FEDERAL REGISTER

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-11]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

FLASHING RATES FOR POSITION LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 12th day of April 1954.

Currently effective § 3.700 (e) of Part 3 of the Civil Air Regulations requires that, if a position light flasher is used, the position light system shall be energized at a rate of not less than 60 nor more than 100 flashes per minute with an on-off ratio between 2:1 and 1:1. This requirement became effective on January 15, 1951. Some time later, it was found that one of the most popular low-cost flashers being used with position lights could not comply with these standards. This flasher, which was widely used, was thus rendered ineligible for installation on airplanes type certificated in accordance with provisions of Part 3 in effect after January 15, 1951. Since, in general, greater conspicuity is obtained with flashing position lights than with steady lights, safety is served by encouraging the use of flashing position lights. Therefore, to determine whether the present requirements for flashing rates could be extended without impairing safety to enable the use of this low-cost flasher, an investigation was undertaken. This investigation, which included practical tests, revealed that an extension of the upper limit of the flashing rate to 120 f. p. m. is justified, and that no noticeable deterioration in conspicuity occurs at this increased limit. It was also revealed that with the higher flash rate limit, a somewhat higher limit on the on-off ratio would be desirable because it tends to increase the apparent intensity of the light. This amendment, therefore, increases the upper limit of the flashing rate from 100 to 120 f. p. m., and the upper limit of the on-off ratio from 2:1 to 2.5:1.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR, Part 3, as amended) effective May 17, 1954.

By amending § 3.700 (e) by deleting the numerals "100" and "2:1" and inserting in lieu thereof the numerals "120" and "2.5:1" respectively.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

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

[F. R. Doc. 54-2872; Filed, Apr. 15, 1954; 8:52 a. m.]

[Civil Air Regs., Amdt. 6-5]

PART 6—ROTORCRAFT AIRWORTHINESS

FLASHING RATES FOR POSITION LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of April 1954.

Currently effective § 6.632 (e) of Part 6 of the Civil Air Regulations requires that, if a position light flasher is used, the position light system shall be energized at a rate of not less than 60 nor more than 100 flashes per minute with an on-off ratio between 2:1 and 1:1. This requirement became effective on January 15, 1951. Some time later, it was found that one of the most popular low-cost flashers being used with position lights could not comply with these standards. This flasher, which was widely used, was thus rendered ineligible for installation on rotorcraft type certificated in accordance with provisions of Part 6 in effect after January 15, 1951. Since, in general, greater conspicuity is obtained with flashing position lights than with steady lights, safety is served by encouraging the use of flashing position lights. Therefore, to determine whether the present requirements for

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flashing rates could be extended without impairing safety to enable the use of this low-cost flasher, an investigation was undertaken. This investigation, which included practical tests, revealed that an extension of the upper limit of the flashing rate to 120 f. p. m. is justified, and that no noticeable deterioration in conspicuity occurs at this increased limit. It was also revealed that with the higher flash rate limit, a somewhat higher limit on the on-off ratio would be desirable because it tends to increase the apparent intensity of the light. This amendment, therefore, increases the upper limit of the flashing rate from 100 to 120 f. p. m., and the upper limit of the on-off ratio from 2:1 to 2.5:1.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR, Part 6, as amended) effective May 17, 1954.

By amending § 6.632 (e) by deleting the numerals "100" and "2:1" and inserting in lieu thereof the numerals "120" and "2.5:1" respectively.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

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

[F. R. Doc. 54-2873; Filed, Apr. 15, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP GRAIN SORGHUMS PRICE SUPPORT PROGRAM

EDITORIAL NOTE: In Federal Register Document 54-2740, published at page 2117 of the issue for Tuesday, April 13, 1954, §§ 421.426 through 421.435 are redesignated §§ 421.526 through 421.535, respectively.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. P. L. 72]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

TIN MILL PRODUCTS

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

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Tin mill products:
	Tin plate:
604010	Secondary tinplate.
604020	Circles, cobbles, strip, and scroll shear butts.
604110	Hot dipped (production plate).
604119	Other hot dipped.
604150	Electrolytic coated (production plate).
604180	Other electrolytic coated.
604170	Lithographic misprints.
604179	Other tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced.
612380	Tin cans (packers or cannery type) finished or unfinished, and specially fabricated parts, n. e. c.

This amendment shall become effective as of April 15, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director, Bureau of Foreign Commerce.*

[F. R. Doc. 54-2859; Filed, Apr. 15, 1954; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53399]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Correction

In Federal Register Document 53-10685, issue of December 24, 1953, the first amendment under Part 19 (page 8690) should read:

1. Section 19.1 (a) is amended by deleting the second sentence from subparagraph (3).

TITLE 21—FOOD AND DRUGS

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

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

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

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141e; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146c, 146e; 18 F. R. 5366, 5591, 7311; 19 F. R. 229, 1141) are amended as indicated below:

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

§ 141e.422 *Bacitracin-polymyxin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.409 (a) (1). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141e.409 (a) (2), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (3) of this paragraph) the

quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.411 (a) (2). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

2. Section 146c.201 *Chlortetracycline hydrochloride* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the first sentence and adding the following phrase: "with or without one or more suitable and harmless buffer substances if it is intended for intravenous use."

b. Paragraph (a) (1) and (7) is amended to read:

(1) Its potency, and the potency of the chlortetracycline used in the manufacture of chlortetracycline for intravenous use, is not less than 900 micrograms per milligram, except if it is intended for use solely in the manufacture of a veterinary drug for nonparenteral use its potency is not less than 820 micrograms per milligram;

* * * * *

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.3 and not more than 3.3, except if it is intended for intravenous use and it contains buffer substances its pH is not less than 8 and not more than 9.5.

c. Paragraph (b) *Packaging* is amended by changing the clause "and each shall contain one or more suitable and harmless diluents" in the last sentence to read: "and each shall contain one or more suitable and harmless buffer substances".

d. In paragraph (c) *Labeling* subparagraph (1) (v) is amended by changing the word "diluents" to read "buffer substances".

e. Paragraph (d) *Request for certification* * * * is amended by changing the period at the end of the first sentence of subparagraph (1) to a semicolon and adding the following new clause: "and if it is intended for intravenous use and contains buffer substances, the date and the results of the latest test for potency of the chlortetracycline used in making such batch."

f. Paragraph (d) is further amended by adding the following new subparagraph (5):

(5) If such batch is intended for intravenous use and it contains buffer substances, such person shall submit in connection with his request (unless it has been previously submitted) one immediate container containing approximately 0.5 gram of the chlortetracycline used in making such batch.

g. In paragraph (e) *Fees*, subparagraph (1) is amended by changing the period at the end thereof to a semicolon and adding the following new clause: "$4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (5) of this section."

3. Section 146c.218 *Tetracycline hydrochloride* is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the first sentence and adding the following phrase: "with or without one or more suitable and harmless stabilizing agents."

b. Paragraph (a) (1), (7), and (8) is revised to read:

(1) Its potency, and the potency of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride for intravenous use, is not less than 900 micrograms per milligram.

* * * * *

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 1.8 and not more than 2.8, except if it is intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(8) Its extinction coefficient $E^{1\%}_{1cm.}$, and the extinction coefficient of the tetracycline hydrochloride used in the manufacture of tetracycline for intravenous use, is 372±15 at 380 mμ.

c. Paragraph (b) is revised to read:

(b) *Packaging; labeling; request for certification, check tests and assays, samples; fees.* Tetracycline hydrochloride conforms to all requirements and procedures prescribed for chlortetracycline hydrochloride by § 146c.201 (b), (c), (d), and (e), except that:

(1) It shall be labeled with an expiration date that is 24 months after the month during which the batch was certified.

(2) The person who requests certification of a batch of tetracycline hydrochloride that contains stabilizing agents and is intended for intravenous use shall submit with his request (unless they were previously submitted) the results of the latest tests and assays made on the batch of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient and a sample consisting of two packages each containing approximately 500 milligrams of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient.

(3) The fee for the services rendered with respect to each immediate container of the tetracycline hydrochloride used in the manufacture of a batch of tetracycline hydrochloride for intravenous use submitted in accordance with the requirements prescribed therefor by subparagraph (2) of this paragraph shall be $4.00.

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

§ 146e.422 *Bacitracin-polymyxin-neomycin ointment.* (a) Bacitracin-polymyxin-neomycin ointment conforms to all requirements prescribed by § 146e.409 for bacitracin-polymyxin ointment, and is subject to all procedures prescribed by § 146e.409 for bacitracin-polymyxin ointment, except that:

(1) Its content of neomycin is not less than 3.0 milligrams per gram. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2).

(2) In addition to the labeling prescribed by § 146e.409 (a) (5), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each gram of the batch.

(3) In addition to complying with the requirements of § 146e.409 (a) (7), a person who requests certification of a batch of bacitracin-polymyxin-neomycin ointment shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 packages of bacitracin-polymyxin-neomycin ointment and (unless it was previously submitted) a sample consisting of 5 packages of the neomycin used in making the batch, each containing approximately 0.5 gram.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by paragraph (a) (3) of this section shall be $4.00.

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

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

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

Dated: April 12, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-2835; Filed, Apr. 15, 1954; 8:45 a. m.]

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

CHANGE OF NAME OF DIBENZYLETHYLENEDIAMINE DIPENICILLIN G

Correction

In F. R. Doc. 54-2755, appearing in the issue for Wednesday, April 14, 1954, at page 2139, the reference in amendatory paragraph 2c to "§ 146.69" should read "§ 146a.69".

TITLE 29—LABOR

Chapter X—National Mediation Board

PART 1206—HANDLING OF REPRESENTATION DISPUTES UNDER RAILWAY LABOR ACT

TIME LIMITS ON APPLICATIONS

Due to a typographical error in the original document, § 1206.4 (a), appearing on page 2121 of the FEDERAL REGISTER, April 13, 1954, F. R. Doc. 54-2683; filed April 12, 1954, is corrected as follows:

§ 1206.4 *Time limit on applications.* (a) The National Mediation Board will not accept an application for the investigation of a representation dispute for a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier in which a representative was certified, except in unusual or extraordinary circumstances.

[SEAL] E. C. THOMPSON, *Secretary.*

[F. R. Doc. 54-2864; Filed, Apr. 15, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 21—DEPARTMENT OF DEFENSE INDUSTRIAL SECURITY MANUAL FOR SAFEGUARDING CLASSIFIED INFORMATION

SUBPART A—GENERAL

SUBPART B—HANDLING OF CLASSIFIED INFORMATION

SUBPART C—ACCESS

SUBPART D—CONTROL OF AREAS

SUBPART E—VISITORS

SUBPART F—SUBCONTRACTORS, VENDORS AND SUPPLIERS

SUBPART G—CRYPTOGRAPHIC INFORMATION

SUBPART H—GRAPHIC ARTS

AUTHORITY: §§ 21.1 to 21.38 issued under R. S. 161; 5 U. S. C. 22.

