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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives
[FCA Order 566]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATE; OMAHA BANK FOR COOPERATIVES

Effective May 1, 1953, the rates of interest which may be charged by the Omaha Bank for Cooperatives on loans, as specified in Part 70, Chapter I, Title 6, Code of Federal Regulations (17 F. R. 1493; amended 17 F. R. 2587, 3221, 18 F. R. 947, 1581) are hereby changed as follows:

1. In § 70.4 change to 3¼ per centum per annum.
2. In § 70.5 change to 2¾ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN,
Governor

[F. R. Doc. 53-3313; Filed, Apr. 15, 1953; 8:57 a. m.]

TITLE 7—AGRICULTURE

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

Subchapter B—Sugar Requirements and Quotas
[Sugar Reg. 811, Rev. 1]

PART 811—SUGAR REQUIREMENTS, CONTINENTAL UNITED STATES REQUIREMENTS FOR 1953

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1953 is necessary. The purpose of this revision is to make such determination conform to the requirements indi-

cated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act, Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1953 (17 F. R. 11155) is hereby revised to read as follows:

§ 811.5 *Sugar requirements, 1953.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1953 is hereby determined to be 7,900,000 short tons, raw value.

Statement of bases and considerations. On December 5, 1952, the supply of sugar required from quota sources in 1953 was determined to be 7,800,000 short tons, raw value.

Distribution of sugar to date in 1953 has been running slightly behind that for the corresponding period of 1952. Nevertheless, sugar prices have been above those of last year and have been rising. Some of the recent strength in the spot market appears to have been related to activity in the futures market.

On April 9 the wholesale price for refined cane sugar, New York, rose to 8.75 cents compared with 8.65 cents on the same date in 1952. Raw sugar prices

(Continued on p. 2127)

CONTENTS

Agriculture Department	Page
See Animal Industry Bureau; Farm Credit Administration; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Aktieselskabet Kjobenhavns Handelsbank.....	2165
Allgemeine Elektrizitäts-Gesellschaft.....	2164
Barthel, Charlotte E.....	2162
Blomsten, Magda Maria.....	2166
Borchers, Anna.....	2162
Certain Unknown German Nationals.....	2166
Dunkel, Herman.....	2163
Holthaus, G. Charles.....	2164
Kirner, Anton.....	2164
La Croix, Louis C.....	2165
N. V. Internationale Handel Maatschappij "Controla".....	2163
Reichsbank.....	2162
Stinnes, Hugo, Jr., et al.....	2167
von Schnitzler, W.....	2167
Animal Industry Bureau	
Rules and regulations:	
Scrapie in sheep; changes in areas quarantined.....	2128
Army Department	
Rules and regulations:	
Army Reserve; appointments to Women's Army Corps Branch.....	2142
Civil Aeronautics Administration	
Rules and regulations:	
General procedures, civil-military; military noncompliance with air traffic rules.....	2143
Standard instrument approach procedures; alterations.....	2143
Civil Aeronautics Board	
Notices:	
Reopened Wiggins renewal investigation case.....	2157
Commerce Department	
See Civil Aeronautics Administration.	
Defense Department	
See Army Department.	
Economic Stabilization Agency	
See Rent Stabilization, Office of.	



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(For use during 1953)

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- Title 19 (\$0.45)
- Title 39 (\$1.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 20 (\$0.60); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 170 to 182 (\$0.65), Parts 183 to 299 (\$1.75); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Titles 40-42 (\$0.45); Title 49: Parts 1 to 70 (\$0.50), Parts 71 to 90 (\$0.45), Parts 91 to 164 (\$0.40)

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

CONTENTS—Continued

Farm Credit Administration	Page
Rules and regulations:	
Loan interest rates and security increase in interest rate; Omaha Bank for Cooperatives.....	2125
Federal Power Commission	
Notices:	
Hearings, etc..	
Pacific Power & Light Co.....	2157
Transcontinental Gas Pipe Line Corp. (2 documents).....	2157
Washington Gas Light Co. and Prince George's Gas Corp.....	2158

CONTENTS—Continued

Federal Security Agency	Page
See Food and Drug Administration.	
Food and Drug Administration	
Rules and regulations:	
Certification of batches of antibiotic and antibiotic containing drugs; streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary exemption from certification or repackaged drug.....	2128
Sea food inspection; inspection of processed shrimp and canned oysters.....	2128
Health, Education, and Welfare Department	
Notices:	
Organization, functions, and duties.....	2157
Indian Affairs Bureau	
Rules and regulations:	
Operation and maintenance charges; Flathead Indian Irrigation Project, Montana....	2137
Interior Department	
See Indian Affairs Bureau; Land Management, Bureau of.	
Internal Revenue Bureau	
Notices:	
Deputy Commissioner of Internal Revenue; delegation of authority to perform functions of Commissioner during absence or disability.....	2152
Rules and regulations:	
Income and excess profits taxes; taxable years beginning after December 31, 1941, and ending after June 30, 1950, respectively certain payments to encourage exploration, development, and mining for defense purposes excluded in computing gross income and excess profits net income....	2137
Removal of distilled spirits and alcohol, in bulk containers, at whole or fractional degrees of proof:	
Gauging manual.....	2139
Industrial alcohol.....	2139
Miscellaneous regulations relating to liquor.....	2139
Production of brandy.....	2139
Production of distilled spirits.....	2139
Rectification of spirits and wines.....	2139
Warehousing of distilled spirits.....	2139
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Benzol from Minnequa, Colo., to Omaha, Nebr.....	2158
Cement and related articles from:	
Birmingham district to other points in Alabama....	2159
Kansas and Oklahoma to Michigan and Ohio.....	2158
Points in southern territory to Port of Palm Beach Junction, Fla.....	2159

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Notices—Continued	
Applications for relief—Con.	
Plaster and related articles from Medicine Lodge, Kans., to points in the Southwest.....	2150
Soda ash and sesqui-carbonate of soda from Ohio, Michigan, New York and Virginia to Omaha, Nebr....	2159
Superphosphate from points in the South and Southwest to Wichita, Kans.....	2158
Justice Department	
See also Alien Property, Office of.	
Notices:	
Office of Legal Counsel; change in name.....	2162
Land Management, Bureau of	
Notices:	
Idaho:	
Order providing for opening of public lands.....	2152
Restoration order under Federal Power Act.....	2153
Montana:	
Classification order.....	2155
Filing of plats of survey (5 documents).....	2153-2155
Production and Marketing Administration	
Proposed rule making:	
Lima beans, frozen; U. S. standards for grades.....	2150
Rules and regulations:	
Sugar, 1953:	
Quotas and prorations of quota deficits.....	2127
Requirements for continental U. S.....	2125
Rent Stabilization, Office of	
Rules and regulations:	
Certain defense-rental areas in Massachusetts, New Jersey and Ohio:	
Housing.....	2149
Rooms.....	2149
Certain defense-rental areas in New Jersey and Ohio:	
Hotels.....	2149
Motor courts.....	2149
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Adolf Gobel, Inc.....	2160
International Hydro-Electric System.....	2160
Middle South Utilities, Inc....	2160
Pennsylvania Electric Co.....	2160
Selected Industries Corp.....	2161
Tariff Commission	
Notices:	
Postponement of hearings in investigations:	
Mustard seeds.....	2162
Rosaries.....	2161
Watch bracelets and parts thereof of metal other than gold or platinum.....	2161

