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Washington, Tuesday, August 18, 1959

Title 3—THE PRESIDENT

Executive Order 10831

ESTABLISHING THE FEDERAL RADIATION COUNCIL

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

SECTION 1. (a) There is hereby established the Federal Radiation Council (hereinafter referred to as the "Council").

(b) The Council shall be composed of the Secretary of Defense, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, and the Chairman of the Atomic Energy Commission.

(c) The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council.

SEC. 2. The Council shall advise the President with respect to radiation matters directly or indirectly affecting health, including matters pertinent to the general guidance of executive agencies by the President with respect to the development by such agencies of criteria for the protection of humans against ionizing radiation applicable to the affairs of the respective agencies. The Council shall take steps designed to further the interagency coordination of measures for protecting humans against ionizing radiation.

SEC. 3. The Special Assistant to the President for Science and Technology, or his representative, is authorized to attend meetings of, to participate in the deliberations of, and to advise with, the Council.

SEC. 4. For the purpose of effectuating this order, each executive agency represented on the Council shall furnish necessary assistance to the Council, in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include detailing employees to the Council to perform such duties consistent with the purposes of this order as the Chairman of the Council may assign to them. Upon the request of the Chairman of the Council, the heads of executive agencies shall so far as practicable provide the Council information and reports relating to matters within the cognizance of the Council.

SEC. 5. The Council may seek technical advice, in respect of its functions, from any source it deems appropriate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 14, 1959.

[F.R. Doc. 59-6895; Filed, Aug. 17, 1959; 9:42 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Virginia Type Peanuts

MISCELLANEOUS AMENDMENTS

Revised United States Standards for Shelled Virginia Type Peanuts and revised United States Standards for Shelled Spanish Type Peanuts, each promulgated July 29, 1959, were published in the FEDERAL REGISTER on August 1, 1959 (24 F.R. 6181–6182), to become effective August 31, 1959.

Inadvertently, the respective standards as published in the FEDERAL REGISTER included, as hereinafter explained, certain provisions which although set forth in the prior notices of proposed rule making (24 F.R. 3762–3764) were thereafter determined not to be incorporated into the revised standards. In addition, other incorrect items were included.

§ 51.2731 [Amendment]

1. With respect to § 51.2731 *U.S. Spanish Splits*, paragraph (a)(5) thereof fixes 5 percent as the tolerance for sound whole kernels. The applicable tolerance set forth in the current § 51.2731(a)(5) is "4 percent", which percentage had

(Continued on p. 6671)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

been decided upon for continuation in the revision rather than adoption, in lieu thereof, of the "5 percent" tolerance contained in the notice of rule making.

Therefore, § 51.2731(a)(5) of the revised United States Standards for Shelled Spanish Type Peanuts (Subpart—United States Standards for Shelled Spanish Type Peanuts, 7 CFR 51.2730–51.2741; 24 F.R. 6181) is hereby corrected to read as follows:

(5) 4 percent for sound whole kernels.

2. With respect to § 51.2752(a) (3) and (4), the figures "1.5" and "0.5" should have read "1.25" and "0.75", respectively; and although the provisions of § 51.2753 were set forth (as § 51.2754) in the applicable prior notice of proposed rule making, it was thereafter determined not to incorporate such provisions in the revised standards but rather to carry over into the revision the provisions of the current § 51.2753.

Therefore, §§ 51.2752 and 51.2753 of the revised United States Standards for Shelled Virginia Type Peanuts (Subpart—United States Standards for Shelled Virginia Type Peanuts, 7 CFR 51.2750–51.2763; 24 F.R. 6182) are hereby corrected to read as follows:

§ 51.2752 U.S. No. 1 Virginia.

"U.S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2753 U.S. Virginia Splits.

"U.S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign materials; and,

(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1624)

Dated: August 13, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59–6809; Filed, Aug. 17, 1959; 8:47 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Spanish Type Peanuts

Correction

1. In F.R. Doc. 59–6343, appearing at page 6181 of the issue for Saturday, August 1, 1959, the word "Flash" in § 51.2740(b) should read "Flesh".

2. In F.R. Doc. 59–6344, appearing at page 6182 of the issue for Saturday, August 1, 1959, the word "in" in the introductory paragraph of § 51.2762 should read "is".

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas [1]

MISCELLANEOUS AMENDMENTS

On July 2, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5372) regarding a proposed revision of the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas are hereby promulgated pursuant to the authority contained in the Agriculture Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

1. Delete § 52.1661 and substitute therefor the following:

§ 52.1661 Product description.

(a) "Frozen field peas" is the product prepared from the clean and sound immature seed of the field pea plant (Vigna sinensis), other than the black-eye pea plant, by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

(b) "Frozen black-eye peas" is the product prepared from the clean and sound immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

2. Delete § 52.1662 and substitute therefor the following:

§ 52.1662 Definitions.

(a) "Frozen peas" means frozen field peas or frozen black-eye peas.

(b) "Snap" or "snaps" means a piece or pieces of immature unshelled pods of the field pea plant or of the black-eye pea plant.

(c) "Unit" means an individual field pea or black-eye pea or a piece of immature unshelled pod of either.

§ 52.1667 [Amendment]

3. In § 52.1667(a), delete subparagraph (1) and substitute therefor the following:

(1) "Extraneous vegetable matter" means hulls or pieces of hulls; unshelled pods or pieces of unshelled pods (except in peas frozen with snaps as a garnish), leaves, stems, and other similar vegetable matter.

Dated: August 13, 1959, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59–6808; Filed, Aug. 17, 1959; 8:47 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee for 1959–60 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 4, 1959, issue of the FEDERAL REGISTER (24 F.R. 6245) that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there were under consideration proposed expenses of the Prune Administrative Committee, established under the order, for the 1959–60 crop year and a rate of assessment of that year, as unanimously recommended by the committee and hereinafter set forth. In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, other available information, and said notice, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

§ 993.310 Expenses of the Prune Administrative Committee and rate of assesment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $86,800 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50(e) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, as such handler's pro rata share of the aforesaid expenses an assessment of 56 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to § 993.50(e) of the order, the rate of assessment applies to all prunes received by handlers as the first handlers thereof during a crop year; (2) the current crop year—1959–60 crop year—extends from August 1, 1959, through July 31, 1960, and handlers will receive prunes, as the first handlers thereof, in the immediate future; (3) the committee should be enabled to obtain promptly sufficient funds from the 1959–60 crop year assessments in order to defray expenses of administering the program during such crop year; (4) while the committee has on hand and may use, as authorized by §§ 993.81 and 993.82, the assessment funds from the 1958–59 crop year that were not expended in connection with program operations during such crop year, such funds are not sufficient to pay the expenses incurred by the committee during the early months of the current crop year; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–6834; Filed, Aug. 17, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 752—ADMIRALTY CLAIMS

Revision of Part

Scope and purpose. Part 752 is brought up to date to indicate current delegation of authority and current statutory citations.

Sec.
752.1 Delegation of final authority.
752.2 Limitation of settlement.
752.3 Public information.

AUTHORITY: §§ 752.1 to 752.3 issued under sec. 5031, 70A Stat. 278; 10 U.S.C. 5031. Interpret or apply secs. 7621 to 7623, 70A Stat. 472; 10 U.S.C. 7621 to 7623.

§ 752.1 Delegation of final authority.

(a) Final authority for the settlement, where the amount paid does not exceed $1,000,000 and where the matter is not in litigation, and direct payment of claims for damage caused by naval vessels and for towage or salvage services rendered to naval vessels are vested in the Secretary of the Navy (sec. 7622, 70A Stat. 472; 10 U.S.C. 7622).

(b) Final authority for settlement is vested in the Secretary of the Navy, where the matter is not in litigation and where the amount collected does not exceed $1,000,000 of claims of an Admiralty nature or for damage caused by a vessel or floating object to property of the United States, which is under the jurisdiction of the Department of the Navy or to property for which the Department of the Navy by contract or otherwise may have assumed responsibility (sec. 7623, 70A Stat. 472; 10 U.S.C. 7623).

(c) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims, not exceeding payment or collection of one thousand dollars under the aforesaid statutory provisions (secs. 7622(c), 7623(c), 70A Stat. 472; 10 U.S.C. 7622(c), 7623(c)).

(d) The final authority to settle said claims, not exceeding payment or collections of one thousand dollars, under the above statutory provisions, has been delegated by the Secretary of the Navy to the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Admiralty Division, and the Director, Office of the Judge Advocate General, West Coast. In addition, the final authority to settle and pay claims up to one thousand dollars, under sec. 7622, 70A Stat. 472 (10 U.S.C. 7622) has been delegated by the Secretary of the Navy to the Commander in Chief, U.S. Naval Forces, Eastern Atlantic and Mediterranean and to the Commander Sixth Fleet.

§ 752.2 Limitation of settlement.

(a) The authority of the Secretary of the Navy to effect settlement of claims under Title 10, U.S. Code, Section 7622 is subject to the same limitation as the Public Vessels Act (act of March 3, 1925, c. 428, 43 Stat. 1112; 46 U.S.C. 781 et seq.), that is, a 2-year period from the date of origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such 2-year period; otherwise, thereafter the cause of action ceases to exist and the Secretary has no authority to effect settlement administratively. The "filing" of a claim, or its consideration by the Navy Department or correspondence or negotiation does not waive or extend the 2-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the 2-year period, leaving the question of the extent of damage for later determination. A settlement within the 2-year period in effect constitutes a contract upon which suit could be maintained in the Court of Claims, subject to its 6-year limitation. Payment does not need be accomplished within the 2-year period.

(b) The requisite is an agreement between the Navy Department and the claimant prior to the expiration of the period when a suit under the Public Vessels Act would be barred, that, is, the 2-year period.

(c) This limitation applies to all claims, both of an admiralty nature and of a non-admiralty nature, the settlement of which is authorized until Title 10, U.S. Code, § 7622.

§ 752.3 Public information.

Information as to the status of admiralty claims may be obtained upon application to the Director, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington 25, D.C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

Dated: August 8, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-6798; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1938]

[Arizona 78590]

ARIZONA

Order Opening Lands in Power Site Classification No. 438 of November 16, 1956 (DA-133-Arizona)

Beginning at 10:00 a.m. on September 16, 1959, the following-described public lands, withdrawn in Power Site Classification No. 438 of November 16, 1956, shall be open to application, petition, location, and selection under applicable nonmineral public land laws subject to valid existing rights, the requirements of applicable law, the provisions of existing withdrawals, the six-months preference right to apply to select the lands granted to certain States by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852); the right of the State of Arizona to apply for the reservation to it or to any of its political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of 1920, as amended; and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and other persons entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 16 E.,
Sec. 26, N½NE¼, SE¼NE¼ and NE¼SE¼.

The areas described aggregate 160 acres.

The lands are situated approximately five miles northwest of Mammoth, and 16 miles south of Winkelman, Arizona.

The allowance of any application shall be in accordance with and subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

The lands have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59-6800; Filed, Aug. 17, 1959; 8:45 a.m.]

[Public Land Order 1939]

[Idaho 09359]

IDAHO

Opening Lands in Power Site Classification No. 420

Pursuant to DA-521, Idaho, of the Federal Power Commission issued November 21, 1958, it is ordered as follows:

1. Beginning at 10 a.m. on September 16, 1959, the following-described lands withdrawn in Power Site Classification No. 420 of October 17, 1951, shall be open to application, petition, location, and selection under applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the six-months' preference right to apply to select the lands granted to certain States by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 8510852), the right of the State of Idaho to apply under any statute or regulation applicable thereto for reservation to the State, or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of 1920, as amended, and the 91-day preference right filing period for veterans of World War II, the Korean Conflict and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 746; 43 U.S.C. 279-284), as amended:

BOISE MERIDIAN

T. 1 N., R. 44 E.,
Sec. 35, lot 8.

The tract described contains 14.60 acres.

2. The lands are located on the right bank of the South Fork of the Snake River, approximately four miles from Irwin, Idaho.

3. The allowance of any application shall be in accordance with and subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621, et seq.).

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

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59-6801; Filed, Aug. 17, 1959; 8:45 a.m.]

[Public Land Order 1940]

[1376381]

NEVADA

Partially Revoking Executive Order No. 5339 of April 25, 1930 (Lake Mead Area)

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5339 of April 25, 1930, which withdrew lands in Arizona and Nevada for classification and pending determination as to their suitability for inclusion in a national monument, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 65 E.,
Secs. 2 to 11, incl.;
Secs. 14 to 18, incl.
T. 18 S., R. 67 E.,
Secs. 1 to 11, incl.;
Secs. 16 to 21, incl.;
Secs. 28 to 33, incl.

The areas described aggregate 24,320 acres.

Beginning at 10:00 a.m. on September 16, 1959, the lands shall be open to application, petition, location, and selection under applicable nonmineral public-land laws, subject to valid existing rights, the provisions of existing withdrawals for reclamation and other purposes, the requirements of applicable law, and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended.

The lands have been open to application and offers under the mineral leasing laws and to location of metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on December 16, 1959.

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

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59-6802; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 85; Amdt. 130]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo VOR	AMA–LFR	Direct	4800	T–dn	300–1	300–1	200–½
TDW RBn	AMA–LFR	Direct	5000	C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn East side of North crs, 359° Outbnd, 179° Inbnd, 4900' within 10 mi.
Minimum altitude over LFR on final approach crs, 4400'.
Crs and distance, LFR to airport, 124°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 mi. turn left, climb to 4700' on the East crs of AMA-LFR within 20 mi.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev., 3604'; Fac. Class, SBRAZ; Ident, AMA; Procedure No. 1, Amdt 10; Eff. date, 5 Sept. 59; Sup. amdt No. 9; Dated, 2 Mar. 57

Famoso FM (Final)	BFL–LFR	Direct	1600	T–dn	300–1	300–1	200–½
Bakersfield VOR	BFL–LFR	Direct	2000	C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side NW crs, 321° Outbnd, 141° Inbnd, 2000' within 10 mi.
Crs and distance, facility to airport, 141—1.7.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn right (W) and climb to 2500' on NW crs within 20 mi, or when directed by ATC, climb to 2000' on the SW crs within 15 mi.
NOTE: Take-offs and landings runway 7–25 NA. Night take-offs runway 16 NA. Night landings runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25–30–34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515'; Fac. Class, SBMRAZ, Ident., BFL; Procedure No. 1, Amdt. 7; Eff. date, 5 Sept. 59; Sup. amdt. No. 6; Dated, 24 May 58

Goodsprings HW	LAS–LFR	Direct	7000	T–dn	800–2	800–2	800–2
Las Vegas VOR	LAS–LFR	Direct	5100	C–dn	1500–2	1500–2	1500–2
Kids Intersection	LAS–LFR	Direct	5100	A–dn	1500–2	1500–2	1500–2
Int SW crs LAS–LFR and LAS–VOR R–270.	LAS–LFR	Direct	5100				
Boulder City Int	LAS–LFR	Direct	6100				

Procedure turn E side SW crs, 203° Outbnd, 023° Inbnd, 5000' within 10 mi.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 195—8.5.
SHUTTLE: to 6500' on NE and or SW crs within 20 miles of LFR. Turns on E side of crs.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 6500' on NE crs within 20 miles of LFR.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev. 2171'; Fac. class, SBMRAZ; Ident., LAS; Procedure No. 1, Amdt. 8; Eff. date, 5 Sept 59; Sup. amdt. No. 7; Dated, 5 Jan. 57

Goodsprings HW	LAS–LFR	Direct	7000	T–dn	800–2	800–2	800–2
Int SW crs LAS–LFR and LAS–VOR R–270.	LAS–LFR	Direct	5100	C–dn	1000–1	1000–1	1000–1½
				A–dn	1000–2	1000–2	1000–2
Las Vegas VOR	LAS–LFR	Direct	5100				
Kids Intersection	LAS–LFR	Direct	5100				
Boulder City Int	LAS–LFR	Direct	6100				

Procedure turn E side NE crs, 028° Outbnd, 208° Inbnd, 5100' within 10 miles.
Minimum altitude over LAS–LFR on final approach crs, 4600'.
Minimum altitude over LAS–VOR on final approach crs, 3200'.
Crs and distance, facility to airport.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi. after passing Las Vegas VOR turn left, climb to 6000' on R–065 within 15 mi of VOR or, when directed by ATC, climb to 6100' on R–210 within 10 miles of VOR. All turns South of crs.
CAUTION: 4100' terrain 4 miles SE of LFR.
*After passing LAS–LFR, turn right to 225°, intercept and fly course of 180° at LAS–VOR.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171'; Fac. Class, SBMRAZ BVOR; Ident., LAS; Procedure No. 2, Amdt. 6; Eff. Date, 5 Sept 59; Sup. Amdt. No. 5; Dated, 5 Jan 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	2000-2	2000-2	2000-2
Int W crs RNO-LFR and 353° brng to Stead AFB "H" (Faro Int).	RNO-LFR	Direct	9000	C-n	2000-3	2000-3	2000-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn E side N crs, 342° Outbnd, 162° Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain.)
Minimum altitude over facility on final approach crs, 6800'.
Crs and distance, facility to airport, 162—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
SHUTTLE: N crs to 10,000' within 20 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport name, Municipal; Elev., 4411'; Fac Class, SBRAZ; Ident., RNO; Procedure No. 1, Amdt. 7; Eff. date, 5 Sept. 59; Sup. amdt. No. 6; Dated, 8 Aug. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA VOR	FLL RBn	Direct	1300	T-dn	300-1	300-1	200-½
MIA RBn	FLL RBn	Direct	2000	C-dn	600-1	600-1	600-1½
Wagner Int	FLL RBn (Final)	Direct	700	S-dn-13	500-1	500-1	500-1
Radar Terminal Area Transition Altitude	Radar Site	Within 25 mi	*1500	A-dn#	800-2	800-2	800-2

Procedure turn East side of crs, 314° Outbnd, 134° Inbnd, 1100' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 134°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi, climb to 1200' on crs 134° from FLL "H" within 15 miles or, when directed by ATC, turn left, climb to 1500' on the South crs of PBI LFR within 15 mi.
NOTE: Limited weather information available to public.
AIR CARRIER NOTE: Procedure may be authorized only for air carriers having approval of their arrangements for weather service at this airport.
MAJOR CHANGES: Deletes transitions from Ft. Lauderdale Int and Golden Beach Int.
#Alternate usage authorized for Air Carriers only.
*Radar terminal transition altitude 1500' within 25 miles except 2000' required when within 3.0 miles of TV towers 999' and 997' 5.0 miles and 6.5 miles SSW of airport.