This part was approved on January 19, 1954, by the Assistant Secretary of Defense (Manpower and Personnel) for the purpose of establishing uniform security practices within industrial plants or educational institutions and all organizations and facilities used by prime and subcontractors having classified information of the military departments in their custody. The term "security," as used herein, refers to the safeguarding of information classified by the Government as Top Secret, Secret, or Confidential against unlawful dissemination, duplication, or observation because of its importance to National defense.

SUBPART A—GENERAL

§ 21.1 *Scope.* This part supersedes the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information dated December 13, 1951, and previous editions, and establishes the requirements for the safeguarding of official information the unauthorized disclosure of which would or could harm, tend to impair, or otherwise threaten the security of the Nation. The requirements of this part reflect the provisions of applicable Federal Statutes and Executive Orders.

§ 21.2 *Applicable Federal Statutes and Executive Orders.* (a) Espionage Acts, Title 18 U. S. C., sections 793, 794, 795, 797, 798.

(b) Sabotage Acts, Title 18 U. S. C., sections 2151 through 2156.

(c) Air Corps Act of 1926, Title 10 U. S. C., section 310 (j).

(d) Title 50 U. S. C., sections 781 through 826 (inclusive).

(e) Atomic Energy Act of 1946, Title 42 U. S. C., section 1810.

(f) Executive Order 10104, February 1, 1951.

(g) Executive Order 10501, November 5, 1953.

§ 21.3 *Definitions.* The following definitions are established for the purpose of this part.

(a) *Access, accessibility.* The ability and opportunity to obtain knowledge of classified information.

(b) *Alien.* Any person not a citizen or national of the United States. (See Immigrant Alien, paragraph (l) of this section.)

(c) *Authorized persons.* Those persons cited in Subpart C of this part who (1) need access to the classified information involved in order to fulfill the purposes of the Government's release thereof, and (2) have been appropriately cleared, by Government or Contractor, as appropriate, for the receipt of such information.

(d) *Bound documents.* Books or pamphlets, the pages of which are permanently and securely fastened together in such a manner that one or more pages cannot be extracted from the bound copy without defacement or alteration of the book.

(e) *Classified information.* The term "Classified information" as used herein means official information which requires protection in the interest of National Defense.

(f) *Compromise.* Known or suspected loss of value of classified information as a result of an unauthorized person having obtained access to such information. As used in this part, the term "unauthorized person" refers to any person not authorized to have access to the specific classified information in accordance with the provisions of this part.

(g) *Confidential.* All information and material, the unauthorized disclosure of which could be prejudicial to the Defense interests of the Nation.

(h) *Contracting officer.* Any officer or civilian employee of any military department, who, in accordance with procedures prescribed by each respective department, has been or shall be designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto or any part of such authority.

(i) *Contractor.* Any industrial, educational, commercial or other entity which has executed a contract or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense agency or activity.

(j) *Foreign nationals.* All persons not citizens of, or immigrant aliens to, the United States; and all citizens of the United States and immigrant aliens who act as representatives, officials, or employees of a foreign government, firm, corporation, or individual are considered foreign nationals.

(k) *Graphic arts industry.* Includes all types of facilities and individuals engaged in performing any consultation, service, or the production of any component or end product which contributes to or results in the reproduction of classified information. Regardless of trade names or specialized processes, it will include writing, illustrating, advertising services, copy preparation, all methods of printing, finishing services, duplicating, photo-copying, and film processing activities.

(l) *Immigrant alien.* Any person lawfully admitted into the United States under an immigration visa for permanent residence. An immigrant alien is a national of the United States.

(m) *Information.* The term "information" as used in this part means knowledge which can be communicated, either orally or by means of material.

(n) *Key employee.* Any employee, as differentiated from owners, directors, or officers, at a facility who requires access to classified information for the purpose of preparing a bid or quotation.

(o) *Material.* Any document, product or substance on, or in which, information may be recorded or embodied.

Material shall include everything, regardless of its physical character or make-up. Information which is transmitted orally shall be considered as material for purposes of security. Machinery, documents, apparatus, devices, photographs, recordings, reproductions, notes, sketches, maps, and letters, as well as all other products, substances or material, shall fall into the general term of material.

(p) *"Restricted Data".* All information designated as being "Restricted Data" within the meaning of Public Law 585—79th Congress (Atomic Energy Act of 1946), including all documents and other material of such designation which bear the following markings in addition to their security classification markings: "Restricted Data—Atomic Energy Act 1946."

(q) *Secret.* All information and material, the unauthorized disclosure of which could result in serious damage to the Nation.

(r) *Security cognizance.* The responsibility for the implementation of the Department of Defense industrial security program for an individual facility which the Assistant Secretary of Defense (Manpower and Personnel) has assigned to one military department for that purpose.

(s) *Security office.* Any command, office, unit, agency, or person within a military department, designated by that military department to discharge the Department of Defense responsibilities for industrial security matters at the facility.

(t) *Top Secret.* All information and material, the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation.

§ 21.4 *Designation of Security Office.* The Department of Defense will assign security cognizance to a military department, which will designate the security office responsible for insuring that all Department of Defense classified information is properly safeguarded and will coordinate all industrial security matters of concern to the Contractor and activities of the military departments. The management of each facility which has been assigned to one of the military departments for cognizance will be notified in writing of this action by the department receiving the asignment at such time as the industrial security program is initiated for the facility. The foregoing does not relieve field representatives of the military departments, in coordination with the security office of the cognizant military department, of the responsibility for exercising safeguarding controls of classified information in connection with departmental contracts, nor does it affect in any way the responsibility for contract inspection of the contracts which are administered by military department field representatives.

§ 21.5 *Special requirements for graphic arts.* Subpart H of this part provides specific security measures for the safeguarding of classified information during the development, performance of service or production of material by the graphic arts industry. The security measures apply whether the work is performed on the premises of the prime contractor or at the graphic art facility which is a subcontractor. The provisions contained in Subpart H of this part supplement the provisions of Subparts A through G of this part.

§ 21.6 *General requirements.* The Contractor:

(a) Shall be responsible for safeguarding all classified information under his control, shall determine which of his employees or subcontractors require possession of or access to any element of the information, and shall not supply or disclose such information to any unauthorized person.

(b) Shall provide suitable protective measures within his facility for the safeguarding of classified information.

(c) Shall exclude (this does not imply the dismissal or separation of any employee) from any part of his plants, facilities, or sites at which classified work for any military department is being performed, any person or persons whom the Secretary of the military department concerned or his duly authorized representative, in the interest of security, may designate in writing.

(d) Shall bring to the attention of his personnel engaged in the preparation of bids, quotations, or in the performance of work on contracts which involve access to classified information, their continuing individual responsibilities for safeguarding classified information and that the unauthorized disclosure of classified information violates Department of Defense regulations and contractual obligations and is punishable under the provisions of Federal Statutes.

(e) Shall bring to the attention of every employee whose employment is terminated and who had access to classified information during the period of his employment, that disclosure to unauthorized persons of such classified information is prohibited by Department of Defense Regulations and contractual obligations and is punishable under the provisions of the Federal Statutes.

(f) Shall not incorporate any special features of design or construction in any non-military project or in any military project other than that for which they are furnished or designed if such incorporation will disclose classified information, except with the prior written authorization of the contracting officer concerned.

(g) Shall insure that the combinations of safes and dial type padlocks used to lock containers holding classified material shall be classified in accordance with the classification of the highest Classified material stored in the containers and that they shall be changed at intervals of at least once every year and at the earliest practicable time following:

(1) The relief, transfer, or discharge of any person having knowledge of the combination.

(2) The compromise or suspected compromise of the container through loss or possible compromise of the combination.

(3) The initial receipt of locked containers.

(h) Shall perform security checks within the facility to insure that at all times security precautions are taken to protect classified information in the possession of the facility and will designate an individual or individuals to make checks, on a room or area basis, to insure that all classified material has been properly and safely stored.

(i) Shall execute and return the receipt form furnished with all information received from the Government classified Top Secret and Secret. If Top Secret or Secret information is received without a receipt form attached, the sender will be immediately informed by the Contractor. In those special cases where the sender deems it necessary, a receipt form shall be included with Confidential information, in which case the receiver of the classified information shall execute the receipt. Similarly, a subcontractor shall receipt for all information received from the Contractor classified Top Secret and Secret, and in addition, he shall receipt for Confidential information in those special cases where the sender deems it necessary.

(j) Shall return all classified information, including reproductions thereof, to the contracting officer concerned or his duly authorized field representative, unless specifically authorized in writing by the contracting officer to retain or otherwise dispose of such matter. Such classified information shall be returned:

(1) On or before the date for opening of bids when a bid is not submitted.

(2) Within 15 days after notification that a bid or negotiation proposal has not been accepted.

(3) At such other times as the contracting officer concerned or his duly authorized representative may direct or agree.

(k) Should the Department of Defense Security Agreement (DD Form 441) be terminated for any reason by either party and not be superseded by a new Security Agreement, shall tender all classified information in his possession to the military department concerned, which shall provide disposition instructions to the Contractor.

(l) In those special cases in which retention of certain classified information is necessary for the maintenance of essential records of the Contractor, and when so specifically requested, with justification therefor, the contracting officer concerned may authorize its retention by the Contractor.

(m) When requested by the security office of the cognizant military department may permit the review of the organization's personnel records pertaining to the individual for whom the Contractor has requested a personnel security clearance. Failure on the part of the Contractor to permit such review will delay the granting of interim security clearances.

§ 21.7 *Reports.* The Contractor shall submit immediately to the security office of the cognizant military department:

(a) A Confidential report of any information coming to his attention concerning existing or threatened espionage, sabotage, or subversive activities at

any of his plants, factories, laboratories, or other sites, at which work for any military department is being performed or at which material in connection therewith is acquired, fabricated, manufactured, is in process of research, is being developed, or stored.

(b) A Confidential report of any compromise of classified information.

(c) A Confidential report of any information coming to his attention concerning any of his employees having access to classified information or who are in the process of being cleared for access to classified information which indicates that such access is not, or would not be, clearly consistent with the interest of National defense.

(d) A report of any change of ownership, officers, or directors, operating name or addresses of the facility (or facilities) covered by the Security Agreement, during the period the Security Agreement is in effect, except that the provisions of this paragraph shall not be construed as requiring a report of stock transferred not affecting the control of the corporation.