CONTENTS—Continued

Treasury Department	Page
See also Internal Revenue Bureau.	
Notices:	
Organization; abolition of certain offices and determination of titles of new offices.....	2152

CODIFICATION GUIDE

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

Title 6	Page
Chapter I.	
Part 70.....	2125
Title 7	
Chapter I.	
Part 52 (proposed).....	2150
Chapter VIII:	
Part 811.....	2125
Part 813.....	2127
Title 9	
Chapter I.	
Part 79.....	2128
Title 14	
Chapter II:	
Part 405.....	2143
Part 609.....	2143
Title 21	
Chapter I.	
Part 146.....	2128
Part 155.....	2128
Title 25	
Chapter I.	
Part 130.....	2137
Title 26	
Chapter I.	
Part 29.....	2137
Part 40.....	2137
Part 171.....	2139
Parts 182-186.....	2139
Part 190.....	2139
Title 32	
Chapter V.	
Part 561.....	2142
Title 32A	
Chapter XXI (ORS)	
RR 1.....	2149
RR 2.....	2149
RR 3.....	2149
RR 4.....	2149

have risen from 5.95 cents per pound in mid-January to a high of 6.45 cents on March 24-25 and have fluctuated in the 6.35-6.45 range from March 11 to April 8. Large stocks were available for immediate marketing when 1953 quotas became effective and new crop supplies from the Caribbean area and the Philippines reach peaks in the early months of the year. Therefore, selling pressure reaches a peak during this period. It is necessary to guard against uneconomic declines resulting from seasonal selling pressures but it is also necessary to prevent unjustifiable rises.

The allowance heretofore made as a price stimulus is hereby adjusted from 400,000 short tons, raw value, to 300,000 tons and the quantity of sugar determined to be required is increased by

100,000 tons to a total of 7,900,000 short tons, raw value. It is believed that this action will stabilize prices at levels fair to both producers and consumers. (Sec. 201, 403, 61 Stat. 922, 932; 7 U. S. C., Sup. 1111, 1153)

Done at Washington, D. C., this 10th day of April 1953. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 53-3274; Filed, Apr. 15, 1953; 8:50 a. m.]

[Sugar Reg. 813, Amdt. 1]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1953 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948, as amended, and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 813 (17 F. R. 11153) establishing sugar quotas for 1953 is hereby amended as hereinafter set forth.

1. Section 813.42 is changed to read:

§ 813.42 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1953 the following quotas:

Area:	Quotas in terms of short tons, raw value
Republic of the Philippines.....	974,000
Cuba.....	2,382,720
Other foreign countries.....	99,280

2. Paragraph (a) of § 813.44 is changed to read:

§ 813.44 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines—(a) Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country	Proration in short tons, raw value
Dominican Republic.....	24,654
El Salvador.....	3,634
Haiti.....	2,386
Mexico.....	10,222
Nicaragua.....	6,932
Peru.....	46,372
Subtotal.....	94,316
Not prorated.....	4,964
Total.....	99,280

The portion of the quota established in § 813.42 for foreign countries other than Cuba and the Republic of the Philippines which has not prorated may be filled by countries not receiving specific prorations or quotas, but no such country shall enter a quantity in excess of one per centum of such quota (993 short tons, raw value)

Statement of bases and considerations. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised requirements exceed the quotas for domestic areas and the Republic of the Philippines on the basis of 98 per centum to Cuba and 4 per centum to "Other Foreign Countries" and the revised quota for "Other Foreign Countries" has been prorated as provided in section 202 (c) of the act, as amended.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

Production area:	Basic quota
Domestic beet sugar.....	1,299,000
Mainland cane sugar.....	599,000
Hawaii.....	1,052,000
Puerto Rico.....	1,080,000
Virgin Islands.....	12,000
Philippines.....	974,000
Cuba.....	2,382,720
Other foreign countries:	
Dominican Republic.....	24,654
El Salvador.....	3,634
Haiti.....	2,386
Mexico.....	10,222
Nicaragua.....	6,932
Peru.....	46,372
Not prorated.....	4,964
Total.....	7,990,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153)

Done at Washington, D. C., this 10th day of April 1953. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 53-3275; Filed, Apr. 15, 1953; 8:59 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[BAI Order 384, Amdt. 1]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 79.2 in Part 79 of Title 9, Code of Federal Regulations, containing a notice of the existence in a certain area of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 79.2 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious, and communicable diseases of sheep known as scrapie exists in the following areas:

LaSalle County in Illinois;
Ross, Shelby, and Vinton Counties in Ohio.

(b) The Secretary of Agriculture, having determined that sheep in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as scrapie and that it is necessary to quarantine the areas specified in said paragraph (a) of this section in order to prevent the spread of said disease from such States, hereby quarantines such areas.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which scrapie has been found to exist, and in which a quarantine has been established:

LaSalle County in Illinois;
Ross, Shelby, and Vinton Counties in Ohio.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 79 (17 F. R. 10760, 11225) apply with respect to shipments of sheep from these areas.

This amendment excludes Butte County in California from the areas in which scrapie has been found to exist and in which a quarantine has been established. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 79 (17 F. R. 10760, 11225) apply with respect to shipments of sheep from this area.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administra-

tive Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 13th day of April 1953.

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

[F. R. Doc. 53-3273; Filed, Apr. 15, 1953;
8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

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

STREPTOMYCIN SULFATE POWDER ORAL VETERINARY, STREPTOMYCIN SULFATE GRANULES ORAL VETERINARY EXEMPTION FROM CERTIFICATION OF REPACKAGED DRUG

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357) the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp. 146; 18 F. R. 1207) are amended as set forth below:

Section 146.115 *Streptomycin sulfate powder oral veterinary*; * * * is amended by adding the following new paragraph (f)

(f) *Exemption from certification of repacked streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary.* Streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary shall be exempt from the requirements of sections 502 (1) and 507 of the act if it complies with all the following conditions:

(1) It has been repacked, from a batch that has been certified under the regulations in this part, for use as an ingredient in the drinking water of animals;

(2) It conforms to the standards of identity, strength, quality and purity prescribed by paragraph (a) of this section;

(3) It is repackaged in accordance with the requirements of paragraph (b) of this section; and

(4) Its labeling bears only the indications and directions for use that were approved when the batch from which it was repacked was certified.

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

delay exempting repackaged streptomycin sulfate powder oral veterinary and streptomycin sulfate granules oral veterinary from certification.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides a conditional exemption from certification, shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 10, 1953.

[SEAL] OVETA CULP HOBBY,
Federal Security Administrator
[F. R. Doc. 53-3277; Filed, Apr. 15, 1953;
8:51 a. m.]

PART 155—SEA FOOD INSPECTION

INSPECTION OF PROCESSED SHRIMP AND CANNED OYSTERS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 702a, 48 Stat. 1204, 49 Stat. 871, 52 Stat. 1040, 1059; 21 U. S. C. 372a) the regulations for the inspection of canned shrimp, fresh and frozen shrimp, and canned oysters (21 CFR 155, 1951 Supp.) are revised and reissued as hereinafter set forth.¹

SUBPART A—INSPECTION OF PROCESSED SHRIMP

Sec.	
155.1	Application for inspection service.
155.2	Granting or refusing inspection service; cancellation of application.
155.3	Inspection periods.
155.4	Assignment of inspectors.
155.5	Uninspected shrimp excluded from inspected establishments.
155.6	General requirements for plant and equipment.
155.7	General operating conditions.
155.8	Code marking.
155.9	Processing.
155.10	Examination after processing.
155.11	Labeling.
155.12	Certificates of inspection; warehousing and export permits.
155.13	Inspection fees.
155.14	Suspension and withdrawal of inspection service.