City, Fort Lauderdale; State, Fla.; Airport Name, International; Elev., 10'; Fac. Class, MHW; Ident, FLL; Procedure No. 1, Amdt. 1; Eff. Date, 5 Sept. 59; Sup. Amdt. No. Orig.; Dated, 23 May 59

Wichita Falls, VOR	SPS RBn	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2300' within 10 mi. Nonstandard due obstruction West.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 321°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi, climb to 3000' m.s.l. on crs of 323° within 20 mi.
NOTE: Single transmitter. Aural signal must be received at all times during approach.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014'; Fac. Class, HW; Ident., SPS; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Sept. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Famoso FM	BFL-VOR (Final)	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield LFR	BFL-VOR	Direct	2000	C-dn	700-1	700-1	700-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 130—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi, turn right W and climb to 2000' on R-322 within 20 mi, or when directed by ATC, climb to 2000' on R-227 within 15 mi.
NOTE: Take-offs or landings runway 7-25 NA. Night take-offs Runway 16 NA. Night landings Runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to Runways 25-30-34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515'; Fac. Class, BVOR; Ident., BFL; Procedure No. 1, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 4; Dated, 24 May 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Goodsprings HW	LAS-VOR	Direct	7000	T-dn	800-2	800-2	800-2
Las Vegas LFR	LAS-VOR	Direct	5100	C-dn*	1000-1	1000-1	1000-1½
Las Vegas LFR	LAS-VOR (Final)	Direct	*3200	A-dn*	1000-2	1000-2	1000-2
Kids Int	LAS-VOR	Direct	5100				
Erie Int	LAS-VOR	Direct	6100				
Boulder City Int	LAS-VOR	Direct	6100				

Procedure turn East side crs, 013° Outbnd, 193° Inbnd, 5100' within 15 miles (within 5 miles LAS-LFR). Beyond 15 miles NA.
Minimum altitude over facility on final approach crs, 3200*.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 6000' on R-065 within 15 miles or, when directed by ATC, climb to 6100' on R-210 within 10 miles. All turns South of crs.
CAUTION: 4100' terrain 4 miles SE of LFR.
*Descent below 4600' to 3200' MSL and 1000' ceiling minimums authorized only if position over LFR or Z marker positively determined inbound on final approach.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171'; Fac. Class, BVOR; Ident., LAS; Procedure No. 1, Amdt. 8; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 7; Dated, 5 Jan. 57

PROCEDURE CANCELLED, EFFECTIVE 5 SEPT. 1959.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class, BVOR; Ident., LAX; Procedure No. 1; Amdt. 4; Eff. Date, 22 Nov. 58; Sup. Amdt. No. 3; Dated, 25 Jan 58

Downey FM/HW	LAX OM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Los Angeles RBn	LAX-VOR	Direct	1500	C-dn	500-1	600-1	600-1½
Hollywood FM	LAX-VOR	Direct	3000	S-dn-25L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach course authorized.
Procedure turn S side of crs, 069° Outbnd, 249° Inbnd, 2000' within 15 miles. E. of Downey FM/RBn NA. (Nonstandard due to terrain.)
Minimum altitude over LAX OM on final approach crs, 1500'*.
Crs and distance, LAX OM to Runway 25L, 249—5.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000' on LAX R-249 within 20 miles.
*Descend to landing minimums after passing LAX OM.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class, BVOR; Ident., LAX; Procedure No. 1, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Proc. 2, Amdt' 2, Dated 16 Nov. 57 and Proc. 1, Amdt. 4, Dated 22 Nov. 58

Prescott LFR	PRC VOR	Direct	7000	T-dn*	600-2	600-2	600-2
Drake VOR	Int DRK R-228 and PRC R-288	228°—13	8000	C-dn	800-2	800-2	800-2
Int DRK R-228 and PRC R-288	PRC VOR (Final)	Direct	6300	A-dn	1000-2	1000-2	1500-2

Procedure turn North side of crs, 288° Outbnd, 108° Inbnd, 7000' within 10 mi. All turns North side of crs.
High terrain South.
Minimum altitude over facility on final approach crs, 6300'.
Crs and distance, facility to airport, 112°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, make immediate left climbing turn and return to PRC VOR; continue climb to 8000' on R-228 within 20 miles or, when directed by ATC, make immediate left turn and climb to 9000' on R-080 within 15 miles of PRC VOR.
• Beyond 15 miles NA.
NOTE: Final approach course is to NE side of airport.
*800-2 required for Rnwys 12 and 30.

City, Prescott; State, Ariz.; Airport Name, Municipal; Elev., 5042'; Fac. Class, VORTAC; Ident., PRC; Procedure No. 1, Amdt. 4; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 3; Dated, 12 Jan. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int	Lake Int#	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	NA	NA	NA

Radar transition altitude 2000' within 20 mi of Radar Site (Love Field).
Radar control must provide 1000' clearance within 3 mi or 500' clearance within 3-5 miles of radio towers 1108' m.s.l. 14 mi north; 1221' m.s.l. 10 mi WSW; 2349' m.s.l. 23 mi SSW of airport.
No procedure turn.
Minimum altitude over Lake Int#, 1500'.
Crs and distance, Lake Int# to airport, 151°—5.0 mi.
Crs and distance, breakoff point to end of Rnwy, 153°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the TVOR, turn left, proceed direct to DAL-VOR, climbing to 2000'.
NOTE: Air carrier use NA. No weather service on airport.
MAJOR CHANGE: Deletes Note regarding requirement for VOR and ADF.
#Int ADS-VOR R-331 and DAL R-270.

City, Dallas; State, Tex.; Airport Name, Addison Airport; Elev., 644'; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. TerVOR-15, Amdt. 2; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 1; Dated, 30 May 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int	ADS TVOR	Direct	1800	T-dn	300–1	300–1	200–½
DAL VOR	ADS TVOR	Direct	1900	C-dn	400–1	500–1	500–1½
Trinity Fork Int	ADS TVOR	Direct	2000	S-dn-18	400–1	400–1	400–1
DeSoto Int	ADS TVOR	Direct	2000	A-dn	800–2	800–2	800–2

Radar transition altitude 2000′ within 20 mi. Radar control must provide 1000′ clearance within 3 mi or 500′ clearance between 3–5 miles of radio towers 1108′ m.s.l. 20 mi North; 1221′ m.s.l. 10 mi WSW; and 2349′ m.s.l. 17 mi SSW of airport.
Procedure turn E side crs, 358° Outbnd, 178° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1200′*.
Minimum altitude over Highline Int# on final approach crs, 1100′.
Crs and distance, Highline Int# to airport, 178°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles, turn left, proceed direct to DAL VOR, climbing to 2000′.
*Descent to 1100′ authorized after passing ADS TVOR.
#Int ADS VOR R-178 and DAL VOR R-227.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. Ter VOR-18, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 4; Dated, 9 May 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BFL LFR	LMM	Direct	2000	T-dn	300–1	300–1	200–½
BFL VOR	LMM	Direct	2000	C-dn	700–1	700–1	700–1½
Whitman Int	LMM	Direct	5000	S-dn-30#	400–¾	400–¾	400–¾
Maricopa Int	LMM	Direct	3000	A-dn	700–2	700–2	700–2
Wheeler Ridge Int	LMM	Direct	6000				
Grapevine Int	LMM	Direct	5000				

#400–1 required with glide slope inoperative.
Procedure turn *S side SE crs, 119° Outbnd, 299° Inbnd, 1900′ within 10 mi of OM. Beyond 10 mi NA.
*Procedure turn S side for more favorable terrain.
Minimum altitude at G.S. int inbnd, 1900.
Altitude of G.S. and distance to appr end rny at OM 1820—4.1, at MM 690—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R-322 BFL within 20 miles or, when directed by ATC, (1) climb to 2000′ on R-227 BFL within 15 mi; (2) climb to 2000′ on SW crs BFL LFR within 15 mi; (3) climb to 2500′ on NW crs BFL LFR within 20 mi.
NOTE: Take-offs and landings runway 7–25 NA. Night take-offs runway 16 NA. Night landing rny 34 NA.
AIR CARRIER NOTE: Sliding scale not applicable, except 2-engine take-off minimums of 400–¾ authorized.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25–30–34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class, ILS; Ident., BFL; Procedure No. ILS–30, Amdt. 8; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 7; Dated, 24 May 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
230	343	Within 20 mi	1600		Precision Approach		
				S-dn*-6	200–½	200–½	200–½
					Surveillance Approach		
				T-dn*	300–1	300–1	200–½
				C-dn*	400–1	500–1	500–1½
				S-dn*-6	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on Runway 6, turn left and climb to 1600′ on R-282 of OZR TVOR or proceed to Enterprise RBn or, when directed by ATC, climb to 2000′ on R-330 of OZR TVOR within 20 miles.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.
*Night operation only on Runway 6–24.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class, Cairns AAF; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 1; Dated, 23 Nov. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 4, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6580; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Principal Attorney

Section 13.290(a) is amended to read as follows:

§ 13.290 Principal attorney.

* * * * *

(a) If the guardianship appointment has been, or is to be, made in a foreign country—other than the Republic of the Philippines—or in one of the possessions of the United States—other than Puerto Rico—or if the appointment is in this country but the ward or his dependents reside in any foreign country or other possession, cooperation will be with Manager, Veterans Benefits Office or his designee.

(Sec. 210, 72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 18, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-6829; Filed, Aug. 17, 1959; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

Test Fee Schedules; Standard Samples

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these shedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from August 1, 1959.

SUBCHAPTER A—TEST FEE SCHEDULES

PART 203—HEAT

1. Schedule 203.102—*Thermocouples, thermocouple materials and pyrometer indicators* is amended by the revision of items (c) and (d) to read as follows:

Item	Description	Fee
203.102c	Standard platinum vs. platinum-rhodium thermocouples. The thermocouple shall be at least 36 inches long and made of wire not less than 0.014 inch in diameter. Certification of the emf of a thermocouple at any of the following thermometric fixed points, per point. Freezing points of zinc, antimony, silver, and gold. Accuracy of certification 2 microvolts (about 0.2° C.).	$57
203.102d	Standard platinum vs. platinum-rhodium thermocouples. The thermocouple shall be at least 36 inches long and made of wire not less than 0.014 inch in diameter. Primary calibration at all of the fixed points listed in item 203.102c plus certification of not more than 15 corresponding values of emf and temperature in the range, 0° to 1,450° C. The certified accuracy of calibration is 0.3° from 0° to 1,100° C. and ranges from 0.3° at 1,100° to 2° at 1,450° C. Accuracy of certification at the fixed points is 2 microvolts. If the submitted thermocouple meets the International Temperature Scale requirements for standard thermocouples (see the International Temperature Scale of 1948 by H. F. Stimson, J. Research NBS, 42, 209, 1949), a quadratic equation fitted at the freezing points of antimony, silver, and gold will also be furnished.	200

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

1. In § 230.11 *Descriptive list,* paragraph (d) *Nonferrous alloys* is amended by the addition of a new sample (349) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
349	High temperature alloy—Waspaloy.	150	$9.50

2. Paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample no. 370a to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
370a	Zinc oxide	2,000	$2.75

3. A new paragraph (bb) *Calibrated glass spheres* is added to read as follows:

Sample No.	Description	Price per sample
1017	Glass spheres for calibrating testing sieves Nos. 70 through 270.	$9.50
1018	Glass spheres for calibrating testing sieves Nos. 20 through 70.	9.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL] R. D. HUNTOON,
Deputy Director,
National Bureau of Standards.

Approved: August 11, 1959.

F. H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 59-6815; Filed, Aug. 17, 1959; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.411]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Revision of Nonimmigrant Visa Regulations

Part 40, Chapter I, Title 22 of the Code of Federal Regulations is hereby deleted. Part 41, Chapter I, Title 22 of the Code of Federal Regulations is revised, including the incorporation of the pertinent provisions of former Part 40, and prescribed as follows:

Sec.

41.1 Definitions.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

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AUTHORITY: §§ 41.1 to 41.145 issued under sec. 104, 66 Stat. 174; 8 U.S.C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 41.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

Accredited. "Accredited", as used in sections 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Act, refers to an alien who holds an official position, other than an honorary official position, with the government he represents, and who is in possession of a travel document or evidence showing that he seeks to enter, or pass in transit through, the United States for the purpose of transacting official business for that government.

Act. "Act" means the Immigration and Nationality Act, as amended.

Attendants. "Attendants", as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v) and 212(d)(8) of the Act, shall include an alien who is paid from the public funds of the foreign government which he is serving or from the funds of the international organization employing him, and who is accompanying or following to join the principal alien to whom he owes a duty or service. The term includes an attendant who is a member of the armed forces of the foreign government to which the principal alien, as well as the attendant, owes allegiance.

Competent officer. "Competent officer", as used in section 101(a)(26) of the Act, shall refer to a "consular officer" as defined in section 101(a)(9) of the Act and this section.

Consular officer. "Consular officer", as defined in section 101(a)(9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Naval Administrator, United States Naval Administration Unit Saipan District, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attaché or assistant attaché.

Department. "Department" means the Department of State of the United States of America.

Diplomatic passport. "Diplomatic passport" means a national passport bearing that title and issued by a competent authority of the foreign government to which the bearer owes allegiance. "Equivalent of a diplomatic passport" means a national passport, other than a specifically described diplomatic passport, which is issued by a foreign government to which the bearer owes allegiance and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers.

Diplomatic visa. "Diplomatic visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this Part.

Government vessel or aircraft. "Government vessel or aircraft" means a vessel or aircraft operated directly by the Government of the United States with government personnel in connection with public business of a non-commercial and non-profit character, or a foreign-flag vessel or aircraft operated directly by a foreign government recognized de jure by the United States, with foreign government personnel in connection with public business of a non-commercial and non-profit character. The term "government vessel or aircraft" shall not include a vessel or aircraft which is merely controlled or subsidized by a government, or one which is engaged in what would ordinarily be regarded as commercial shipping or commercial transportation.

Immediate family. "Immediate family", as used in sections 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Act and with reference to classification under the symbols NATO–1, NATO–2, NATO–3, and NATO–4, means close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien.

International organization. "International organization" means any public international organization which has been designated by the President by Executive Order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act.

Official visa. "Official visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this Part.

Passport. "Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided,* That permission to enter a foreign country must be issued by a competent authority, must be unconditional, and clearly valid for such purposes in order to meet the requirements of section 101(a)(30). An alien unable to obtain a document issued by a competent authority which indicates his origin, identity, and nationality if any, may furnish the missing information to the best of his knowledge and belief, by presenting an affidavit which, when combined with the documentary evidence of admissibility into a foreign country, will suffice to meet the requirements of section 101(a)(30) of the Act.

Port of entry. "Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

Principal alien. "Principal alien" means a person from whom another alien under the law or regulations derives a subsidiary or subordinate status as a member of the former's staff, or immediate family, or as his attendant, servant, or personal employee.

Regular visa. "Regular visa" means a nonimmigrant visa of any classification issued in accordance with the regulations contained in this Part, which does not bear the title "Diplomatic" or "Official."

Regulation. "Regulation" means a rule established pursuant to the provisions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

Servants and personal employees. "Servants" and "personal employees," as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v) and 212(d)(8) of the Act, include an alien who is employed in a domestic or personal capacity by a principal alien, who is paid from the private funds of such principal alien, and who seeks to enter the United States solely for the purpose of such employment.

Western Hemisphere. "Western Hemisphere" means North America (including Central America), South America and the islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

§ 41.3 Nationals, claimant nationals and former nationals of the United States.

(a) A national of the United States shall not be issued a visa or other documentation as an alien for entry into the United States.

(b) A person whose case fulfills the conditions of section 360(b) of the Act and who continues to claim that he is a national of the United States may apply for a certificate of identity as provided in section 360(b) of the Act.

(c) A former national of the United States who seeks to enter the United States shall be required to comply with the documentary requirements applicable to aliens under the Act.

PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

§ 41.5 Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.

The provisions of section 212(a)(26) of the Act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants do not apply in the cases of aliens who fall within any of the following described categories:

(a) *Alien members of United States Armed Forces.* An alien member of the armed forces of the United States who (1) is in the uniform of, or who bears documents identifying him as a member of, such armed forces, (2) has not been lawfully admitted for permanent residence, and (3) is making application for admission to the United States under official orders or permit of such armed forces. (Sec. 284, 66 Stat. 232; 8 U.S.C. 1354.)

(b) *American Indians born in Canada.* An American Indian born in Canada, having at least fifty per centum of blood of the American Indian race. (Sec. 289, 66 Stat. 234; 8 U.S.C. 1359.)

(c) *Aliens entering from Guam, Puerto Rico, or Virgin Islands.* An alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. (Sec. 212, 66 Stat. 188; 8 U.S.C. 1182.)

(d) *Armed Services personnel entering under NATO Status of Forces Agreement.* Personnel belonging to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty and which has ratified the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951, and entering the United States in connection with their official duties under the provisions of Article III of such Agreement. (TIAS 2846; 4 U.S.T. 1792.)

(e) *Armed Services personnel attached to NATO Allied Headquarters in the United States.* Personnel attached to an Allied Headquarters in the United States set up pursuant to the North Atlantic Treaty signed in Washington, D.C., on April 4, 1949, who belong to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty, and who are entering the United States in connection with their official duties under the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty. (TIAS 2978; 5 U.S.T. 877.)

