counsellor in any court while he continues in office.

(c) *Oath of office.* Before he enters on the execution of his office, he shall take an oath in the form prescribed by 28 U. S. C. 951, which reads:

I, _____, having been appointed _____, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments, and proceedings of such Court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.

(d) *Custodian of records.* He shall not permit an original record, pleading, or other paper relative to a case to be taken from the Courtroom or from the office without an order from a judge of the Court.

(e) *Hours.* The office of the Clerk will be open from 9 a. m. to 4 p. m. every week-day except holidays and Saturdays. On Saturdays, the office of the Clerk will be open from 9 a. m. to 12 noon.

§ 1800.9 *Docket—(a) Maintenance of docket.* The Clerk shall maintain in his office a docket, in which shall be entered the receipt of all pleadings or other papers filed, and any action by the Court relative to a case. Entries in the docket shall be noted chronologically on the page or pages assigned to the case, showing briefly the date, the nature of each pleading or other paper filed, and the substance of any action by the Court.

(b) *Docket number.* Upon receipt of either the Petition for Grant of Review, the Certificate for Review, or the Assignment of Errors or petition, the case shall be assigned a docket number. All pleadings or other papers subsequently filed in the case shall bear this number.

(c) *Notice of docketing.* The Clerk shall promptly notify The Judge Advocate General of the service concerned, and the accused or his appellate counsel, of the receipt and docketing of the case, including the docket number assigned.

ADMISSIONS

§ 1800.10 *Professional requirements.* It shall be requisite to the admission of a person to practice in the Court that he be a member of the bar of a Federal court or of the highest court of a State.

§ 1800.11 *Application form.* In order to appear before the Court, an application shall be filed with the Clerk on a form supplied by him, which form shall be available upon request.

§ 1800.12 *Certificate.* In addition, the applicant shall file a current certificate from the presiding judge or clerk of the proper court that the applicant is a member of the bar and that his private and professional character appear to be good or, in lieu thereof, a certificate by The Judge Advocate General containing substantially the same information.

§ 1800.13 *Oath.* Upon being admitted, each applicant shall take in open court the following oath or affirmation, viz:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; and, that I will demean myself, as an attorney and counsellor of this Court, uprightly, and according to law.

§ 1800.14 *Motions.* Admissions will be granted upon motion of the Court or upon oral motion by a person admitted to practice before the Court, on any day the Court holds a regular session.

APPEARANCE AND ASSIGNMENT OF COUNSEL

§ 1800.15 *Entry of appearance by counsel—(a) In writing.* Civilian and military appellate counsel shall file an entry of appearance in writing before participating in a case.

(b) *Filing of pleading or other paper.* The filing of any pleading or other paper relative to a case will constitute such an entry of appearance.

§ 1800.16 *Assignment of counsel.* Whenever a record of trial is forwarded by The Judge Advocate General for review, he shall immediately designate appellate Government counsel, and shall immediately designate appellate defense counsel, unless he has been notified that the accused desires to be represented before the Court by civilian counsel.

APPEALS

§ 1800.17 *Methods of appeal.* Cases shall be appealed to the Court by one of the following methods:

(a) *Cases under Article 67 (b) (3).* All cases under Article 67 (b) (3) shall be appealed by a Petition for Grant of Review, and such petition shall be substantially in the form provided in § 1800.18.

(b) *Cases under Article 67 (b) (2).* All cases under Article 67 (b) (2) shall be forwarded by The Judge Advocate General by a Certificate for Review, and such certificate shall be substantially in the form provided in § 1800.19.

(c) *Cases under Article 67 (b) (1).* All cases under Article 67 (b) (1) shall be forwarded by The Judge Advocate General accompanied by an Assignment of Errors or a petition of the accused urged by appellate counsel for the accused substantially in the form provided in § 1800.20.

§ 1800.18 *Form of Petition for Grant of Review.* The Petition for Grant of Review under Article 67 (b) (3) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

PETITION FOR GRANT OF REVIEW

Board of Review No. _____ Docket No. _____

UNITED STATES, APPELLEE,

v.

_____, APPELLANT

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article _____, and having been sentenced to _____, on _____, at _____, by _____, and said sentence having been approved by the convening authority and affirmed by a Board of Review on _____, hereby petitions the United States Court of Military Appeals for a grant of review of the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (3).

2. Insert either (A) or (B), whichever is applicable:

(A) (If accused desires counsel appointed by The Judge Advocate General):

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him in processing this Petition for Grant of Review, and during the review, if the same be granted by the United States Court of Military Appeals."

(B) (If accused desires to retain other counsel):

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him, in association with his privately retained counsel, named below, to the extent such privately retained counsel may desire. Name and address of privately retained counsel _____"

3. The accused contends that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired.)

4. The accused was notified of the decision of the Board of Review on the ____ day of _____, 19__.

(Accused) or (Appellate Counsel for Accused)

Address

Received a copy of the foregoing Petition for Grant of Review this ____ day of _____, 19__.

For The Judge Advocate General

§ 1800.19 *Form of Certificate for Review.* The Certificate for Review under Article 67 (b) (2) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

CERTIFICATE FOR REVIEW

Board of Review No. _____ Docket No. _____

UNITED STATES (APPELLEE) (APPELLANT)

v.

_____, (APPELLANT) (APPELLEE)

To the Honorable, the Judges of the United States Court of Military Appeals:

1. Pursuant to the Uniform Code of Military Justice, Article 67 (b) (2), the record of trial, and the decision of the Board of Review, United States _____, in the above-entitled case, are forwarded for review.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article _____, was sentenced to _____, on _____, at _____, by _____. The sentence was approved by the convening authority and affirmed by a Board of Review on the ____ day of _____, 19__.

3. It is requested that action be taken with respect to the following issues:

The Judge Advocate General

Received a copy of the foregoing Certificate for Review this ____ day of _____, 19__.

Appellate Government
Counsel

Address

Appellate Defense Counsel

Address

§ 1800.20 *Form of Assignment of Errors or petition.* The Assignment of Errors or petition under Article 67 (b) (1) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

(ASSIGNMENT OF ERRORS) OR (PETITION)

Board of Review No. _____ Docket No. _____

UNITED STATES, APPELLEE,

v.

APPELLANT,

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article _____, and having been sentenced to _____, on _____, at _____, by _____, and said sentence having been approved by the convening authority and affirmed by a Board of Review on _____, hereby (presents an Assignment of Errors directed to) or (petitions from) the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (1).

2. It is contended that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired.)

3. The accused was notified of the decision of the Board of Review on the ____ day of _____, 19__.

(Appellate counsel for accused)
or (Accused)

Address

Received a copy of the foregoing (Assignment of Errors) or (petition) this ____ day of _____, 19__.

For The Judge Advocate General

§ 1800.21 *Reply to Petition for Grant of Review—(a) Time requirement.* Within 15 days after the filing of a Petition for Grant of Review by an accused under Article 67 (b) (3), appellate Government counsel shall file a reply to the original petition stating his views with respect to the merits of the errors of law raised in the petition and why he believes the petition should not be granted.

(b) *Form.* This reply shall be similar in form to the petition, and brief of the accused, should one be filed, except that if the appellate Government counsel disagrees with the statement of facts, or desires to supplement it with additional facts, he shall start his reply with new information.

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

§ 1800.22 *Petition for Grant of Review (Article 67 (b) (3) cases)—(a) Time*

requirement. The accused shall file a Petition for Grant of Review within 30 days after receipt of the decision of a board of review in cases appealed to the Court under Article 67 (b) (3).

(b) *Postmark; deposit in military channels.* A petition for Grant of Review shall be deemed to have been filed upon the date postmarked on the envelope containing the petition, or upon the date when the petition is deposited in military channels for transmittal.

(c) *Forwarded through The Judge Advocate General.* A Petition for Grant of Review should be forwarded through The Judge Advocate General of the service concerned.

§ 1800.23 *Certificate for Review (Article 67 (b) (2) cases).* The Judge Advocate General shall file a Certificate for Review within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (2).

§ 1800.24 *Assignment of Errors or petition (Article 67 (b) (1) cases).* The accused or his appellate counsel shall file an Assignment of Errors or petition within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (1).

§ 1800.25 *Pleadings or other papers.* All pleadings or other papers relative to a case, transmitted by mail or other means for filing in the office of the Clerk, shall not be deemed to have been filed until received in his office. (For exception relative to the filing of a Petition for Grant of Review see § 1800.22.)

§ 1800.26 *Computation of time.* In computing any period of time prescribed or allowed by this part, by order of Court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

§ 1800.27 *Enlargement.* When by this part or by notice given thereunder, or by order of Court, an act is required or allowed to be done at or within a specified time, the Court for cause shown may at any time in its discretion:

(a) *Before expiration of period prescribed or extended.* With or without motion or notice, order the period extended if request therefor is made before the expiration of the period as originally prescribed or as extended by previous order; or

(b) *After expiration of specified period.* Upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect, but the time for filing a Petition for Grant of Reviews as prescribed in Article 67 (c) and § 1800.22 will not be extended.

§ 1800.28 *Motions.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Any

opposition to a motion shall be filed within 5 days after receipt of service of the motion on the moving party.

§ 1800.29 *Additional time when service is by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice, pleading, or other paper relative to a case when such service is made upon him by mail, 3 days shall be added to the prescribed period if the party upon whom the service is made is within the continental limits of the United States, and 15 days shall be added thereto if the party is located outside those limits.

§ 1800.30 *Continuances and interlocutory matters.* The Court may extend any times prescribed by this part, may grant continuances and postponements from time to time, and may take such other action the Court considers necessary for a full, fair, and expeditious disposition of a case.

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

§ 1800.31 *Filing.* All pleadings or other papers relative to a case shall be filed in the office of the Clerk.

§ 1800.32 *Copies.* An original and four legible copies of all pleadings or other papers relative to a case shall be filed.

§ 1800.33 *Style.* All pleadings or other papers relative to a case shall be printed or typewritten.

(a) *If printed.* They shall be in such form and size that they can be conveniently bound together.

(b) *If typewritten.* They shall be double-spaced on legal cap white paper securely fastened at the top.