SUBPART B—INSPECTION OF CANNED OYSTERS

155.16	Application for inspection service.
155.17	Granting or refusing inspection service; cancellation of application.
155.18	Inspection periods.
155.19	Assignment of inspectors.
155.20	Uninspected oysters excluded from inspected establishments.
155.21	General requirements for plant and equipment.
155.22	General operating conditions.
155.23	Code marking.
155.24	Processing.
155.25	Examination after canning.
155.26	Labeling.
155.27	Certificates of inspection; warehousing and export permits.
155.28	Inspection fees.
155.29	Suspension and withdrawal of inspection service.

AUTHORITY: §§ 155.1 to 155.29 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371.

¹This order rescinds former §§ 155.0 to 155.13, dealing with canned shrimp; §§ 155.16 to 155.29, dealing with fresh and frozen shrimp; and §§ 155.30 to 155.43, dealing with canned oysters.

SUBPART A—INSPECTION OF PROCESSED SHRIMP

§ 155.1 *Application for inspection service.* (a) Applications for inspection service on the processing of shrimp under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration, hereinafter referred to as the Administration. The processing of shrimp comprises all the operations, including labeling and storage, necessary to prepare for the market shrimp in any of the following forms: Iced or frozen raw headless, raw peeled or cooked peeled (any of which may be deveined) iced or frozen deveined shrimp, partially or completely peeled (which may be battered and breaded before freezing) and canned shrimp. No application for a regular inspection period filed with the Administration after May 1, preceding such period in any year, shall be considered unless the applicant shows substantial cause for failure to file such application on or before May 1 of such year. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by an advance payment of \$500.00 as prescribed by § 155.13 (a) (1). Such payment shall be made in the manner prescribed by § 155.13 (e).

(b) For the purposes of §§ 155.1 through 155.14, an establishment is defined as a factory where shrimp may be processed and warehouses and cold storage plants under the control and direction of the packer where such shrimp is stored.

§ 155.2 *Granting or refusing inspection service; cancellation of application.*

(a) The Federal Security Administrator may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 155.6.

(b) The Administrator may refuse to grant inspection service at any establishment for cause. In case of refusal, the applicant shall be notified of the reason therefor and shall have returned all advance payments and deposits made, less any expenses incurred for preliminary inspection of the establishment or for other purposes incident to such application.

(c) The applicant, by written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant all advance payments and deposits made, less any salary and other expense incurred incident to such application.

§ 155.3 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 155.1 through 155.14 is granted consists of 9 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after July 1 but not later than October 1, specified for the

beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Administrator is not prepared to begin the service on the specified date, then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month may be granted in such establishment if application therefor, accompanied by a payment of \$600.00 as prescribed by § 155.13 (a) (3) is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 155.13 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 155.4 *Assignment of inspectors.*

(a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.1 through 155.14 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment, to plants supplying materials to the inspected establishment, and to all fishing and freight boats and other conveyances catching shrimp for, or transporting shrimp to, such establishment.

§ 155.5 *Uninspected shrimp excluded from inspected establishments.*

(a) No establishment to which inspection service has been granted shall at any time thereafter process shrimp which has not been so inspected or handle or store in such establishment any processed shrimp which has not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein or withdrawal therefrom as authorized by § 155.14.

(b) All shrimp and other ingredients entering into the finished product may be subject to inspection prior to delivery to the establishment or at any time thereafter, and all shrimp processed in such establishment shall be subject to certification under § 155.12.

§ 155.6 *General requirements for plant and equipment.* (a) All exterior openings of the establishment shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Except for raw headless shrimp, which may or may not be deveined, picking and packing rooms shall be separate, provided that this requirement may be waived by the Administration where separation of picking and packing rooms is not necessary for adequate sanitation. Blanching tanks shall not be located in picking room. Fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings, such buildings shall be not more than 100 yards apart unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of tanks, belts, tables, flumes, utensils, and other equipment with which either picked or unpicked shrimp come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable materials, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted running water; and, if necessary, steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered soap, shall be provided in both the picking and packing rooms. Paper towels shall be provided in the packing room. Provision shall be made for sanitizing the hands of employees by the use of suitable sanitizing agents.

(g) Signs requiring employees handling shrimp to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before processing.

(i) Suitable containers, flumes, chutes, or conveyors shall be provided for removing offal from picking room.

(j) Picking or heading tables shall be equipped with flumes supplied with clean, unpolluted water or with mechanical conveyors for removing the picked or headed shrimp.

(k) Equipment shall be provided for code-marking cans and other immediate

containers and master cartons used in packaging other than canned shrimp.

(l) An automatic container-counting device shall be installed in each cannery line.

(m) Each sterilizing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F with scale divisions not greater than 2° F. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ½-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F to 270° F with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) For steam cook, a blow-off vent of at least ¾-inch inside diameter in the top of the retort.

(6) For steam cook, a ⅜-inch bleeder in top of retort.

(n) Each cold storage compartment shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperature.

(2) An indicating thermometer so installed as to indicate accurately the temperature within the storage compartment.

(3) A recording thermometer so installed as to indicate accurately the temperature within the compartment at all times. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(o) Provision shall be made for water-glazing where such glazing is necessary to maintain the quality of frozen shrimp. Glazing shall be done with clean, unpolluted water.

(p) Provision shall be made for immediate icing or cold storage of all packaged shrimp which is destined for sale as unfrozen shrimp.

(q) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 155.7 *General operating conditions.*

(a) Plants supplying raw headless or frozen raw headless shrimp to an inspected establishment, decks and holds of all boats catching shrimp for or transporting shrimp to an inspected establishment, and the bodies of other conveyances so transporting shrimp shall be kept in a sanitary condition.

(b) Inspected establishments, plants supplying inspected establishments, freight boats, and other conveyances serving such establishments shall accept only fresh, clean, sound shrimp. The shrimp shall be iced or refrigerated immediately after they are caught, and shall be kept adequately iced or refrigerated until delivery to the establishment.

(c) After delivery of each load of shrimp to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being headed, picked, or deveined, the shrimp shall be adequately washed with clean, unpolluted water and then passed over the inspection belt and culled to remove all shrimp that are filthy, decomposed, putrid, or otherwise unfit for food, and all extraneous material.

(e) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes. Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the establishment.

(f) Shrimp shall be picked into flumes that immediately remove the picked meats from the picking tables; except that shrimp may be picked into seamless containers of not more than 3 pints capacity if the picked meats are not held in such containers for more than 20 minutes before being flumed or conveyed from the picking tables. If shrimp are picked into such containers, the containers shall be cleaned and sanitized as often as may be necessary to maintain them in a sanitary condition, but in no case less frequently than every 2 hours. Whenever a picker is absent from his or her post of duty, the container used by such picker shall be cleaned and sanitized before picking is resumed. For the purposes of this paragraph, the term "picked" shall include the operation whereby a portion of the shell is removed, leaving the tail in place, and the back of the shrimp is sliced open to remove the alimentary canal or vein.

(g) Picked shrimp being transported from one building to another shall be properly covered and protected against contamination.