(f) *Aliens entering pursuant to International Boundary and Water Commission Treaty.* All personnel employed either directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico regarding the functions of the International Boundary and Water Commission, and entering the United States temporarily in connection with such employment. (59 Stat. 1252; TS 994.)

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

The provisions of section 212(a)(26) of the Act relating to the requirements of valid passports and visas for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212(d)(4) of the Act under the conditions specified for the following classes:

(a) *Canadian nationals and British subjects.* A visa shall not in any case be required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport shall not be required of such a national or subject except after a visit outside of the Western Hemisphere. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in and arrives directly from, the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(b) *British, French and Netherlands nationals.* A visa shall not be required of a British, French or Netherlands national who has his residence in British, French or Netherlands territory, respectively, in the adjacent islands of the Caribbean area and who is proceeding to Puerto Rico or the Virgin Islands of the United States or who is proceeding to the United States as an agricultural worker.

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border-crossing card on Form I-186 and is applying for admission in accordance with the terms thereon and the provisions of § 41.140 and 8 CFR 212.6. A visa shall not be required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States; or is proceeding to the United States as an agricultural worker pursuant to Title V of the Agricultural Act of 1949, as amended.

(d) *Cuban nationals.* A visa and a passport shall not be required of a Cuban national who is an official of the Cuban immigration service; or is a crewman serving on board a Cuban military or naval aircraft. A visa shall not be required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Peoples Republic of China"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Peoples Democratic Republic of Korea"), North Vietnam (Viet Minh), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to in-

sure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least thirty days from the date of his application for admission into the United States shall be required.

(f) *Individual cases of unforeseen emergencies.* A visa and a passport shall not be required of a nonimmigrant who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director of the Immigration and Naturalization Service in charge of the port of entry, after consultation with and concurrence by the Director of the Visa Office of the Department, that, because of an unforeseen emergency, he was unable to obtain the required documents.

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

The provisions of section 212(a)(26) of the Act prescribing the documentary requirements for nonimmigrants may be waived by joint action of consular officers abroad and immigration officers pursuant to the authority contained in section 212(d)(4)(A) of the Act in individual cases of aliens who satisfy the consular officer serving the port or place of embarkation, after consultation with and concurrence by the appropriate immigration officer, that their cases come within any of the following situations which are hereby declared to be emergencies within the meaning of section 212(d)(4)(A) of the Act:

(a) *Visa and passport waiver; residents of contiguous territory.* An alien having his residence in foreign contiguous territory who does not qualify for the benefits of any waiver provided in § 41.6, and who is a member of a visiting group or excursion proceeding to the United States under circumstances which make the timely procurement of a passport and visa impracticable.

(b) *Passport waiver; aliens for whom passport extension facilities are unavailable.* An alien applying for a visa, whose passport is valid for less than the minimum period prescribed in section 212(a)(26) of the Act, but will be valid upon his arrival in the United States, and who is embarking for the United States at a port or place remote from any foreign diplomatic or consular establishment at which the passport could be revalidated.

(c) *Passport waiver; aliens precluded from obtaining passport extensions by foreign government restrictions.* An alien applying for a visa, whose passport is valid for less than the minimum period prescribed in section 212(a)(26) of the Act, but will be valid upon his arrival in the United States, and whose government as a matter of policy does not revalidate passports more than six months in advance of their expiration or until they actually expire.

(d) *Visa waiver; certain aliens proceeding to the United States under emergent circumstances.* An alien who is well and favorably known at the consular office, who has previously been issued a nonimmigrant visa which has since expired, and who is embarking on a direct flight to the United States under emergent circumstances which preclude the timely issuance of a visa.

Classification of Nonimmigrants

§ 41.10 Presumption of immigrant status and burden of proof.

An applicant for a nonimmigrant visa shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer that he is entitled to a nonimmigrant status described in section 101(a)(15) of the Act or otherwise established by law or treaty. The burden of proof is upon the applicant to establish that he is entitled to the nonimmigrant classification and type of nonimmigrant visa for which he is an applicant, and that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the Act, or any other provision of law and § 41.91.

(Secs. 214, 291, 66 Stat. 189, 234; 8 U.S.C. 1184, 1361)

§ 41.12 Classification symbols.

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate symbol to be inserted by the consular officer in the space provided in the visa stamp to show the classification of the alien. The following symbol shall be used:

Class	Citation	Symbol to be inserted in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family.	101(a)(15)(A)(i), 66 Stat. 167.	A-1
Other foreign-government official or employee, and members of immediate family.	101(a)(15)(A)(ii), 66 Stat. 167.	A-2
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family.	101(a)(15)(A)(iii), 66 Stat. 167.	A-3
Temporary visitor for business	101(a)(15)(B), 66 Stat. 167.	B-1
Temporary visitor for pleasure	101(a)(15)(B), 66 Stat. 167.	B-2
Alien in transit	101(a)(15)(C), 66 Stat. 167.	C-1
Alien in transit to United Nations Headquarters District under § 11(3), (4), or (5) of the Headquarters Agreement.	101(a)(15)(C), 66 Stat. 167.	C-2
Foreign-government official, members of immediate family, attendant, servant, or personal employee, in transit.	212(d)(8), 66 Stat. 188.	C-3
Crewman (seaman or airman)	101(a)(15)(D), 66 Stat. 167.	D
Treaty merchant spouse and children	101(a)(15)(E)(i), 66 Stat. 168.	E-1
Treaty investor, spouse and children	101(a)(15)(E)(ii), 66 Stat. 168.	E-2
Student	101(a)(15)(F), 66 Stat. 168.	F
Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family.	101(a)(15)(G)(i), 66 Stat. 168.	G-1
Other representative of recognized foreign member government to international organization, and members of immediate family.	101(a)(15)(G)(ii), 66 Stat. 168.	G-2
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.	101(a)(15)(G)(iii), 66 Stat. 168.	G-3
International organization officer or employee, and members of immediate family.	101(a)(15)(G)(iv), 66 Stat. 168.	G-4
Attendant, servant, or personal employee of G-1, G-2, G-3 and G-4 classes, and members of immediate family.	101(a)(15)(G)(v), 66 Stat. 168.	G-5
Temporary worker of distinguished merit and ability	101(a)(15)(H)(i), 66 Stat. 168.	H-1
Temporary worker performing services unavailable in the United States	101(a)(15)(H)(ii), 66 Stat. 168.	H-2
Industrial trainee	101(a)(15)(H)(iii), 66 Stat. 168.	H-3
Representative of foreign information media, spouse and children	101(a)(15)(I), 66 Stat. 168.	I
Exchange visitor	402(f) and 101(a)(15), 66 Stat. 276, 167.	J
Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of his official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family.	Art. 12, 5 UST 1094; Art. 20, 5 UST 1098.	NATO-1
Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisers and technical experts of delegations, and members of immediate family.	Art. 13, 5 UST 1094	NATO-2
Official clerical staff accompanying a representative of Member State to NATO (including any of its subsidiary bodies) and members of immediate family.	Art. 14, 5 UST 1096	NATO-3
Officials of NATO (other than those classifiable under NATO-1) and members of immediate family.	Art. 18, 5 UST 1098	NATO-4
Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO.	Art. 21, 5 UST 1100	NATO-5
Members of a civilian component attached to or employed by an Allied Headquarte s under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and their dependents.	Art. 3, 5 UST 877	NATO-6
Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, and NATO-4 classes, and members of immediate families.	Arts. 12, 13, 5 UST 1094; Art. 14, 5 UST 1096; Art. 18, 5 UST 1098.	NATO-7

§ 41.14 Significance of visa in A or G cases.

A visa issued pursuant to the provisions of section 101(a)(15)(A) or 101(a)(15)(G) of the Act shall be conclusive evidence of the proper classification of the alien when presented to the immigration authorities at a port of entry.

FOREIGN GOVERNMENT OFFICIALS

§ 41.20 Officials of foreign governments.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(A)(i) or (ii) of the Act if he establishes to the satisfaction of the consular officer that he is within one of the classes described in that section.

(b) An alien admitted into the United States under the provisions of section 101(a)(15)(A)(i) or (ii) of the Act shall be notified to the Secretary of State by the Mission of the country whose government he is serving as an official or employee unless he is a member of a class or group which has been specifically exempted from this requirement.

(c) A foreign government official or employee who seeks to enter the United States temporarily other than as a representative or employee of a foreign government shall not be classified under the provisions of section 101(a)(15)(A) of the Act.

(d) An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(e) If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section although he may also be eligible for another nonimmigrant classification.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.21 Officials or representatives of foreign governments not recognized by the United States.

An official of a foreign government, which is not recognized de jure by the United States, who is proceeding to or through the United States on an official mission for his government or to an international organization shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(B), (C), or (G)(iii) of the Act.

§ 41.22 Couriers and acting couriers on official business.

(a) *Couriers of career.* An alien who is regularly and professionally employed as a courier by the government of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(i) of the Act if he is proceeding to the United States on official business for his government.

(b) *Officials acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier by the government of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(ii) of the Act if he holds an official position with that government and is proceeding to the United States as a courier on official business for his government.

(c) *Nonofficials serving in capacity of courier.* An alien who is serving in the capacity of courier but who is not regularly and professionally employed as such and who holds no official position with, or is not a national of, the country whose government he is so serving, shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(B) of the Act.

TEMPORARY VISITORS

§ 41.25 Temporary visitors for business or pleasure.

(a) An alien shall be classifiable as a nonimmigrant visitor for business or pleasure if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(B) of the Act and that: (1) He intends to depart from the United States at the expiration of a temporary stay; (2) he has permission to enter some foreign country upon the termination of his temporary stay; and (3) adequate financial provisions have been made to enable him to carry out the purpose of his visit and to travel to, sojourn in, and depart from the United States.

(b) The term "business", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a commercial or professional character. An alien seeking to enter as a nonimmigrant for employment or labor pursuant to a contract or other prearrangement shall be required to qualify under the provisions of § 41.55. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature, requiring such merit and ability, but having no contract or other prearranged employment, may be classified as a nonimmigrant temporary visitor for business.

(c) The term "pleasure", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives and rest; medical treatment; or educational activities which would not require classification as a student, trainee, temporary worker, or exchange visitor.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

TRANSIT ALIENS

§ 41.30 Transit aliens.

An alien shall be classifiable as a nonimmigrant transit alien under the provisions of section 101(a)(15)(C) of the Act if he establishes to the satisfaction of the consular officer that: (a) He is passing in immediate and continuous transit through the United States; (b) he is in possession of a ticket or other assurance of transportation to his destination; (c) he is in possession of sufficient funds to enable him to carry out the purpose of his transit journey, or has sufficient funds otherwise available for that purpose; and (d) he has permission to enter some country other than the United States following his transit journey through the United States unless the alien submits evidence that such advance permission is not required.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.31 Certain aliens in transit to United Nations.

An alien within the provisions of paragraph (3), (4), or (5) of section 11 of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District, may at his own request or at the direction of the Secretary of State be issued a nonimmigrant visa bearing the symbol C-2. If such a visa is issued, the recipient will be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

§ 41.32 Accredited officials in transit through the United States.

An accredited official of a foreign government who intends to proceed in immediate and continuous transit through the United States on official business for his government shall be entitled to the benefits of section 212(d)(8) of the Act if his government grants similar privileges to officials of the United States, and shall be classified under the provisions of section 101(a)(15)(C) of the Act. Members of the immediate family, attendants, servants, or personal employees of such an official shall be accorded the same classification as the principal alien.

(Sec. 212(d)(8), 66 Stat. 188; 8 U.S.C. 1182)

CREWMEN

§ 41.35 Crewmen.

(a) An alien shall be classifiable as a nonimmigrant crewman if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(D) of the Act and that he has permission to enter some foreign country after a temporary landing in the United States.

(b) An alien employed on board a vessel or aircraft in a capacity not required for normal operation and service on the particular vessel or aircraft, or an alien employed or listed as a regular member of the crew in excess of the number normally required shall not be classified as a crewman.

CROSS REFERENCE: For documentary requirements for crewmen see § 41.91(a)(26) and for instructions regarding the procedure to be followed in issuing crew-list visas see § 41.127.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.36 Foreign government official crewmen.

Alien crewmen serving on board a foreign warship or other vessel of war, or military, naval or other aircraft of the armed forces of a foreign country, when making a friendly call at a United States port under advance arrangements made with the military authorities of the United States, or any other government vessel or aircraft shall not be subject to the provisions of § 41.91(a)(26) if ad-

vance arrangements have been made with the Secretary of State and the Attorney General regarding their documentation and admission.

TREATY TRADERS AND INVESTORS

§ 41.40 Treaty traders.

(a) An alien shall be classifiable as a nonimmigrant treaty trader if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(i) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) if he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has special qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in a manual capacity.

(b) The term "trade", as used in this section, means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which such alien is a national. Consideration shall be given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on substantial trade principally between the United States and such country.

(c) The nationality of a spouse or child of a treaty trader shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(i) of the Act.

(d) Representatives of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of section 101(a)(15)(I) of the Act and § 41.60, before consideration is given to their possible classification as nonimmigrants under the provisions of section 101(a)(15)(E) of the Act and of this section.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.41 Treaty investors.

(a) An alien shall be classifiable as a nonimmigrant treaty investor if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(ii) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) he is an alien who has invested or is investing capital in a bona fide enterprise and is not seeking to proceed to the United States in connection with the investment of a small amount of capital in a marginal enterprise solely for the purpose of earning a living; or that (3) he is employed by a treaty investor: *Provided*, That the employer is a foreign person or organization of the same nationality as the applicant and that the applicant is employed in a responsible capacity.

(b) The nationality of a spouse or child of a treaty investor shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(ii) of the Act.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

STUDENTS

§ 41.45 Students.

(a) An alien shall be classifiable as a nonimmigrant student if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(F) of the Act and that: (1) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(F) of the Act, as evidenced by the presentation of Form I–20 (Certificate of Eligibility) properly executed by the accepting school and signed by the alien (the Form I–20, when properly executed and presented by an alien in support of an application for a student visa, shall be accepted by the consular officer as prima facie evidence that the designated institution of learning or other place of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study); (2) he is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familiar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be able, with the assistance of such tutoring, to undertake a full course of study in the United States; and (4) he intends in good faith and will be able to depart from the United States upon the termination of his status.

(b) An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101(a)(15)(F) of the Act even though no credits are given by the institution for such study, if he is otherwise qualified for classification as a nonimmigrant student. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

INTERNATIONAL ORGANIZATION ALIENS

§ 41.50 Aliens coming to international organizations.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(G) of the Act if he establishes to the satisfaction of the consular officer that he is within one of the classes described in that section and that he seeks to enter, or pass in transit through, the United States in pursuance of his official duties. Such alien who seeks to enter, or pass in transit through, the United States other than in pursuance of his official duties shall not be classified under section 101(a)(15)(G) of the Act.

(b) An alien who applies for a visa as a nonimmigrant under the provisions of section 101(a)(15)(G) of the Act shall not be refused such visa solely on the grounds that he is not a national of the country whose government he represents.

(c) An alien who seeks to enter the United States as a foreign government representative to an international organization and who, at the same time, is proceeding to the United States on official business as a foreign government official within the meaning of section 101(a)(15)(A) of the Act, shall, if otherwise qualified, be issued a visa as a nonimmigrant under the provisions of section 101(a)(15)(A) of the Act.

(d) An alien not classifiable under section 101(a)(15)(A) of the Act who is entitled to classification under section 101(a)(15)(G) of the Act shall be classified under this section although he may also be eligible for another nonimmigrant classification.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

TEMPORARY WORKERS AND TRAINEES

§ 41.55 Temporary workers and industrial trainees.

(a) An alien shall be classifiable as a nonimmigrant temporary worker or industrial trainee if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(N) of the Act and if the consular officer shall have received from the Immigration and Naturalization Service a petition filed by the alien's prospective employer and approved in accordance with the provisions of section 214(c) of the Act. Upon receipt of, and within the validity period of, such a petition, the consular officer shall grant the nonimmigrant status indicated in the petition. The approval of a petition shall not, of itself, establish that the alien is a bona fide nonimmigrant or that he is otherwise eligible to receive a nonimmigrant visa.

(b) If a consular officer knows or has reason to believe that an alien applying for a visa under section 101(a)(15)(G) of the Act is not qualified to perform the services, or to undertake the training, specified in the employer's petition approved by the Attorney General he shall suspend action on the alien's application and submit a report to the Department in order that the matter may be brought to the attention of the Immigration and Naturalization Service for whatever action appears to be warranted.

(c) The term "industrial trainee", as used in section 101(a)(15)(N)(iii) of the Act, means a nonimmigrant alien who seeks to enter the United States at the invitation of an individual, organization, firm, or other trainer for the purpose of receiving instruction in any field of endeavor, including agriculture, commerce, communication, finance, government, transportation, and the professions as well as in a purely industrial establishment.

Cross Reference: For provisions relating to the ineligibility of former exchange visitors to receive visas under section 101(a)(15)(H) of the Act see § 41.91(d).

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

INFORMATION MEDIA REPRESENTATIVES

§ 41.60 Representatives of foreign press, radio, film, or other information media.

(a) An alien shall be classifiable as a nonimmigrant information media representative if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(I) of the Act and that he is a bona fide representative of a foreign press, radio, film, or other information medium having its home office in a foreign country, the government of which grants upon a basis of reciprocity similar privileges to representatives of such a medium having home offices in the United States.

(b) An alien who will be engaged in the United States in newsgathering activities between the United States and the country of which he is a national shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101(a)(15)(I) of the Act, notwithstanding the fact that such alien may also be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(E) of the Act.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

EXCHANGE VISITORS

§ 41.65 Exchange visitors.