§ 1800.34 *Record references.* All record references shall show page numbers and any exhibit designations.

§ 1800.35 *Signature.* All pleadings or other papers relative to a case shall be signed and shall show the name and address of the person signing, together with his military rank, if any, and the capacity in which he signs the paper. Such signature shall constitute a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the pleading or paper, and that the pleading or paper is filed in good faith and not for the purpose of unnecessary delay.

§ 1800.36 *Service—(a) In general.* Prior to the filing of any pleading or other paper relative to a case in the office of the Clerk, service of a copy of the same shall be made on the opposing party. In the case of a Certificate for Review, service of a copy thereof shall be made on appellate Government counsel and the accused or his appellate counsel.

(b) *By mail.* Any pleading or other paper filed relative to a case may be served on opposing party by mail. When service by mail is used a certificate shall be included in the original pleading or other paper filed substantially in the following form:

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to counsel for the _____ on the _____ day of _____, 19____.

Name

Address

Counsel for -----

BRIEFS

§ 1800.37 *Form of brief.* All briefs shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

BRIEF ON BEHALF OF (ACCUSED) (UNITED STATES)

Board of Review No. _____ Docket No. _____

UNITED STATES (APPELLANT) (APPELLEE)

v.

(APPELLEE) (APPELLANT)

Index of Brief

(Omit index if brief is less than ten pages)

Statement of Facts

(Set forth a concise statement of the facts of the case material to the issues concerning which any error is assigned. Portions of the record and other matters of evidentiary nature shall not be included in this statement. Pertinent portions of the statement of facts in briefs of appellate counsel or the decision of the Board of Review may be utilized.)

Assignment of Errors

(Here set forth each error assigned in the Petition for Grant of Review, or each issue raised in the Certificate for Review, or each error assigned in the Assignment of Errors or Petition, or each issue specified by the Court.)

Argument

(Discuss briefly the points of law presented, citing and quoting such authorities as are deemed pertinent.)

Conclusion

Insert (A), (B) or (C), whichever is applicable:

(A) "For the reasons stated the accused is entitled to a grant of review under the provisions of the Uniform Code of Military Justice, Article 67 (b) (3)."

(B) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (2)."

(C) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (1)."

Signature of Counsel

Address

Received a copy of the foregoing brief this _____ day of _____, 19____.

For The Judge Advocate General

§ 1800.38 *Brief in support of Petition for Grant of Review (Article 67 (b) (3) cases.)* If desired, a brief may accompany a Petition for Grant of Review.

§ 1800.39 *Brief in support of Certificate for Review (Article 67 (b) (2) cases.)*—(a) *By appellant.* A brief shall be filed by appellant in support of a Certificate for Review within 20 days of the filing of such certificate.

No. 119—4

(b) *By appellee.* Appellee's brief shall be filed within 20 days of the filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.40 *Brief in support of Assignment of Errors or petition (Article 67 (b) (1) cases.)*—(a) *By appellant.* A brief shall be filed by appellant in support of an Assignment of Errors or petition within 30 days of the filing of such Assignment or petition.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.41 *Brief in support of petition granted.* A brief in support of a petition granted shall be filed on issues raised by parties, or specified by the Court.

(a) *By appellant.* A brief shall be filed by appellant within 30 days of the entry of the order of the Court granting review.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

HEARINGS

§ 1800.42 *Petition for Grant of Review.* Except when ordered by the Court, oral argument will not be permitted on a Petition for Grant of Review.

§ 1800.43 *Motions.* Except when ordered by the Court, oral argument will not be permitted on motions.

§ 1800.44 *Oral argument.* Oral argument will be heard after briefs have been filed in accordance with §§ 1800.39, 1800.40 or 1800.41.

(a) *Presentation.* The appellant shall be entitled to open and close the argument; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(b) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the Court otherwise orders.

(c) *Time.* Not more than 30 minutes on each side shall be allowed for oral argument unless the time is extended by leave of Court.

(d) *Failure of counsel to appear.* If counsel fail to appear at the time set for oral argument the Court may consider the case as having been submitted without argument or, in its discretion, continue the case until a later date.

(e) *Failure of counsel for one party to appear.* If counsel for one party fails to appear the Court may hear oral argument from the counsel appearing or, in its discretion, continue the case until a later date.

(f) *Waiver of oral argument.* A case may be submitted on briefs without oral argument with permission of the Court.

§ 1800.45 *Notice of hearing.* The Clerk shall give at least 10 days' notice

in writing of the time and place for any hearing.

PETITION FOR REHEARING, MODIFICATION, OR RECONSIDERATION

§ 1800.46 *Time requirement on filing.* (a) A petition for rehearing, modification, or reconsideration shall be filed within 5 days from receipt of notice of entry of an order, decision, or opinion by the Court.

(b) Any reply to a petition shall be filed by the opposing party within 5 days after receipt of service of the petition.

§ 1800.47 *Contents.* The petition for rehearing, modification, or reconsideration shall state briefly and directly its grounds and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

§ 1800.48 *Oral argument.* Except when ordered by the Court, oral argument will not be permitted on a petition for rehearing, modification, or reconsideration.

PETITION FOR A NEW TRIAL

§ 1800.49 *Filing.* A petition for new trial shall be filed with The Judge Advocate General of the service concerned.

§ 1800.50 *Notice of reference.* Upon receipt from The Judge Advocate General of a petition for new trial in a case pending before the Court, the Clerk shall notify the accused or his counsel of such receipt.

§ 1800.51 *Proceedings.* The proceedings on a petition for new trial referred to the Court under the provisions of Article 73 will be in accordance with this part except as stated in §§ 1800.49 to 1800.55.

§ 1800.52 *Additional investigation.* The Court on considering a petition for new trial may refer the matter to a referee to make further investigation, to take evidence and to make such recommendations to the Court as he deems appropriate.

§ 1800.53 *Answer.* Appellee shall file an answer to a petition for new trial within 10 days after receipt of notification by the Clerk of the docketing of the petition.

§ 1800.54 *Briefs.*—(a) *By appellant.* Any brief in support of a petition for new trial shall be filed within 10 days of appellee's answer. If appellee fails to file an answer, appellant may file a brief within 10 days after the expiration of the time allowed for the filing of appellee's answer.

(b) *By appellee.* Appellee's brief shall be filed within 10 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 10 days after the expiration of the time allowed for the filing of appellant's brief.

§ 1800.55 *Oral argument.* Except when ordered by the Court oral argument will not be permitted on a petition for new trial.

MANDATES

§ 1800.56 *Issuance.* Mandates shall issue after the expiration of 10 days from

the day the opinion of the Court is filed with the Clerk, unless a petition for rehearing or modification is filed, or the time is shortened or enlarged by order of the Court.

§ 1800.57 *Petition denied.* No mandate shall issue upon the denial of a Petition for Grant of Review. Whenever a Petition for Grant of Review is denied, the Clerk shall enter an order to that effect and shall forthwith notify The Judge Advocate General of the service concerned and counsel of record.

OPINIONS

§ 1800.58 *Filing.* All opinions of the Court shall be filed with the Clerk for preservation.

§ 1800.59 *Reproduction and distribution.* The reproduction, printing, and distribution of all opinions shall be pursuant to the direction of and under the supervision of the Clerk.

These revised rules shall be effective May 31, 1953.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 53-5440; Filed, June 18, 1953;
8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SUICIDE AS RESULT OF SERVICE-CONNECTED MENTAL UNSOUNDNESS; BASIC REQUIRE- MENTS OF SERVICE AND DEATH

1. A new § 4.19a is added as follows:

§ 4.19a *Suicide as result of service-connected mental unsoundness—(a) General definition and question.* (1) In order for suicide to constitute willful misconduct, the act of self-destruction must be intentional.

(2) A person of unsound mind is incapable of forming an intent (*mens rea*, or guilty mind, which is an essential element of crime or willful misconduct).

(3) In determining willful misconduct in a case of suicide under Veterans' Administration regulations and procedure, the question for determination is whether the person was of sound mind or unsound mind at the time of the commission of the act of self-destruction.

(4) It is a constant requirement for favorable action under this section that the mental unsoundness, when shown, be service-connected or due to service-connected disability.

(b) *Evidence of mental unsoundness.* (1) Whether a person, at the time of suicide, was so unsound mentally that he did not realize the consequences of such an act, or was unable to resist such impulse, is a question to be determined in each individual case, based on all available lay and medical evidence pertain-

ing to his mental condition at the time of suicide.

(2) The act of suicide is not in itself sufficient to justify a finding of mental unsoundness. Perhaps the majority of those who take their own lives are suffering from a pronounced emotional upheaval at the time and not infrequently for a period of time prior to the actual commission of the act. However, certainly not all who commit suicide are unsound mentally at the time. It is believed that there are certain individuals in our culture who are prompted to commit suicide (and actually accomplish the act) because of some ethical code which completely dominates their behavior. There are others, who might be classified as pathological personality types but who are neither psychotic nor neurotic, who make preparations for suicide for the purpose of impressing others and then, through some accidental happening, actually accomplish the act.

(3) In instances of suicide not otherwise attributable to an intent to secure monetary benefits, to escape punishment or disgrace, or to other environmental stresses, mental unsoundness should generally be conceded when medical examination has demonstrated a psychosis or a psychoneurosis with disturbance of behavior or other psychiatric manifestations frequently symptomatic of an acquired mental disorder recognized as causing mental unsoundness, and it is held that the person had such mental disorder at the time of suicide. Also, mental unsoundness should generally be conceded when organic brain disease is known to exist. In the absence of a record of the existence of a definite psychiatric disorder prior to suicide, a finding of mental unsoundness at the time of suicide will be warranted where there is satisfactory lay or medical evidence of a change of personality with disturbance of behavior or other psychiatric manifestations symptomatic of an acquired mental disorder recognized as causing mental unsoundness, and it is held that such mental disorder existed at the time of suicide. The existence of a character and behavior disorder (psychopathic personality) or primary mental deficiency should not be considered as establishing mental unsoundness. However, a finding of mental unsoundness would be warranted when the evidence shows symptoms of a superimposed, acquired mental disorder recognized as causing mental unsoundness, and it is held that such acquired mental disorder was present at the time of suicide.