(h) From the time of delivery to the establishment up to the time of final processing, shrimp shall be handled expeditiously and under such conditions as

to prevent contamination or spillage. Shrimp other than that to be canned shall be precooled immediately after the final cleaning or blanching operation to a temperature not exceeding 50° F if it is to be packaged immediately, or to a temperature not exceeding 40° F, if it is not to be packaged immediately. If such shrimp are to be frozen, they shall be placed in the freezing compartment within 1 hour after final preparation.

(i) If batter is employed, it shall be used within 1 hour after it is prepared. The temperature of the batter shall not exceed 50° F.

(j) The packer shall destroy for food purposes under the immediate supervision of the inspector all shrimp in his possession condemned by the inspector as filthy, decomposed, putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the icebox or picking room.

(k) Raw materials other than shrimp that enter into the finished product shall not be used if condemned by the inspector as unfit for food. Such condemned raw materials shall be segregated from usable materials and be held for disposal as directed by the inspector, or they may be destroyed forthwith by the packer if he so desires.

(l) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(m) All floors and other parts of the establishment, including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition. Containers for mixing or holding batter shall be adequately cleaned and sanitized before they are used for a new batch of batter. Equipment for applying batter shall be adequately cleaned and sanitized at least once each hour while in operation.

(n) The packer shall require all employees handling shrimp to wash and sanitize their hands after each absence from post of duty, and to observe other proper habits of cleanliness.

(o) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease, or with any open sores on exposed portions of the body.

§ 155.8 *Code marking.* (a) Permanently legible code marks shall be placed on all immediate containers at the time of packaging. Such marks shall show at least:

(1) The date of packing;
(2) The establishment where packed;
and

(3) The size of the shrimp when such shrimp are graded for size and are not in containers through which they are clearly visible.

Corresponding code marks shall also be placed on the master cartons containing individual packages of shrimp other than canned.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regu-

lations in this part, all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 155.9 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimums employed for the containers indicated:

DRY PACK

Kind of container and liner	Size	Initial temperature	Time at 240° F.	Time at 250° F.
Tin: 1-piece liner	211 x 400 and smaller.	70° F.	Minutes 89	Minutes 60
No liner	do	70° F.	70	50
	307 x 203	70° F.	70	59
	307 x 400	70° F.	75	55

WET PACK

Kind of container and size	Initial temperature	Time at 240° F.	Time at 250° F.
Tin: 211 x 400 (and smaller)	90° F.	25	13
307 x 203	90° F.	25	13
307 x 400	90° F.	25	13
502 x 510	90° F.	27	16
Glass: 2 to 9 fluid ounces, inclusive		22	14

For wet-pack shrimp in cans 307 x 400 and smaller, a cook of 12 minutes at 250° F., and for wet-pack shrimp in cans 502 x 510, a cook of 15 minutes at 250° F. may be approved if adequate provisions are made to insure an initial temperature of not less than 120° F. in each individual can. For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) For steam cook, blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The method of freezing is not specified by the regulations in this part. Whatever method is used must be such as will produce a hard-frozen product in a sufficiently short time to prevent decomposition. Bulk packages containing 5 pounds or more of shrimp per package shall be hard frozen within 24 hours; smaller packages should be hard frozen within 12 hours. After freezing, the shrimp shall be stored in such a manner that its temperature does not exceed 0° F., and shall be handled in such manner as will maintain the hard-frozen condition.

(e) The storage temperatures for shrimp that are not frozen or canned are as follows:

(1) Cooked and peeled shrimp shall be stored at a room temperature not exceeding 35° F.

(2) Raw headless shrimp shall be stored at a room temperature not exceeding 35° F., except that it may be

stored at a higher room temperature if sufficiently iced at all times to prevent spoilage.

(f) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(g) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.10 *Examination after processing.* (a) Adequate samples shall be drawn by the inspector from each lot of processed shrimp and shall be examined to determine whether or not such processed shrimp conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all processed shrimp condemned by the inspector as not complying with § 155.9 (a) or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.11 *Labeling.* (a) Labels on shrimp packed and certified under §§ 155.1 through 155.14 may bear a mark attesting to such packing and certification. Depending upon the type of processing, such marks, if used, shall read as follows:

(1) For canned shrimp: "Production supervised by U. S. Food and Drug Administration."

(2) For frozen shrimp: "Packing and freezing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after freezing."

(3) For fresh, iced, or refrigerated shrimp: "Packing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after packing."

Such marks if used shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background. The marks referred to in subparagraphs (2) and (3) of this paragraph shall not be used on the master carton unless such marks will be defaced by the opening of the cartons.

(b) Labels on inspected processed shrimp, other than canned shrimp, not bearing the marks referred to in paragraph (a) (2) and (3) of this section, and all master cartons for inspected shrimp other than canned shrimp, shall bear the statement "Perishable—Keep frozen" or "Perishable—Keep refrigerated," whichever is applicable to the product.

(c) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected shrimp, or on or within the cases therefor, shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing.

The Administration is authorized to approve labeling for use on or with processed shrimp inspected under §§ 155.1 through 155.14; approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for processed shrimp intended for export under the provisions of § 155.12 (e).

(d) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (c) of this section and bearing the marks described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used, after such approval, on processed shrimp other than that which has been handled, prepared, packed, and stored in compliance with all provisions of §§ 155.1 through 155.14; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 155.14 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected processed shrimp has been discontinued and will not be resumed.

(e) Shrimp labeling authorized by paragraph (a) of this section or approved under paragraph (c) of this section shall be used only as authorized by §§ 155.1 through 155.14. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

§ 155.12 *Certificates of inspections; warehousing and export permits.* (a) After finding that the processed shrimp comprising any parcel has been handled, prepared, and packed in compliance with all provisions of §§ 155.1 through 155.14, bears labeling approved as authorized under § 155.11 (c) and complies with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such processed shrimp so complies. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size of the shrimp, the size and kind of containers, the type of pack, the commercial brand name on the labels, the quality grade of the shrimp if it is fancy, the condition of the shrimp if it is broken or if it is substandard in fill and the destination of the lot if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced, or if mishandling, improper storage, or other circumstances so change the product that it no longer complies with the requirements for the issuance of a certificate; but such processed shrimp may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, it complies with the requirements laid down

by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, processed shrimp shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.10 (b)

(c) Applications to move unlabeled processed shrimp for storage in a warehouse or cold storage plant elsewhere than in the establishment where such shrimp was processed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse or cold storage plant in which such processed shrimp is to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse or cold storage plant that inspectors shall have free access at all times to all processed shrimp so stored and that conditions which will preserve the identity of each parcel of such processed shrimp shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the processed shrimp comprising any parcel has been packed in compliance with §§ 155.1 through 155.14 and conforms, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such processed shrimp. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the shrimp, the size and kind of containers, the type of pack, whether or not it is fancy grade, the condition of the shrimp if it is broken or if it is substandard in fill, and, if such be the case, that it is intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing or cold storage which accompanied such agreement.

(d) Unless covered by certificate, processed shrimp stored under the authority of paragraph (c) of this section shall be moved from the warehouse or cold storage plant where stored only for restorage under such authority, or for return upon written permission of the inspector to the establishment where processed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.10 (b)

(e) An application to export processed shrimp under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evidence showing that such processed shrimp is not in conflict with the laws of the country to which it is intended for export; and, if shipment of labeled processed shrimp is specified or directed, eight specimens of the labeling therefor.