(a) An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and establishes to the satisfaction of the consular officer that: (1) He has a residence in a foreign country which he has no intention of abandoning and seeks to enter the United States for a temporary period; (2) he has been accepted to participate, and intends to participate, in an exchange-visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP–66 (Certificate of Eligibility for Exchange Visitor Status); (3) he has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; and (4) he has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency.

(b) Before an exchange-visitor visa may be issued the consular officer must have received from the Department a notification containing the official description of the exchange-visitor program in which the alien has been selected to participate.

NATO ALIENS

§ 41.70 NATO aliens.

(a) An alien shall be classifiable under the symbol NATO–1, NATO–2, NATO–3, NATO–4, or NATO–5 if he establishes to the satisfaction of the consular officer that he is seeking admission to the United States under the applicable provision of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or that he is a member of the immediate family of an alien classified under the symbol NATO–1, NATO–2, NATO–3, or NATO–4.

(b) An alien member of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and his dependents, shall be classifiable under the symbol NATO–6.

(c) An alien attendant, servant, or personal employee of an alien classified under the symbol NATO–1, NATO–2, NATO–3, or NATO–4, and the members of the immediate family of such attendant, servant, or personal employee, shall be classifiable under the symbol NATO–7. (5 U.S.T. 877, 1094.)

INELIGIBLE CLASSES OF NONIMMIGRANTS

§ 41.90 Basis for refusal.

A visa shall be refused only upon a ground specifically set out in the law or regulations issued thereunder. Consideration shall be given to any evidence submitted indicating that the ground for a prior refusal of a nonimmigrant visa may no longer exist.

(Sec. 221(g), 66 Stat. 192; 8 U.S.C. 1201(g))

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* Determinations relating to the ineligibility of aliens to receive nonimmigrant visas under section 212(a) of the Act shall be governed by the following provisions:

(1–6) *Medical grounds of ineligibility.* A determination of ineligibility to receive a nonimmigrant visa under the provisions of section 212(a)(1) through (6) of the Act shall be based upon the finding of a competent medical examiner as referred to in § 41.113: *Provided,* That in the case of an alien who applies for a nonimmigrant visa at a consular office where no medical officer of the United States Public Health Service has been assigned or detailed, and the consular officer knows or has reason to believe that such alien is a drug addict, a chronic alcoholic, or is afflicted with psychopathic personality by reason of sexual deviation, a finding of ineligibility to receive a nonimmigrant visa under the provisions of section 212(a)(4) or (5) of the Act may be based on facts or circumstances other than the finding of an examining physician.

(7) *Physical defect affecting alien's ability to earn a living.* An alien within the purview of section 212(a)(7) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt, by the consular officer, of notice from the Immigration and Naturalization Service of the giving of a bond or undertaking as provided in section 221(g) of the Act.

(8) *Paupers, professional beggars, or vagrants.* [Reserved.]

(9) *Crime involving moral turpitude.* (i) Before a finding of ineligibility under section 212(a)(9) of the Act may be made, it must first be established that a crime has been committed under the criminal law of the jurisdiction where the act occurred. The determination whether the crime involves moral turpitude shall be based upon the moral standards generally prevailing in the United States.

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen.

(iii) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act if his case falls within the provisions of section 4 of the Act of September 3, 1954. (Sec. 4, 68 Stat. 1145; 8 U.S.C. 1182a).

(iv) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of an offense involving moral turpitude since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of a crime involving moral turpitude shall be subject to the provisions of section 212(a)(9) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

(v) A conviction in absentia of a crime involving moral turpitude shall not constitute a conviction within the meaning of section 212(a)(9) of the Act.

(vi) An alien shall not be considered ineligible to receive a visa under section 212(a)(9) of the Act by reason of a conviction of a crime involving moral turpitude for which a full and unconditional pardon has been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon or amnesty granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(9) of the Act.

(vii) The term "purely political offense" as used in section 212(a)(9) of the Act shall include offenses which re-

sulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(10) *Conviction of two or more offenses.* (i) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

(ii) A conviction or convictions in absentia of two or more offenses for which the aggregate sentences to confinement imposed were five years or more shall not constitute a conviction within the meaning of section 212(a)(10) of the Act.

(iii) An alien shall not be considered ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more if a full and unconditional pardon or pardons for the offenses have been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon or amnesty granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(10) of the Act.

(iv) The term "purely political offense" as used in section 212(a)(10) of the Act shall include offenses which resulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(v) A sentence to confinement which has been suspended by a court of competent jurisdiction is not one which has been "actually imposed" within the meaning of section 212(a)(10) of the Act.

(11) *Polygamy.* (Section 212(a)(11) of the Act inapplicable; Section 212(d)(1)).

(12) *Prostitution, procuring and related activities.* (i) A finding that an alien has "engaged" in prostitution must be based on elements of continuity and regularity which would indicate a pattern of behavior or deliberate course of conduct entered into primarily for financial gain or for other considerations of material value as distinguished from the commission of casual or isolated acts.

(ii) The fact that an alien may have ceased to engage in prostitution shall not serve to remove the existing ground of ineligibility to receive a visa under the provisions of section 212(a)(12) of the Act.

(iii) A prostitute or a person who has engaged in prostitution shall be ineligible to receive a visa under section 212(a)(12) of the Act notwithstanding the fact that prostitution may not be prohibited under the laws of the foreign country where the acts occurred.

(13) *Immoral sexual act.* [Reserved]

(14) *Aliens entering to perform skilled or unskilled labor.* (Section 212(a)(14) of the Act inapplicable).

(15) *Public charge.* (i) Any conclusion that an alien is ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(15) of the Act shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States.

(ii) An alien within the purview of section 212(a)(15) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act.

(16) *Aliens excluded and deported.* [Reserved]

(17) *Aliens arrested and deported or removed from the United States.* [Reserved]

(18) *Stowaways.* (Section 212(a)(18) of the Act inapplicable at time of visa application.)

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud or by willfully misrepresenting a material fact for the purpose of gaining admission into the United States, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided* That the provisions of this subdivision shall not be applicable in the case of a bona fide refugee if such fraud or misrepresentation was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of obtaining travel documents or of misrepresenting his place of birth, and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case: *Provided further,* That such fraud or misrepresentation was not committed for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any ineligible class.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or a willful misrepresentation of a material fact in seeking to enter the United States at a port of entry shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(20) *Immigrant documentary requirements.* (Section 212(a)(20) of the Act inapplicable.)

(21) *Non-compliance with section 203 of the Act.* (Section 212(a)(21) of the Act inapplicable.)

(22) *Aliens ineligible to citizenship or who departed to avoid service in the Armed Forces.* An alien shall be refused a nonimmigrant visa under the provisions of section 212(a)(22) of the Act if, having permanent resident status, he departed to avoid or evade training or service in the United States Armed Forces.

(23) *Narcotics traffickers and addicts.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended by section 301(a) of the Act of July 18, 1956, irrespective of whether the conviction for illegal possession of narcotic drugs or for conspiracy to violate any law or regulation relating to narcotic drugs within the contemplation of the Narcotics Control Act, occurred before or after July 18, 1956. (Sec. 301(a), 70 Stat. 575; 8 U.S.C. 1182.)

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory transportation lines.* The provisions of section 212(a)(24) of the Act shall not render an alien ineligible to receive a nonimmigrant visa inasmuch as the Attorney General upon the recommendation of the Secretary of State has waived this ground of ineligibility for nonimmigrants under the authority contained in section 212(d)(3)(A) of the Act.

(25) *Illiterates.* (Section 212(a)(25) of the Act inapplicable: section 212(d)(1).)

(26) *Nonimmigrant documentary requirements.* (i) A passport which is valid indefinitely for the return of the bearer to the country whose government issued such passport shall be deemed to have the required minimum period of validity as specified in section 212(a)(26) of the Act.

(ii) A crew-list visa issued in accordance with § 41.127 is considered to constitute a valid nonimmigrant visa within the meaning of section 212(a)(26)(B) of the Act.

CROSS REFERENCE: For waivers of and exemptions from documentary requirements see §§ 41.5, 41.6, and 41.91(f).

(27) *Prejudicial activities.* [Reserved]

(28) *Members of affiliates of proscribed organizations.* (i) The term "affiliate", as used in section 212(a)(28) of the Act with reference to an organiza-

tion, means an organization substantially directed, dominated, or controlled by one of the parties within the statutory proscription, which is or was used or operated by such party to help maintain its control over the country, or to help disseminate its economic, international, and governmental doctrines or ideology.

(ii) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibilty to receive a visa.

(iii) Voluntary service in a political capacity shall constitute affiliation with the political party or organization in power at the time of such service.

(iv) If an alien continues or continued his membership or affiliation on or after his sixteenth birthday, only his activities after reaching sixteen years of age shall be pertinent to a determination whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212(a)(28)(I) of the Act, shall include any case wherein the alien without his acquiescence automatically becomes or became a member or affiliate of a proscribed party or organization by official act, proclamation, order, edict, or decree.

(vi) In accordance with the definition of "totalitarian party" contained in section 101(a)(37) of the Act, a former or present voluntary member of, or an alien who was, or is, voluntarily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarien dictatorship, shall not be considered ineligible under the provisions of section 212(a)(28)(C) of the Act to receive a visa, unless the alien is known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitatian dictatorship or totalitarianism, as defined in the Act (section 212(a)(28)(D)).

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities, during a period of at least five years prior to the application for a visa, in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a voluntary member or affiliate.

(29) *Espionage, sabotage, or other subversive activities.* [Reserved]

(30) *Alien accompanying excludable alien.* (Section 212(a)(30) of the Act inapplicable.)

(31) *Alien aiding illegal entrant.* [Reserved]

(b) *Aliens unable to establish nonimmigrant status.* A nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by section 214(b) of the Act. An alien shall be considered to have established bona fide nonimmigrant status only if the consular officer is satisfied that his case falls within one of the nonimmigrant categories described in section 101(a)(15) of the Act or otherwise established by law or treaty.

(c) *Failure of application to comply with Act.* (1) An alien's visa application shall be considered as failing to comply with the provisions of the act or the regulations issued thereunder if: (i) The applicant fails to furnish the information to be included in such application as required by the Act or the regulations contained in this part; (ii) The application contains a false or incorrect statement which does not constitute a ground of ineligibility under section 212(a)(9) or (19) of the Act; (iii) The application is not supported by the documents required under the provisions of the Act or the regulations contained in this part; (iv) The applicant refuses to be fingerprinted if required by the Act or the regulations contained in this part; or (v) The application otherwise fails to meet the specific requirements of the Act for reasons for which the applicant is responsible.

(2) The grounds of refusal described in subparagraph (1) of this paragraph shall not constitute a bar to the reconsideration of the application upon compliance with statutory or regulatory requirements, or to the consideration of a subsequent application submitted by the same applicant.

(d) *Former exchange visitors.* An alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive a visa under the provisions of section 101(a)(15)(H) of the Act notwithstanding the approval of a petition as provided in section 214(c) of the Act unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status such alien has resided and been physically present abroad in a country or countries cooperating in the exchange-visitor program, or (2) the requirements of this paragraph have been waived as provided in section 201(b) of the United States Information and Educational Exchange Act of 1948, as amended. (See §§ 63.6 and 63.7 of this chapter.)

(e) *Grounds for refusal of visas applicable to certain nonimmigrant classes.* (1) No visa may be issued in the A–1 or A–2 category to an alien who is considered by the Department to be persona non grata.

(2) Only those provisions of section 212(a) of the Act which are stated specifically with reference to each class apply to the following classes of nonimmigrants: (i) Class A–1: Section 212(a)(27) upon the direction of the President and the issuance of appropriate rules and regulations; (ii) Class A–2: Section 212(a)(27) and (29); (iii) Class C–2: Section 212(a)(26)(A), (27), (28) and (29); (iv) Class C–3: Section 212(a)(26)(A), (27) and (29); (v) Class C–1: Section 212(a)(27); (vi) Classes G–2, G–3, and G–4: Section 212(a)(27) and (29); (vii) Class NATO–1: Section 212(a)(27); (viii) Classes NATO–2, NATO–3, and NATO–4: Section 212(a)(27) and (29).

(3) An alien within class A–3 or G–5 shall be subject to all grounds of refusal specified in section 212 of the Act which are applicable to nonimmigrants in general except paragraph (28) of subsection (a) of that section.

(f) *Exception from passport validity requirement for certain nonimmigrants.* A nonimmigrant alien in whose case the passport requirement of section 212(a)(26) has not been waived and (1) who is within one of the classes of nonimmigrants described in section 101(a)(15)(A)(i) and (ii) of the Act, or (2) who is within one of the classes of nonimmigrants described in section 101(a)(15)(G)(i), (ii), (iii), and (iv) of the Act, or (3) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, shall present a passport which is valid by its own terms on the date such alien is issued a nonimmigrant visa.

Temporary Admission of Ineligible Aliens

§ 41.95 Procedure in recommending temporary admission of ineligible aliens.

(a) Except as provided in paragraph (b) of this section, a consular officer may, upon his own initiative, and shall, upon the request of the Secretary of State or upon the request of the alien submit a report to the Department for transmission to the Attorney General pursuant to the provisions of section 212(d)(3)(A) of the Act in the case of an alien who is classifiable as a nonimmigrant but who is known or believed by the consular officer to be ineligible to receive a nonimmigrant visa under the provisions of section 212(a) of the Act, other than paragraph (27) or (29).

(b) A consular officer may, in certain categories defined by the Secretary of State, recommend directly to designated immigration officers that an alien's temporary admission be authorized under the provisions of section 212(d)(3)(A) of the Act.

(c) In the case of an alien who is seeking to enter the United States for the purpose of proceeding in transit to the Headquarters District of the United Nations in the United States under the provisions of paragraph (3), (4) or (5) of section 11 of the Headquarters Agreement with the United Nations, and who is known or believed to be ineligible to receive a visa under the provisions of section 12(a)(28) of the Act, but not ineligible under the provisions of section 212(a)(27) or (29) of the Act, the consular officer shall submit promptly to the Secretary of State a full report with a request for an advisory opinion concerning the action to be taken in the case. The consular officer may include in such report a recommendation for transmis-

sion to the Attorney General concerning the alien's temporary admission into the United States under the provisions of section 212(d)(3)(A) of the Act.

(d) When the Attorney General authorizes the temporary admission of an ineligible alien as a nonimmigrant and the consular officer is so informed, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General.

(Sec. 212, 66 Stat. 182; 8 U.S.C. 1182)

TYPES OF NONIMMIGRANT VISAS

§ 41.100 Regular, diplomatic and official visas.

A nonimmigrant visa of any classification shall be issued as a regular nonimmigrant visa unless the alien falls within one of the classes entitled to a diplomatic or official visa as described in §§ 41.102 and 41.104.

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

A nonimmigrant within one of the following categories shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of his classification under § 41.12:

(a) An alien who is in possession of a diplomatic passport or its equivalent and who is within any of the following classes: (1) Heads of states and their alternates; (2) members of a reigning royal family; (3) governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates; (4) cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates; (5) presiding officers of chambers of national legislative bodies; (6) justices of the highest national judicial tribunal of a foreign country; (7) ambassadors, public ministers, other officers of the diplomatic service and consular officers of career; (8) military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the United States Navy; (9) military, naval, air and other attachés and assistant attachés assigned to a foreign diplomatic mission; (10) officers of foreign-government delegations to international organizations so designated by Executive Order; (11) officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive Order; (12) officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties; (13) officers of foreign-government delegations proceeding to or from a specific international conference of an official nature; (14) members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph; (15) members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (12) and (13) of this paragraph; (16) diplomatic couriers proceeding to or through the United States in the performance of their official duties;

(b) Any other alien in whose case the Department specifically authorizes the consular officer to accept an application for a diplomatic visa.

§ 41.104 Classes of aliens eligible to receive official visas.

A nonimmigrant within one of the following categories shall, if otherwise qualified, be eligible to receive an official visa irrespective of his classification under § 41.12:

(a) An alien within one of the following classes who is not eligible to receive a diplomatic visa: (1) Aliens within a class described in § 41.102(a) who are ineligible to receive a diplomatic visa because they are not in possession of a diplomatic passport or its equivalent; (2) aliens classifiable under section 101(a)(15)(A) of the Act; (3) aliens classifiable under section 101(a)(15)(C) of the Act, except those classifiable under section 101(a)(15)(C)(iii) of the Act unless the government of which the alien is an accredited representative is recognized de jure by the United States but is not a member of the international organization to which the alien is destined; (4) aliens classifiable under section 101(a)(15)(C) of the Act as nonimmigrants described in section 212(d)(8) of the Act; (5) members and members-elect of national legislative bodies; (6) justices of the federal and the highest State tribunals of a foreign country; (7) officers and employees of national legislative bodies proceeding to or through the United States in the performance of their official duties; (8) clerical and custodial employees attached to foreign-government delegations to, and employees of, international bodies of an official nature, other than international organizations so designated by Executive Order, proceeding to or through the United States in the performance of their official duties; (9) clerical and custodial employees attached to a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties; (10) clerical and custodial employees attached to foreign-government delegations proceeding to or from a specific international conference of an official nature; (11) members of the immediate family, attendants, servants and personal employees of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (10) inclusive of this paragraph; (12) attendants, servants and personal employes of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (13) inclusive of § 41.102(a);

(b) Any other alien in whose case the Department specifically authorizes the consular officer to accept an application for an official visa.

APPLICATION FOR NONIMMIGRANT VISAS

§ 41.110 Place of application.

(a) *Applications for regular and official visas.* With the exception of certain aliens who are in the United States who may be issued nonimmigrant visas under the provisions of § 41.120, every alien applying for a regular or official visa shall make application in the consular district in which he has his residence except that a consular officer shall at the direction of the Department, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if the alien is physically present therein.

(b) *Applications for diplomatic visas.* Application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

CROSS REFERENCE: For applications for crew-list visas see § 41.127(b).

§ 41.111 Supporting documents.