(4) In instances of suicide otherwise attributable to an intention of maturing insurance, or securing other monetary benefits, or of escaping punishment or disgrace, a finding of mental unsoundness should not be made unless it is shown that an acquired mental disorder recognized as causing mental unsoundness was existent at the time of the act or circumstance on account of which suicide was committed.

(5) In instances of suicide apparently attributable to ill health and without a medical record or other acceptable evidence of definite psychiatric disorder, as outlined in subparagraphs (3) and (4)

of this paragraph, consideration should be given to the nature and extent of the disease or injury and concomitant symptoms causing ill health, in relation to a determination as to whether an acquired mental disorder of toxic or other etiology had developed and was such as to warrant a finding of mental unsoundness at the time of suicide.

(6) In instances of suicide apparently attributable to the loss of a member of one's family, consideration should be given to all available lay and medical evidence pertaining to the person's mental condition in determining whether suicide is attributable to the development of an acquired mental disorder recognized as causing mental unsoundness and warranting a finding that such mental disorder was existent at the time of suicide.

(7) In instances of suicide otherwise attributable to such factors as marital discord, loss of fortune, or other catastrophe, a finding of mental unsoundness might be warranted, providing medical examination has demonstrated disturbances of conduct or other symptoms showing an acquired mental disorder recognized as causing mental unsoundness or where there is other competent evidence clearly showing a change in personality with disturbances of behavior or other manifestations characteristic of such mental disorder, and it is held that this condition was existent at the time of suicide. In other words, before a finding of mental unsoundness is made of cases of suicide apparently due to such environmental stresses, it should be clearly shown that a significant change had taken place in the personality of the individual, resulting in the development of an acquired mental disorder recognized as causing mental unsoundness, and that such disorder was existent at the time of suicide.

(8) Section 3.65 of this chapter should be considered in cases involving diseases or injuries of willful misconduct origin within the purview of § 3.65 of this chapter.

(c) *Evaluation of evidence.* (1) In any case where the rating agency, after consideration of all the evidence and the provisions of this section, with special consideration given to paragraph (d) of this section, is unable to reach a determination as to whether an acquired mental disorder recognized as causing mental unsoundness existed at the time of suicide, an advisory opinion may be secured by reference of the case to the nearest installation of the department of medicine and surgery having a psychiatric unit. Reference for advisory medical opinion may also be helpful in determining the etiology, character, and significance of any psychiatric symptomatology existent at the time of suicide in instances where the person was suffering from a service-connected malignant tumor, such as carcinoma or sarcoma or other profoundly symptomatic disease or injury with seemingly hopeless prognosis.

(2) In reference to service department records, in which information is furnished by an investigation officer or board as a result of an investigation of suicide, oftentimes conclusions are

reached that the veteran was morbid, depressed, worried, restless, and the like, with little or no testimony adduced or available to support such conclusions. Since the investigator or board was the Government's duly authorized representative to ascertain the facts, due credence should be given such evidence unless there is serious doubt or other contradictory evidence available to impeach the evidence detailed. Moreover, it must be borne in mind that the investigator or board may have had the advantage of firsthand observations and certain impressions that may be helpful in making a finding as to suicide and the mental status of the veteran, which may not be completely portrayed in the data set forth by the service department. (See § 3.66 of this chapter. Under existing policy, affirmative evidence is considered necessary to justify reversal of service department findings where Veterans' Administration criteria do not otherwise warrant contrary findings.)

(d) *Application of Public Law 361, 77th Congress.* In the individualization of each case, full consideration should be given the provisions of Public Law 361, 77th Congress, with particular reference to the stresses and strains of service, combat service, etc., in evaluating behavior contrasts, in arriving at the etiology of mental disease, and in determining mental unsoundness at the time of suicide. In the cases of suicide of veterans with such service hardships, very little definite proof of mental unsoundness should ordinarily be required. Each case should be decided upon its own merits in the light of common sense, with the benefit of reasonable doubt accorded the claimant, and with a view of substantial justice, both to the claimant and to the Government.

2. In § 4.300, paragraphs (a) (1), (2) and (b) are amended two read as follows:

§ 4.300 *Basic requirements of service and death.* (a) The servicemen's indemnity shall be payable based on active service rendered on or after June 27, 1950, where death occurred in active service or, where death occurred within 120 days after separation or release from active service, if the serviceman had been called to extended active duty, including a call to active duty for training purposes, for a period exceeding 30 days. The additional 120-day coverage extends to any serviceman called to active service for a period exceeding 30 days, notwithstanding the fact that any such person may have been separated or released from such active service prior to having served for a period exceeding 30 days. The character of separation or release from active service is not material. See, however, § 4.316. For the purposes of death in active service, the following service is included:

(1) Active service in the Army, Navy, Air Force, Marine Corps, and Coast Guard, or active service, including active duty for training purposes, in the Reserve components thereof. (In time of national emergency, the National Guard organizations or units of the various States, territories, and the District of Columbia may be mustered into the

Federal Service in answer to a call or order of the President of the United States. Service rendered after muster into the Federal Service is as a member of the Army or Air Force. When serving on such extended active duty in the Army or Air Force, the entitlement of guardsmen to indemnity is the same as that of the Regular Establishment and the Reserve components of the Armed Forces on extended active duty.)

(2) National Guard when called to active duty or active training duty for 14 days or more under sections 5, 81, 92, 94, 97 and 99 of the National Defense Act (act of June 3, 1916), as amended. For indemnity coverage, duty must be performed in the interests of the Federal Government, purely State duty being excluded. Accordingly, National Guardsmen called to active duty by the Governor of a State in connection with an emergency, such as flood relief, to quell a riot, or to impose martial law, are excluded.

(b) The servicemen's indemnity shall be payable where the serviceman is deemed to have been in active service at the time of his death, as follows:

(1) Persons who served on or after June 27, 1950, in the Reserve components, including the National Guard, while engaged in aerial flights in Government-owned or leased aircraft for any period with or without pay as an incident to their military or naval training; (there is no indemnity coverage while undergoing inactive training duty, such as assemblies for drill or instruction, except as comprehended under this subparagraph. Engagement in aerial flights in Government-owned or leased aircraft has to be an incident to military or naval training. Coverage is not confined to persons assigned as members of the crew on the flights, but extends to those persons designated as passengers who are engaged in aerial flights as part of their training duty, such as members of combat units (paratroopers), trainees, administrative and logistic personnel, etc. It is not the particular position they occupy in aerial flights but their status of training duty which determines whether they are deemed to be in active service under the provisions of this subparagraph. While "Government-owned or leased aircraft" is restricted to federally owned or leased aircraft, all military or naval aircraft are federally owned and title to all aircraft used by the various National Guards remains in the Federal Government. Accordingly, where it is shown that death occurred in a National Guard aircraft, it will not be necessary to secure further information as to Federal ownership or lease, in the absence of information to the contrary.)

(2) Persons (volunteers) who have been or are provisionally accepted on or after June 27, 1950, and directed to report to a place for final acceptance or for entry upon active duty in the military or naval service, and who died or shall die as the result of disability incurred while en route to such place and within 120 days after the incurrence of such disability; (the following categories are comprehended under this subpara-

graph: (i) Persons (volunteers) who have been or are provisionally accepted and directed to report to the place of final acceptance, and (ii) reservists of the Army, Air Force, Navy, Marine Corps, or Coast Guard called to active duty, including active for training purposes, subject to passing a final type physical examination prior to acceptance for such duty. Coverage of persons provisionally accepted (volunteers) is limited to those who died or shall die as a result of disability incurred while en route from the place of assembly to the induction station, and does not extend to travel to the place of assembly or to the period after rejection, including the return trip. Coverage of reservists under this subparagraph is limited to those cases in which the reservist is not placed on active duty, including active duty for training, prior to physical examination but is called to such duty subject to passing a final type physical examination, and does not extend to any period after rejection, including the return trip. Reservists who are called to active duty, including active duty for training, by the terms of their orders, but the duration of such duty is made conditional upon medical examination to determine their fitness for continuance on duty, are comprehended under paragraph (a) (1) of this section, by virtue of being in the active service.)

(3) Registrants (selectees) under the Selective Service Act of 1948, as amended (designated as the "Universal Military Training and Service Act" by Public Law 51, 82d Congress), who on or after June 27, 1950, in response to an order to report for induction into the Armed Forces and who, after reporting to a local draft board, died or dies as the result of disability incurred while en route from such draft board to a designated induction station and within 120 days after the incurrence of such disability. (Coverage of registrants (selectees) is limited to those who have died or shall die as a result of disability incurred while en route from the place of assembly or draft board to the induction station, and does not extend to travel to the place of assembly or draft board or to the period after rejection, including the return trip.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 428, 707)

This regulation is effective June 19, 1953.

[SEAL]

H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-5357; Filed, June 18, 1953; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—LETTER, CALL, AND LOCK BOXES, AND KEY DEPOSITS

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

RENT OF BOXES; POSTAGE DUE STAMPS

1. In § 27.7 *Rent of boxes* (18 F. R. 3172) amend paragraph (b) to read as follows:

(b) *Rent collected quarterly.* Box rents shall be collected at the beginning of each quarter for the entire quarter, but no longer. Ten days before the last day of each quarter, postmasters shall place a notice in each rented box that the rent is due and payable on or before the last day of the quarter. If a box holder fails to renew his right to his box on or before the last day of a quarter the box shall then be closed and offered for rent, and the mail placed in the general delivery, unless deliverable by carrier. In the case of a station or branch, the mail shall be held at that point for 10 days and if then not called for returned to the sender with suitable endorsement, if not deliverable by carrier. In the case of a known permanent resident who is temporarily absent and has filed a forwarding order for his mail, the box rent notice should be inclosed in an official penalty envelope and mailed to his forwarding address. Ample time for reply should be allowed before the closing and re-renting of such box. (See §§ 43.22 and 43.23 of this chapter.)