If processed shrimp prepared or packed according to such specifications is not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such processed shrimp comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such processed shrimp was packed in compliance with the requirements of §§ 155.1 through 155.14 regarding sanitary conditions and processing; is not filthy, decomposed, putrid, or otherwise unfit for food; accords to such specifications; and is labeled on the outside of the shipping package to show that it is intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such processed shrimp was packed under sanitary conditions, is wholesome, and accords to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such processed shrimp.

§ 155.13 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of \$500.00 shall accompany each application; thereafter, eight additional advance payments of \$500.00 shall be made on or before the first day of each month beginning July 1 and continuing through February 1 for the regular inspection period; except that the Administration may require the full amount of advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and deposits made by the packer involved shall be charged with the cost of the service made available for the establishment without regard to the method provided hereinafter for computing charges against payments and deposits for shrimp received, and the balance of the total payments and deposits for shrimp received remaining after such charges shall be refunded by the Administration

to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of \$600.00, and at subsequent monthly intervals thereafter additional payments of \$600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of \$20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of shrimp received by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than \$300.00, unless the Administration on an estimate of receipt of shrimp authorizes other amounts, and shall be computed at the rate of 20 cents per 100 pounds of whole raw shrimp, or 35 cents per 100 pounds of raw headless shrimp, received by the plant. For the purposes of this section, the quantity of shrimp received by an establishment shall be determined by weighing on a suitable scale immediately after such shrimp leaves the initial inspection belt: *Provided, however*, That other arrangements for determining accurately the weight of shrimp received may be employed if approved in advance by the Administration. A record of such weights shall be maintained and made available to the inspector upon his request. Any advance deposits in excess of those required for actual shrimp received for the fiscal year (July 1 through June 30) shall be refunded to the packer by the Administration after the completion of the fiscal year.

(2) Deposits for shrimp received as computed under paragraph (b) (1) of this section, together with production deposits, prescribed for oysters canned under § 155.28 (b) (1) shall be charged with the balance of the total cost of the inspection service that has not been provided for by the combined total payments under paragraph (a) of this section and paragraph (a) of § 155.28, in the case of canned oysters. The balance of the deposits remaining for shrimp received after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year, in the ratio which each packer's deposits for shrimp received and production deposits for oysters canned bears to the combined total of such deposits for shrimp received and oysters canned by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 155.14 (a), the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special

account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the United States Government, for salary, travel, subsistence, and other purposes incident to inspection described under § 155.4 (b) of suppliers of any materials to establishments under the inspection service or for the purpose of issuing a certificate or warehousing or export permit on processed shrimp stored or held at any place other than an establishment to which a sea food inspector is then assigned.

(d) When the processing plant and the warehouse or cold storage plant of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.1 (a) shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after appropriate records thereof have been made, they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to the packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.14 *Suspension and withdrawal of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment:

(1) Upon failure of the packer to comply with any applicable provision of §§ 155.1 through 155.14; or

(2) Upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any sea food of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

SUBPART B—INSPECTION OF CANNED OYSTERS

§ 155.16 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be

on forms supplied by the Food and Drug Administration, hereinafter referred to as the Administration. No application for a regular inspection period filed with the Administration after September 1 preceding such period in any year shall be considered unless the applicant shows substantial cause for failure to file such application on or before September 1 of such year. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in that State. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by a payment of \$600.00 as prescribed by § 155.23 (a) (1). Such deposit shall be paid in the manner prescribed by § 155.23 (e)

(b) For the purpose of §§ 155.16 through 155.29, an establishment is defined as a factory where oysters may be processed and warehouses under the control and direction of the packer where such canned oysters are stored.

§ 155.17 *Granting or refusing inspection service; cancellation of application.*

(a) The Federal Security Administrator may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 155.21.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal the applicant shall be notified of the reason therefor and shall have returned to him all advance payments and production deposits made, less any expenses incurred for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by written notice to the Administrator, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Administrator shall return to such applicant all advance payments and production deposits made, less any salary and other expense incurred incident to such application.

§ 155.18 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 155.16 through 155.29 is granted consists of 4 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after October 1 but not later than March 1, specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Administrator is not prepared to begin the service on the specified date then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month

may be granted in such establishment if application therefor, accompanied by a payment of \$600.00, as prescribed by § 155.23 (a) (3), is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 155.23 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 155.19 *Assignment of inspectors.*

(a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.16 through 155.29 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances dredging oysters for or transporting oysters to such establishments.

§ 155.20 *Uninspected oysters excluded from inspected establishments.* (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters that have not been so inspected, or handle or store in such establishment any canned oysters that have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein, or withdrawal therefrom as authorized by § 155.29.

(b) All oysters delivered to or held in an inspected establishment may be subject to inspection, but certificates of inspection shall be issued under § 155.27 only on canned oysters.

(c) All oysters delivered to or held in an inspected establishment may be subject to inspection, but certificates of inspection shall be issued under § 155.27 only on canned oysters.

§ 155.21 *General requirements for plant and equipment.* (a) All exterior openings of the cannery, including those of the shucking sheds, shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Shucking sheds and packing rooms shall be separate, and fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking

shed and packing room are in separate buildings, such buildings shall be not more than 100 yards apart, unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of washers, tanks, belts, tables, flumes, utensils, and other equipment with which unshucked or shucked oysters come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable material, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded. Shucking tables shall be so constructed as to preclude contamination of working surfaces or products thereon from foot traffic or wheel-barrows or other containers used in delivering steamed oysters to such tables.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted running water; and steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered soap, shall be provided in both the shucking shed and the packing room. Paper towels shall be provided in the packing room.

(g) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(i) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts, drains, a safety valve, and a pressure gauge.

(j) Suitable means shall be provided for removing shells and debris from shucking shed.

(k) One or more suitable devices shall be provided for removing shell and grit from shucked oysters, for washing such oysters, and for their subsequent drainage.

(l) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(m) Equipment shall be provided for code-marking cans.

(n) An automatic container-counting device shall be installed in each cannery line.

(o) Each sterilizing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F to 270° F., with scale divisions not greater than 2° F., installed either within a fitting at-

tached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting, such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least 1/8-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F to 270° F., with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least 3/4-inch inside diameter in the top of the retort.

(6) A 1/8-inch bleeder in top of the retort.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples and for the safekeeping of records and equipment.

§ 155.22 *General operating conditions.* (a) The decks and holds of all boats tonging or dredging oysters for or transporting oysters to an inspected establishment, and the bodies of other conveyances so transporting oysters shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Inspected establishments, freight boats, and other conveyances serving such establishments shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigeration shall be provided to prevent spoilage.

(c) After delivery of each load of oysters to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean, unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being steamed or opened by other means, the oysters shall be washed with clean, unpolluted water and then passed over the inspection belt and culled to remove dirty, muddy, dead, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(e) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(f) Shells shall be removed from the shucking shed continuously.

(g) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in the cannery or, except for shells, about the premises. Shells shall not be allowed to accumulate about the premises in such a manner as to create a nuisance.

(h) The delivery of steamed oysters to shuckers by means of manually rolling, trundling, or wheelbarrowing such oysters on or above shucking tables will not be permitted.

(i) Shucking knives and shucking cups shall be thoroughly washed with soap and water and chlorinated before use each day. Chlorine solution shall be maintained at a strength of 200 parts per million.

(j) No shucked oysters shall be returned to shucker after delivery to the weigher. Shucking cups shall be cleaned and sanitized after each delivery to the weigher.