(a) *Authority to require documents and consideration accorded.* The consular officer shall have authority to require such documents as he may consider necessary to establish the alien's eligibility to receive a nonimmigrant visa. All such documents submitted and any other evidence adduced by the alien shall be given consideration by the consular officer, including briefs submitted by attorneys or other representatives.

(b) *Unobtainable documents.* In the event an alien establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may accept in lieu of such document or record, other satisfactory evidence of the fact to which the document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Photographs.* Except as otherwise provided in this paragraph, every alien shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be 1½ by 1½ inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such manner as not to obscure the alien's features. The photograph requirements may be waived in the discretion of the consular officer in the case of any alien who is (1) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(G) or 212(d)(8) of the Act, (2) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4, (3) an applicant for a diplomatic visa, (4) an applicant for an of-

ficial visa, or (5) under sixteen years of age. A notation of any such waiver shall be made in the space provided in the application form for the alien's photograph.

(d) *Police certificates.* (1) An alien shall be required to present a police certificate if the consular officer has reason to believe that he may have a police or criminal record, except that no police certificate shall be required in the case of an alien who is (i) within a class of nonimmigrants described in section 101(a)(15)(A)(i) or (ii), or section 101(a)(15)(O)(i), (ii), (iii), or (iv), or section 212(d)(8), of the Act, or (ii) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4.

(2) A police certificate is a certification by the police or other appropriate authorities stating what, if anything, their records show concerning the alien.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.112 Passports.

(a) *Passport requirement.* Except for certain persons in the A, O and NATO categories, every applicant for a nonimmigrant visa shall present a passport as defined in section 101(a)(30) of the Act and § 41.1 which is valid for the period required by section 212(a)(26) of the Act.

(b) *Aliens included in a single passport.* The passport requirement referred to under paragraph (a) of this section may be met by the presentation of a passport including more than one person if such inclusion is authorized under the laws and regulations of the issuing authority and if a photograph of each person sixteen years of age or over to whom a visa is to be issued shall have been attached to the passport by the issuing authority.

(c) *Applicants for diplomatic visas.* Every applicant for a diplomatic visa shall be required to present a diplomatic passport, or the equivalent thereof, having the period of validity indicated in paragraph (a), and issued by a competent authority of a foreign government recognized de jure by the United States, unless such requirement has been waived pursuant to the authority contained in section 212(d)(4) of the Act or unless the case falls within the provisions of § 41.91(f).

CROSS REFERENCE: For provisions relating to passport of foreign government not recognized de jure by the United States see § 41.124(a).

§ 41.113 Medical examination.

(a) An alien shall be required to be medically examined if (1) he is an applicant for an exchange visitor visa who does not qualify as a leader in a field of specialized knowledge or skill and who intends to remain in the United States for more than a brief period of time, (2) he is an applicant for a student visa who intends to remain in the United States for more than a brief period of time, (3) he is coming from an area or is in a nonimmigrant status which indicates that a medical examination is advisable, or (4) the consular officer has reason to believe that a medical examination would disclose that the alien is ineligible to receive a visa.

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a physician selected by the alien from a panel of physicians approved by the consular officer.

(c) The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, including laboratory tests, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.114 Personal appearance.

Except as otherwise provided in this section, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is (a) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(C) or 212(d)(8) of the Act, (b) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4, (c) an applicant for a diplomatic visa, (d) an applicant for an official visa, or (e) a child under ten years of age.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS–257 (Application for Nonimmigrant Visa and Alien Registration) and where required Form FS–257AF (Affidavit in Support of Nonimmigrant Visa Application) unless personal appearance is waived under § 41.114. If personal appearance is waived, the application form shall be completed by the consular officer from available information. In the case of an alien under sixteen years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, and if the alien has no parent or guardian, by any person having legal custody of or a legitimate interest in the alien.

(b) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS–257 is inadequate to determine the alien's eligibility to receive a nonimmigrant visa he may in his discretion require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 41.111(a) shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(c) *Statements regarding race and ethnic classification.* The provisions of section 222(c) of the Act which require every alien applying for a nonimmigrant visa and alien registration to state his race and ethnic classification in the application shall not be construed as pertaining to the alien's religion.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.116 Registration and fingerprinting.

(a) *Registration.* Form FS–257, when duly executed, shall constitute the alien's registration record for the purposes of section 221(b) of the Act.

(b) *Fingerprinting.* (1) The provisions of section 221(b) of the Act which require the fingerprinting of aliens in connection with their applications for visas are waived in pursuance of the authority contained therein for the nonimmigrant classes specified in subdivision (i) of this subparagraph, and in pursuance of the authority contained in section 8 of the Act of September 11, 1957 (71 Stat. 641; 8 U.S.C. 1201(a)) for the nonimmigrant classes specified in subdivision (ii) of this subparagraph: (i) An alien who is within a class of nonimmigrants enumerated in section 101(a)(15)(A) and section 101(a)(15)(C) of the Act, or an alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof (see § 41.1); (ii) An alien who is a national of a country whose government does not require fingerprinting in connection with an application for, or the issuance of, a visa to a national of the United States who intends to proceed to such country for a similar purpose, and who is classifiable as a nonimmigrant under the provisions of section 101(a)(15)(B), (C), (D), (E), (F), (H) or (I) of the Act, including a nonimmigrant alien who is classifiable under the visa symbol J, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6 or NATO–7.

(2) In the case of any nonimmigrant alien who is not exempted from the fingerprinting requirement under the provisions of this section, the fingerprints of such alien shall be taken in connection with his application for a nonimmigrant visa on Form AR–4 (Alien Registration Fingerprint Card) or in such other manner as may be authorized by the Department.

(3) An alien may be required by the consular officer, when he makes preliminary or informal application for a visa, to have a set of his fingerprints taken on Form AR–4 in the event such procedure is considered necessary for the purpose of identification, or investigation, Consular officers may, where necessary, use the fingerprint card in order to ascertain from the appropriate local or any other authorities whether they have any pertinent information concerning the applicant's eligibility to receive a visa.

§ 41.117 Signature and seal.

Form FS–257 shall be signed by or on behalf of the applicant in the space provided therefor in the presence of the consular officer. The application shall be

verified by the applicant before the consular officer who shall then sign and stamp Form FS–257 with the seal of his office. If personal appearance has been waived under § 41.114, the Form FS–257 need not be signed by the applicant.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

ISSUANCE OF NONIMMIGRANT VISAS

§ 41.120 Authority to issue visas.

(a) *Issuance in the United States.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, or to revalidate nonimmigrant visas previously issued, to qualified aliens in the United States (1) who are within a class of nonimmigrants described in section 101(a)(15)(A), section 101(a)(15)(G), or section 101(a)(15)(I) of the Act, or within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7, (2) who have been duly notified to the Secretary of State in such nonimmigrant status, or who, in cases of aliens classifiable under section 101(a)(15)(I), are bearers of passports containing an I, or an A or G visa, and who have been duly accredited by a foreign information medium, and (3) who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in the visa.

(b) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by (1) a consular officer attached to a diplomatic mission of the United States if he is authorized to do so by the chief of the mission, or (2) a consular officer assigned to a consular office if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

§ 41.121 Visa fees.

(a) *Fees based on reciprocity.* Unless on a basis of reciprocity no fee is chargeable, the fees for the issuance of visas, including official visas, to nonimmigrant nationals or stateless residents of each foreign country shall be collected in the amounts prescribed by the Secretary of State and shall correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents.

(b) *Aliens exempted from fees.* Upon a basis of reciprocity, or as provided in section 13(a) of the Headquarters Agreement with the United Nations (61 Stat. 716; 22 U.S.C. 287, Note), no fee shall be collected for the issuance of a nonimmigrant visa to an alien of any of the following classes: (1) Nonimmigrants described in section 101(a)(15)(A) of the Act; (2) nonimmigrants described in section 101(a)(15)(C) of the Act; (3) nonimmigrants described in section 212(d)(S) of the Act; (4) persons entitled to pass in transit to the United Nations Headquarters District under the provisions of paragraphs (3), (4) or (5) of section 11 of the Headquarters Agreement and who are issued C–2 visas as nonmimigrants under the provisions of section 101(a)(15)(C) of the Act; (5) nonimmigrants who are classifiable under the visa symbol NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, and NATO–7; and (6) nonimmigrants who are issued diplomatic visas.

(c) *Refund of fees.* A fee collected for the issuance or revalidation of a nonimmigrant visa, shall not be refunded without specific authorization from the Department.

CROSS REFERENCE: 1. For fee to be collected when more than one alien included in single visa see § 41.123.

2. For fee for revalidated or transferred visa see §§ 41.125(d) and 41.126(d).

3. For fee for crew-list visa see § 41.127(c).

(Sec. 281, 66 Stat. 230; 8 U.S.C. 1351)

§ 41.122 Validity of visas.

(a) *Validity of visa not related to period of stay in the United States.* The period of validity of a nonimmigrant visa shall have no relation to the period of time the alien may be authorized by the immigration authorities to stay in the United States if, upon his arrival at a port of entry, he is admitted by those authorities.

(b) *Validity of visa pertains to period within which alien may apply for admission.* The period of validity of a nonimmigrant visa shall date from the time of issuance and shall relate only to the period during which the alien to whom the visa was issued may use it in making application for admission into the United States.

(c) *Period of validity of visa and number of applications.* Except as provided in paragraph (d) of this section a nonimmigrant visa shall be valid for a period prescribed by the Secretary of State, not exceeding forty-eight months, which shall correspond, as nearly as practicable, to the period of validity of visas issued by the government of the country of which the alien is a national or stateless resident to United States nationals of a similar class entering that country. The number of applications for admission for which the visa shall be valid shall also be governed by the reciprocal treatment accorded United States nationals by that government. If the government of the country of which the alien is a national or a stateless resident does not require visas of United States nationals of a similar class proceeding to that country the visa shall be valid for the entire forty-eight month period and for an unlimited number of applications for admission.

(d) *Limitations on validity.* If warranted in an individual case, a consular officer may issue a nonimmigrant visa for (1) a period of validity which is less than that prescribed on a basis of reciprocity, (2) a number of applications for admission within the period of the validity of the visa which is less than that prescribed on a basis of reciprocity, or (3) application for admission at a specified port or specified ports of entry in the United States.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.123 More than one alien included in visa.

If the spouse and unmarried minor children of a principal alien are included in one passport (see § 41.112(b)) a single nonimmigrant visa may be issued to include all eligible family members. Each alien must execute a separate application. The name of each family member shall be written in the space provided in the visa stamp. The visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State, in accordance with the provisions of section 281 of the Act, for each alien included in the visa unless upon a basis of reciprocity a lesser fee is chargeable in such a case.

§ 41.124 Procedure in issuing visas.

(a) *Visa evidenced by stamp in passport.* Except as hereinafter provided, the issuance of a nonimmigrant visa shall be evidenced by a stamp placed in the alien's passport and properly executed by the consular officer. The appropriate symbol, as prescribed in § 41.12, showing the classification of the nonimmigrant shall be inserted in the visa stamp. No seal, stamp, signature or other notation shall be placed in a passport issued by a foreign government not recognized *de jure* by the United States.

(b) *Visa evidenced by stamp on official stationery.* In the following cases the visa stamp shall be placed on a sheet of the issuing office's official stationery to which a photograph of the alien shall be attached under seal: (1) The alien's passport was issued by a government not recognized *de jure* by the United States; (2) the alien's passport does not provide sufficient space for the visa stamp; or (3) the passport requirement has been waived. In issuing a visa on official stationery a notation shall be made on the visa specifying the pertinent subparagraph of this paragraph under which the action is taken.

(c) *Form of visa stamp.* (1) The nonimmigrant visa stamp shall be in the following form or in such other form as may be prescribed by the Department:

No. ----------
[Title of office]
[SEAL] [Location]

NONIMMIGRANT VISA

Classification: ----------
Date: ----------

Valid if presented before ----------
for ---------- applications for admission into the United States.
Issued to: ----------

(Name and title of consular officer)

(2) The form of a diplomatic visa shall be the same as the regular nonimmigrant visa, except that it shall bear the title "Diplomatic".

(3) The form of an official visa shall be the same as the regular nonimmigrant visa, except that it shall bear the title "Official".

(d) *Insertion of name; petition and derivative status notations.* The name or names of the alien or aliens to whom a nonimmigrant visa is issued shall be inserted in the visa stamp after the word "to". If the visa is being issued upon the basis of a petition approved by the Attorney General, in the case of a nonimmigrant who is classifiable under the provisions of section 101(a)(15)(N) of the Act, the number of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp. In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be written below the lower margin of the visa stamp.

(e) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "Unlimited" shall be inserted in the space provided in the visa stamp. Otherwise the appropriate number in word form shall be inserted. The date of issuance and the date of expiration of the visa shall be inserted at the proper places in the visa stamp and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952".

(f) *Restriction to specified port of entry.* If a nonimmigrant visa is to be valid for admission only at a specified port or ports of entry the name or names of such port or ports shall be entered immediately below the expiration date of the visa and shall be preceded by the word "at".

(g) *Fee notation.* The receipt of the prescribed fee, if any, for the issuance of a nonimmigrant visa shall be evidenced by a notation in the following form, or as may be otherwise prescribed:

Service No. _____
Tariff Item No. _____
Fee Paid: U.S. $_____
Local Cy. Equiv. _____

If no fee is prescribed for the issuance of the nonimmigrant visa, the word "Gratis" shall be stamped or written in the lower left corner of the visa stamp in lieu of the fee receipt notation.

(h) *Signature and seal.* The consular officer who issues a nonimmigrant visa shall affix his signature, indicate his title in the visa stamp and impress the seal of his office in the lower left corner of the stamp.

(i) *Delivery of visa and disposition of Form FS–257.* In issuing a nonimmigrant visa the consular officer shall deliver the visaed passport, or where applicable, the visaed sheet of official stationery to the alien, or to his authorized representative in any case in which personal appearance has been waived, together with any other documents required in connection with the alien's examination at a port of entry in the United States. The executed Form FS–257 and any additional statements furnished by the alien in accordance with § 41.115(b) shall be retained in the consular files.

(j) *Disposition of supporting documents.* When issuing a nonimmigrant visa to an alien, the consular officer shall give to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished or obtained by the alien. A duplicate copy of each such document may be retained at the consular office in the discretion of the consular officer or returned to the alien. If the duplicate is returned to the visa recipient an appropriate notation to that effect shall be made on the reverse of Form FS–257.

(k) *Replacement of erroneously issued visas.* A nonimmigrant visa, once issued and signed may not be amended or altered except as provided in § 41.126(c). A visa erroneously issued in relation to any item appearing in the visa stamp shall be cancelled and replaced by a corrected visa. No fee shall be charged for a visa so replaced unless an incorrect fee was originally charged. The procedure prescribed by § 41.126(b) shall be followed except that the word "Corrected" shall be inserted on the upper margin of the visa stamp in place of the word "Transferred". The procedure described in this paragraph may not be used to include additional persons in the visa. (For regulations regarding the revocation or invalidation of a visa see § 41.134.)

§ 41.125 Revalidation of visas.

(a) *Conditions for revalidation.* A nonimmigrant visa may be revalidated in the same classification at the original visa-issuing office or other consular office if (1) the alien's nationality is the same, (2) the visa was originally issued for less than the maximum period of validity of forty-eight months or for less than unlimited applications for admission or both, (3) the visa is about to expire, or has expired, or has become invalid by reason of having been used for the number of applications for admission specified therein, and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive a nonimmigrant visa, including the possession of a valid passport, if required. A nonimmigrant visa may be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State but not to exceed a total of forty-eight months from the date of its original issuance.

(b) *Waiver of personal appearance.* The consular officer may, in his discretion, waive the personal appearance of an alien who is an applicant for a revalidation of his visa.

(c) *Procedure for revalidation.* In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.124, except that a new Form FS–257 shall not be required. The visa stamp shall be placed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the revalidation shall be made on the reverse of Form FS–257 on file at the original visa-issuing office. If the visa is revalidated at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

(d) *Fee for revalidation.* The fee for the revalidation of a nonimmigrant visa shall be that prescribed for the issuance of such a visa, if any, except that when the visa was issued valid for a lesser number of applications for admission or for a period of validity less than the maximum permitted by reciprocity it may be revalidated for the remaining number of applications for admission and validity permitted without the payment of an additional fee.

§ 41.126 Transfer of visas.

(a) *Conditions for transfer.* Upon the request of the bearer a valid nonimmigrant visa may be transferred from one travel document to a different travel document which is valid for the required period if he is found eligible to receive such a visa, except in a case in which the travel document containing the original visa has been lost or stolen. A visa may be transferred only if the new passport indicates that the alien has the same nationality he had when the visa was issued.

(b) *Procedure for transfer.* A formal application for the transfer of a nonimmigrant visa from one passport to another shall not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall, except as provided in § 41.124(a), be evidenced by placing the visa stamp with all of the original data in the alien's passport. The transferred visa shall be valid for the same period as the original visa and for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the transfer shall be made on the reverse of Form FS–257 on file at the original visa-issuing office. If the visa is transferred at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

(c) *Cancellation of visa in old passport.* Upon transfer of a visa to a new travel document the visa issued in the original passport shall be canceled, unless the passport has been surrendered to the issuing authority, except that where the visa is being transferred for only one of several persons included in it, only the name of that person shall be stricken from the visa originally issued.

(d) *Fee for transfer.* No fee shall be charged for the transfer of a valid nonimmigrant visa.

§ 41.127 Crew-list visas.

(a) *Definition.* A crew-list visa is a nonimmigrant visa issued on a manifest of crewmembers of a vessel or aircraft which includes all aliens listed in the manifest unless otherwise stated.