(R. S. 161, 396, 3901, 4052; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 279, 785)

2. In § 43.11 *Postage-due stamps* amend paragraph (b) to read as follows:

(b) *When to be affixed—*(1) *At other than city delivery post offices.* Postmasters at other than city delivery post offices shall not affix postage-due stamps to part-paid or unpaid matter of any class until the delivery thereof has been requested unless it is addressed for delivery on a rural route. (See § 52.35 of this chapter.)

(2) *At city delivery post offices.* At city delivery post offices postage-due stamps shall be affixed to all part-paid or unpaid mail of the first class received for delivery, unless a forwarding order is on file, in which case such matter prepaid at least one full rate shall be forwarded without affixing due stamps. Postage-due stamps shall not be affixed to part-paid or unpaid matter of the second, third, or fourth classes unless there is good reason to believe that the delivery thereof can be effected, as in the case of matter returned to publisher or that returned to sender under his pledge guaranteeing the payment of return postage. In cases where postage due is required on matter which is to be delivered through lock boxes or general delivery, the due stamps shall not be affixed until the deficient postage has been paid.

(R. S. 161, 396, 3898, as amended, 3900; sec. 9, 20 Stat. 358, as amended, sec. 26, 20 Stat. 361, as amended, sec. 5, 41 Stat. 583, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 272, 273, 274, 275, 278a, 280)

[SEAL]

ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-5432; Filed, June 18, 1953;
8:47 a. m.]

PART 52—RURAL DELIVERY

MANUFACTURE AND SALE OF BOXES

In § 52.80 *Manufacture and sale of boxes* amend the list of concerns in paragraph (c) by adding the following in proper alphabetical order:

Weatherford, J. E., & Son Tool & Die Co.,
115 North Fourth Street, Nashville, Tenn.

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

[SEAL]

ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-5434; Filed, June 18, 1953;
8:47 a. m.]

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

POLAND AND RUMANIA

a. In § 127.331 *Poland* amend paragraph (b) (5) by striking out subdivisions (ii), (iii), and (iv), and by inserting a new subdivision (ii) to read as follows:

(ii) Gift parcels are subject in Poland to fees and taxes on certain items of merchandise, and addressees must obtain import permits if specified quotas are exceeded. Interested mailers may obtain information on the subject from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

b. In § 127.341 *Rumania* amend paragraph (a) (8) to read as follows:

(8) *Observations.* (i) Rumania requires that two copies of the paper form of customs declaration (Form 2976-A), in addition to a commercial invoice, be properly completed and enclosed in each small packet.

(ii) See "Observations" under "Parcel Post" for restrictions on gift parcels, which also apply to gift packages in the Postal Union Mails.

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

[SEAL]

ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53-5433; Filed, June 18, 1953;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 898]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF
THE DEPARTMENT OF THE NAVY AS AERIAL
BOMBING RANGES IN CONNECTION WITH
NAVAL AUXILIARY AIR STATION AT FALLON,
NEVADA

By virtue of the authority vested in the
President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is
ordered as follows:

Subject to valid existing rights, the
public lands within the following-described
areas in Nevada are hereby withdrawn
from all forms of appropriation
under the public-land laws, including
the mining and mineral-leasing laws and
reserved for the use of the Department
of the Navy as aerial bombing ranges in
connection with the Naval Auxiliary Air
Station at Fallon, Nevada:

MT. DIABLO MERIDIAN

TARGET NO. 17

T. 16 N., R. 33 E.,
Sec. 2, SW $\frac{1}{4}$ and W $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 3, S $\frac{1}{2}$,
Sec. 4, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$,
Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 8, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$,
Secs. 9 and 10,
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and
SE $\frac{1}{4}$,
Secs. 12 to 17, inclusive,
Secs. 20 to 28, inclusive,
Sec. 29, NE $\frac{1}{4}$,
Sec. 33, NE $\frac{1}{4}$,
Secs. 34, 35 and 36.
T. 16 N., R. 34 E.,
Unsurveyed, will probably be, when surveyed, secs. 7 and 8, 17 to 20, inclusive, and 29 to 32, inclusive.

The areas described, including both
public and non-public lands, aggregate
approximately 21,400 acres.

TARGET NO. 18

T. 17 N., R. 27 E.,
Secs. 1, 2, and 3,
Sec. 11, E $\frac{1}{2}$,
Secs. 12 and 13,
Sec. 14, E $\frac{1}{2}$,
Secs. 23 to 26, inclusive,
Secs. 35 and 36.
T. 17 N., R. 28 E., unsurveyed,
Secs. 4 to 9, inclusive,
Secs. 16 to 20, inclusive,
Secs. 29 to 32, inclusive.

The areas described aggregate approximately 17,280 acres.

TARGET NO. 19

T. 15 N., R. 29 E.,
Secs. 1, 2 and 3,
Secs. 10 to 15, inclusive,
Secs. 22, 23 and 24.
T. 15 N., R. 30 E.,
Secs. 3 to 10, inclusive,
Secs. 15 to 22, inclusive.

The areas described aggregate approximately 17,331.64 acres.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed by the Department of the Navy for the purposes for which they are reserved.

This order shall take precedence over but not otherwise affect the departmental order of November 3, 1936, establishing Nevada Grazing District No. 3, so far as such order affects any of the above described public lands.

ORME LEWIS,

Acting Secretary of the Interior.

June 12, 1953.

[F. R. Doc. 53-5428; Filed, June 18, 1953;
8:46 a. m.]

[Public Land Order 899]

ALASKA

EXCLUDING CERTAIN LANDS FROM THE TONGASS NATIONAL FOREST AND RESERVING PORTIONS OF EXCLUDED LANDS FOR VARIOUS PUBLIC PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and by section 2380 of the Revised Statutes (43 U. S. C. 711) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The following-described areas in Alaska are hereby excluded from the Tongass National Forest, and the boundaries of the said forest are modified accordingly:

KAKE TOWNSITE

Beginning at a point at line mean high water on the east bank of Gunlock Creek due east from MC 1 USS 1871; thence:

S. 49° E., 112 chains, approximately, to west bank of a small unnamed creek;

Southwesterly, 10 chains, approximately, along west bank of unnamed creek to line mean high water on the east shore of Keku Strait;

Northwesterly along line of mean high water Keku Strait to corner 4 MC USS 963; N. 67° 43' E., 8.72 chains;

N. 22° 17' W., 19.00 chains;

S. 67° 43' W., 7.71 chains to corner 1 MC USS 963;

Northwesterly along line of mean high water to the place of beginning, containing approximately 122 acres more or less.

ELFIN COVE

Beginning at a point on mean high-tide line on the outer beach on the east side of the entrance of Elfin Cove, from which U. S. C. & G. Station "Finn" latitude 58° 11' 41" N., longitude 136° 20' 59" W., bears approximately S. 87° 30' W., 79.60 chains, thence by metes and bounds:

N. 50° 45' E., 1.00 chains;

S. 38° 30' E., 43.20 chains;

S. 50° 45' W., 23.50 chains;

N. 38° 30' W., 51.20 chains to a point on the mean high-tide line on the outer beach on the West side of entrance of Elfin Cove;

Northerly, 7.20 chains along mean high-tide line to point "Finn";

Southeasterly, Northeasterly, and Northwesterly, along mean high-tide line of Elfin Cove to point of beginning, and including two nearby adjacent islets located in the outer harbor of Elfin Cove and connected to the tract at low tide intervals.

The tract described contains approximately 80 acres.

2. The public lands at Kake, Alaska, described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for townsite purposes, to be hereafter disposed of under applicable townsite laws.

3. Subject to valid existing rights, including rights, if any, of Alaska natives, and to the provisions of existing withdrawals, the following-described tracts of public land, which are portions of the

area at Elfin Cove, Alaska, described in paragraph 1 of this order, and which are otherwise identified on a map of the said Elfin Cove on file in the Bureau of Land Management, Washington, D. C. (miscellaneous file No. 57300) are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved as follows:

(a) Under the jurisdiction of the Secretary of the Interior as public recreation, park, and campsite areas:

Lots 1, 3, 5, 36a, and 50.

The tracts described aggregate approximately 6.2 acres.

(b) Under the jurisdiction of the Secretary of Agriculture for use of the Forest Service, to provide egress and ingress for the adjacent National Forest lands:

Lot 40a.

The tract described aggregates approximately 0.4 acre.

4. Effective at 10:00 a. m. on the 35th day after the date of this order, any of the public lands at Elfin Cove, Alaska, described in paragraph 1 of this order, which are occupied by holders of permits from the Department of Agriculture, who own valuable improvements on the lands, are restored, subject to valid existing rights, for purchase as homesteads under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).

5. The status of the public lands within the area at Elfin Cove, Alaska, not reserved as provided in paragraph 3, or occupied as provided in paragraph 4, of this order, shall not be changed until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a ninety-one day preference-right period for filing such applications by veterans of World War II and others entitled to preference, or providing for the disposal of the lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a et seq.).

ORME LEWIS,

Acting Secretary of the Interior.

JUNE 15, 1953.

[F. R. Doc. 53-5431; Filed, June 18, 1953; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

CROSS REFERENCE: Section 187.90 (issued under Order No. M-22070, 5 F. R.

3892) has been superseded by Order No. M-83800, published in the issue of June 16, 1953, at 18 F. R. 3451, Section 187.90 now reads as follows:

§ 187.90 Suspension supplements.

(a) (1) All carriers subject to the publishing rules contained in §§ 187.0-10 (Tariff Circular MF No. 2), 187.21-187.47 (MF No. 3), and 186.0-186.15 (MP No. 3), and their duly appointed agents are hereby authorized to publish the following provisions in supplements announcing suspension of the rates, fares and other provisions of tariffs and schedules:

If this supplement is not canceled on or before (here insert date to which suspended), the effective date of the above-described suspended publication or publications remaining under suspension until that date is hereby postponed to the date upon which this supplement is canceled. The rates, fares, charges, classifications, rules, regulations, practices, and other provisions, continued in force by the above-mentioned order of suspension, will apply during the period of suspension and postponement unless and until lawfully changed.

(2) If the Commission has requested that the effective date of suspended matter be postponed beyond the period prescribed by its order, or orders, of suspension, or beyond the date to which postponement has been made under the authority of this special permission, the carrier or publishing agent may within the period of suspension or postponement file a supplement making the requested postponement effective on statutory notice whenever practicable, but in no case on less than one day's notice.