(k) Shucked oysters being transported from one building to another shall be properly covered and protected against contamination.

(l) The shucked oysters shall be washed, separated from the shell and grit by suitable devices, and then immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(m) From the time of delivery to the cannery up to the time of final processing, oysters shall be handled expeditiously and under such conditions as to prevent contamination or spoilage.

(n) The packer shall destroy for food purposes under the immediate supervision of the inspector all oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on the boat or on the unloading platform shall not be taken into the cannery, but shall be either destroyed or returned to a bedding ground.

(o) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(p) All floors and other parts of the establishment including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition.

(q) The packer shall require all employees handling oysters to wash their hands after each absence from post of duty and to observe other proper habits of cleanliness.

(r) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease or with any open sores on exposed portions of the body.

§ 155.23 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least:

- (1) The date of packing;
- (2) The establishment where packed;
- (3) The conveyance; and
- (4) The size of the oysters when such oysters are graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regulations in this part all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 155.24 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimum employed for the containers indicated:

CANNED OYSTERS

Size	Initial temperature	Time at 240° F.	Time at 250° F.
211 x 212	70° F.	Minutes 24	Minutes 14
211 x 330			
211 x 396			
211 x 400	130° F.	23	13
307 x 400	70° F.	28	14
307 x 409	130° F.	27	13

For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.25 *Examination after canning.* (a) Adequate samples shall be drawn by the inspector from each lot of canned oysters and shall be examined to determine whether or not such canned oysters conform to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all canned oysters condemned by the inspector as not complying with § 155.24, or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.26 *Labeling.* (a) Labels on canned oysters packed and certified under §§ 155.16 through 155.29 may bear the mark "Production Supervised by the U. S. Food and Drug Administration." Such mark, if used, shall be plainly and conspicuously displayed, in type of uniform size and style, on a strongly contrasting, uniform background.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected canned oysters or on or within the cases therefor shall be submitted to the Ad-

ministration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is hereby authorized to approve labeling for use on canned oysters inspected under §§ 155.16 through 155.29. Approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for canned oysters intended for export under the provisions of § 155.27 (e)

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section and bearing the mark described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used after such approval on canned oysters other than those that have been handled, prepared, and packed in compliance with all provisions of §§ 155.16 through 155.29; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 155.29 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by paragraph (a) of this section or approved under paragraph (b) of this section shall be used only as authorized by §§ 155.16 through 155.29. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food, Drug, and Cosmetic Act, as amended.

§ 155.27 *Certificates of inspection; warehousing and export permits.* (a) After finding that the canned oysters comprising any parcel have been handled, prepared, and packed in compliance with all provisions of §§ 155.16 through 155.29; bear labeling approved as authorized under § 155.26 (b), and comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, the condition of the oysters if they are broken or if they are substandard in fill, and the destination of the lot, if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.25 (b)

(c) Applications to move unlabeled canned oysters for storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel have been packed in compliance with §§ 155.16 through 155.29 and conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the place from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken or if they are substandard in fill and, if such be the case, that they are intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for re-storage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.25 (b)

(e) An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evidence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the in-

inspector to issue to the applicant an export permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of §§ 155.16 through 155.29 regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications, and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel, so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters.

§ 155.28 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of \$600.00 shall accompany each application; thereafter, three additional advance payments of \$600.00 each shall be made, as follows: One payment on or before the date of the beginning of the regular inspection period specified in the application for inspection; the remaining two payments on or before the first day of each succeeding month, except that the Administration may require the full amount of all advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season: *Provided*, That a packer who is concurrently receiving inspection service and making payments under the regulations for the inspection of processed shrimp shall not make any additional payments under this subparagraph.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year; but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily, but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and production deposits made by the packer involved shall be charged, with the cost of the service made available for

the establishment, without regard to the method provided hereinafter for computing charges against payments and production deposits, and the balance of the total payments and deposits remaining after such charges shall be refunded by the Administration to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of \$600.00, and at subsequent monthly intervals thereafter additional payments of \$600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of \$20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of oysters canned by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than \$300.00, unless the Administration on an estimate of production authorizes other amounts, and shall be computed at the rate of 15 cents for each case of 48 cans, size 211 x 300. Any advance production deposits in excess of those required for actual oysters canned for the fiscal year (July 1 through June 30) shall be refunded to the packers by the Administration after the completion of the fiscal year.

(2) Production deposits as computed under subparagraph (1) of this paragraph, together with deposits for shrimp received as prescribed under § 155.13 (b) (1), in the case of processed shrimp, shall be charged with the balance of the total cost of the inspection service which has not been provided for by the combined total payments under paragraph (a) of this section and paragraph (a) of § 155.13, in the case of processed shrimp. The balance of the production deposits remaining after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year in the ratio which each packer's production deposits for oysters canned and deposits for shrimp received bears to the combined total of such deposits for oysters canned and shrimp received by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 155.29 (a) the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance that would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses incurred in accordance with the regulations of the United States Government, for salary, travel, subsist-

ence, and for other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place other than an establishment to which a sea food inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.16 (a) shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after appropriate records thereof have been made they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.29 *Suspension and withdrawal of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment upon failure of the packer to comply with any applicable provision of §§ 155.16 through 155.29 or upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any sea food of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments, in part, adjust the basis of fees which it is necessary to charge in order to provide, equip, and maintain a self-liquidating sea food inspection service as required by law, and make minor changes in previous regulations.

Dated: April 10, 1953.

[SEAL] OVETA CULP HOBBY,
Federal Security Administrator

[F. R. Doc. 53-3276; Filed, Apr. 15, 1953; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs,
Department of the InteriorSubchapter I—Irrigation Projects, Operation and
MaintenancePART 130—OPERATION AND MAINTENANCE
CHARGES.FLATHEAD INDIAN IRRIGATION PROJECT,
MONTANA

APRIL 6, 1953.

On March 5, 1953, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 130.16 and 130.17 of the Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from the date of publication of the notice. No objections were submitted. Accordingly §§ 130.16 and 130.17 are amended as follows, to be effective for the season of 1953 and thereafter until further order.

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of \$2.64 per acre, for the season of 1953 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-six cents (\$1.76) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of \$2.78 per acre, for the season 1953 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and eighty-five cents (\$1.85) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of \$3.25 per acre, for the season of 1953 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available

water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and sixteen cents (\$2.16) per acre foot or fraction thereof.

The foregoing amendments of §§ 130.16 and 130.17 of the nondistrict operation and maintenance assessment rate order for the season of 1952 are to become effective for the season of 1953 and continue in effect until further notice.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 53-3256; Filed, Apr. 16, 1953;
8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue,
Department of the TreasurySubchapter A—Income and Excess Profits Taxes
[T. D. 6006; Regs. 111, 130]PART 29—INCOME TAX; TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1941PART 40—EXCESS PROFITS TAX; TAXABLE
YEARS ENDING AFTER JUNE 30, 1950CERTAIN PAYMENTS TO ENCOURAGE EXPLORA-
TION, DEVELOPMENT, AND MINING FOR
DEFENSE PURPOSES EXCLUDED IN COM-
PUTING GROSS INCOME AND EXCESS PROFITS
NET INCOME

On November 15, 1952, a notice of proposed rule making, regarding amendments to conform Regulations 111 (26 CFR Part 29) to section 306 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and to conform Regulations 130 (26 CFR Part 40) to section 433 (a) (1) (P) of the Internal Revenue Code, as added by section 101 of the Excess Profits Tax Act of 1950, was published in the FEDERAL REGISTER (17 F. R. 10465). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111 and 130 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately after § 29.22 (b) (14)-1, as added by Treasury Decision 5371, approved May 11, 1944, the following:

[SEC. 22. GROSS INCOME.]