(b) *Application.* (1) A list of all alien crewmen who are serving on board a vessel or aircraft which is proceeding to the United States and who are not in possession of valid individual entry documents shall be submitted, in duplicate, to a consular officer on Immigration and Naturalization Service Form I–418 (Crew-list Manifest) or such other forms as may be prescribed. In lieu of a manifest on Form I–418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization (ICAO) manifest, or on Customs Form 7507 (General Declaration) whenever the number of crewmen does not exceed the number which can be listed on the form.

(2) The submission of the crew list together with such other information as the consular officer may deem necessary to determine the eligibility of an individual crewman to be included in the crew-list visa shall be considered the formal application for a crew-list visa. No other application form shall be required.

(3) The manifest should list separately, in alphabetical order, those alien crewmen who are to be considered for inclusion in a crew-list visa. If not so separately listed, the consular officer may require a separate alphabetical listing if such action can be taken without unduly delaying the departure of the vessel or aircraft.

(4) If a vessel or aircraft destined to the United States cannot call at a port or place at which a consular officer is stationed, the crew list shall be submitted for visaing by mail or by other means to a consular officer stationed at a port or place nearest to the vessel's port of call.

(c) *Fee.* A fee of two dollars shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fee shall be charged for a crew-list visa issued in the case of an American vessel (§ 22.1 of this chapter) or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft. The receipt of the prescribed fee for the issuance of a crew-list visa shall be evidenced by a notation placed in the lower left corner of the visa stamp.

CROSS REFERENCE: For regulations regarding fee notation see § 41.124(g).

(d) *Validity.* A crew-list visa shall be valid for a period of six-months from the date of issuance and for a single application for admission into the United States.

(e) *Procedure in issuing.* (1) In issuing a crew-list visa the regular nonimmigrant visa stamp as prescribed in § 41.124(c) shall be placed on the last page of the manifest immediately following the last name listed.

(2) The symbol "D" shall be inserted in the space provided in the visa stamp.

(3) The name of the vessel or identifying data regarding the aircraft shall be entered in the space provided for the name of the visa recipient.

(4) The consular officer shall sign the visa, indicate his title, and impress the seal of his office on the visa stamp. The impression seal shall also be placed in the lower right corner of all pages of the crew list other than the page on which the visa stamp appears.

(5) In issuing a crew-list visa, the consular officer shall deliver the original of the crew list to the master of the vessel or commanding officer of the aircraft or to the authorized agent of such master or officer for presentation to the immigration officer at the first port of arrival in the United States. The duplicate copy of the crew list shall be retained for the consular files and shall show the date of issuance of the crew-list visa, the service number, the tariff item number, and the fee paid in United States dollars and local currency equivalent.

CROSS REFERENCE: For regulations regarding exclusion from and refusal of crew-list visas see § 41.132(a).

(f) *Supplemental crew-list visa.* (1) A supplemental crew-list visa shall be obtained at the consular office at which the crew-list visa was issued or at the consular office nearest the vessel's subsequent place of call to cover any additional crewman signed on after the issuance of the crew-list visa unless such crewman is in possession of a valid individual entry document.

(2) If an additional crewman takes the place of another crewman whose name was previously included in the crew-list visa the substitution shall be indicated in the supplemental crew list presented for visaing.

REFUSAL AND REVOCATION OF NONIMMIGRANT VISAS

§ 41.130 Procedure in refusing individual visas.

(a) *Refusal procedure.* If a consular officer refuses a nonimmigrant visa before Form FS–257 is executed by the alien the pertinent data shall be inserted on the form with the reasons for the refusal and the form shall be filed in the consular office. An applicant's decision not to execute a formal visa application after being informed of a ground of ineligibility to receive a nonimmigrant visa shall be considered a refusal. An appropriate record shall be made in such a case as well as in a case in which refusal occurs after the formal application has been executed.

(b) *Review of refusals at consular offices.* The principal consular officer at a post or an alternate whom he may specifically designate may, on his own initiative, or shall, upon the request of the Department, review the case of an applicant who has been refused a visa. If the principal consular officer, or his alternate, does not concur in the refusal, he shall (1) refer the case to the Department for an advisory opinion, or (2) assume responsibility for the case himself.

(c) *Review of refusals by Department.* The Department may request a consular officer in an individual case or in specified classes of cases to submit a report if a nonimmigrant visa has been refused. The Department will review such reports and may furnish an advisory opinion to the consular officer for his assistance in giving further consideration to such cases. If upon the receipt of the Department's advisory opinion the consular officer contemplates taking action contrary to the advisory opinion, the case should be resubmitted to the Department with an explanation of the proposed action. Rulings of the Department concerning an interpretation of law, as distinguished from an application of the law to the facts, shall be binding upon consular officers.

(d) *Disposition of documents.* When refusing a nonimmigrant visa to an alien, the consular officer may return the original of all supporting documents furnished by the alien with his application. The duplicate of each document upon which the visa refusal is based and the duplicate of each document which indicated a possible ground of ineligibility to receive a visa whether or not related to the ground of refusal shall be retained at the consular office and filed with Form FS–290. Duplicates of other documents may be returned to the alien in the consular officer's discretion.

§ 41.132 Exclusion from and refusal of crew-list visas.

(a) *Exclusion from crew-list visa.* A consular officer who knows or has reason to believe that a crew list submitted for a visa contains the name of a person who is not a bona fide crewman, or who is otherwise ineligible to receive an individual visa as a crewman, shall issue the crew-list visa, excluding therefrom the name of any such crew member. In excluding a crewman's name from a crew-list visa, the consular officer shall place a notation below the visa stamp indicating the name of each crewman so excluded. A consular officer shall not strike a crewman's name from a crew list.

(b) *Refusal of crew-list visa.* When a crew-list visa is refused in any case, a full report shall be forwarded by the consular officer to the Department in sufficient time to be received before the arrival of the vessel or aircraft at a port of entry. In such a case the original of the crew list shall be returned to the master, commanding officer or authorized agent and the duplicate shall be filed in the consular office.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.134 Revocation and invalidation of visas.

(a) *Revocation.* A consular officer is authorized to revoke ab initio a nonimmigrant visa under the following circumstances: (1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or (2) the consular officer obtaining information establishing that the alien was otherwise ineligible to receive the visa at the time of issuance.

(b) *Invalidation.* A consular officer is authorized to invalidate at any time a nonimmigrant visa in any case in which he finds that the alien has become ineligible for such visa. The invalidation shall terminate the validity of the visa on the date of such invalidation.

(c) *Procedure in revoking or invalidating visa.* (1) The bearer of a non-

immigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed action and given an opportunity to show cause why his visa should not be revoked or invalidated and shall be requested to present his travel document containing the visa. A nonimmigrant visa which is revoked or invalidated shall be cancelled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa. A visa may be revoked or invalidated regardless of the fact that the alien may be in the United States at the time such action is taken.

(2) Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee, of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been cancelled as provided in subparagraph (1) of this paragraph.

(3) Notice of revocation or invalidation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such notice and report shall be required in the case of an invalidation if the visa has been cancelled prior to the alien's departure for the United States except in cases involving A, G, C–2, C–3, diplomatic or official visas. The consular office which issued the visa shall be notified of the revocation or invalidation thereof if such action was effected by any other consular office or by the Department.

(4) Upon the revocation or invalidation of a nonimmigrant visa, appropriate notation of the action taken, including a statement of the reason therefor, shall be made, and if the revocation or invalidation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(Sec., 221, 66 Stat. 191; 8 U.S.C. 1201)

BORDER CROSSING IDENTIFICATION CARDS

§ 41.140 Nonresident aliens' border-crossing identification cards.

(a) *Aliens eligible to apply.* Under the conditions prescribed in this section, a consular officer may issue a border-crossing identification card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that (1) he is a citizen and resident of Canada or a British subject having his residence in Canada, or (2) he is a citizen and resident of Mexico; and (3) he is a bona fide nonimmigrant, and, if applying for a nonimmigrant visa, he would be eligible to receive such visa; (4) he cannot reasonably be expected to make application to the Immigration and Naturalization Service for such card because of his remote residence from the border or some other exceptional reason; and (5) he desires to enter the continental United States for a period or periods of not more than seventy-two hours each.

(b) *Nonresident aliens' Mexican border-crossing identification cards.* A Mexican citizen who is eligible to apply for a nonresident alien's border-crossing identification card under the provisions of paragraph (a) of this section shall make application on Form I–190 (Application for Nonresident Alien Mexican Border-Crossing Card) at a consular office in Mexico. The applicant shall appear in person, execute the application form in triplicate before a consular officer, and shall, except in the cases of children under the age of fourteen years, be fingerprinted on Form FD–258 (Applicant Card). Four identical photographs of the alien one and one-half inches square shall be submitted with the application. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a boarder-crossing identification card, the consular officer shall prepare Form I–186 (Nonresident Alien Mexican Border Crossing Card). Except in the cases of students, a child under the age of fourteen years who is named in his parent's or guardian's passport or other document issued in lieu thereof, may, in the discretion of the consular officer, be exempted from filing a separate application for a nonresident alien's border-crossing identification card and from furnishing photographs if the name of such child is included in the Form I–186 which is issued to his parent or guardian. The original and duplicate of the executed Form I–190, together with Form I–186 and Form FD–258, shall be enclosed with three unattached photographs in a sealed envelope of appropriate size so as to eliminate folding of any of the forms, and handed to the applicant for delivery to an immigration officer at one of the following immigration offices: Nogales, Arizona; Calexico or San Yaidro, California; El Paso, Eagle Pass, Laredo, Hidalgo, or Brownsville, Texas. The Immigration and Naturalization Service will subsequently laminate the border-crossing identification card and deliver it to the applicant. The laminated card will have an indefinite period of validity.

(c) *Nonresident aliens' Canadian border-crossing identification cards.* A Canadian citizen or British subject having his residence in Canada who is eligible to apply for a nonresident alien's border-crossing identification card under the provisions of paragraph (a) of this section may make application at a consular office in Canada on Form I–175 (Application for Nonresident Alien Canadian Border Crossing Card) or on such other form as may be authorized by the Department. Four identical photographs of the alien one and one-half inches square shall be submitted with the application. The photograph requirement may, in the discretion of the consular officer be waived in the case of an alien under fourteen years of age at the time of issuance of the card. One photograph shall be attached to each copy of the application form and to the identification card if issued to the applicant. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a border-crossing identification card, the consular officer shall issue such card to the applicant on Form I–185 (Nonresident Alien Canadian Border Crossing Card), or on such other form as may be authorized by the Department, attaching thereto the original of the application form, duly executed, for delivery to an immigration officer at the time of the alien's application for admission into the United States.

(d) *Supporting documents.* Every alien applying for a border-crossing identification card shall furnish to the consular officer, with his application, certified copies of such documents as may be required under the provisions of § 41.111.

(e) *Withdrawal of nonresident aliens' border-crossing identification cards.* (1) A nonresident alien's border-crossing identification card shall be withdrawn if (i) it was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or by other unlawful means, (ii) it is found in the possession of an alien other than the rightful holder, (iii) improper use is being made of the card, (iv) a ground of ineligibility to receive a nonresident alien's border-crossing card is established, or (v) an immigrant visa is issued to the bearer of such a card.

(2) When a Mexican border-crossing identification card is withdrawn, the consular officer shall transmit a Form I–190 showing the reasons for his action to the immigration office at which the alien originally received his laminated border-crossing identification card, except where invalidation of the card is due to issuance of an immigrant visa to the holder of the card. In the case of a Canadian border-crossing identification card, the consular officer shall submit a report of the reasons for withdrawal to the Department.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101).

ENTRY INTO AREAS UNDER UNITED STATES ADMINISTRATION

§ 41.145 Aliens entering areas under United States administration not included in section 101(a)(38) of the Act.

An alien seeking to enter an area which is under United States administration but which is not within the "United States", as defined in section 101(a)(38) of the Act, is not required to be documented by a consular officer unless the authority contained in section 215 of the Act has been invoked. The requirements for entry into such area are prescribed by the United States governmental authority having jurisdiction over the area.

Effective date. The regulations contained in this order shall become effective January 1, 1960.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 283; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations con-

tained therein involve foreign affairs functions of the United States.

Dated: August 12, 1959.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 59-6805; Filed, Aug. 17, 1959; 8:46 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 105—ALASKA PENINSULA AREA

Discontinuance of Weekly Closed Fishing Period

Basis and purpose. Ample red salmon escapement into Bear River is now assured and the red salmon run is virtually over. With the presently reduced amount of fishing gear in use it has been determined that the extension to the weekly closed period presently in effect at Bear River is no longer needed.

Therefore § 105.9 is amended by deleting paragraph (a) effective August 17, 1959.

Since immediate action is necessary in order to realize the full benefits of this relaxation in existing regulations, notice and public procedure on this amendment are not in the public interest and it shall become effective on the date set forth above, after filing at the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 14, 1959.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6889; Filed, Aug. 14, 1959; 4:57 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED FRUITS FOR SALAD [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Fruits for Salad pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than November 1, 1959.

The proposed revision is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.

AUTHORITY: §§ 52.3831 to 52.3845 issued under secs. 202–208 60 Stat. 1037, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.3831 Product description.

"Canned fruits for salad" (or "canned salad fruits" or "canned fruit salad") is the product consisting of units of properly prepared apricots, yellow clingstone peaches, pears, pineapple, cherries and/or grapes in the forms (or styles), proportions, and minimum counts specified in Table I of this subpart. The product is packed in a suitable liquid medium with or without the addition of nutritive sweetening ingredients, artificial sweetening ingredients, or other ingredients permissible under the Federal Food, Drug, and Cosmetic Act, and is processed by heat to assure preservation of the product in hermetically-sealed containers.

§ 52.3832 Grades of canned fruits for salad.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a good color, are practically uniform in count and size, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a reasonably good color, may be irregular in count but are fairly uniform in size, are reasonably free from defects, possess a reasonably good character, possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned fruits for salad that fail to meet the requirements of U.S. Grade B.

PROPORTIONS AND FORMS OF FRUIT

§ 52.3833 Proportion and forms of fruits.

Canned fruits for salad shall consist of the kinds of fruits in the forms (styles) and proportions as specified in Table I of this subpart.

TABLE I

Fruit and forms (or styles)	Proportion [1]	
Apricots:		
Unpeeled quarters; or unpeeled halves; or peeled quarters; or peeled halves.	Not less than 15%.	Not more than 30%.
Yellow clingstone peaches:		
Peeled quarters; or peeled slices.	Not less than 23%.	Not more than 46%.
Pears:		
Peeled quarters; or peeled slices.	Not less than 19%.	Not more than 38%.
Pineapple, wedge-shaped segments from slices.	Not less than 8%.	Not more than 16%.
Cherries, whole:		
Artificially colored red; or artificially colored red and artificially flavored.	Not less than 3%.	Not more than 8%.
Grapes, whole: natural, seedless.	Not less than 6%.	Not more than 12%.

[1] Percentages of each fruit based on the average drained weight from the containers examined: *Provided*, That the variability is within the range of good commercial practice.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.3834 Liquid media and Brix measurements for canned fruits for salad.

"Cut-out" requirements for liquid media in canned fruits for salad are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy fruit juice sirup".	22° or more but less than 35°.
"Heavy sirup" or "Heavy fruit juice sirup".	18° or more but less than 22°.
"Light sirup" or "Light fruit juice sirup".	14° or more but less than 18°.
"In water"	No requirement.
"In fruit juice"	No requirement.

§ 52.3835 Recommended fill of container for canned fruits for salad.

The recommended fill of container for canned fruits for salad is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of the fruit ingredients as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.3836 Recommended minimum drained weights for canned fruits for salad.

(a) *General.* The minimum drained weight recommendations in Table II of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned fruits for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and fruits less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.3837 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned fruits for salad is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

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

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

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FRUITS FOR SALAD

Container designations (metal, unless otherwise stated)	Container size-overall dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z Tall	2 1/16	3 4/16	5.2
8 oz. glass			5.2
No. 300	3	4 7/16	9.0
No. 1 tall	3 1/16	4 11/16	10.0
No. 303	3 1/16	4 5/16	10.0
No. 303 glass			10.0
No. 2	3 7/16	4 9/16	12.5
No. 2½	4 1/16	4 11/16	18.0
No. 2½ glass			18.0
No. 10	6 5/16	7	64.5

FACTORS OF QUALITY

§ 52.3838 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Varietal characteristics; (ii) Flavor and odor.

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

	Points
(i) Color	20
(ii) Uniformity of count and size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of flavor and odor*—(1) *Good flavor and odor.* "Good flavor and odor" means a distinctive flavor for each individual fruit ingredient and characteristic of canned fruits for salad that have been properly prepared and processed and that the product is free from objectionable flavors and objectionable odors of any kind.

(2) *Normal flavor and odor.* "Normal flavor and odor" means that the individual fruits or the product may lack slightly in good flavor and odor but that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3839 Ascertaining the rating for the factors which are scored.

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

§ 52.3840 Color.

(a) (*A*) *classification.* Canned fruits for salad that possess a good color may be given a score of 17 to 20 points. "Good color" means that each fruit ingredient possesses a reasonably uniform typical color that is bright and characteristic of at least reasonably well-matured (or ripened) fruit that has been properly prepared and processed; that not more than 10 percent, by count, of all the units may possess a fairly good color; that the fruit ingredients may be no more than slightly affected by pink staining; and that none of the fruit ingredients are dull or off color for reasons other than being slightly affected by pink staining.

(b) (*B*) *classification.* If the canned fruits for salad possess a reasonably good color, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that each fruit ingredient possesses a fairly uniform typical color that is characteristic of at least fairly well-matured (or ripened) fruit that has been properly prepared and processed; that not more than 10 percent, by count, of all the units may fail such reasonably good color or may be dull in color; and that the fruit ingredients may be more than slightly affected by pink staining but not to the extent that the appearance is materially affected by this cause but none of the fruit ingredients may be off color for reasons other than staining or dullness within these limits.

(c) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3841 Uniformity of count and size.

(a) (*A*) *classification.* Canned fruits for salad that are practically uniform in count and size may be given a score of 17 to 20 points.