(3) When the Commission has found justified matter, the effective date of which is under postponement by authority of this permission, the carrier or publishing agent may within that period of postponement publish and file on not less than one day's notice, unless otherwise directed by the Commission, a supplement or revised page establishing the matter thus found justified.

Provided, That any supplement filed under this authority shall not include the announcement of suspension or postponement in more than one investigation and suspension docket.

Provided further, That matter under suspension or postponement will be disposed of promptly and in accordance with the decision of the Commission in the investigation and suspension proceeding.

(b) Publications filed under this authority must bear the following notation in conjunction with the particular matter to which this permission relates:

Tariff circular departure authorized by I. C. C. permission No. M-83800.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT OF MERCHANDISE

ELIMINATION OF REQUIREMENT OF REQUESTS AS PREREQUISITE TO FURNISHING VALUE INFORMATION

Notice is hereby given that, pursuant to the authority contained in section 251 of the Revised Statutes and sections 502 and 624 of the Tariff Act of 1930 (19 U. S. C. 66, 1502, 1624), and for the purpose of simplifying the filing and amendment of entries and the appraisement of merchandise, from the points of view of both importers and the Government, it is proposed to amend § 14.4 of the Customs Regulations of 1943 (19 CFR 14.4) to eliminate the requirement that value information be requested by importers as a prerequisite to the furnishing of such information by appraising officers, the terms of which proposed amendment, in tentative form, are as follows:

The requirement that value information be requested by importers as a prerequisite to the furnishing of such information by appraising officers has been found to serve little useful purpose in the majority of cases. It is, therefore, deemed advisable to permit appraising officers to furnish value information to importers whether or not the information has been specifically requested, except in a case when information has been withheld from the appraiser or there has been concealment or misrepresentation of facts.

Accordingly, § 14.4 of the Customs Regulations of 1943 (19 CFR 14.4), as amended, is hereby further amended as follows:

§ 14.4 *Furnishing information as to value.* An appraising officer may furnish to importers the latest information as to value in his possession, subject to the following conditions:

(a) Information shall be given only in regard to merchandise entered or to be entered at his port, and after its arrival, or upon satisfactory evidence that it has been exported and is en route to the United States.

(b) The information shall be given with the understanding and agreement that it is in no sense an appraisement or binding upon the appraiser's action on appraisement and with the further understanding that the importer will present all invoices, papers, documents, and other information relative to the value of the merchandise which may come into his possession or be available to him before the appraisement is completed or, if received after appraisement, before the expiration of the collector's appeal period provided for in section 501 of the Tariff Act of 1930, as amended.

(c) The furnishing of information by an appraising officer shall be predicated on cooperation by the importer. If the appraising officer has reason to believe that the importer has withheld information in his possession, or that he has otherwise attempted to conceal or misrepresent the facts or to deceive the appraiser as to the value of the mer-

chandise, such officer, with the approval of the appraiser, shall refuse to give any information to the importer with respect to the shipment involved.

(d) If the appraising officer concludes that the appraised value of an importation will differ from the entered value, he shall inform the importer as to the value at which appraisement is contemplated and the importer shall be afforded a reasonable opportunity to amend the entry, unless the appraising officer has reason to believe that the importer has withheld information or concealed or misrepresented the facts, as stated in paragraph (c) of this section.

(R. S. 251, secs. 502, 624, 46 Stat. 731, 759; 19 U. S. C. 66, 1502, 1624)

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 15, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.
[F. R. Doc 53-5450; Filed, June 18, 1953;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Tea, Formosan.
Needlework tapestries.
Cotton dolls.
Cotton pincushions.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 53-5532; Filed, June 18, 1953;
11:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Mississippi, in alphabetical order, add the counties "Coahoma," "Quitman," and "Tunica."

2. In Schedule B, under Mississippi, delete the counties "Coahoma," "Quitman," and "Tunica."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-5514; Filed, June 17, 1953;
5:07 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 63154]

ALASKA

WITHDRAWAL OF PUBLIC LANDS FOR PROTECTION OF WATER SUPPLY OF MT. EDGE-CUMBE BOARDING SCHOOL AND MEDICAL CENTER

JUNE 12, 1953.

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a) and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a) (15 F. R. 5643), as amended, it is ordered as follows:

Subject to valid existing rights the following-described tract of public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of

the Interior, for the protection of the water supply of the Mt. Edgecumbe Boarding School and Medical Center of the Alaska Native Service:

Beginning at a point from which Corner No. 4 of U. S. Survey No. 407, Tract B, bears S. 24°30' W., 1,450 feet, thence:

N. 24°30' E., 2,050 feet;
S. 65°30' E., 1,000 feet;
S. 24°30' W., 1,250 feet;
N. 65°30' W., 700 feet;
S. 24°30' W., 800 feet;
N. 65°30' W., 300 feet to the point of beginning.

The tract described contains 34.205 acres of public land.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 53-5427; Filed, June 18, 1953;
8:45 a. m.]

[Misc. 64772]

ARKANSAS

REVOKING DEPARTMENTAL ORDER OF APRIL 15,
1905 RESERVING PUBLIC LANDS FOR USE OF
THE WAR DEPARTMENT

JUNE 12, 1953.

Upon the recommendation of the Department of the Army, and pursuant to departmental Order No. 2583 of August 16, 1950, section 2.22 (a) (15 F. R. 5643) as amended, it is ordered as follows:

The order of the Commissioner of the General Land Office of April 15, 1905, issued by order of the Secretary of the Interior, reserving the following-described tract of public land in Arkansas for use of the War Department is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 14 N., R. 8 W.,
Sec. 8, E½SW¼.

The tract described, containing 80 acres of public lands, is included in the withdrawal for forest-management purposes made by Public Land Order No. 834 of May 23, 1952.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 53-5430; Filed, June 18, 1953;
8:46 a. m.]

Office of the Secretary

NEVADA

NOTICE FOR FILING OBJECTIONS TO ORDER
WITHDRAWING PUBLIC LANDS FOR USE OF
DEPARTMENT OF NAVY AS AERIAL BOMBING
RANGES IN CONNECTION WITH NAVAL
AUXILIARY AIR STATION AT FALLON,
NEVADA¹

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any ob-

¹ See Title 43, chapter I, Appendix, PLO 898, *supra*.

jection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

ORME LEWIS,

Acting Secretary of the Interior.

JUNE 12, 1953.

[F. R. Doc. 53-5429; Filed, June 18, 1953;
8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

GUSTAVO PEREZ AND J. PEREZ, S. A.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Gustavo Perez and J. Perez, S. A., Belgica No. 818, Habana, Cuba, respondents.

The Director of the Investigation Staff, Office of International Trade, United States Department of Commerce, having applied to a Compliance Commissioner, pursuant to § 382.11, Export Control Regulations promulgated under the Export Control Act of 1949, as amended, for an order temporarily suspending the export privileges of Gustavo Perez of Belgica No. 818, Habana, Cuba, and all persons, firms, and corporations with which he may be related by ownership, control, or position of responsibility, pending final disposition of an indictment against him charging violation of the act and regulations thereunder;

And the Compliance Commissioner having considered said application and having recommended that it be granted in a report together with accompanying documents transmitted by him to the undersigned Assistant Director for Export Supply;

And it appearing therefrom that Gustavo Perez is charged in an indictment found in the United States District Court for the Eastern District of Louisiana, New Orleans Division, with having entered into a conspiracy with certain individuals in the United States whereby, by means of bribing an export licensing officer and forming dummy firms or corporations, at a time when rice exports to Cuba were subject to quota restrictions, these individuals contrived to violate the Export Control Act and the regulations promulgated thereunder to the end that they exported to Perez' firm, J. Perez, S. A., approximately 4,450,000 pounds of milled rice, a quantity far in excess of the quantity which could have been licensed to these individuals under the then quotas and regulations; and it further appearing therefrom that fellow conspirators named as defendants in the indictment have been convicted either on the conspiracy count or on related unlawful export counts but that Perez remains un-

tried thereon because he is a fugitive and remains in Cuba beyond the jurisdiction of this country; and it further appearing therefrom that Perez and his firm, J. Perez, S. A., are actively engaged in Cuba in the receipt of exports from the United States, being among the largest importers of rice from the United States;

And, since it is not conducive to effective enforcement of the Export Control Act that persons charged in criminal indictments under that act be permitted to participate in privileges subject to the act while they contrive to avoid trial by evading the jurisdiction, I do hereby find that the order recommended by the Compliance Commissioner is appropriate and reasonably necessary to protect the public interest.

It is now, therefore, ordered as follows:

(1) Gustavo Perez, the firm, J. Perez, S. A., their successors or assigns, directors, officers, associates, partners, representatives, agents and/or employees be and they hereby are denied the privileges of exporting, receiving, or otherwise participating, directly or indirectly in any exportation of any commodity, or of technical data, from the United States to any destination, including Canada, and of participating, directly or indirectly, in the financing, forwarding, transporting, or other servicing of such exports: *Provided, however*, That nothing herein shall be deemed to revoke any validated export license presently outstanding nor to prohibit the export to any such person or persons of any commodity licensed under any such presently outstanding export license.

(2) Such denial of export privileges shall apply not only to the named respondents and each of them, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports of commodities from the United States or the receiving of such exports.

(3) This order shall be effective from the date of issuance until and pending final disposition of the indictment found in the United States District Court for the Eastern District of Louisiana, New Orleans Division, charging Gustavo Perez with conspiracy to violate the Export Control Act.

(4) A certified copy of this order shall be served upon each of the named respondents.

(5) In accordance with the provisions of § 382.11 (c) of the Export Control Regulations, the respondents may at any time move to vacate or modify this temporary suspension order by filing an appropriate motion therefor with the Compliance Commissioner and may request oral hearing thereon, which if requested, shall be held before the Compliance Commissioner at the earliest possible date.

Dated: June 15, 1953.

JOHN C. BORTON,
Assistant Director,
for Export Supply.