[(b) *Exclusions from gross income.* The following items shall not be included in gross income and shall be exempt from taxation under this chapter:]

SEC. 306. PAYMENTS TO ENCOURAGE EXPLORA-
TION, DEVELOPMENT, AND MINING FOR DEFENSE
PURPOSES (EXCESS PROFITS TAX ACT OF 1950,
APPROVED JANUARY 3, 1951).

Effective with respect to taxable years beginning after December 31, 1950, section 22 (b) of the Internal Revenue Code is amended by adding the following new paragraph:

(15) *Payments to encourage exploration, development, and mining for defense purposes.* An amount paid to a taxpayer by the United States (or any agency or instrumentality thereof), whether by grant or loan, and whether or not repayable, for the encouragement of exploration, development or mining of critical and strategic minerals or metals pursuant to or in connection with

any undertaking approved by the United States (or any of its agencies or instrumentalities) and for which an accounting is made or required to be made to an appropriate governmental agency, and the forgiveness or discharge of any of such amount. Any expenditures (other than expenditures made after the repayment of such grant or loan) attributable to such grant or loan shall not be deductible by the taxpayer as an expense nor increase the basis of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation, but upon the repayment of any portion of any such grant or loan which has been expended in accordance with the terms thereof such deductions and such increase in basis shall to the extent of such repayment be allowed as if made at the time of such repayment.

§ 29.22 (b) (15)-1 *Payments to encourage exploration, development, and mining for defense purposes—(a) Applicability of section 22 (b) (15)* Section 22 (b) (15) is applicable only to amounts (1) which are paid to a taxpayer (i) by the United States or by an agency or instrumentality of the United States; (ii) as a grant, gift, bounty, bonus, premium, incentive, subsidy, loan, or advance; (iii) for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal; and (iv) pursuant to or in connection with an undertaking by the taxpayer to explore for, or develop or produce, such mineral or metal and to expend or use any amounts so received for the purpose and in accordance with the terms and conditions upon which such amounts are paid, which undertaking has been approved by the United States or by an agency or instrumentality of the United States; and (2) for which the taxpayer has accounted, or is required to account, to an appropriate agency of the United States Government for the expenditure or use thereof for the purpose and in accordance with the terms and conditions upon which such amounts are paid. Section 22 (b) (15) is applicable only to an amount which meets each test or requirement set forth above. The section is applicable whether or not the payee is obligated to repay to the United States any portion or all of the amount so received. However, section 22 (b) (15) is not applicable to any loan or advance for the repayment of which the borrower's liability is unconditional and legally enforceable. Nor is section 22 (b) (15) applicable to any part of the purchase price of a critical and strategic mineral or metal received, whether before, on, or after delivery, by the seller from the United States or any agency or instrumentality thereof, irrespective of whether such purchase price is below, at, or above the established ceiling or currently prevailing market price. A payment of a separate and specific amount for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal shall not be considered to be a part of the purchase price of such mineral or metal merely because such payment is added to, or included with, the payment of such purchase price. As used in section 22 (b) (15) and this section, the term "critical and strategic minerals or metals" means those min-

erals and metals listed in section 450 (b) as well as such other minerals and metals as are certified pursuant to such section as being essential to the defense effort of the United States and as not having been normally produced in appreciable quantities within the United States, and such other minerals and metals as are considered by those departments, agencies, and instrumentalities of the United States charged with the encouragement of exploration for, and development and mining of, critical and strategic minerals and metals to constitute critical and strategic minerals and metals for that purpose. See, for example, section 7 of Order-1 of the Defense Minerals Exploration Administration, March 7, 1952, 17 F. R. 2090.

(b) *Exclusion from gross income.* For any taxable year beginning after December 31, 1950, any amount to which section 22 (b) (15) is applicable is, by the terms of such section, excluded from gross income. Section 22 (b) (15) also excludes from gross income for such taxable year any income attributable to the forgiveness or discharge of any indebtedness to which such section is applicable.

(c) *Expense deduction, basis for gain or loss, depletion, or depreciation.* Except as provided in this paragraph any expenditure attributable to an amount received by a taxpayer to which section 22 (b) (15) is applicable, shall not be deductible by the taxpayer as an expense under section 23, nor shall any such expenditure increase the basis under section 113 of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation (including amortization under section 124A). Upon the repayment of any portion of any amount to which section 22 (b) (15) is applicable and which has been expended for the purpose and in accordance with the terms and conditions upon which it was paid to the taxpayer, any expenditures attributable to such amount made by the taxpayer shall, as provided in section 23, be allowed to the taxpayer as a deduction, and any such expenditures shall, as provided in section 113, increase the basis of the taxpayer's property, to the extent of such repayment as if such expenditures had been made at the time of such repayment. Such expenditures shall to the extent of the repayment be expensed or capitalized, as the case may be, in the order in which they were actually made, or in such other manner as may be adopted by the taxpayer with the approval of the Commissioner. This paragraph shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.22 (a)-13 (a) is amended by adding at the end thereof the following: "For exclusion from gross income of income attributable to the forgiveness or discharge of a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see § 29.22 (b) (15)-1."

PAR. 3. Section 29.23 (a)-1 is amended by adding at the end thereof the following: "As to the deductibility of ex-

penditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of critical and strategic minerals or metals, see section 22 (b) (15) and § 29.22 (b) (15)-1."

PAR. 4. Section 29.113 (a)-1, as amended by Treasury Decision 5911, approved June 5, 1952, is further amended by adding at the end thereof the following: "For special rules for determining the basis, both unadjusted and adjusted, of property acquired or improved with the proceeds of a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 22 (b) (15) and § 29.22 (b) (15)-1."

PAR. 5. Section 29.113 (b) (1)-1, as amended by Treasury Decision 5991, approved February 17, 1953, is further amended by adding at the end thereof the following: "For adjustment to basis on account of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 22 (b) (15) and § 29.22 (b) (15)-1."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

PAR. 6. Section 40.433 (a)-2 (p) is amended to read as follows:

(p) (1) Section 433 (a) (1) (P) is applicable only to amounts (i) which are paid to a taxpayer (a) by the United States or by an agency or instrumentality of the United States; (b) as a grant, gift, bounty, bonus, premium, incentive, subsidy loan, or advance; (c) for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal; and (d) pursuant to or in connection with an undertaking by the taxpayer to explore for, or develop or produce, such mineral or metal and to expend or use any amounts so received for the purpose and in accordance with the terms and conditions upon which such amounts are paid, which undertaking has been approved by the United States or by an agency or instrumentality of the United States; and (ii) for which the taxpayer has accounted, or is required to account, to an appropriate agency of the United States Government for the expenditure or use thereof for the purpose and in accordance with the terms and conditions upon which such amounts are paid. Section 433 (a) (1) (P) is applicable only to an amount which meets each test or requirement set forth above. The section is applicable whether or not the payee is obligated to repay to the United States any portion or all of the amount so received. However, section 433 (a) (1) (P) is not applicable to any loan or advance for the repayment of which the borrower's liability is unconditional and legally enforceable. Nor is section 433 (a) (1) (P) applicable to any part of the purchase price of a critical and strategic mineral or metal received, whether before, on, or after delivery, by the seller from the United States or any agency or instrumentality thereof, irrespective of whether such purchase price is below, at,

or above the established ceiling or currently prevailing market price. A payment of a separate and specific amount for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal shall not be considered to be a part of the purchase price of such mineral or metal merely because such payment is added to, or included with, the payment of such purchase price. As used in section 433 (a) (1) (P) and this paragraph, the term "critical and strategic minerals or metals" means those minerals and metals listed in section 450 (b) as well as such other minerals and metals as are certified pursuant to such section as being essential to the defense effort of the United States and as not having been normally produced in appreciable quantities within the United States, and such other minerals and metals as are considered by those departments, agencies, and instrumentalities of the United States charged with the encouragement of exploration for, and development and mining of, critical and strategic minerals and metals to constitute critical and strategic minerals and metals for that purpose. See, for example, section 7 of Order-1 of the Defense Minerals Exploration Administration, March 7, 1952, 17 F. R. 2090.