(1) "Practically uniform in count" means:

(i) When quarters of peaches and/or quarters of pears are present; and excluding the count of grapes if present:

8 oz. cans or glass.	No less than 2 units of each fruit, including apricots in halved style.
No. 1 Tall, No. 300 cans, No. 303 cans or glass.	No less than 4 units of each fruit, including apricots in halved style.
No. 2½ cans or glass.	No less than 6 units of each fruit, including apricots in halved style.
No. 10 cans.	No less than 20 units each of 3 or more fruits, including apricots in halved style.

(ii) When quarters of apricots, slices of peaches, and/or slices of pears are present; and excluding the count of grapes if present; and excluding the count of such quarters of apricots or slices of peaches or pears, as the case may be:

8 oz. cans or glass.	No less than 2 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 1 Tall, No. 300 cans, No. 303 cans or glass.	No less than 4 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 2½ cans or glass.	No less than 5 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 10 cans.	No less than 20 units each of 2 or more fruits other than the quartered apricots or sliced peaches or pears.

(2) "Practically uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Halves or quarters are very symmetrical; and the weight of the largest full-size half does not exceed the weight of the smallest full-size half by more than 75 percent.

(ii) *Pears or peaches (quarters).* Quarters are very symmetrical; the weight of the largest full-size quarter does not exceed the weight of the smallest full-size quarter by more than 60 percent.

(iii) *Peaches (slices).* Not more than 5 percent, by count, of the units may be partial slices, slivers, and slabs; and any variation in the size and symmetry of normal slices does not affect more than slightly the appearance of the product.

(iv) *Pears (slices).* Not more than 10 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 10 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than 1/2 inch in thickness, and may be less than 1 1/16 inch or more than 1 1/4 inches in length.

(b) *(B) classification.* If the canned fruits for salad are irregular in count and fairly uniform in size, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(1) "Irregular in count" means that the canned fruits for salad (within the container) fail to meet the applicable count requirements of the (A) classification (paragraph (a) of this section).

(2) "Fairly uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Units may vary in size and thickness; the weight of the largest full-size half may be not more than twice the weight of the smallest full-size half.

(ii) *Pears or peaches (quarters).* Quarters may vary in size and thickness; the weight of the largest full-size quarter may be not more than twice the weight of the smallest full-size quarter.

(iii) *Peaches (slices).* Not more than 20 percent, by count, of the units may be partial slices, slivers, and slabs; and the balance of normal slices may vary noticeably in size and thickness.

(iv) *Pears (slices).* Not more than 20 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 15 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than 1/2 inch in thickness, and may be less than 1 1/16 inch or more than 1 1/4 inches in length.

(c) *(SStd) classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section with respect to uniformity of size may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3842 Absence of defects.

(a) *General.* The factor of defects refers to loose or attached peel from peaches or pears or when peeled apricots are present; blemishes typical for each fruit ingredient; and other defects not specifically mentioned (such as, but not limited to, harmless extraneous material, main stems or portions thereof, capstems from or on grapes, pit or core material, broken or severed units, excessive trimming) that affect the appearance or edibility of the product.

(b) *Definition of blemishes.* For the purposes of the standards in this subpart, blemishes (or blemished or blemished unit) for the respective fruit ingredient are as follows:

(1) *Apricot*—(i) *Minor blemishes.* "Minor blemishes" in unpeeled style include "freckles" and also mean:

(*a*) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle 1/8 inch in diameter but do not exceed in the aggregate the area of a circle 1/4 inch in diameter; or

(*b*) Single dark brown surface areas that do not exceed the area of a circle 1/8 inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle 1/8 inch in diameter and which do not affect materially the appearance of the unit are not considered "blemished."

(ii) *Serious blemishes.* "Serious blemishes" include units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(*a*) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle 1/4 inch in diameter;

(*b*) Blemishes that extend into the fruit tissue regardless of area of depth;

(*c*) Single dark brown surface areas in unpeeled styles that exceed the area of a circle 1/8 inch in diameter, whether or not the unit is affected by minor blemishes; or

(*d*) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(2) *Peach*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality which affects materially the appearance or edibility of the unit.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(3) *Pear*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality covering an aggregate area exceeding the area of a circle 1/4 inch in diameter. Units with black or very dark spots or any other damage which materially affect the appearance or edibility of the product are considered as "blemished," regardless of the area of the injury.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(4) *Pineapple*—(i) *Blemished.* (*a*) "Blemishes" include:

(*1*) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed surface of the unit; eyes, pieces of shell, brown spots.

(*2*) Deep fruit eyes.

(*3*) Bruised portions.

(*4*) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(*b*) Serious blemishes: "Serious blemishes" means that the blemish seriously affects the appearance or edibility of the unit.

(c) *(A) classification.* Canned fruits for salad that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" in canned fruits for salad means:

(1) Not more than 1/4 square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 10 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided,* That not more than 5 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) *(B) classification.* If the canned fruits for salad are reasonably free from defects, a score of 21 to 25 points may be given. Canned fruits for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" in canned fruits for salad means:

(1) Not more than 1/2 square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 20 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided,* That not more than 10 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) *(SStd) classification.* Canned fruits for salad that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3843 Character.

(a) *General.* The factor of character, as may be applicable to the respective

fruit ingredient, refers to the degree of ripeness, the texture and condition of the flesh, the firmness, the tenderness, and the tendency of the units to retain their apparent original conformation and size without material disintegration.

(b) (*A*) *classification.* Canned fruits for salad that posses a good character may be given a score of 25 to 30 points. "Good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, are reasonably firm and retain their apparent original conformation:

(1) *Apricot.* The units possess a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; and the units may be soft to slightly firm or slightly ragged but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly ripened, properly prepared, and properly processed canned clingstone peaches; the texture is reasonably fleshy, and the units are reasonably tender or the tenderness may be variable within the unit; and the units are reasonably intact with not more than slightly frayed edges and may be slightly firm or slightly soft but are not mushy.

(3) *Pear.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; and the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy.

(4) *Pineapple.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, and the units are reasonably free from porosity.

(c) (*B*) *classification.* If the canned fruits for salad possess a reasonably good character, a score of 21 to 24 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, may be only fairly firm: *Provided,* That the appearance or edibility of the product is not affected materially by such units:

(1) *Apricot.* The units possess a texture of properly processed apricots which may be variable but the texture is fairly fleshy and the units are intact; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be markedly ragged with frayed edges or may be very soft but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly prepared, and properly processed canned clingstone peaches which may be variable but the texture is fairly fleshy; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be frayed but not excessively frayed or may be soft but are not mushy.

(3) *Pear.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; and the units may be lacking uniformity of tenderness and may be markedly firm but are not so firm as to be "not tender";

(4) *Pineapple.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, and the units are fairly free from porosity.

(d) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3844 Ascertaining the grade of a lot.

The grade of a lot of canned fruits for salad covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1 through § 52.87 of this title).

SCORE SHEET

§ 52.3845 Score sheet for canned fruits for salad.

Size and kind of container	------
Container mark or identification	------
Label	------
Net weight (ounces)	------
Vacuum (inches)	------
Drained weight (ounces)	------
Brix measurement	------
Sirup designation (extra heavy, heavy, etc.)	------

Proportions of fruit ingredients:

	Average	Count ranges	Styles
Apricot	---ozs. ---%	--- to ---	--------
Peach	---ozs. ---%	--- to ---	--------
Pear	---ozs. ---%	--- to ---	--------
Pineapple	---ozs. ---%	--- to ---	--------
Cherry	---ozs. ---%	--- to ---	--------
Grape	---ozs. ---%	--- to ---	--------
Total	---ozs. 100%	--- to ---	--------

Factors		Score points		
Color		20	(A)	17-20
			(B)	[1] 14-16
			(SStd)	[1] 0-13
Uniformity of count and size.	C	20	(A)	17-20
	C		(B)	[1] 14-16
			(SStd)	[1] 0-13
Absence of defects		30	(A)	26-30
			(B)	[1] 21-25
			(SStd)	[1] 0-20
Character		30	(A)	25-30
			(B)	[1] 21-24
			(SStd)	[1] 0-20
Total score		100		

Flavor and odor ( ) Good; ( ) Normal; ( ) Off	------
Grade	------

[1] Indicates limiting rule.

Dated: August 13, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6807; Filed, Aug. 17, 1959; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 19]

TEMPORARY RULES RELATING TO ACCOUNTING METHODS OF LIFE INSURANCE COMPANIES, CHARITABLE DEDUCTIONS, ETC.

Notice of Hearing on Proposed Regulations

Proposed temporary rules under subchapter L of chapter 1 of the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959, relating to accounting methods, charitable deductions etc., were published in the FEDERAL REGISTER for Saturday, August 15, 1959.

A public hearing on the proposed regulations will be held on Thursday, September 3, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by August 31, 1959.

MAURICE LEWIS,
Director, Technical Planning
Division, Internal Revenue Service.

[F.R. Doc. 59-6832; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Ethion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 1 part per million for residues of ethion (O,O,O',O'-tetraethyl S,S'-methylene bisphosphorodithioate) in or on beans, grapes, melons, onions, pears, strawberries, and tomatoes.

The analytical methods proposed in the petition for determining residues of ethion are as follows:

A. *Colorimetric method.* Ethion is extracted from plant tissues with hexane. To determine ethion in the presence of other cholinesterase-inhibiting compounds the extracted residue is treated with mercuric chloride, then with dilute sodium hydroxide, followed by a second more concentrated and extended sodium hydroxide treatment. The extract is then concentrated by evaporation and hydrolyzed in ethanolic sodium hydroxide. The diethyl phosphorodithioic acid so formed is determined spectrophotometrically as its complex copper salt, absorbing at 418 mμ. The method is based on the Norris-Vail-Averall method for malathion.

1. Norris, M. V., Vail, W. A., and Averell, P. R., Journal of Agricultural and Food Chemistry, Volume II, page 570 (1954).
2. Dunn, C. L., ibid., Volume VI, page 203 (1958).

B. *Enzymatic method.* Ethion is extracted from plant surfaces or mocerated plant tissues with hexane. An aliquot of the extract is evaporated to dryness. The residue is suspended in water and oxidized by treatment with dilute bromine water. The oxidized derivative so formed is a highly active inhibitor (in vitro) of cholinesterase. Measurement of the degree of inhibition of enzyme is accomplished by colorimetric determination of acetylcholine, according to the methods of Cook (1) and Fallscheer and Cook (2).

1. Cook, J. W., Journal of the Association of Official Agricultural Chemists, Volume 37, pages 561–564 (1954).
2. Fallscheer, H.O., and Cook, J. W., ibid, Volume 39, pages 691–697 (1956).

Dated August 11, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological And Physical Sciences.

[F.R. Doc. 59–6811; Filed, Aug. 17, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 5, Rev.]

EMERGENCY ORDER OF SUCCESSION AND DELEGATION AUTHORITY

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below and on a document filed at the Internal Revenue Service emergency relocation site are hereby authorized, in the event of an enemy attack on the continental United States, and the disability of the Commissioner, his absence from the emergency relocation site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner.
Assistant Commissioner (Operations).
Assistant Commissioner (Technical).
Assistant Commissioner (Inspection).
Assistant Commissioner (Planning and Research).
Administrative Assistant to the Commissioner.

If none of these officials are available, the first available Regional Commissioner, in the order listed in the document on file at the emergency relocation site, will become Acting Commissioner.

Immediately in the event of an attack on the United States, each Regional Commissioner shall communicate as quickly as possible with the emergency National Office at the relocation site and advise the official in charge of his availability to assume the position of Acting Commissioner. After the lapse of a reasonable time for receipt of communications from the Regional Commissioners, the official in charge of the emergency National Office will advise the available Regional Commissioner highest in the order of succession to report to the emergency National Office at the relocation site to become Acting Commissioner.

If no Regional Commissioner is available, a District Director will become Acting Commissioner in the order indicated in the above-mentioned document on file at the emergency relocation site. District Directors need not contact the emergency National Office.

2. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, upon the event of an enemy attack on the continental United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury as is necessary to insure the continuous performance of Internal Revenue Service functions by those officials in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received that it has been terminated.

Order No. 5 published at 20 F.R. 4227 is superseded.

Date of issue: July 27, 1959.

Effective date: July 27, 1959.

[SEAL] DANA LATHAM,
Commissioner.

[F.R. Doc. 59–6831; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 212; Classification 68]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 440.62 acres in Yavapai County, Arizona, as suitable for lease and/or sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 2 W.,
Sec. 11:
Lots 1 to 10, inclusive;
Lots 15 and 16;
containing 440.62 acres, of which 165 acres are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279–284), as amended.

4. All valid applications filed prior to March 5, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

Dated: August 10, 1959.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 59–6803; Filed, Aug. 17, 1959; 8:46 a.m.]

Office of the Secretary

WALTER BRENTON

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Walter Brenton.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. Portland General Electric Company, Portland, Oregon.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 15, Office of the Assistant Secretary for Water and Power Development, Department of the Interior, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

I am a paid employe of the Portland General Electric Company, 621 S.W. Alder Street, Portland 5, Oregon; own stock in same and have a financial interest in its retirement plan.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WALTER BRENTON.

JULY 21, 1959.

[F.R. Doc. 59-6816; Filed, Aug. 17, 1959; 8:48 a.m.]

RALPH W. FACKLER

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Ralph W. Fackler.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 7.

The name of the appointee's private employer or employers. Indiana & Michigan Electric Company, Fort Wayne, Indiana.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 7, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Electric Power Co.
Explorers Investment Club holding following:
Midwestern United Life Insurance.
Georgia Power Corp.
National Homes "A".
Monsanto Chemical.
Presidential Life Insurance Co.
Pubco Petroleum.
Sperry Rand Corp.
Monogram Precision Industries.
Studebaker Corp.
The First National Bank of Fremont.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RALPH N. FACKLER.

JULY 20, 1959.

[F.R. Doc. 59-6817; Filed, Aug. 17, 1959; 8:48 a.m.]

LESTER R. GAMBLE

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Lester R. Gamble.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointees' position. Alternate Deputy Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. Self-employed—Consulting Electric Engineer, Economic studies involving transmission of electric energy, Spokane, Washington.

The statement of "financial interests" for the above appointee is set forth below:

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 15, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

The Washington Water Power Co.
The Montana Power Co.
Composite Fund.
Dividend Shares.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

LESTER R. GAMBLE.

JULY 29, 1959.

[F.R. Doc. 59-6818; Filed, Aug. 17, 1959; 8:48 a.m.]

FRANK W. GRIFFITH

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Frank W. Griffith.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 10.

The Name of the appointee's private employer or employers. Iowa Public Service Company, Sioux City, Iowa.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, D.E.P.A. 10, Office of the Assistant Secretary for Water and Power Development, an officer or director:

Centennial Investors, Inc.—Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Iowa Public Service Co.
Massachusetts Investors Trust.
Boston Fund.
Television Electronics Fund.
Sundance Petroleum and Uranium Corp.
Sears, Roebuck and Co.
General Motors Corp.
Northern Natural Gas Co.
Massachusetts Growth Fund.

General Electric Co.
Sioux City Dressed Beef Inc.
Babcock and Wilcox Co.
Iowa-Illinois Gas and Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

FRANK W. GRIFFITH.

JULY 27, 1959.

[F.R. Doc. 59-6819; Filed, Aug. 17, 1959; 8:49 a.m.]

VIVAN B. JONES

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Vivan B. Jones.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. City of Tacoma, Department of Public Utilities, Tacoma, Washington.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Director, Defense Electric Power, Area 15, Department of the Interior, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

VIVAN B. JONES.

JULY 21, 1959.

[F.R. Doc. 59-6820; Filed, Aug. 17, 1959; 8:49 a.m.]

MAX R. LLEWELLYN

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Max R. Llewellyn.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 16.

The name of the appointee's private employer or employers. Arizona Public Service Company, Phoenix, Arizona.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Arizona Public Service Co.
Dividend Shares.
One Williams Street.
Arden Farms.
Ducommen Metal.
U.S. Savings Bonds Series E.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

MAX R. LLEWELLYN.

JULY 28, 1959.

[F.R. Doc. 59-6821; Filed, Aug. 17, 1959; 8:49 a.m.]

JOHN P. MADGETT

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. John P. Madgett.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 11.

The name of the appointee's private employer or employers. Dairyland Power Cooperative, La Crosse, Wisconsin.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 11, Office of the Assistant Secretary for Water and Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Marietta.
Columbia Gas.
Foremost Dairies.
General Merchandise.
Helene Curtis.
One William Street.
Peabody Coal Co.
Texas Gas Transmission.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JOHN P. MADGETT.

AUGUST 4, 1959.

[F.R. Doc. 59-6822; Filed, Aug. 17, 1959; 8:49 a.m.]

GORDON S. MEYRICK

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Gordon S. Meyrick.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 9.

The name of the appointee's private employer or employers. Wisconsin Public Service Corporation, Green Bay, Wisconsin.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment on July 17, 1959, as Alternate Deputy Director, Department of the Interior, Office of the Assistant Secretary for Water and Power Development, an officer or director:

Wisconsin Public Service Corp.
Wisconsin River Power Co.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Public Service Corp.
H. M. Byllesby Co.
International Educational Pub. Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

G. S. MEYRICK.

AUGUST 10, 1959.

[F.R. Doc. 59-6823; Filed, Aug. 17, 1959; 8:49 a.m.]

STANLEY J. SICKEL

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Stanley J. Sickel.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 12.

The name of the appointee's private employer or employers: Kansas Gas and Electric Company, Wichita 1, Kansas.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 12, an officer or director:

Kansas Gas and Electric Co.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Kansas Gas and Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

S. J. SICKEL.

JULY 20, 1959.

[F.R. Doc. 59-6824; Filed, Aug. 17, 1959; 8:49 a.m.]

WILLARD B. SIMONDS

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Willard B. Simonds.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 4.