[F. R. Doc. 53-5394; Filed, June 18, 1953;
8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF SYNTHETIC FUELS DEMONSTRATION PLANT

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, I hereby authorize the Secretary of Defense to dispose of the real and related personal property comprising the Synthetic Fuels Demonstration Plant and Housing Facilities located at Louisiana, Missouri, and more specifically described in GSA Form 30 "Report of Excess Real Property," submitted to the General Services Administration by the Director, Bureau of Mines, Department of the Interior, Washington, D. C., under date of May 21, 1953.

2. The authority conferred herein shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto; except, however, that no screening of the property to determine possible need therefor by Federal agencies need be conducted, it having been determined that such screening would serve no useful purpose in view of the dependence of this property upon other property under the jurisdiction of the Department of Defense which is not permanently excess to the needs of the latter.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 15, 1953.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 53-5483; Filed, June 17, 1953;
3:40 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1549-7-1561]

AMERICAN CYANAMID CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 15, 1953.

In the matter of applications by the Los Angeles Stock Exchange for unlisted trading privileges in: American Cyanamid Company, Common Stock, \$10 Par Value, 7-1549; Carrier Corporation, Common Stock, \$10 Par Value, 7-1550; Continental Can Company, Inc., Common Stock, \$20 Par Value, 7-1551; The Cudahy Packing Company, Common Stock, \$10 Par Value, 7-1552; Deere & Company, Common Stock, \$10 Par Value, 7-1553; The Dow Chemical Company, Common Stock, \$5 Par Value, 7-1554; Mathieson Chemical Corporation, Common Stock, \$5 Par Value, 7-1555; Mission Development Company, Common Stock, \$5 Par Value, 7-1556; The Sperry Corporation, Capital Stock, \$1 Par Value, 7-1557; Vanadium Corporation of

America, Capital Stock, No Par Value, 7-1558; Wilson & Company, Inc., Common Stock, No Par Value, 7-1559; York Corporation, Common Stock, \$1 Par Value, 7-1560; Tri-Continental Corporation, Purchase Warrants for Common Stock, \$1 Par Value, 7-1561.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange with the exception of the Purchase Warrants for Common Stock, \$1 Par Value, of Tri-Continental Corporation, which are registered and listed on the American Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 25, 1953, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-5435; Filed, June 18, 1953;
8:47 a. m.]

[File Nos. 70-3077, 70-3078]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING BY NON-AFFILIATED HOLDING COMPANIES FOR AUTHORITY TO SELL AND ACQUIRE COMMON STOCKS OF A PUBLIC UTILITY COMPANY AND A NON-UTILITY COMPANY

JUNE 15, 1953.

In the matter of Cities Service Company, Republic Light, Heat and Power Company, Inc., Gas Advisers, Inc., File No. 70-3078; National Fuel Gas Company, File No. 70-3077.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, Republic Light, Heat and Power Company, Inc. ("Republic"), a public utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities System which are served by said service company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"),

and that National Fuel Gas Company ("National"), a non-affiliated registered holding company, has also filed an application-declaration, pursuant to said act, relating to the same matter. Applicants-declarants have designated sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-42, U-43 and U-44 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1953 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applications-declarations 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 June 29, 1953, said applications-declarations, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations 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 applications-declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to sell and National proposes to purchase all of the outstanding capital stock, consisting of 33,746 shares of common stock, par value \$100 per share, of Republic, a gas utility company operating in the general vicinity of Buffalo, New York, and all of the outstanding capital stock, consisting of 2,000 shares of no par value common stock, of Penn-York Natural Gas Corporation ("Penn-York"), a non-utility natural gas production and transmission company, for an aggregate consideration of \$5,150,000 in cash pursuant to the terms of an agreement dated April 29, 1953. The basic purchase price of \$5,150,000, of which \$4,650,000 represents the purchase price of the Republic stock and \$500,000 the purchase price of the Penn-York stock, is subject to adjustment to reflect changes in the net worth of Republic and Penn-York from December 31, 1952 to the close of the calendar month immediately preceding the sale.

The basic price of the Penn-York stock was agreed upon with the understanding that Penn-York will, prior to the sale and in addition to its regular quarterly dividends, declare from earned surplus an aggregate of \$350,000 of dividends on its outstanding common stock and issue its promissory notes in said amount to Cities. Also, prior to said sale, Penn-York will amend its Articles of Incorporation so as to increase its authorized common stock from 2,000 to 4,000 shares, and, simultaneously with the sale of the Penn-York stock, Penn-York will issue and sell to National 1,400 shares of its newly authorized no par value common stock at

\$250 per share, subject to adjustment. Penn-York will use the proceeds of such sale to pay the above-described note for \$350,000.

Cities states that the proposed sale of the common stock of Republic will be in compliance with the Commission's order of May 5, 1944, as modified and clarified by Supplemental Order dated October 12, 1944, pursuant to section 11 (b) (1) of the act, directing, among other things, that Cities dispose of its interest in Republic.

The net proceeds from the sale of the Republic stock will be applied by Cities to the purchase of additional shares of common stock of its wholly-owned subsidiary, Cities Service Oil Company (Pa.).

National owns all or a majority of the stock of certain public utilities operating gas plants in western New York and western Pennsylvania, and in particular Iroquois Gas Corporation ("Iroquois") and Pennsylvania Gas Company ("Pennsylvania"). It is stated that Republic adjoins the service areas of Iroquois and Pennsylvania and that the principal cities and villages served by Republic and Iroquois are all within one metropolitan area, with the City of Buffalo as its center. Republic now serves both natural and manufactured gas. National intends to change the customers now being served with the manufactured gas to a mixed gas service, similar to that of Iroquois, provided an additional supply of gas is made available to Iroquois. National represents that when conditions are such that service can be rendered at uniform rates in both Republic and Iroquois territory, it intends to merge the companies into one operating public utility.

It is further stated that the properties of Penn-York are necessary to the operations of Republic as more than three-quarters of Republic's supply of natural gas is received through the facilities of Penn-York. National states that it is contemplated that the properties of Penn-York can eventually be merged in whole or in part with one or more of the subsidiaries in the National system.

Republic presently owns 35 shares of the common stock, par value \$100 per share, of Gas Advisers, and Penn-York owns 10 shares of the common stock with a par value of \$100 per share of Cities Service Petroleum, Inc. ("Petroleum"), a subsidiary service company, but not a mutual service company within the meaning of the act. Republic proposes to sell, and Gas Advisers proposes to purchase for retirement, the said 35 shares of Gas Advisers' stock for a consideration of \$3,500, and concurrently therewith the service contract, dated January 1, 1938, between Republic and Gas Advisers will be terminated. Penn-York also proposes to sell, and Petroleum proposes to purchase for retirement, said 10 shares of Petroleum's stock for a consideration of \$1,000, and concurrently therewith the service contract, dated January 1, 1938, between Penn-York and Petroleum will be terminated.

Prior to the proposed sale, certain agreements were entered into between Cities and Republic and between Cities

and Penn-York relating to consolidated Federal income and excess profits tax returns for the years prior to 1950. Republic and Penn-York filed separate Federal income and excess profits tax returns for the years 1950, 1951, and 1952. In order to settle and adjust all liability for Federal income and excess profits taxes of Republic and Penn-York, Cities proposes to enter into tax agreements with said companies, which provide, in substance, for the indemnification of Republic by Cities against any liability for Federal income and excess profits taxes for any period to and including December 31, 1952, and for the indemnification of Penn-York by Cities against any liability for Federal income and excess profits taxes for any period to and including the date of said agreement. Such agreements further provide for the assignment by Republic and Penn-York to Cities of all of their right and interest in any refunds or credits for Federal income and excess profits taxes for said periods. In connection with such indemnification of Republic and Penn-York, Republic and Penn-York agree to pay Cities, on the date of said agreements, the unexpended balance of reserves accrued on their books for Federal income and excess profits taxes in respect of all years to and including the year 1952. In addition, Penn-York agrees to pay Cities the amount of reserves accrued on its books for Federal income and excess profits taxes for the period from January 1, 1953, to date of sale, including an estimated amount to the extent not determinable. Such payments are to be made in four installments as follows: 45 percent of said sum on March 15, 1954, 45 percent on June 15, 1954, 5 percent on September 15, 1954, and 5 percent on December 15, 1954.

It is stated that the transactions proposed herein by Penn-York and Petroleum are considered to be exempt from the provisions of the act and rules promulgated thereunder by virtue of the provisions of Rule U-3D-15.

Pursuant to a Loan Agreement, dated May 8, 1953, with The Chase National Bank of the City of New York, National proposes to borrow an aggregate amount not to exceed \$5,000,000 on or before October 1, 1953. The loan will be evidenced by a promissory note dated as of the date of such loan, maturing on July 15, 1955, and bearing interest at the rate of 3 percent per annum to and including July 14, 1954, and at the rate of 3 1/4 percent per annum thereafter. In the event of prepayment of the loan from the proceeds, or in anticipation, of any bank borrowing, the company is required to pay a premium of 1/2 of 1 percent of the amount prepaid. National is to pay a commitment fee, computed at the rate of 1/4 of 1 percent per annum, from July 15, 1953, to October 1, 1953, or such other date as the loan is made, whichever is earlier, on the amount of the bank's commitment. National proposes to use the proceeds from the loan, together with the necessary additional funds from its treasury, to purchase the common stocks of Republic and Penn-York.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, other than the Public Service Commission of New York, which has jurisdiction over the acquisition by National of the common stock of Republic. An application is pending before that Commission for permission to acquire such stock.

Cities states that its expenses to be incurred in connection with the proposed transactions will amount to \$3,500. National estimates that its expenses will amount to \$14,500, including legal expenses of \$13,000.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance.

By the Commission,

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-5437; Filed, June 18, 1953;
8:48 a. m.]

[File No. 812-831]

AMERICAN RESEARCH AND DEVELOPMENT
CORP. AND IONICS, INC.

ORDER EXEMPTING CERTAIN TRANSACTIONS
BETWEEN AFFILIATES

JUNE 15, 1953.