(e) When requested by the security office of the cognizant military department in writing, and stated to be needed in connection with an official investigation being conducted by an agency within the Department of Defense, information available to the Contractor concerning any of his employees working in any of his plants, factories, or sites at which work for a military department is being performed.[1]

SUBPART B—HANDLING OF CLASSIFIED INFORMATION

The classification of defense information shall be determined by the Government, and the Contractor shall be notified of such security classifications. (To accomplish this, a Security Requirements Check List, DD Form 254 and Appendix 254–1, will be furnished by the contracting officer concerned prior to, or concurrent with, the award of the contract.) When the Contractor has been notified of the classification, he shall safeguard the information by clearly indicating on all subsequent material related thereto the applicable classification marking and by maintaining the security controls as established in this part.

§ 21.8 *Marking*—(a) *Procedure.* After determination of the classification to be assigned thereto, classified information shall be plainly and conspicuously marked or stamped (not typed) in accordance with the procedures set forth in this section.

(1) *Bound documents.* Classified books or pamphlets, the pages of which are permanently and securely bound together so that the pages thereof cannot be removed without damage of mutilation, shall be marked Top Secret, Secret, or Confidential whichever is appropriate, at the top and bottom on the outside of the front cover and back cover and all printed, typed, or written pages which contain classified information, including the reverse side, if used.

(2) *Correspondence and unbound documents.* Correspondence and other documentary material not permanently and securely bound together, except as otherwise indicated in subparagraphs (4) and (5) of this paragraph, shall be marked with the appropriate defense classification at the top and bottom of each page, including the cover page, if used. The marking at the top shall be placed so that it will not be hidden from view when the pages are clipped or stapled together.

(3) *Art work.* Original art work shall have the security classification stamped or marked conspicuously in top and bottom margins of the mounting board and on all overlays and cover sheets.

(4) *Charts, maps, drawings and tracings.* The assigned defense classification shall be affixed under the legend, title block, or scale in such manner as it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(5) *Photographs, films, and microfilms.* Classified photographs and films and their containers shall be conspicuously marked with the assigned defense classification. Continuous cover aerial reconnaissance mapping negatives, microfilm in roll form, and motion picture film, shall be marked with the appropriate classification at the beginning and ending of each roll. These and other classified negatives which do not lend themselves to marking shall be handled on a classified basis, and shall be kept in containers, properly secured which shall bear the classification marking to which the contents are entitled. In addition, motion picture films shall state in the title the classification thereof. Classified sound recordings shall be marked with the appropriate classification if practicable; if marking of the recording is not practicable, its container shall be marked.

(6) *Composition tapes and recordings.* All composition tapes and recordings shall have the security classification stamped at the beginning and ending of each roll. Rolls will be kept in containers, properly secured, which shall bear the classification marking to which the contents are entitled.

(7) *Materiel.* Items of classified materiel shall be properly marked to indicate the defense classification, whenever practicable. Classified materiel which does not lend itself to marking shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate defense clasification marking. If neither method is practicable, recipients shall be specifically notified in writing of the classification of such items.

(b) *Additional markings*—(1) *Classified material.* Documents containing classified defense information furnished authorized persons other than those of, or in the employ of, agencies of the Department of Defense, shall, in addition to being marked Top Secret, Secret, or Confidential bear notation substantially as follows:

This document contains information affecting the National defense of the United States within the meaning of the Espionage Laws, Title 18, U. S. C., Sections 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

When classified items of materiel or material which do not lend themselves to marking are furnished to such persons, they shall be specifically notified in writing of such notation.

(2) *"Restricted Data."* In addition to the markings prescribed above, "Restricted Data" will be marked in capital letters, "Restricted Data—Atomic Energy Act 1946," not less than ¼-inch in height.

(c) *Marking of regraded documents and materials*—(1) *Classification markings.* Regraded documents and material shall be marked or stamped (not typed) with the new appropriate classification in the same manner as originally classified documents or material and the old markings lined through, except for bound documents, which is downgraded, will be regraded only on the front and back cover, and title, first and last pages. If the classification is canceled the markings shall be lined through, except for bound documents which will require the cancellation markings only on the front and back cover and title, first and last pages. In cases where recipients have been notified in writing of the classification of items, they will be notified of regrading action in the same manner. Prints of motion-picture film shall show regrading action on leaders attached between the plain leader and the first title frame. Material such as plates, negatives, standing type, proofs, etc., will have a statement attached thereto showing the regrading but which will in no way alter the reproducibility of the material.

(2) *Copies of regraded documents.* The Contractor shall promptly mark copies of regraded documents, as appropriate, to include the authority cited, upon receipt of regrading notices, except as authorized in subparagraph (3) of this paragraph.

(3) *Bulk files.* When a document has been downgraded, bulk files or supplies thereof need not be marked as provided in subparagraph (2) of this paragraph, until copies are charged out for use. The change or cancellation of defense classification shall be indicated inside the file drawer or other storage container.

§ 21.9 *Receiving and recording.* All classified information furnished by the Government shall be received and recorded at one or more control stations established at the Contractor's plant. A register shall be maintained of the receipt and dispatch of all classified information. A record shall also be made of the number of copies of classified information reproduced by the Contractor. The supervision of control stations shall be vested in responsible employees designated by the Contractor and cleared to receive the classified information. Prior to opening, each container shall be carefully inspected and any evidence of tampering shall be reported promptly to the dispatching activity. Upon opening the inner container, the receipt found

[1] This requirement of the Department of Defense is not intended to preclude similar reporting on these incidents to appropriate law enforcement agencies such as the Federal Bureau of Investigation.

therein (when furnished) shall be dated, signed, and returned to the sender. Any discrepancy between the receipt and the contents shall be reported at once to the dispatching activity. The inner container shall be destroyed by burning or pulping if the subject matter has been in contact therewith, unless its retention is necessary as evidence of tampering.

§ 21.10 *Accounting* — (a) *General.* The Contractor shall submit to the security office of the cognizant military department, when so directed, an accounting of all defense material classified Top Secret or Secret. Records will be maintained in file for one year following transfer or destruction of the document. For defense material classified Confidential, the Contractor is required to maintain a record of the receipt and reproduction of Confidential information as required by § 21.9, which record is subject to inspection by the security office of the cognizant military department.

(b) *Additional requirements for Top Secret.* (1) It is mandatory that all persons who have knowledge of Top Secret information be identifiable at all times. The Contractor will maintain a record by document, title, name and date, of all individuals, including stenographic, clerical, technical, and production personnel who are afforded access to Top Secret information.

(2) The number of persons who work on Top Secret information shall be kept to an absolute minimum and each person shall be individually warned against disclosing such matters to persons whose duties do not require knowledge thereof.

(3) The dissemination of Top Secret information shall be effected by direct contact whenever practicable, without transmittal of documents.

(4) It is mandatory that transmittal and custody of Top Secret information be covered by a receipt system, both within and without the plant.

(5) Each copy of a Top Secret document shall be numbered in series. Distribution records and receipts shall show the copy number of each document transmitted.

(6) The designated employee in the control station shall open and deliver Top Secret material to the individuals who must see and work on the material.

(7) Under no circumstances shall Top Secret information be transmitted by mail channels.

§ 21.11 *Storage*—(a) *Classified Information.* The Contractor will not be eligible for the receipt of classified information in connection with precontract negotiations, submission of bids, etc., or for the award of a contract and performance thereunder until he has adequate storage as described in this section.

(1) *Top Secret.* Top Secret information while not in use will be stored in a safe or a safe-type steel file container having a three-position dial-type combination lock and being of such weight, size, construction or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire or tampering.

(2) *Secret or Confidential.* Secret or Confidential information while not in use shall be stored in one of the following ways:

(i) In the same manner as Top Secret information.

(ii) In three-tumbler combination lock fire-resistant steel safe files.

(iii) In locked desks or file cabinets when a continuous watch by an officially assigned armed guard is maintained (the armed guard shall be a contractor employee who has been appropriately investigated and cleared. He shall not be authorized access to the information except as necessary in the performance of his guard duties; i. e., when material is left astray, etc.).

(iv) In steel file cabinets secured by a steel bar and padlock of the three-position combination dial-type from which the manufacturer's identification number has been obliterated.

(b) *Bulky material.* When it is impractical to store classified material because of its nature or size in accordance with the provisions of paragraph (a) of this section the Contractor shall safeguard such material by control of the area in which it is located, to the extent required by Subpart D of this part.

(c) *Supervision of storage containers.* Only a minimum number of authorized persons should possess the combination or keys to the storage space or have access to the material stored therein. Safes and other containers in which classified information is stored shall habitually be kept locked when not under the direct supervision of an authorized person officially entrusted with the combination, keys, or the contents.

§ 21.12 *Transmission*—(a) *Preparation for transmission.* Printed or written information classified Top Secret, Secret, or Confidential shall be transmitted in double sealed opaque containers. The classified information shall be protected from direct contact with the inner cover by a cover sheet or by folding inward. Only the inner container shall indicate the classification and when appropriate the marking "Restricted Data—Atomic Energy Act 1946," and shall include therein a receipt form which identifies the addressor, the addressee, and the contents in such a manner as not to reveal classified information, except that Confidential information shall require a receipt only when the sender determines it necessary. Both the inner and outer containers shall indicate the addressee and addressor.

(b) *Limited to Continental United States.* No classified information nor material shall be transmitted outside the Continental limits of the United States without the specific approval of, and in accordance with instructions issued by, the contracting officer concerned.

(c) *Top Secret.* Top Secret information shall be transmitted within the limits of the Contractor's facility by a messenger designated by the Contractor and who is cleared for access to Top Secret information. Transmittal beyond the Contractor's establishment will be made only when authorized by the Government. When so authorized, transmittal shall be by messenger approved by the Government.

(d) *Secret.* Secret information shall be transmitted by one of the following means:

(1) Messenger designated by the Contractor and who is cleared for access to Secret information.

(2) United States registered mail, including registered air mail.

(3) Protected commercial express, air or surface, under billing which assures the highest degree of protective handling.

(e) *Confidential.* Use of non-registered mails is prohibited. Confidential information shall be transmitted by one of the following means:

(1) By means established for transmittal of information of a higher classification.

(2) Messenger designated by the Contractor, who has been cleared for access to Confidential information.

(f) *Cryptographic information.* Cryptographic information shall be transmitted in accordance with specific instructions issued by the contracting officer.

(g) *Intraplant transmittal of classified information.* Classified information, except Top Secret, may be transmitted within an individual facility in accordance with procedures established by the Contractor, provided they are based upon and consistent with this part and these procedures have been approved by the security office of the cognizant military department. The procedures of this part will govern all interplant transmission of classified information.