The name of the appointee's private employer or employers. Florida Power Corporation, St. Petersburg, Florida.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 4, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

As a partner in the "Big Bayou Investment Club" I own a 1/15 interest in small lots of:
American Molasses.
Equity Corp.
The Houston Corp.
Montgomery-Ward.
New England Electric System.
Winn-Dixie Stores, Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

Big Bayou Investment Club.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WILLARD B. SIMONDS.

AUGUST 11, 1959.

[F.R. Doc. 59-6825; Filed, Aug. 17, 1959; 8:49 a.m.]

JOSEPH F. SINNOTT

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Joseph F. Sinnott.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 16.

The name of the appointee's private employer or employers. San Diego Gas & Electric Company, San Diego, California.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, DEPA 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Bank of America.
San Diego Gas & Electric Co.
Massachusetts Investors Trust.
Pacific Gas & Electric Co.
Glen Alden Corp.
Carnation Company.
Carnaco Equipment Co.
Eastern Texas Transmission Co.

Miscellaneous Real Estate.
Corn Products Refining Co.
Standard Factors Inc.
Colgate Palmolive Peet Co.
Strauss Duparquet Co.
Pasadena Municipal Bond.
American Sugar Refining Co.
Toledo Edison Co.
El Paso Natural Gas Co.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JOSEPH F. SINNOTT.

AUGUST 5, 1959.

[F.R. Doc. 59-6826; Filed, Aug. 17, 1959; 8:49 a.m.]

STANLEY C. TOWNSEND

Appointee's Statement of Financial Interests

JULY, 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Stanley C. Townsend.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 3.

The name of the appointee's private employer or employers. Pennsylvania Power & Light Company, Allentown, Pennsylvania.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power, Area 3, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Can Co.
Botany Industries, Inc.
California Packing Co.
Franklin National Bank of Long Island.
Garrett Corp.
W. R. Grace & Co.
Grand Union Co.
Lone Star Steel Co.
Minute Maid Corp.
Missouri Pacific R.R. Co.
Pennsylvania Power & Light Co.
R. J. Reynolds Tobacco Co.
Standard Oil Co. of N.J.
Sun-ray Mid Continent Oil Co.
Ventures, Ltd.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

STANLEY C. TOWNSEND.

JULY 20, 1959.

[F.R. Doc. 59-6827; Filed, Aug. 17, 1959; 8:49 a.m.]

WILFORD D. WILDER

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Wilford D. Wilder.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 2.

The name of the appointee's private employer or employers. Niagara Mohawk Power Corporation, Syracuse, New York.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 2, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

W. D. WILDER.

AUGUST 3, 1959.

[F.R. Doc. 59-6828; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CERTAIN OCEAN FREIGHT FORWARDERS

Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 6th day of August 1959, the Board entered the following order:

Whereas, the following persons, firms, and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and Address, Reg. No. and Date Issued

App Shipping Company (William S. App, dba), 206 International Trade Mart, New Orleans 12, La.; 2123; March 15, 1957.

Ben Bowdish, 4131½ Piedmont Avenue, Oakland 11, Calif.; 2074; November 21, 1956.

Herbert Milgrim, 2037 East 36th Street, Brooklyn 34, N.Y.; 1994; March 15, 1956.

Carl O. Otterberg, 149 California Street, San Francisco, Calif.; 1827; January 28, 1955.

Sebastian Rodriguez, 8-10 Bridge Street, New York 4, N.Y.; 1891; July 8, 1955.

Tidewater Grain Co., 301 The Bourse, Philadelphia, Pa.; 1316; May 22, 1951.

Transair Forwarding Corporation, 26 Broadway, New York, N.Y.; 2093; January 16, 1957.

Venezuela Freight Expediters, 110 Biscayne Boulevard, Miami, 32, Fla.; 1925; September 27, 1955.

Whereas, the Regulation Office of the Federal Maritime Board has, by registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, each of these registrants has failed to respond to such requests for information, now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be canceled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: August 13, 1959.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6830; Filed, Aug. 17, 1959; 8:50 a.m.]

Office of the Secretary

CARL O. FRIEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1959.

CARL O. FRIEND.

AUGUST 1, 1959.

[F.R. Doc. 59-6810; Filed, Aug. 17, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-21]

ELECTRO CHEMICAL LABORATORIES CORP.

Notice of Hearing on Application for Waste Disposal License

By application dated December 29, 1958 the Electro Chemical Laboratories Corporation, hereinafter referred to as the "respondent," applied to the Commission for a license authorizing it to receive, possess and package waste byproduct material without limitation as to total quantity and to dispose of such byproduct material by burial in the soil at sites located in Osage and Tulsa Counties, Oklahoma, and at a site in Kansas. Pursuant to the Commission's rules of practice (10 CFR Part 2) a notice of proposed denial of the application was issued on July 7, 1959 which provided that a hearing in the matter would be held upon the request by the respondent within 15 days following the receipt of the notice. By a letter dated July 20, 1959 the respondent requested a formal hearing in the matter.

Pursuant to the Atomic Energy Act of 1954, as amended, and to the regulations in Part 2 and 10 CFR Part 30, notice is hereby given that a hearing will be held on September 15, 1959 at 10:00 o'clock a.m. at the Commission's headquarters in Germantown, Maryland.

Samuel W. Jensch, Esq. will be the presiding officer.

SPECIFICATION OF ISSUES

The matters to be considered at the hearing are:

(A) Whether the applicant has demonstrated that it can guarantee the maintenance and control of the proposed burial sites in Oklahoma and Kansas for the sufficiently long period of time essential to protect health and minimize danger to life and property because of the types and levels of radioactivity of the materials and the long half-life of certain waste materials proposed to be buried.

(B) Whether the applicant's application is sufficient to permit the Commission to determine that the proposed disposal operations would not result in an undue hazard to life or property, including but not limited to considerations of the following factors:

1. Geohydrological characteristics including but not limited to:

(a) Ground and surface waters and the utilization thereof;

(b) Underground strata of the three sites, including type and thickness, and the possible occurrence of solution cavities.

2. Description of proposed burial vaults, including size, construction details, and the resistance of such vaults to environment and to the materials contained therein.

3. Burial procedures, including depths, amount of radioactivity to be contained in each vault, chemical and physical form of such material and means for securing the vaults from unauthorized opening or removal.

4. Procedures to be followed for processing the material received for burial, including the procedures for transporting, receiving and handling.

5. Surveying for radioactivity.

6. Maintaining records of all radioactive material processed and buried at each proposed site.

7. Complete description of each site, including ownership, specific burial areas in each, and the industrial, commercial, agricultural, or other utilization of the surrounding areas.

(C) Whether the issuance of a byproduct material license to the applicant would be inimical to the health and safety of the public.

Answer to this notice shall be served and filed by the respondent pursuant to § 2.736, Part 2, on or before August 31, 1959.

Any person whose interest may be affected by this proceeding may file and serve a petition to intervene pursuant to § 2.705 of the rules of practice, Part 2, on or before August 31, 1959, or at such other time as may be established by the Presiding Officer.

Papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated August 11, 1959, Germantown, Md.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6797; Filed, Aug. 17, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13062, 13063; FCC 59M-1039]

CHE BROADCASTING CO. (NSL) AND B & M BROADCASTERS, INC. (KLOS)

Notice of Prehearing Conference

In re applications of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc., (KLOS), Albuquerque, New Mexico, Docket No. 13063, File No. BP-12878; for construction permits.

A prehearing conference will be held Tuesday, September 8, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 12, 1959.

Released: August 12, 1959.

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

[F.R. Doc. 59-6836; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13062, 13063; FCC 59M-1026]

CHE BROADCASTING CO. (NSL) AND B & M BROADCASTERS, INC. (KLOS)

Order Scheduling Hearing

In re applications of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc. (KLOS), Albuquerque, New Mexico, Docket No. 13063, File No. BP-12878; for construction permits.

It is ordered, This 10th day of August 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6837; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13055; FCC 59M-1030]

CHARLOTTE RADIO & TELEVISION CORP. (WGIV)

Order Scheduling Hearing

In re application of Charlotte Radio & Television Corporation (WGIV), Charlotte, North Carolina, Docket No. 13055, File No. BP-11898; for construction permit.

It is ordered, This 10th day of August 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6838; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13064-13071; FCC 59M-1032]

COUNTY BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of County Broadcasting Corporation, Gloucester, Massachusetts, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

It is ordered, This 10th day of August 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 28, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6839; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13072-13074; FCC 59M-1036]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as Tricities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations (Channel 8).

It is ordered, This 10th day of August 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1959, in Washington, D.C.

Released: August 12, 1959.

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

[F.R. Doc. 59-6840; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13151; FCC 59M-1029]

MICHAEL J. DESAUTELS

Order Scheduling Hearing

In the matter of Michael J. Desautels, 200 Grove Street, Burlington, Vermont, Docket No. 13151; Order to Show Cause why there should not be revoked the License for Citizens Radio Station 1W0584.

It is ordered, This 10th day of August 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6841; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13056; FCC 59M-1027]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Scheduling Hearing

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP-11796; for construction permit.

It is ordered, This 10th day of August 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6842; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 12831, etc.; FCC 59-867]

NORTH SHORE BROADCASTING CO., INC., ET AL.

Order Amending Issues

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, Docket No. 12831, File No. BP-11768; Requests: 1590 kc, 1 kw, DA-Day. Suburbanaire, Inc., West Allis, Wisconsin, Docket No. 12832, File No. BP-12511; Requests: 1590 kc, 1 kw, DA-Day. Watertown Radio, Inc. (WTTN), Watertown, Wisconsin, Docket No. 12948, File No. BP-12920; Has: 1580 kc, 250 w, Day; Requests: 1580 kc, 250 w, 1 kw (CR), Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of August 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, by Order (FCC 59-747) adopted on July 22, 1959, the Commission consolidated the instant applications for hearing, but that one issue (Issue 3, below) which should have been specified in the said Order was inadvertently omitted; and that said Order should be amended to read as follows:

It appearing, that by Order adopted April 8, 1959, and released on April 14, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of North Shore Broadcasting Co., Inc., and Suburbanaire, Inc.; that the application of Watertown Radio, Inc. (WTTN) was tendered for filing on March 12, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing, that, except as indicated by the issues specified below, North Shore Broadcasting Co., Inc., Suburbanaire, Inc., and Watertown Radio, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that Watertown Radio, Inc., filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing, that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would

serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Watertown Radio, Inc., is consolidated for hearing in the proceeding in docket Nos. 12831 and 12832, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of North Shore Broadcasting Co., Inc., and Suburbanaire, Inc.

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

3. To determine whether the 5 mv/m contour of the proposed operation of North Shore Broadcasting Co., Inc., would encompass the most distant residential areas within Wauwatosa, Wisconsin, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant proposal of Watertown Radio, Inc., to increase the power of Station WTTN would involve objectionable interference with the proposal of Russell G. Salter for Aurora, Illinois (File No. BP-11380, Docket No. 12617), or any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded pursuant to the foregoing issue that a choice cannot be made between the proposals for Wauwatosa and West Allis, Wisconsin, on considerations relating to section 307(b), which of the said two proposals would better serve the public interest in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

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

(c) The programming service proposed in each of the instant applications.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's Order of April 8, 1959, designating for hearing the first two above-captioned applications.

It is further ordered, That Russell G. Salter, applicant for a new standard broadcast station at Aurora, Illinois, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Watertown Radio, Inc., and Russell G. Salter, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the Commission's above-mentioned Order (FCC 59-747) of July 22, 1959, is amended as set forth above.

Released: August 12, 1959.

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

[F.R. Doc. 59-6843; Filed, Aug. 17, 1959; 8:51 a.m.]

[Canadian List 137]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

JULY 31, 1959.

Call letters	Location	Power kw	Operation	Time	Class	Expected date of commencement of operation
		590 kilocycles				
New	Fort St. John, B.C.	1 kw	DA-N	U	III	EIO 7-15-60.
		630 kilocycles				
CHLT (PO: 630 kc 5 kw DA-1).	Sherbrooke, P.Q.	10 kw D/5 kw N	DA-2	U	III	Do.
		908 kilocycles				
CKGM	Montreal, P.Q.	10 kw	DA-1	U	III	Assignment of call letters.
		1150 kilocycles				
CKTR	Three Rivers, P.Q.	5 kw D/1 kw N	DA-2	U	III	Now in operation.
		1230 kilocycles				
New	Kamloops, B.C.	1 kw D/0.25 kw N	ND	U	IV	EIO 7-15-60.
		1250 kilocycles				
New	Dartmouth, N.S.	5 kw	DA-1	U	III	Do.
		1280 kilocycles				
New	Estevan, Saskatchewan.	1 kw	DA-1	U	III	Do.
		1290 kilocycles				
CFAM (PO: 1290 kc 5 kw DA-1).	Altona, Manitoba	10 kw D/5 kw N	DA-1	U	III	Do.
		1350 kilocycles				
CKTR	Three Rivers, P.Q.	1 kw	DA-1	U	III	Delete assignment.
New	Joliette, P.Q.	1 kw	DA-1	U	III	EIO 7-15-60.
		1500 kilocycles				
New	Duncan, B.C.	1 kw	DA-1	U	III	Do.

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

[F.R. Doc. 59-6835; Filed, Aug. 17, 1958; 8:50 a.m.]

[Docket Nos. 13076, 13077; FCC 59M-1038]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order Scheduling Hearing

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast station (Channel 8).

It is ordered, This 10th day of August 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 21, 1959, in Washington, D.C.

Released: August 12, 1959.

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

[F.R. Doc. 59-6846; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13150; FCC 59M-1028]

PATTERSON SHRIMP CO., INC.

Order Scheduling Hearing

In the matter of Patterson Shrimp Company, Inc., P.O. Box 98, Patterson, Louisiana, Docket No. 13150; Order to Show Cause why there should not be revoked the License for Radio Station WC-3826 aboard the vessel "Howard Rochel".

It is ordered, This 10th day of August 1959, that Forest L. McGlenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6844; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13054; FCC 59M-1031]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Scheduling Hearing

In re application of Suburban Broadcasting Company, Inc. (WVIP), Mount Kisco, New York, Docket No. 13054, File No. BP-12258; for construction permit.

It is ordered, This 10th day of August 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1959, in Washington, D.C.

Released: August 11, 1959.

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

[F.R. Doc. 59-6845; Filed, Aug. 17, 1959; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1276]

STELLING DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 12, 1959.

I. Stelling Development Corporation (issuer), a Delaware corporation, 305 Morgan Street, Tampa 2, Florida, filed with the Commission on June 8, 1959 a notification on Form 1-A and an offering circular, and filed amendments thereto, relating to an issue of 300,000 shares of its $.01 par value common stock to be offered at $1 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that: A. An exemption under Regulation A is unavailable in that:

1. Earl Pelletier, also known as Joseph E. H. Pelletier and Joseph Earl Pelletier, a promoter and principal stockholder of the issuer, was permanently enjoined on June 18, 1953 in the Supreme Court, New York County, New York, from engaging in the sale of securities within New York State, which injunction is within the purview of Rule 252(d)(2);

2. The Stanford Corporation, the named underwriter for the issuer, was underwriter for the Regulation A offering of Macinar, Incorporated, which offering was suspended by the Commission and is a bar by reason of Rule 252(e)(2) to any Regulation A offering in which said underwriter is or is named as underwriter;

3. The amount of securities proposed to be offered plus the securities subject to the escrow provisions of Rule 253(c) exceed the $300,000 ceiling limitation imposed by Rule 254(a).

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to disclose in response to Item 6(b) that Earl Pelletier, one of the issuer's promoters, is subject to a permanent injunction of the type specified in Rule 252(d)(2);

2. The notification on Form 1-A fails to disclose in response to Item 9 the total number of unregistered securities sold by the issuer's two promoters within one year prior to filing of this notification, the aggregate offering price or other consideration received, and the names of all persons to whom such sales were made;

3. The issuer has failed to sign the amendment to the notification on Form 1-A filed July 6, 1959;

4. The issuer's escrow agreement, filed as an exhibit to the notification on Form 1-A, fails to comply with the escrow requirements of Rule 253(c).

III. *It is ordered,* Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6804; Filed, Aug. 17, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 170]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61697. By order of August 7, 1959, the Transfer Board approved the transfer to Ralph McLaughlin, doing business as Consolidated Film Delivery Service, Chicago, Ill., of Permit in No. MC 105, issued June 11, 1959, to LeRoy Fowler, Elkhart, Indiana, and acquired by Minnette Bell Fowler pursuant to approval and consummation in Docket No. MC–FC 61006. The permit authorizes the transportation of: *Candy, towels, motion picture film,* and *materials, supplies and equipment* used in connection of such film between Goshen, Indiana, and Chicago, Illinois, over a regular route and serving certain specified intermediate and off-route points. Richard H. Sproull, 201 Monger Building, Elkhart, Indiana, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6813; Filed, Aug. 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35625: *Peanut hulls between points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3332), for interested rail carriers. Rates on peanut hulls, not crushed or ground, compressed, in boxes, in carloads between points in southern territory, and between points in southern territory, on the one hand, and Ohio and Mississippi River crossings, Washington, D.C., and points in Virginia and West Virginia, on the other.

Grounds for relief: Short-line distance formula, grouping and relief line arbitraries.

Tariff: Supplement 34 to Southern Freight Association tariff I.C.C. No. S–34.

FSA No. 35626: *Caustic soda to Johnsville, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B–7612), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Baldwin, Ark., Lake Charles and West Lake Charles, La., Corpus Christi, Houston, Port Neches, and Freeport, Tex., to Johnsville, Miss.

Grounds for relief: Market competition.

Tariffs: Supplement 606 to Southwestern Freight Bureau tariff I.C.C. 4139. Supplement 172 to Southwestern Freight Bureau tariff I.C.C. 4187. Supplement 397 to Southwestern Freight Bureau.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6812; Filed, Aug. 17, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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