American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, non-diversified investment company, and its controlled company, Ionics, Incorporated ("Ionics"), Cambridge, Massachusetts, having filed a joint application and an amendment thereto pursuant to section 17 (b) of the act seeking an order exempting the transactions summarized below from the prohibitions contained in section 17 (a) of the act:

Ionics, a Massachusetts corporation organized in 1948, is engaged in the development of ion-exchange processes and materials and research work for itself and others in ion-exchange chemistry, metallurgy, and other fields, most of which it is stated is of a confidential classified nature. The application states that during 1952 and 1953 the company has demonstrated small scale models of electrical apparatus, employing its ion-exchange membranes, for the demineralization of sea water and brackish waters, which models perform more efficiently than other methods presently in use. It is further stated that Ionics is currently engaged in extensive research and development of these ion-exchange membranes and processes looking toward the manufacture and sale of large scale and commercial units for water demineralization and for other adaptations, including the concentration and purification of industrial solutions and continuous fractionation of inorganic and some organic chemicals.

Ionics has presently outstanding 1,489 shares of 5 percent preferred stock hav-

ing a par value of \$100 per share, all of which are owned by Research. Research acquired this stock at a cost of \$100 per share and at March 31, 1953 there were arrearages on such stock of \$6.25 a share. In addition, Ionics has outstanding 11,500 shares of common stock of which 7,500 shares or 65.2 percent is held by Research. The balance of the common stock is owned by 9 persons who are officers, directors and employees of Ionics. Research also holds a \$50,000, 5 percent note of Ionics due March 3, 1957.

Ionics proposes a plan of recapitalization pursuant to which (a) its presently outstanding preferred and common stocks will be reclassified into a single new class of common stock without par value and (b) certain restrictions on the transferability of the company's capital stock would be eliminated. Under this plan the 1,489 shares of preferred stock held by Research will be exchanged for 79,568 shares of new common stock, which is at the rate of 53.4 shares of new common stock for each share of preferred stock, and the presently outstanding 11,500 shares of common stock will be exchanged for 184,000 shares of new common stock, which is at the rate of 16 shares of new common stock for each share of old common stock. Under the plan Research will receive 199,568 shares of such new common stock (75.8 percent) out of a total of 263,568 shares to be issued. The plan is subject to the approval of not less than 95 percent of all stockholders of each class of the presently outstanding stock of Ionics.

Ionics states that the recapitalization is a necessary step to the raising of additional funds through the sale of common stock for needed expansion. In this connection Ionics states that the development of its ion-exchange membrane demineralizers and related equipment to the commercial state and to the manufacture and sale of the same will require the expenditure of substantial new capital funds in the business. It is also stated that more facilities and personnel will be required not only for this program but for the company's development work in metallurgical and other fields and for the servicing of its increased volume of contract research and development for others. In order to raise the additional new funds needed Ionics proposes, after consummation of the recapitalization plan, to sell to the public through underwriters not more than 135,567 shares of new common stock having a par value of \$1 a share. Contemporaneous with the sale of common stock the no par value common stock issued pursuant to the recapitalization will be exchanged on a share for share basis for common stock having a par value of \$1 per share. Research would own slightly in excess of 50 percent of all of the new common stock outstanding after the sale to the public.

At March 31, 1953, Research valued its 7,500 shares of common stock of Ionics at \$500,000 and its 1,489 shares of preferred stock at \$148,900. The application states that if a similar valuation is placed on the common stock not owned by Research that the entire presently outstanding preferred and common

stock of Ionics would have a total value of \$915,559. On the basis of such a valuation the 199,568 shares of new common stock to be issued to Research would have a value of \$694,440 as compared with its present valuation of its holdings of Ionics' stocks of \$648,900.

Section 17 (a) of the act prohibits the sale or purchase of securities or other property by affiliated persons to or from an investment company or a company controlled by such investment company, subject to certain exceptions, unless the Commission, pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a).

Appropriate notice of said filing having been given in the form and manner prescribed by Rule N-5 promulgated under the act and the Commission not having received a request for hearing within the period specified in said notice or otherwise; and the Commission not having ordered a hearing on said application; and

The Commission finding that the proposed transactions are fair and reasonable and do not involve overreaching on the part of any person concerned, and are consistent with the policies of Research as recited in its registration statement and reports filed pursuant to the act and with the general purposes of the act:

It is ordered, That the proposed transactions, involving the sale and purchase of securities between Research and Ionics as set forth in the application as amended, be, and the same hereby are, exempted forthwith from the provisions of section 17 (a) of the act pursuant to section 17 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-5436; Filed, June 18, 1953;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 696]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER FURTHER AMENDING
LICENSE (MAJOR)

JUNE 16, 1953.

Notice is hereby given that on May 5, 1953, the Federal Power Commission issued its order adopted April 30, 1953, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5441; Filed, June 18, 1953;
8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 25]

GROUND FISH FILLETS

NOTICE OF INVESTIGATION AND PUBLIC
HEARING

Upon application made May 27, 1953, by the Massachusetts Fisheries Association, Inc., and others, the United States

Tariff Commission, on the 16th day of June 1953, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result, in whole or in part, of the duty or other customs treatment reflecting concessions granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of

1930:

Description of product
Par. 717 (b) -- Cod, haddock, hake, pollock, cusk, and rosefish, fresh or frozen (whether or not packed in ice), all the foregoing, filleted, skinned, boned, sliced, or divided into portions.

Public hearing: The Commission, as a part of the aforesaid investigation, ordered that a public hearing be held on the 20th day of October 1953, at 10 a. m. in the Hearing Room, Tariff Commission Building, Eighth and E Streets, NW., Washington, D. C., at which hearing all parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear: Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its office in Washington, D. C., in advance of the hearing.

Inspection of application: The application is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets, NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the public hearing was ordered by the Tariff Commission on the 16th day of June 1953.

Issued: June 16, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-5466; Filed, June 18, 1953;
8:54 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization
Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following amendments to the Immigration and Naturalization Service Statement of Organization (17 F. R. 11613, December 19, 1952), are hereby prescribed:

a. Paragraph (11) of section 1.31 is amended so that when taken with the introductory material it will read as follows:

SEC. 1.31 Final authority: delegation to Assistant Commissioner; Inspections

and Examinations Division. The Assistant Commissioner, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(II) Appeals from decisions of district directors or officers in charge determining that a condition of a bond has been violated as provided in 8 CFR 3.1;

b. Paragraph (1) of section 1.33 is amended so that when taken with the introductory material it will read as follows:

Sec. 1.33 *Final authority; delegation to the Assistant Commissioner, Border Patrol, Detention and Deportation Division.* The Assistant Commissioner, Border Patrol, Detention and Deportation Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following:

(1) Control and guarding of boundaries and borders of the United States against the illegal entry of aliens and the fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and 8 CFR Part 287.

c. Paragraphs (k) and (pp) of section 1.36 are amended so that when taken with the introductory material they will read as follows:

Sec. 1.36 *Final authority; delegation to district directors.* The district directors have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(k) Applications by certain resident aliens for permission to reenter the United States under section 212 (c) of the Immigration and Nationality Act, as provided in 8 CFR 212.72; and applications for waiver of ground of inadmissibility of certain aliens under section 212 (d) (3) of that act as provided in 8 CFR 212.82;

(pp) Voluntary departure of aliens prior to issuance of warrants of arrest, or after issuance of warrants of arrest and prior to hearings, revocations of voluntary departure, and extensions of time to depart as provided in 8 CFR 244.1, 244.13 and 244.15;

d. Section 1.37 is amended in the following respects: (1) Paragraph (a) is amended, (2) a new paragraph (j) is added and present paragraphs (j) through (gg) are redesignated as paragraphs (k) through (hh), and (3) redesignated paragraph (v) is amended; so that when taken with the introductory material paragraphs (a), (j) and (v) will read as follows:

Sec. 1.37 *Final authority; delegation to officers in charge.* The officers in charge have been delegated final authority to take any action required or au-

thorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Approval of certain immigration bonds on forms approved by the Commissioner, extensions of liability, and powers of attorney authorizing the delivery of collateral security; cancellation of bonds; and determinations that conditions of bonds have been violated as provided in 8 CFR 3.1;

(j) Applications by aliens admitted under section 10* (a) (15) (F) of the Immigration and Nationality Act for permission to accept employment as provided in 8 CFR 214f.4;

(v) Voluntary departure of aliens prior to issuance of warrants of arrest, or after issuance of warrants of arrest and prior to hearings, revocations of voluntary departure, and extensions of time to depart as provided in 8 CFR 244.1, 244.13, and 244.15.

e. Section 1.38 is amended to read as follows:

Sec. 1.38 *Final authority; delegation to deputy district directors and district enforcement officers.* Deputy district directors and district enforcement officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Issuance of warrants of arrest as provided in 8 CFR 242.1;

(b) Continuation in, detention, or release of aliens from custody as provided in 8 CFR 242.2; and

(c) Detention, conditions of release and revocation of bonds or parole of aliens as provided in 8 CFR 242.3.

f. Section 1.39 is amended by inserting a new paragraph (b) and redesignating present paragraphs (b) through (h) as paragraphs (c) through (i), so that when taken with the introductory material new paragraph (b) will read as follows:

Sec. 1.39 *Final authority; delegation to special inquiry officers.* In addition to the powers granted to them under the provisions of the Immigration and Nationality Act, special inquiry officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(b) Applications by certain resident aliens for permission to reenter the United States under section 212 (c) of the Immigration and Nationality Act as provided in 8 CFR 212.73; and applications for waiver of ground of inadmissibility of certain aliens under section 212 (d) (3) of that act as provided in 8 CFR 212.82;

g. Section 1.40 is amended to read as follows:

Sec. 1.40 *Final authority; delegation to immigration officers.* In addition to the powers granted to them under the provisions of the Immigration and Na-

tionality Act, immigration officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Nonresident aliens' border-crossing identification cards under section 101 (a) (6) of the Immigration and Nationality Act as provided in 8 CFR 212.11;

(b) Determinations of time and conditions of admission of nonimmigrants as provided in 8 CFR 214.1 and 214.2; and

(c) The exercising of the powers conferred by section 287 of the Immigration and Nationality Act as provided in 8 CFR 287.1.