(h) *Bulky material.* Whenever the size or quantity of classified information is of such bulk as not to lend itself to transmission as prescribed in paragraph (g) of this section, such material will be transmitted in accordance with specific instructions to be furnished by the contracting officer.

§ 21.13 *Reproduction.* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(a) *Non-reproducible material.* The Contractor shall not make or permit to be made, without prior written authorization of the contracting officer, any photograph or other reproduction of Top Secret information or Secret information (when specifically prohibited), for any purpose.

(b) *Reproducible material.* The Contractor may reproduce, without prior authorization of the contracting officer, information classified Secret (unless specifically prohibited) or Confidential when such reproduction is essential to:

(1) The performance of the contract.

(2) The preparation of a bid or quotation.

(3) Authorized correspondence in connection with the contract.

(4) Preparation of patent applications to be filed in the U. S. Patent Office, but this paragraph shall not be deemed to authorize the filing of patent applications, and such applications shall not be filed except as provided elsewhere in the contract.

§ 21.14 *Destruction.* (a) All Top Secret and Secret information and information classified as Confidential furnished the Contractor by the Government, shall be destroyed only when authorized in writing by the contracting officer. Accountability records will be maintained by the Contractor to reflect the destruction of such material.

(b) Confidential information developed or reproduced by the Contractor in connection with a Department of Defense contract may be destroyed upon determination by the Contractor that the material is obsolete or in excess of contractual and/or legal requirements.

(c) Destruction of classified information may be accomplished by one of the following methods:

(1) Printed or written defense information shall either be burned or destroyed by reduction to pulp by appropriate cleared personnel in the presence of a cleared witness. Those documents which require authorization of the contracting officer prior to destruction pursuant to paragraph (a) of this section, will also require a certificate indicating the date of destruction and identifying the document, executed and signed by both the destroying and witnessing individuals, and forwarded to the contracting office authorizing the destruction. Copies of certificates of destruction shall be retained by the Contractor for a minimum of one year.

(2) When destruction by reduction to pulp is elected by the Contractor, the equipment employed shall be of a type recommended by the Department of Defense. The security office of the cognizant military department will furnish a list of approved equipment.

(3) When disposal is authorized, Top Secret, Secret, and Confidential defense equipment shall be melted or destroyed beyond recognition and so as to prevent reconstruction. Necessary destruction may be limited to those portions of the equipment which incorporate the classified features. A certificate indicating the date of destruction and identifying the equipment shall be executed and signed by both the individual destroying and the individual witnessing such destruction and shall be forwarded to the contracting officer authorizing the destruction. The contracting officer will determine whether the witness must be a representative of his office or of the Contractor. Copies of certificates of destruction shall be retained by the Contractor for a minimum of one year.

(d) *Classified waste.* Preliminary drafts, carbon sheets, carbon ribbons, plates, stencils, composition tapes, masters, stenographic notes, work sheets, and similar items containing classified information shall be disposed of by burning, melting, or by reduction to pulp immediately after they have served their purpose, or shall be given the same classification and safeguarded in the same manner as the material produced from them.

SUBPART C—ACCESS

§ 21.15 *General.* An individual shall be permitted to have access to classified information only when cleared by the Government or the Contractor, as the case may be, as specified in this subpart and then he will be given access to such material only to the extent of his clearance. An individual requiring clearance shall be selected by the Contractor's determination of the individual's need for such information in the performance of his assigned duties. Appeals procedures for those denied clearances by the Government are provided, in certain instances, under regulations approved by the Secretaries of the military departments.

§ 21.16 *Precontract negotiations.* In the case of precontract negotiations, advertisements, and preparations of bids under Invitation to Bid, officers, directors, owners, and key employees of the Contractor directly involved in such negotiations will be cleared by the Government, unless notified by the Government that such clearances are not required.

§ 21.17 *After award of contract.* In the event a contract is awarded, in addition to those individuals cleared under the provision of § 21.16, access to classified information is authorized only to individuals as specified in the following:

(a) United States citizen employees of the Contractor who require access to information classified Top Secret or Secret or to "Restricted Data" or cryptographic material classified Confidential in connection with the performance of work on the contract, and who have been cleared by the Government.

(b) Immigrant alien employees of the Contractor who require access to information classified Top Secret, Secret, or Confidential in connection with the performance of work on the contract, and who have been cleared by the Government.

(c) United States citizen employees of the Contractor, who require access to information classified Confidential in connection with the performance of work on the contract, and who have been cleared by the Contractor (except employees referred to in paragraph (a) of this section who require access to "Restricted Data" or cryptographic material classified Confidential and who are cleared by the Government). A clearance by the Contractor shall be based on a determination that the individual's employment records are in order as to United States citizenship and that there is no information known to the Contractor which indicates that the employee's access to Confidential information is not clearly consistent with the interests of National security. The Contractor is not authorized to revoke a clearance that he has granted.

(d) Other persons specifically authorized in writing by the Government.

(e) Colleges and universities, when Department of Defense Contractors, shall not grant clearances to their employees for access to information classified Confidential.

§ 21.18 *Preemployment applications not authorized.* A personnel clearance action for an individual will not be initiated prior to the employment of the individual by the Contractor requesting such action.

§ 21.19 *Application for clearance.* Applications for clearance shall be made by the Contractor for his officers, directors, owners, and employees for whom Government clearance is required as specified in §§ 21.16, 21.17 (a) and (b), and shall be made to the security office of the cognizant military department by submission of the following:

(a) DD Form 48 ("Personnel Security Questionnaire" to be furnished by the Government) completed and executed by United States citizens.

(b) DD Form 49 ("Immigrant Alien Questionnaire" to be furnished by the Government) completed and executed by immigrant aliens.

(c) One properly completed and executed fingerprint card (to be furnished by the Government).

(d) Special requirements for colleges and universities: Colleges and universities, when Department of Defense Contractors, shall furnish to the security office of the cognizant military department the following information, in addition to that required in paragraphs (a) and (c) of this section, when clearance is required for their personnel, other than immigrant aliens, for access to Confidential:

(1) Verification of citizenship.

(2) Any information, derogatory or otherwise, available to the college or university officials or indicated in the personnel records of the college or university which will aid the military department concerned in reaching a decision as to whether a clearance should be issued. This may include the obtaining of a secrecy agreement from the individual concerned.

§ 21.20 *Contractor's clearance record.* The Contractor shall maintain a current record of his employees who have been cleared for access to classified information. The record will indicate the degree and date of clearance and whether cleared by a specific military department or the Contractor.

§ 21.21 *Employment of aliens.* No alien, or immigrant alien, employed by a contractor for furnishing or constructing aircraft, or aircraft parts or aeronautical accessories for the Government shall be permitted to have access to the unclassified plans or specifications or the work under construction or to participate in the contract trials without written consent beforehand of the Secretary of the military department concerned. Application for such consent shall be made by submission of DD Form 49, completed and executed by the alien or immigrant alien, to the security office of the cognizant military department.

SUBPART D—CONTROL OF AREAS

When, because of the nature or size of classified material, it is otherwise impractical to prevent access to it by unauthorized individuals, and storage is not provided for as required by § 21.11 (a), the Contractor shall safeguard such material by control of the area in which the material is located, provided further that the Government and the Contractor shall agree upon the extent of the control of areas at the time such parties

enter into a contract if such an agreement is necessary.

§ 21.22 *Area designations.* Industrial plants may be divided into the following areas as circumstances require:

(a) *Closed areas.* Areas that contain material classified Top Secret or Secret which may be accessible shall be designated "Closed areas" and so marked.

(b) *Restricted areas.* Areas that contain material classified Confidential which may be accessible shall be designated "Restricted areas" and so marked.

(c) *Open areas.* Areas not defined in paragraph (a) or (b) of this section, or areas containing classified material which is not accessible, shall be known as open areas.

§ 21.23 *Area control*—(a) *Closed areas.* (1) Shall be segregated or separated from adjacent areas by a physical barrier capable of preventing observation or entrance by unauthorized individuals.

(2) During working hours, admittance shall be controlled by the posting of guards at all unlocked entrances.

(3) During non-working hours, admittance shall be controlled by locked entrances and exits, and armed guards on patrols commensurate with the accessibility and size of the area.

(4) At all times, personnel assigned to the area shall challenge the presence of unauthorized individuals.

(b) *Restricted areas.* (1) Controls prescribed by paragraph (a) (1) and (4) of this section, are applicable to restricted areas.

(2) During working hours, admittance shall be controlled by Contractor authorized personnel at all unlocked entrances.

(3) During non-working hours, admittance shall be controlled by locked entrances and exits, and guards on patrols commensurate with the accessibility and size of the area.

(c) *Open areas.* Open areas containing classified material which is not accessible need not be segregated or separated. Open areas containing Top Secret or Secret material shall be protected by armed guards on patrol during non-working hours.

§ 21.24 *Supplemental control systems.* A central electrical alarm service (a service which is cleared as prescribed in Subpart F of this part, and which the operation of the electric protective signals and devices are automatically signalled to a central station which has trained guards and operators in attendance at all times, which monitors the signal end of the alarm system, which provides the response to a signal and which supervises the functions of the system), or an electrical protective system without a central alarm service (one in which the electrical protective circuits automatically signal an alarm and where supervision is maintained over the maintenance and repair of the system) may be used by the Contractor to supplement guard personnel required in § 21.23 (a), (b), and (c). The use of an electrical protective system with or without central alarm service may be authorized by the contracting officer of the military department concerned to supplant the use of guard personnel required by § 21.23 (b) and (c), where the material involved is classified Confidential. Where electrical protective systems are applied to the premises, all accessible openings thereto must be electrically protected. All material and equipment used in the system shall equal or exceed the Grade A specifications of the Underwriters' Laboratories where applicable for the purpose for which it is used, and all installations should be Type III or better in accordance with the accepted Underwriters' Laboratories standards for burglar alarm systems with the additional requirement that a signal be maintained at the control station or visible from outside the facility showing the system to be in operation and in working order after normal working hours.

§ 21.25 *Intra-plant control.* The Contractor shall maintain an adequate control of individuals on his premises by means of one or more of the following:

(a) Employee investigations.

(b) Guards.

(c) Lobby receptionists and visitor registers.

(d) Employee identification badges or cards.

SUBPART E—VISITORS

§ 21.26 *Visitor category.* For the purpose of this part, the term "visitor" includes any person admitted to the Contractor's plant where Department of Defense classified work is in progress who will have access to classified information or material exclusive of:

(a) Persons employed on the classified work by the Contractor or his subcontractors.

(b) Persons employed on classified work being performed by a subcontractor who must have access to classified work at a facility of the prime Contractor or at a facility of another subcontractor engaged in the performance of work in connection with the same prime contract, provided the prime Contractor determines that such access is necessary for the performance of the prime contract and subcontracts involved.

(c) Representatives of the Department of Defense who are directly and officially concerned in the performance of the contract.

(d) Authorized representatives of Federal Executive Departments or Agencies having internal security investigative responsibilities by statute or by Executive Directive.

(e) Authorized representatives of certain Federal Departments or Agencies which have executed and which have in effect an agreement with the Department of Defense to permit certain of their representatives designated by name to visit Department of Defense Contractors' facilities for agreed purposes. The security officer of the cognizant military department will notify management of clearance status of individuals falling within this category.

§ 21.27 *Authorization to visit.* The Contractor shall obtain the prior authorization of the security office of the cognizant military department before granting permission for any visitor to have access to classified information or to enter Closed or Restricted areas.

SUBPART F—SUBCONTRACTORS, VENDORS, AND SUPPLIERS

§ 21.28 *Determination of clearance status.* The prime Contractor shall determine from the security office of the cognizant military department whether the subcontractor, prospective subcontractor, vendor, or supplier has been granted a prescribed facility clearance prior to disclosing any classified material. If the subcontractor or prospective subcontractor, vendor, or supplier does not have a prescribed facility clearance, the prime Contractor shall request the security office of the cognizant military department to initiate appropriate clearance action.

§ 21.29 *Notification of selection.* For each classified contract, the prime Contractor, immediately upon selection of a subcontractor or subcontractors with whom he will be dealing, shall furnish in writing to the contracting officer or his duly authorized field representative the names and addresses of each of the subcontractors to be engaged on classified work under the contract concerned. Prior to the award of a subcontract involving classified information, the prime Contractor shall request the contracting officer or his duly authorized field representative administering the prime contract to furnish a Department of Defense Security Requirements Cleck List (DD Form 254) (if not previously furnished) which shall accompany each subcontract so awarded.

§ 21.30 *Action by subcontractor.* The subcontractor shall furnish to the security office of the cognizant military department properly executed forms necessary to process a facility clearance. The prime Contractor shall not disclose classified material to the subcontractor or prospective subcontractor, vendor, or supplier until after such subcontractor, vendor, or supplier has executed the Department of Defense Security Agreement and a facility clearance has been granted.

§ 21.31 *Return of classified information.* In case of prime Contractor-subcontractor relationship, the subcontractor will be governed in the return of classified information to the prime Contractor as provided herein, except that approval of the contracting officer concerned will be obtained prior to the prime Contractor authorizing the retention of any classified information by the subcontractor.

§ 21.32 *Application to sub-contractors.* For the purposes of this part, each subcontractor shall be considered as a prime Contractor with respect to his subcontractors.

SUBPART G—CRYPTOGRAPHIC INFORMATION

§ 21.33 *Application of part.* (a) The provisions of this part apply to research, development, and production of cryptographic equipment supplemented by special instructions to be issued by any

specific contract pertaining to cryptographic equipment issued by the contracting officer concerned, notice thereof having been furnished the Contractor.

(b) Cryptographic clearances for employees and facilities will be issued by the appropriate military department under regulations concerning this subject. Denials or revocations of cryptographic clearances are not appealable.

SUBPART H—GRAPHIC ARTS

This subpart establishes the special procedures to supplement the foregoing provisions of this part and will be followed in safeguarding the production and distribution of graphic arts involving classified information.

§ 21.34 *Production Control Records.* Production Control Records shall be plainly and conspicuously marked or stamped (not typed) with the same degree of classification as the defense information being processed. Such records, unless they contain or have permanently affixed thereto classified information, will automatically be declassified after delivery of the product has been made. The Contractor may at his discretion combine the receipt system with the production record; however, when such records are combined, they must be retained for a one-year period.

§ 21.35 *Area controls, additional requirements.* The facility shall meet the over-all requirements for the proper physical safeguarding of the classified information to be entrusted to the facility. Because of the nature and size of printed matter and production procedures, certain types of activities will be subject to additional area control as follows:

(a) *Press rooms.* During the time classified information is being run on the press, the press itself shall be identified and marked as classified information of the category of the material being run and will not be declassified until the run has been completed and all classified information removed from the press. During such periods, the Contractor shall be responsible for insuring that only authorized employees engaged in operating the press are given access to the information. Management restrictions shall prohibit other employees from the immediate vicinity of the press. When this procedure for press room security is installed by the Contractor, plates, blankets, chases, etc., need not be removed from the press at close of working hours when the press run is incomplete, provided the area meets the security requirements of Subpart D of this part.

(b) *Dark rooms.* Admittance to all film processing units will be restricted to personnel appropriately cleared, who are assigned to the particular job or jobs involving classified information.

(c) *Bindery areas.* Shall be secured by the same method as press room areas.

(d) *Shipping entrances.* Will be secured at all times, loading and unloading operations will be performed under the supervision of an appropriately cleared responsible employee of the Contractor.

(e) *Proof reading areas.* Shall be controlled by physical barriers that will prevent access either visually or by sound, or entrance by unauthorized individuals.

§ 21.36 *Special production conditions*—(a) *Over-runs.* Excess quantities must be held to a minimum, an exact count of finished products must be made. Quantities in excess of the contract requirements will be destroyed in compliance with the provision of § 21.14.

(b) *Proofs.* A record shall be kept of the numbers and disposition of proofs. Galley or page proofs approved by the contracting officer shall be retained until product is delivered and will then be returned to the contracting officer.

(c) *Waste disposal.* At each production point at which waste, spoilage, trimmings, cuttings, may accumulate in the course of manufacture, the Contractor shall provide waste containers appropriately marked for the disposal of the classified material. These containers must be adequately safeguarded and the waste promptly destroyed. Waste should not be retained in production areas during non-working hours.

(d) *Return of samples.* All graphic art samples shall be returned to the contracting officer or his field representative immediately after completion of the work.

(e) *Bulk shipment.* Graphic arts products that are shipped in bulk will be stacked in the inner container face up. A cover sheet will be placed on top of the material before sealing container. The Contractor will maintain a record of the quantity in each container and when the copies are serially numbered, the Contractor shall number the inner containers and the record shall show which serial numbers were packed in each container. The classification marking shall be stamped on all outside surfaces of the inner container. Containers shall be sealed by wire stapling or by tape so that tampering would be noticed. Address labels will be placed on the top surface of both containers, and receipts will be attached to the inner container with a temporary fastener that permits removal by consignee.

§ 21.37 *Destruction, special requirements.* Material shall be destroyed in accordance with the provisions of § 21.14 by the following approved methods of destruction listed below:

Paper products	Burn or pulp.
Plastics, film, acetates, cloth	Burn.
Metals:	
Foundry type	Distribute in type case.
All other metals	Melt.
Wooden type	Distribute in type case.
Class negatives	Dissolve in emulsion.
Blankets, rubber, felt, wool	Burn.
Plaster molds	Crush beyond recognition.
Wax molds	Melt or burn.

Other materials not listed, or new materials which may be developed, shall be destroyed beyond recognition as such, and so as to prevent reconstruction.

§ 21.38 *Mailing lists*—(a) *Classified.* When a mailing list is of itself classified but the contents are not classified, the material will be automatically unclassified at the point of mailing or when separated from the list at the point of shipping. When classified mailing lists are prepared or maintained by a Contractor, all material which retains an impression of the address such as carbons, addressing plates, identification strips and verification lists will become classified.

(b) *Unclassified.* When a mail list is not of itself classified but is used for the distribution of classified matter, it will be given the same classification of the material when affixed to the containers covering classified material. The list may be declassified when removed from the container.

Approved:

JOHN A. HANNAH,
Assistant Secretary of Defense (Manpower and Personnel).

[F. R. Doc. 54-2832; Filed, Apr. 15, 1954; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TONAWANDA INNER HARBOR (LITTLE RIVER), NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 is hereby amended in respect to the regulations for the New York Central System bridge between Island Street, North Tonawanda, and Tonawanda Island, New York, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * *

(9) Tonawanda Inner Harbor (Little River); the New York Central Railroad Company bridge between Island Street, North Tonawanda, and Tonawanda Island. From December 16 to March 31, inclusive, and between 8 p. m. and 4 a. m., eastern standard time, April 1 to December 15, inclusive, at least 24 hours' advance notice required. At all other times, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

[Regs., March 26, 1954, 823 (Little R.-Tonawanda, N. Y.-Island St.)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

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

[F. R. Doc. 54-2844; Filed, Apr. 15, 1954; 8:47 a. m.]

PART 207—NAVIGATION REGULATIONS

WRANGELL NARROWS, ALASKA

Pursuant to the provisions of section 7 of the River and Harbor Act of August

8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.800 is hereby amended to accomplish minor revisions to the regulations where references are made to navigational aids, as follows:

§ 207.800 *Wrangell Narrows, Alaska; use, administration, and navigation.* * * *

(d) *Tow Channel.* (1) The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of nine feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
East of Tow Channel Buoy 1 TC.
East of Tow Channel Buoy 3 TC.
West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
East of Wrangell Narrows Channel Light 21.
West of Wrangell Narrows Channel Lighted Buoy 23.
East of Tow Channel Buoy 5 TC.
East of Tow Channel Buoy 7 TC.
West of Petersburg:
East of Wrangell Narrows Channel Light 54 FR.
East of Wrangell Narrows Channel Light 56 Qk FR.
East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangle Narrows North Entrance Lighted Bell Buoy 63 F.

* * * * *

[Regs., March 23, 1954, 800.211 (Wrangell Narrows, Alaska)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 54-2845; Filed, Apr. 15, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

SURCHARGES FOR OVER-VALUE REGISTERED MAIL OR INSURED MAIL TREATED AS REGISTERED MAIL

Pursuant to Post Office Department Order No. 55593, dated April, 5, 1954, issued under authority of section 12 (a) (1) of the act of October 30, 1951 (65 Stat. 676; 39 U. S. C. 246f), paragraph (b) of § 58.3 *Registry fees and limits of indemnity*, 39 CFR 58.3 (b), is hereby amended to read as follows:

(b) *Surcharges for over-value registered mail or insured mail treated as registered mail.* (1) When the declared value exceeds the maximum indemnity provided by the fee by $1,000 or more and up to but not exceeding $1,000,000, there shall be charged additional fees (surcharges) for each $1,000 or part of $1,000 on articles addressed for delivery to points within the several postal zones, as follows: For local delivery or for delivery within the first zone, 12 cents; for delivery within the second zone, 14 cents; for delivery within the third zone, 16 cents; for delivery within the fourth zone, 17 cents; for delivery within the fifth or sixth zones, 18 cents; for delivery within the seventh or eighth zones, 19 cents.