HERBERT BROWNELL, JR.,
Attorney General.

JUNE 11, 1953.

Recommended: March 6, 1953.

ARGYLE R. MACKAY,
Commissioner of Immigration
and Naturalization.

[F. R. Doc. 53-5453; Filed, June 18, 1953;
8:51 a. m.]

Office of Alien Property

[Vesting Order 18521, Amdt.]

NATIONALS OF THE NETHERLANDS

In re: Domestic scheduled securities owned by nationals of The Netherlands. F-49-1688.

Vesting Order 18521, dated September 27, 1951, as amended, is hereby further amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, all reference to one (1) \$1,000 Kansas City Southern Railway Company (The) First Mortgage 3 percent Bond due April 1, 1950, No. 6982.

All other provisions of said Vesting Order 18521, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5454; Filed, June 18, 1953;
8:52 a. m.]

THERESIA SCHLOEGL

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER 498

The claimant described below having died, the Notice of Intention to Return Vested Property (14 F. R. 6656, November 1, 1949) and the Return Order No. 498 (14 F. R. 7496, December 14, 1949) are hereby revoked.

Claimant, Claim No., and Property

Theresia Schloegl, Steiermark, Austria; Claim No. 39916; \$5,835.39 in the Treasury of the United States.

Executed at Washington, D. C., on June 12, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5455; Filed, June 18, 1953; 8:52 a. m.]

Mr. ATTILIO PASCA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Mr. Attilio Pasca, Magliano Vetere, Salerno, Italy; Mr. Mario Pasca, Cannalonga, Salerno, Italy; Mrs. Elvira Riccio Pasca, Cannalonga, Salerno, Italy; Claim No. 42840; Vesting Order No. 1886; \$856.47 in the Treasury of the United States; one-half thereof to Attilio Pasca; one-third thereof to Mario Pasca; and one-sixth to Mario Pasca and Mrs. Elvira Riccio Pasca.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5456; Filed, June 18, 1953; 8:52 a. m.]

A/S OSTFOLD SKOFABRIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

A/S Ostfold Skofabrik, Halden, Norway; Claim No. 36855; Vesting Order No. 672; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,075,723.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5457; Filed, June 18, 1953; 8:52 a. m.]

OLAF KRISTIAN STANGEBYE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Olaf Kristian Stangebye, Akersgt. 57, Oslo, Norway; Claim No. 36044; Vesting Order No. 672; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,189,372.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5458; Filed, June 18, 1953; 8:53 a. m.]

MARIA CAMPLESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Maria Campese, 43 Via S. Domenico, Atri, Teramo, Italy; Claim No. 41718; Vesting Order No. 1547; \$1,802.73 in the Treasury of the United States. All right, title, interest and claim of Maria Campese in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Maria Campese by the Zaccaria Realty Company, 1705 South Twentieth Street, Philadelphia, Pennsylvania, and represented on the books of Zaccaria Realty Company as a credit balance due Maria Campese, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5459; Filed, June 18, 1953; 8:53 a. m.]

IDA NORDON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Nordon, 3801 Wichita, Houston 4, Texas; Gerda Hammer, corner of Bay Road and Beaumaris Parade, Highett, Victoria, Australia; Ilse Helen Cooper, 3801 Wichita, Houston 4, Texas; Ruth Hirschfeld, Treinta y Tres 1334, Montevideo, Uruguay; Claims Nos. 41651, 61067 and 61130; Vesting Order No. 11469; 310 shares of capital stock of E. Jacob Land Co., Ltd., evidenced by a certificate numbered 13, registered in the name of Ida Julius Nordon, held by the Deposit and Clearance Section, to Ida Nordon;

20 shares of preferred capital stock of Natomas Company of California, evidenced by a certificate numbered P4569, registered in the name of Ida Julius Nordon, held by the Deposit and Clearance Section, to Ida Nordon;

104 shares of common capital stock of Joaquin Valley Coal Mining Company, evidenced by a certificate numbered 38, registered in the name of Ida Julius Nordon, in the custody of the Federal Reserve Bank in New York, to Ida Nordon;

65 shares of capital stock of E. Jacob Land Co., Ltd., evidenced by a certificate numbered 19, registered in the name of Benno Nordon, held by the Deposit and Clearance Section, to Ida Nordon, Gerda Hammer, Ilse Helen Cooper, and Ruth Hirschfeld.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5460; Filed, June 18, 1953; 8:53 a. m.]

ROSA DOBRZYNSKI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Rosa Dobrzynski, 3 Avenue Th. Flournoy, Geneva, Switzerland; Helene Schneider, Fournex (Vaud), Switzerland; Louis Broder, 121-bis, Rue Notre Dame des Champs, Paris VI, France; Claims Nos. 42505, 42506, and 60893; Vesting Order No. 9553; \$7,210.31 in the Treasury of the United States, in equal shares to Rosa Dobrzynski, Helene Schneider, and Louis Broder.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

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

[F. R. Doc. 53-5461; Filed, June 18, 1953; 8:53 a. m.]

SOCIETE AUXILIAIRE POUR LE DEVELOPPEMENT D'INDUSTRIES MECANIQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Societe Auxiliaire Pour Le Developpement d'Industries Mecaniques, Siege Social: 4 Rue du Rhone, Geneva, Switzerland; Claim No. 37011; property described in Vesting Order No. 1351 (8 F. R. 7048, May 27, 1943), relating to Patent Application Serial No. 437,434 (now Patent No. 2,423,117).

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5462; Filed, June 18, 1953; 8:53 a. m.]

FLORENCE A. MINNERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Florence A. Minners, c/o J. B. Budde, 79 Wall Street, New York, New York; Claim No. 28979; \$104.67 in the Treasury of the United States.

Executed at Washington, D. C., June 15, 1953.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5463; Filed, June 18, 1953; 8:54 a. m.]

WULFF BERZELIUS NORMELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Mr. Wulff Berzelius Normelli, Sturehofs Sateri, Norsborg, Sweden; Claims Nos. A-305 to A-311, inclusive; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,974,121, 2,019,356, 2,050,959, 2,088,277 and 2,055,669; and property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,972,427 and 2,017,471.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5464; Filed, June 18, 1953; 8:54 a. m.]

AASULV LODDESOL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., and Property

Aasulv Loddesol, Jacob Fayes Veg 4, Bygdoy per Oslo, Norway; Claim No. 36974; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 1,926,591. \$27.30 in the Treasury of the United States.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in the claimant by virtue of an agreement executed by the claimant on October 6, 1931, and by Central Scientific Company on October 9, 1931 (including all modifications thereof and supplements thereto, if any), by and between the claimant and Central Scientific Company, which agreement relates, among other things, to United States Letters Patent No. 1,926,591.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5465; Filed, June 18, 1953; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28181]

SUGAR FROM BINGHAM AND EAST GRAND FORKS, MINN., TO POINTS IN SOUTHERN ILLINOIS, IOWA, AND WISCONSIN

APPLICATION FOR RELIEF

JUNE 16, 1953.

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

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below. Commodities involved: Sugar, carloads.

From: Bingham and East Grand Forks, Minn.

To: Points in southern Illinois, Iowa, and Wisconsin.

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

Schedules filed containing proposed rates: Great Northern Railway Company, ICC No. A-8051, suppl. 218.

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. 53-5442; Filed, June 18, 1953; 8:50 a. m.]

[4th Sec. Application 28182]

BRICK, DRAIN TILE, AND RELATED ARTICLES FROM MASON CITY, IOWA, TO LINTON, N. DAK.

APPLICATION FOR RELIEF

JUNE 16, 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: The Minneapolis, St. Paul & Sault Ste. Marie Railroad Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Common brick, fire brick and drain tile, and related articles, carloads.

From: Mason City, Iowa.

To: Linton, N. Dak.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, ICC No. 7403, suppl. 2.

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. 53-5443; Filed, June 18, 1953;
8:50 a. m.]

[4th Sec. Application 28183]

PIG IRON FROM BIRMINGHAM, ALA., GROUP
TO SOMERVILLE, N. J.

APPLICATION FOR RELIEF

JUNE 16, 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 schedule listed below.

Commodities involved: Pig iron, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Somerville, N. J.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1136, suppl. 68.

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. 53-5444; Filed, June 18, 1953;
8:50 a. m.]

[4th Sec. Application 28184]

COKE FROM DAINGERFIELD AND LONE STAR,
TEX., TO HERCULANEUM, MO.

APPLICATION FOR RELIEF

JUNE 16, 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: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Coke and related articles, carloads.

From: Daingerfield and Lone Star, Texas.

To: Herculanum, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3952, suppl. 15.

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. 53-5445; Filed, June 18, 1953;
8:50 a. m.]

[4th Sec. Application 28185]

GRAIN FROM MISSOURI RIVER POINTS TO
TEXAS

APPLICATION FOR RELIEF

JUNE 16, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

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

From: Omaha and South Omaha, Nebr., Council Bluffs and Sioux City, Iowa.

To: Points in Texas.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3941, suppl. 59.

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. 53-5446; Filed, June 18, 1953;
8:50 a. m.]

[4th Sec. Application 28186]

SUPERPHOSPHATE FROM WALPORT, ARK.,
TO TOPEKA, KANS.

APPLICATION FOR RELIEF

JUNE 16, 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: F. C. Kratzmeir, Agent, for the St. Louis-San Francisco Railway Company and Union Pacific Railroad Company.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated, carloads.

From: Walport, Ark.

To: Topeka, Kans.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3908, suppl. 145.

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. 53-5447; Filed, June 18, 1953;
8:50 a. m.]

[4th Sec. Application 28187]

**CEMENT FROM KANSAS GAS BELT AND
DEWEY, OKLA., TO MISSOURI**

APPLICATION FOR RELIEF

JUNE 16, 1953.

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

Filed by: W. J. Prueter, Agent, for the Atchison, Topeka and Santa Fe Railway Company and Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Cement, carloads.

From: Chanute, Kans., and points grouped therewith and Dewey, Okla.

To: Points in Missouri.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings, Alternate Agent, ICC No. A-3850, suppl. 46.

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. 53-5448; Filed, June 18, 1953;
8:50 a. m.]