(2) When the declared value exceeds the maximum indemnity covered by the fee by more than $1,000,000, the surcharge rates shall be as follows:

SURCHARGE RATES FOR REGISTERED MAIL AND INSURED MAIL TREATED AS REGISTERED MAIL VALUED IN EXCESS OF 1,000,000

Over—	To—	Local and first zone	Second zone	Third zone	Fourth zone	Fifth and sixth zones	Seventh and eighth zones
$1,000,000	$2,000,000	$170	$210	$260	$290	$320	$360
$2,000,000	$3,000,000	225	285	355	410	460	525
$3,000,000	$4,000,000	280	360	455	520	590	690
$4,000,000	$5,000,000	330	430	545	635	725	850
$5,000,000	$6,000,000	380	500	635	745	855	1,010
$6,000,000	$7,000,000	425	565	725	855	985	1,160
$7,000,000	$8,000,000	465	625	810	960	1,115	1,315
$8,000,000	$9,000,000	500	685	895	1,065	1,235	1,465
$9,000,000	$10,000,000	540	735	975	1,165	1,355	1,610
$10,000,000	$11,000,000	570	790	1,055	1,165	1,475	1,750
$11,000,000	$12,000,000	610	840	1,135	1,365	1,590	1,890
$12,000,000	$13,000,000	645	885	1,207	1,460	1,710	2,025
$13,000,000	$14,000,000	680	930	1,280	1,560	1,820	2,160
$14,000,000	$15,000,000	710	970	1,350	1,650	1,930	2,290

(3) When the declared value exceeds $15,000,000, rates may be applied to such shipments, not less than the maximum zone rates specified in the preceding schedule, based on considerations of weight, space, and value of the shipments.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 45 Stat. 469, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 381a)

The foregoing regulation shall become effective May 1, 1954.

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-2847; Filed, Apr. 15, 1954; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 107—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

DETERMINATION MADE FOR FISCAL YEAR 1955 OF INSUFFICIENCY OF AVAILABLE FUNDS; FINAL DATE FOR FILING APPLICATIONS

Subpart B of Part 107, 45 CFR (18 F. R. 6708) issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967, as amended by 67 Stat. 522) is amended by adding sections making determination of insufficiency of available funds for fiscal year 1955 for title III of said law and establishing a final date for filing of applications under title III. The new sections read as follows:

§ 107.25 *Determination made for fiscal year 1955 of insufficiency of available funds under title III.* The Commissioner has determined that funds which may be available in fiscal year 1955 (including any funds available in fiscal year 1954 which may not be needed for payments on applications filed on or before November 24, 1953) may not be sufficient to pay in full the amounts which all applicants filing complete applications under title III may be entitled to receive under title III, and this part.

§ 107.26 *Final date for filing applications under title III.* Pursuant to section 303 of title III and § 107.2 (a), June 30, 1954, is fixed as the date on or before which all complete applications for payments to which applicants may be entitled under title III from funds then available for fiscal year 1955 (including any funds available in fiscal year 1954 which may not be needed for payments on applications filed on or before November 24, 1953) or which may be made available shall be filed. Complete applications heretofore filed in compliance with this part shall be considered as filed for purposes of this section. Such complete applications may be modified or amended on or before June 30, 1954.

(Sec. 208, 64 Stat. 975, 67 Stat. 522; 20 U. S. C. 278)

Dated: April 6, 1954.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education

Approved: April 12, 1954.

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

[F. R. Doc. 54-2836; Filed, Apr. 15, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954. 97th Supp.]

NATIONAL INDEMNITY CO., OMAHA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

APRIL 12, 1954.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $105,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEBRASKA

National Indemnity Company, Omaha.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2848; Filed, Apr. 15, 1954; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLIAM BAUMGART 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

William Baumgart, Administrator of Estate of Helene Baumgart, deceased, New York, N. Y., Claim No. 58646; William Baumgart, Administrator of Estate of Jenny Baumgart, deceased, New York, N. Y., Claim No. 58647; William Baumgart, Administrator of Estate of Paula Baumgart Dessauer, deceased, New York, N. Y., Claim No. 58049; Elsa Baumgart Marcus a/k/a Mrs. Hans Marcus Eindhoven, Holland, Claim No. 57709; Vesting Order No. 2751; $433.96 in the Treasury of the United States. $3,000 United States Savings Bonds Series F, issued as of March 1, 1942, due March 1, 1954, numbered M138419/21F at $1,000 each.

$3,000 United States Savings Bonds Series F, issued as of May 1, 1942, due May 1, 1954, numbered M156024/6F at $1,000 each.

$4,500 United States Savings Bonds Series F, issued as of November 1, 1942, due November 1, 1954, numbered M311552/5F at $1,000 each, and D85669 at $500.

$1,825 United States Savings Bonds Series F, issued as of March 1, 1943, due March 1, 1955, numbered M203419F at $1,000, D103959F at $500, C213131/3F at $100 each and Q86862F at $25.

All bonds registered in name of William Baumgart Executor u/w of Ralph Ballerstein, deceased.

One-fourth (¼) thereof to each of the claimants.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2865; Filed, Apr. 15, 1954; 8:51 a. m.]

XAVIER FRANCOIS CASTELLI

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

Xavier Francois Castelli, Paris, France, Claim No. 36412; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,265,265.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2866; Filed, Apr. 15, 1954; 8:51 a. m.]

GEORGES LAMBERT

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

Georges Lambert, 28, rue Malesherbes, Lyons (Rhone), France, Claim No. 36416; property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943) relating to United States Letters Patent No. 2,204,683.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2867; Filed, Apr. 15, 1954; 8:51 a. m.]

LOUIS PARNET

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

Louis Parnet, Courbevoie (Seine), France, Claim No. 36420; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 439,203 (now United States Letters Patent No. 2,369,072).

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2868; Filed, Apr. 15, 1954; 8:51 a. m.]

SOCIETE CIVILE D'ETUDES TECHNIQUES

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 Civile d'Etudes Techniques, Paris, France, Claim No. 36421; property described in Vesting Order No. 1038 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 465,945.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2869; Filed, Apr. 15, 1954; 8:51 a. m.]

ROBERT JOSEPH LACAU

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

Robert Joseph Lacau, Paris, France, Claim No. 37109; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,040,208.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2870; Filed, Apr. 15, 1954; 8:51 a. m.]

ANTON J. ZARUBA

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

Anton J. Zaruba, Vienna, Austria, Claim No. 37800; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,084,116.

Executed at Washington, D. C., on on April 9, 1954.

For the Attorney General.

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

[F. R. Doc. 54-2871; Filed, Apr. 15, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 62779, 63138]

ALASKA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JANUARY 24, 1938, WITHDRAWING PUBLIC LANDS FOR SCHOOL SITES

APRIL 12, 1954.

Upon the recommendation of the Bureau of Indian Affairs, and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Assistant Secretary of the Interior of January 24, 1938, reserving certain public lands in Alaska as school sites for the benefit of the natives of Alaska pending survey, is hereby revoked so far as it affects lands in the following-described areas:

Attu (East of Greenwich): Longitude 172°-50' E., latitude 53° N.;
Colville (East of Barrow);
Kwiguk (at mouth of the Yukon).

The order reserved not to exceed forty acres at each site.

The lands at Attu were withdrawn by Executive Order No. 1733 of March 3, 1912, as a part of the Aleutian Islands National Wildlife Refuge.

The lands in the Colville area are included in the withdrawal made by Public Land Order No. 82 of January 22, 1943, for use in conection with the prosecution of the war.

At 10:00 a. m. on the 35th day after the date of this order, the public lands in the Kwiguk area released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) only, and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, and by other qualified persons entitled to preference under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

Applications for these lands, which shall be filed in the Land Office, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Part 64 to 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54-2833; Filed, Apr. 15, 1954; 8:45 a. m.]

Geological Survey

[Power Site Cancellation 102]

WIND RIVER, WASHINGTON

POWER SITE CLASSIFICATION NO. 156

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 156, approved December 4, 1926, is hereby canceled in so far and to the extent that it affects the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 4 N., R. 7 E., unsurveyed, in sec. 5, beginning at the quarter corner common to this section and section 32, T. 5 N., R. 7 E., from which a concrete post set in 6 in. stovepipe marked REF 1 on top, on west bank of Tyee Creek and west of Wind River highway near bridge across said creek, a corner of the original fish-cultural station, bears S. 14°45' W., 12.77 chains.

From said beginning point, by metes and bounds, East 10 chains, South 25 chains, West 40 chains, North 25 chains, East 30 chains to place of beginning, containing 100 acres.

T. 5 N., R. 7 E., unsurveyed, in sec. 32, beginning at the quarter corner common to this section and section 5, T. 4 N., R. 7 E., as described above.

From said beginning point, by metes and bounds, West 30 chains, North 30 chains, East 40 chains, South 30 chains, West 10 chains to place of beginning, containing 120 acres.

The two above-described areas aggregate 220 acres, more or less.

Dated April 5, 1954.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 54-2834; Filed, Apr. 15, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 176]

GONDRAND BROTHERS, INC., ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of: Gondrand Brothers, Inc., Harold S. Unger and Robert J. Winter, all of 33 Broadway, New York 6, New York, Respondents; Case No. 176.

The respondents, Gondrand Brothers, Inc., Harold S. Unger and Robert J. Winter, having been charged by the Director, Investigation Staff, Office of International Trade (now the Bureau of Foreign Commerce), of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, and having been duly served with the

charging letter, appeared herein by attorneys and demanded an oral hearing, which hearing has been duly held, after notice, before a Compliance Commissioner, to whom all the evidence in support of the charges and in opposition thereto has been presented.

The Compliance Commissioner has submitted to me for consideration his report and recommendations together with a transcript of the testimony given at the hearing, all exhibits submitted thereat and the charging letter.

Now, upon consideration of all the facts in this case, after reviewing the entire record and the report and recommendations of the Compliance Commissioner, I hereby make the following:

Findings of fact. 1. At all times hereinafter mentioned, Gondrand Brothers, Inc. was and now is a corporation engaged in the business of forwarding goods for export, servicing exports and financing exports, at 33 Broadway, New York 6, New York, and in other cities in the United States; that Harold S. Unger was and is in charge of that portion of its business relating to exports to Brazil; and that Robert J. Winter was and is an employee under and assisting Unger in his duties on behalf of Gondrand Brothers, Inc. The said corporation and the individuals are hereinafter referred to as respondents.

2. That on and prior to March 17, 1952, respondents knew that a firm in New York, hereinafter referred to as "Exporter" had made a contract with a firm in Brazil, hereinafter referred to as "Purchaser", wherein and whereby Exporter had agreed to sell and Purchaser had agreed to buy twelve tons of Type 302 stainless steel sheets, which sheets were nickel bearing, in scarce supply and for which Exporter was unable to obtain an export license.

3. That on and prior to March 17, 1952, respondents knew that Exporter had applied for and obtained from the Office of International Trade, now the Bureau of Foreign Commerce, an export license pursuant to which Exporter was licensed to ship to Purchaser 200,000 pounds of Type 430 stainless steel sheets, said Type 430 being non-nickel bearing, and in more plentiful supply than Type 302.

4. Purchaser hired Gondrand Brothers, Inc. to supervise completion of this contract on its behalf in the United States.

5. In pursuance of its employment by Purchaser, and for the purpose of enabling Exporter to export from the United States to Purchaser in Brazil, Type 302 stainless steel sheets which were the subject matter of the said contract and which were actually exported from the United States, respondents prepared and submitted to the Collector of Customs five shipper's export declarations in which they described the sheets being exported as "stainless steel sheets" and made no disclosure that the said sheets were Type 302 although they did certify therein that the sheets were being exported under the authority of Exporter's license which was identified by number only.

6. That further in pursuance of its employment by Purchaser, and for the purpose of having Exporter export from the United States to Purchaser in Brazil, additional Type 302 stainless steel sheets, the subject matter of the said contract, respondents Gondrand Brothers, Inc. and Unger gave delivery instructions to Exporter, paid Exporter for said steel sheets and notified Purchaser of the exportation of such additional Type 302 stainless steel sheets, with the knowledge that Type 302 stainless steel sheets were being exported without an export license authorizing such exportations.

7. That all the acts hereinabove set forth were performed by those respondents found to have performed them, with knowledge that Type 302 steel sheets were being exported and for the purpose of having them exported, even though such respondents knew that Exporter did not have a license for such exportation.

From the foregoing, I conclude (a) that respondents knowingly made false certifications and concealed material facts regarding the stainless steel sheets so exported in violation of § 381.1 (b) (1), of the export control regulations (15 CFR Part 381); (b) that they caused the exportation of Type 302 stainless steel sheets for which no validated license had been issued and for which no general license had been established in violation of § 370.2 and of § 372.1 (c), of the export control regulations (15 CFR Parts 370, 372); (c) that respondents Gondrand Brothers, Inc. and Unger knowingly participated in an exportation in a manner contrary to the ethical standards set forth in § 384.2 (a) (1) (v), of the export control regulations (15 CFR Part 384).

The Compliance Commissioner, in making his recommendation as hereinafter embodied in this order and otherwise, has taken into consideration the nature of the violations found, the manner in which the violations came to be committed, the actions of the individual respondents herein, their relative responsibility, the financial situation of the corporate respondent, the nature of its business, the manner in which its affairs had been handled under a previous management, the steps taken to avert and prevent future violations, the effect which any suspension imposed herein may have upon non-related persons and firms for whom such respondent is engaged in a servicing capacity and other factors. So that innocent customers of the corporate respondent may have the opportunity to make other arrangements, he has also recommended that the order as to it become effective the third Monday following the date thereof. It is my conclusion, upon the basis of the facts disclosed in the record and after giving due consideration to such recommendation, which includes remedial action in addition to that hereinafter provided, that the terms of the recommended orders are reasonable, necessary and proper to achieve effective enforcement of the law and they are accordingly adopted.

Now, therefore, it is ordered:

I. Effective 12:01 a. m., May 3, 1954, and terminating 12 o'clock, midnight, May 22, 1954, respondent Gondrand Brothers, Inc., its agents, servants and employees be, and they hereby are suspended, denied and declared ineligible from, and to exercise any privileges of, participation directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, excluding Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Respondent Unger, for a period of six (6) months commencing May 3, 1954, and respondent Winter, for a period of two (2) months commencing May 3, 1954, and any person acting in their behalf or for their account be and they hereby are suspended, denied and declared ineligible from, and to exercise any privileges of, participation directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, excluding Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the persons and company mentioned in and within the scope of Parts I and II hereof, but also to any person, firm, corporation, or business organization with which such persons and company may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith; but nothing in this part contained shall be deemed to limit or prevent the owners of stock in Condrand Brothers, Inc. or any firms or business enterprises affiliated with them or in which they have an interest, provided they do no business in and are not engaged in business in the United States, from receiving, forwarding or transporting in countries other

than the United States, goods or commodities which have been exported from the United States, provided that any and all such activities are in conformance with all regulations, laws and restrictions otherwise applicable to or related to such exportations.

IV. No person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or company within the scope of Parts I and II hereof have any interest of any kind or nature, direct or indirect.

Dated: April 12, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-2837; Filed, Apr. 15, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8917, 10906, 10990]

ZENITH RADIO CORP. AND COLUMBIA BROADCASTING SYSTEM, INC. (WBBM-TV)

NOTICE CONTINUING HEARING

In the matters of Zenith Radio Corporation, Chicago, Illinois, Docket No. 8719, File No. BPCT-322; for construction permit for a new television broadcast station; Columbia Broadcasting System, Inc. (WBBM-TV), Chicago, Illinois, Docket No. 10906; order to show cause why the license of Station WBBM-TV should not be modified to Specify Channel 2, Chicago, Illinois, in lieu of Channel 4; Columbia Broadcasting System, Inc. (WBBM-TV), Chicago, Illinois, Docket No. 10990, File No. BRCT-5; for renewal of license.

At the request of counsel for the applicants and without objection by the Chief of the Commission's Broadcast Bureau, the hearing conference scheduled for April 30, 1954, is postponed to Friday, May 7, 1954, at 10:00 a. m. in the offices of the Commission, Washington, D. C. This postponement is without prejudice to any action which may be taken on the petition for continuance filed by Zenith on April 8, 1954.

Dated: April 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HERBERT SHARFMAN,
Hearing Examiner.

[F. R. Doc. 54-2861; Filed, Apr. 15, 1954; 8:50 a. m.]

[Docket No. 10346]

JAMES GERITY, JR.

ORDER SCHEDULING HEARING

In re application of James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permit.

It is ordered, This 9th day of April 1954, that the hearing herein which was continued indefinitely by the Commission's order of November 3, 1953, is scheduled for hearing to commence at 10:00 a. m., Monday, April 26, 1954, at Washington, D. C.

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

[F. R. Doc. 54-2862; Filed, Apr. 15, 1954; 8:50 a. m.]

[Docket No. 10715]

PATCHOGUE BROADCASTING CO., INC. (WPAC)

ORDER SCHEDULING CONFERENCE

In re application of Patchogue Broadcasting Company, Inc. (WPAC) Patchogue, New York, Docket No. 10715, File No. BP-8525; for construction permit.

Pursuant to the provisions of § 1.813 providing for the holding of pre-hearing conferences: *It is ordered,* This 12th day of April 1954, that the parties in the above-entitled matter, through their counsel, and counsel for the Chief of the Broadcast Bureau of this Commission, attend a prehearing conference in this matter at the offices of the Commission at 10:00 a. m., Monday, April 19, 1954.

Attendance at such conference by counsel for Patchogue Broadcasting Company, Inc. shall not be deemed to constitute a waiver of the position asserted by that party in a certain "Protest and Petition for Hearing" filed by it with the Commission on April 5, 1954.

Released: April 12, 1954.

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

[F. R. Doc. 54-2863; Filed, Apr. 15, 1954; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-463]

DIAMOND INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Diamond Industry will be held by the Federal Trade Commission in the Biltmore Hotel, New York City, on May 6, 1954, commencing at 10 a. m., e. d. t.

All persons, firms, and corporations engaged in importing, cutting, mounting, distributing or marketing loose diamonds (other than industrial), or jewelry or other products set with diamonds, are cordially invited to attend and participate in this industry conference.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which violate laws administered by the Commission, and rules directed to the effective maintenance of ethical competitive standards for the protection of both the industry and the public.

After the May 6th conference, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing.

Issued: April 13, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-2860; Filed, Apr. 15, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1907]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its order adopted April 7, 1954, amending order issued May 4, 1953 (18 F. R. 2773), issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2839; Filed, Apr. 15, 1954; 8:46 a. m.]

[Docket No. G-2141]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER APPROVING SETTLEMENT

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its order adopted April 7, 1954, amending order issued March 18, 1954 (19 F. R. 1653-1654), approving settlement in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2840; Filed, Apr. 15, 1954; 8:46 a. m.]

[Docket Nos. G-2284, G-2355]

CENTRAL KENTUCKY NATURAL GAS CO. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDERS

APRIL 12, 1954.

In the matters of Central Kentucky Natural Gas Company, Docket No.

G-2284; New York State Natural Gas Corporation, Docket No. G-2355.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and orders adopted April 7, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2841; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2354]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and order adopted April 7, 1954, in the above-entitled matter, issuing a certificate of public convenience and necessity and permitting and approving abandonment by decreasing gas service to Southeastern Illinois Gas Company.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2842; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2365]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and order adopted April 7, 1954, issuing a certificate of public convenience and necessity, and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2843; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2396]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 12, 1954.

Take notice that on March 22, 1954, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell and deliver additional volumes of natural gas under its SGS-B Rate Schedule to Consumers Gas Company, the Village of Norris City, Illinois, and the Town of Fulton, Mississippi.

The total increase in daily volumes of gas to be delivered to all three customers is 1,825 Mcf per day at 15.025 psia, which Texas Eastern states is required by such customers to enable them to meet increased market requirements or to replace other sources of gas supply. No new construction will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of May 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2838; Filed, Apr. 15, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1601—7-1608]

AMERICAN OPTICAL CO. ET AL.

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

APRIL 9, 1954.

In the matter of applications by the Boston Stock Exchange for unlisted trading privileges in American Optical Company, Common Stock, No Par Value, 7-1601; Crown Zellerbach Corporation, Common Stock, $5 Par Value, 7-1602; Public Service Company of Indiana, Inc., Common Stock, No Par Value, 7-1603; Duquesne Light Company, Common Stock, $10 Par Value, 7-1604; Atlantic Coast Line Railroad Company, Common Stock, No Par Value, 7-1605; The Budd Company, Common Stock, No Par Value, 7-1606; General Telephone Corporation, Common Stock, $20 Par Value, 7-1607; United Air Lines, Inc., Common Stock, $10 Par Value, 7-1608.

The Boston 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.

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 April 26, 1954, 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. 54-2874; Filed, Apr. 15, 1954; 8:52 a. m.]

[File Nos. 54-75, 54-161, 59-8, 59-20]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

SUPPLEMENTAL ORDER WITH RESPECT TO FEE AND EXPENSES

APRIL 12, 1954.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commission by its order dated November 22, 1948, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation, a registered holding company, for its liquidation and dissolution; and

Said order having reserved jurisdiction over the determination of the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred in connection with said plan and the transactions incident thereto; and

Applications for allowances for fees and reimbursement of expenses having been filed, a public hearing with respect to such applications having been held, and the Division of Public Utilities of the Commission having issued a recommended findings and opinion; and

The Commission having issued its memorandum opinion and order dated December 28, 1951 (Holding Company Act Release No. 10986) and supplemental order dated January 23, 1952 (Holding Company Act Release No. 11021), and its memorandum findings and opinion and supplemental order dated August 11, 1952 (Holding Company Act Release No. 11430), releasing jurisdiction with respect to the payment of certain fees and expenses; and

An application having been filed by Clark, Carr & Ellis requesting that the Commission approve and allow a fee of $14,000 and reimbursement of expenses of $545.33 heretofore paid to them by The Commonwealth & Southern Corporation and The Southern Company on account of legal services rendered to the said companies in connection with the proceedings upon the applications for allowances of fees and reimbursement of expenses herein; and

The Commission having considered the said application of Clark, Carr & Ellis, and having found that the aforesaid fee and reimbursement of expenses are not unreasonable, and deeming it

appropriate that they should be approved and allowed, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the fee of $14,000 and reimbursement of expenses of $545.33 heretofore paid to Clark, Carr & Ellis be, and they hereby are, approved and allowed, and that the jurisdiction heretofore reserved with respect thereto be, and hereby is, released.

By the Commission.

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

[F. R. Doc. 54-2876; Filed, Apr. 15, 1954; 8:52 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

APRIL 12, 1954.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri, File No. 70-2647.

Middle South Utilities, Inc., ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and Electric Energy, Inc., ("Electric Energy"), a public utility subsidiary of Middle South and Union Electric, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") regarding (i) the issuance and sale by Electric Energy to two insurance companies of a maximum of $100,000,000 principal amount of 3 percent First Mortgage Sinking Fund Bonds, due December 1, 1979, and (ii) the execution by all the applicants-declarants of certain contracts; and

The Commission having by order dated June 26, 1951, granted the amended application and permitted the amended declaration to become effective, subject to a reservation of jurisdiction over all fees and expenses to be incurred in connection with the proposed transactions; and

The Commission having by a further order dated July 21, 1952, released jurisdiction with respect to certain estimated fees and expenses as specified in said order; and

Willkie Owen Farr Gallagher & Walton as special counsel to the purchasers of the bonds, having advised the Commission that in addition to the fees and expenses it received for its services in connection with the issuance and sale of the bonds including such services in connection with the initial closing for the bonds, it has also received $12,300 for its services in connection with fourteen secondary closings for these bonds, plus expenses of $295.57; and

The Commission having examined the record as so completed and it appearing to the Commission that the additional fees and expenses of Willkie Owen Farr Gallagher & Walton are not unreasonable and it appearing appropriate to the Commission that the jurisdiction heretofore reserved with respect to such fees and expenses be released:

It is ordered, That the jurisdiction heretofore reserved with respect to said fees and expenses herein be, and the same hereby is, released.

By the Commission.

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

[F. R. Doc. 54-2875; Filed, Apr. 15, 1954; 8:52 a. m.]

[File No. 70-3215]

GENERAL PUBLIC UTILITIES CORP.

ORDER REGARDING CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

APRIL 12, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed with this Commission a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder with respect to proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $350,000 to its public utility subsidiary, Northern Pennsylvania Power Company ("North Penn"). Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than December 31, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for such purposes. Thus GPU will, by these cash capital contributions, assist North Penn with its construction program which is designed to insure that North Penn will continue to be in a position to meet the demands of its consuming public.

It is requested that the Commission's order be expedited and made effective forthwith upon issuance and it is stated that no state or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is estimated that expenses in connection with the transactions will not exceed $300.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 54-2877; Filed, Apr. 15, 1954; 8:53 a. m.]

[File No. 70-3239]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 12, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly-owned subsidiary companies, Cumberland and Allegheny Gas Company ("Cumberland"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) as applicable to the proposed transactions which are summarized as follows:

Cumberland proposes to issue and sell to Columbia at par, 4,000 shares of common stock, $25 par value.

Cumberland also proposes to issue and sell to Columbia $600,000 principal amount of __ percent Installment Promissory Notes at a price equivalent to the principal amount of such notes. The notes are to be registered and will be payable in equal installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal amount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed installment notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Cumberland will first issue and sell its common stock when and as funds are required by it up to a maximum amount of $100,000 and thereafter Cumberland will sell its installment notes to Columbia up to a maximum amount of $600,000. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying Cumberland with funds required to complete its 1954 construction program involving estimated expenditures of $1,546,600 for gas wells, transmission and distribution lines, and other facilities.

The estimated fees and expenses aggregate $1,220.

Cumberland has applied to the Public Service Commission of West Virginia for approval of the proposed issuance and sale of common stock and notes.

Notice is further given that any interested person may, not later than April 26, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing 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 April 26, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

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

[F. R. Doc. 54-2878; Filed, Apr. 15, 1954; 8:53 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 35]

WOOL GLOVES AND MITTENS AND WOOL GLOVE LININGS

INVESTIGATION INSTITUTED

Investigation instituted. Upon application of the American Knit Handwear Association, Inc., Gloversville, New York, received March 29, 1954, the United States Tariff Commission, on the 12th day of April 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below, or any of them, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon 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 Par. No.	*Description*
1114 (b)	Gloves and mittens, finished or unfinished, wholly or in chief value of wool, valued over $1.75 per dozen pairs.
1114 (d)	Glove and mitten linings, knit or crocheted, finished or unfinished, wholly or in chief value of wool, valued over $2 per pound.
1529 (a)	Gloves and mittens, wholly or in chief value of wool, classifiable under paragraph 1529 (a), Tariff Act of 1930, at current rates of duty lower than 90 percent ad valorem.

Inspection of application. The application filed in this case 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 Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the United States Tariff Commission on the 12th day of April 1954.

Issued: April 13, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-2846; Filed, Apr. 15, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29119]

COAL, SLACK, FROM MINES IN CLINTON, MO., GROUP TO MISSOURI CITY, MO.

APPLICATION FOR RELIEF

APRIL 13, 1954.

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

Filed by: F. C. Kratzmeir, Agent, for Missouri-Kansas-Texas Railroad Company and Wabash Railroad Company.

Commodities involved: Coal, slack, or finely crushed that has passed or will pass through screen with round openings one and one-quarter (1¼) inches in diameter, carloads.

From: Mines in Missouri in Clinton, Mo., group.

To: Missouri City, Mo.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 76.

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

By the Commission.

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

[F. R. Doc. 54-2849; Filed, Apr. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29121]

CRUDE COAL, PETROLEUM OR WATER GAS TAR FROM ALABAMA AND TENNESSEE TO HAMMOND AND OLIVER, LA.

APPLICATION FOR RELIEF

APRIL 13, 1954.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Crude coal, petroleum or water gas tar, in tankcar loads.

From: Points in Alabama and Tennessee and points grouped therewith.

To: Hammond and Oliver, La.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 710, supp. 290 C. A. Spaninger, Agent I. C. C. No. 717, supp. 303.

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

By the Commission.

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

[F. R. Doc. 54-2851; Filed, Apr. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29122]

MERCHANDISE FROM TENNESSEE AND GEORGIA TO CHICAGO, ILL., ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

APRIL 13, 1954.

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

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

From: Chattanooga, North Chattanooga, Tenn., and Savannah, Ga.

To: Chicago, Ill., and points grouped therewith, St. Louis, Mo., and East St. Louis, Ill.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 43.

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

By the Commission.

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

[F. R. Doc. 54-2852; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29123]

ZIRCON ORE AND RUTILE ORE FROM MELBOURNE, FLA., TO NIAGARA FALLS AND SUSPENSION BRIDGE, N. Y.

APPLICATION FOR RELIEF

APRIL 13, 1954.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Zircon ore (crude zirconium silicate) and rutile ore, carloads.

From: Melbourne, Fla.

To: Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 45.

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

By the Commission.

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

[F. R. Doc. 54-2853; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29126]

PLASTER, GYPSUM WALLBOARD, AND RELATED ARTICLES FROM OR TO POINTS IN OFFICIAL TERRITORY AND BETWEEN POINTS IN NORTHERN ILLINOIS, SOUTHERN WISCONSIN, AND IOWA

APPLICATION FOR RELIEF

APRIL 13, 1954.

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

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster, gypsum wallboard, and related articles, carloads.

Between: Points in official territory on the one hand and points in northern Illinois and southern Wisconsin and points in Iowa on the other.

Grounds for relief: Rail competition, competition with motor carriers, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4577, supp. 7.

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

By the Commission.

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

[F. R. Doc. 54-2856; Filed, Apr. 15, 1954; 8:49 a. m.]

[No. 31437]

EASTERN BITUMINOUS COAL ASSOCIATION ET AL. V. BALTIMORE AND OHIO RAILROAD CO., ET AL.

IMPLEMENTING PREVIOUSLY PRESCRIBED SPECIAL RULES OF PROCEDURE

It appearing that by order of March 12, 1954 (19 F. R. 1559) special rules were prescribed, directing, among other things, the prehearing interchange of prepared material;

And it further appearing that upon consideration of the record, and good cause appearing therefor:

It is ordered, That the special rules entered herein by order of March 12, 1954 (19 F. R. 1559), be, and they are hereby, amended by the addition thereto of the following rule:

12. *Written objections.* So far as practicable, any objection to the admissability of prepared testimony or exhibits, which shall have been interchanged pursuant to rule 1 hereof, and any reply to such objection, shall be presented in the form of a written statement (which need not be verified), clearly and specifically identifying the testimony or exhibit, or portions thereof, to which objection is taken, and stating the basis for such objection. Such statement shall be mailed to affiant or witness sponsoring such testimony or exhibit, or to his counsel, not later than 2 weeks prior to, and any reply thereto shall be mailed not later than 1 week prior to, the date of hearing at which the material is to be tendered in evidence. Two copies of each such statement, and of any reply thereto, shall be mailed concurrently to the Examiner. Any objection made pursuant to this rule must formally be renewed upon the record at the appropriate hearing.

It is further ordered, That except as herein modified the said order of March 12, 1954, shall remain in full force and effect;

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 8th day of April A. D. 1954.

By the Commission.

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

[F. R. Doc. 54-2858; Filed, Apr. 15, 1954; 8:50 a. m.]

[Rev. S. O. 562; Taylor's I. C. C. Order 34-A]

CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 34 and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 34 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a. m., April 12, 1954.

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

Issued at Washington, D. C., April 12, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-2879; Filed, Apr. 15, 1954; 8:53 a. m.]