(2) For any taxable year beginning before January 1, 1951, and ending after June 30, 1950, any amount to which section 433 (a) (1) (P) is applicable is, by the terms of such section, excluded in determining excess profits net income. Section 433 (a) (1) (P) also excludes in determining excess profits net income for such taxable year any income attributable to the forgiveness or discharge of any indebtedness to which such section is applicable. For similar provisions with respect to exclusions from gross income for taxable years beginning after December 31, 1950, see section 22 (b) (15) and the regulations thereunder.

(3) Except as provided in this subparagraph, any expenditure attributable to an amount received by a taxpayer to which section 433 (a) (1) (P) is applicable shall not be deductible by the taxpayer as an expense under section 23 in determining normal-tax net income for the purpose of computing excess profits net income, nor shall any such expenditure increase the basis under section 113 of the taxpayer's property for such purpose either in determining gain or loss on sale, exchange, or other disposition or in computing depletion or depreciation (including amortization under section 124A). Upon the repayment of any portion of any amount to which section 433 (a) (1) (P) is applicable and which has been expended for the purpose and in accordance with the terms and conditions upon which it was paid to the taxpayer, any expenditures attributable to such amount made by the taxpayer shall, as provided in section 23, be allowed to the taxpayer as a deduction in determining normal-tax net income for the purpose of computing excess profits net income, and any such expenditures shall, as provided in section 113, increase the basis of the taxpayer's property for such purpose, to the extent of such repayment as if such expenditures had been made at the time of such repay-

ment. Such expenditures shall to the extent of the repayment be expensed or capitalized, as the case may be, in the order in which they were actually made or in such other manner as may be adopted by the taxpayer with the approval of the Commissioner. This subparagraph shall be applicable only with respect to taxable years beginning before January 1, 1951, and ending after June 30, 1950. For similar provisions with respect to deductions and basis in determining net income for taxable years beginning after December 31, 1950, see section 22 (b) (15) and the regulations thereunder.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue,

Approved: April 10, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3293; Filed, Apr. 15, 1953;
8:53 a. m.]

Subchapter C—Miscellaneous Excise Taxes
[T. D. 6005; Regs. 3-5, 10, 15]

PART 171—MISCELLANEOUS REGULATIONS
RELATING TO LIQUOR

PART 182—INDUSTRIAL ALCOHOL

PART 183—PRODUCTION OF DISTILLED
SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED
SPIRITS

PART 186—GAUGING MANUAL

PART 190—RECTIFICATION OF SPIRITS AND
WINES

REMOVALS OF DISTILLED SPIRITS AND ALCOHOL,
IN BULK CONTAINERS, AT WHOLE OR
FRACTIONAL DEGREES OF PROOF

On January 1, 1953, a notice of proposed rule-making was published in the FEDERAL REGISTER (18 F. R. 38) to amend "Miscellaneous Regulations Relating to Liquors," Regulations 3, Regulations 4, Regulations 5, Regulations 10, Regulations 15 and the Gauging Manual (Parts 171, 182, 183, 184, 185, 190 and 186, Chapter 26 of the Code of Federal Regulations) No objections to the rules proposed having been received, the amendments to such regulations set forth below are hereby adopted:

1. Sections 171.213 and 171.217 of "Miscellaneous Regulations Relating to Liquor" (26 CFR Part 171) are amended as follows:

SUBPART G—NATIONAL EMERGENCY TRANSFERS
OF DISTILLED SPIRITS

* * * * *
GAUGING OF DISTILLED SPIRITS
* * * * *

§ 171.213 *Transferred between bonded premises by tank cars, tank trucks, or tank barges.* When distilled spirits of any proof are transferred by tank cars, tank trucks, or tank barges, between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, and when distilled spirits of 160 degrees or more of proof are removed, free of tax,

from any such premises for transfer by tank cars, tank trucks, or tank barges to a denaturing plant, for denaturation, such distilled spirits shall be gauged in a suitable weighing tank in the shipping premises at the time of shipment and in the receiving premises at the time of receipt: *Provided*, That where the shipping or receiving premises, or both, are not equipped with a weighing tank, the spirits transferred in tank cars or tank trucks may be weighed on railroad car or tank truck scales, as the case may be, located on the bonded premises, by weighing the railroad car or tank truck both before and after filling or emptying, or both, as the case may be: *And provided further* That where the shipping or receiving premises, or both, are not equipped with a weighing tank, or railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks, but, in any event, they must be gauged (either by weight or by volume) in both the shipping and receiving premises: *And provided further* That distilled spirits transferred from an industrial alcohol plant or industrial alcohol bonded warehouse to an internal revenue bonded warehouse in tank cars for storage in the internal revenue bonded warehouse in such tank cars, shall be gauged at, and removed from, the internal revenue bonded warehouse in accordance with the provisions of Regulations 10 (Part 185 of this chapter) applicable to tank cars of spirits transferred in bond to internal revenue bonded warehouses.

(65 Stat. 116; 26 U. S. C. 3183)

§ 171.217 *Determination of proof.* The proof of distilled spirits drawn off into containers other than tank cars, tank trucks, tank ships, and tank barges, or by pipe line, under the provisions of this subpart, shall be adjusted to a whole or complete degree. Where removals are to be made under the provisions of this subpart in tank cars, tank trucks, tank ships, tank barges, or by pipeline, the proof of the distilled spirits may be adjusted to a whole or complete degree of proof prior to gauge for removal or the distilled spirits may be removed without such reduction. Where the proof of spirits removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for taxpayment, is not adjusted to a whole degree of proof, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this subpart and Table 4 of the Gauging Manual (Part 186 of this chapter) Where the proof of distilled spirits removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage of the spirits, in lieu of the whole degree of proof. Where distilled

spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the distilled spirits shall be reduced to a whole or fiat degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the distilled spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn.

(65 Stat. 116; 26 U. S. C. 3183)

2. Section 182.405 of Regulations 3 (26 CFR Part 182; 7 F. R. 1853) "Industrial Alcohol," as amended, is amended as follows:

OPERATION OF INDUSTRIAL ALCOHOL
PLANTS
* * * * *
DRAWING OFF, GAUGING, AND REMOVAL
OF ALCOHOL
* * * * *

§ 182.405 *Gauging of alcohol.* All alcohol drawn from receiving tanks will be carefully gauged by the proprietor by weighing and proofing the spirits in accordance with this part and the Gauging Manual (Part 186 of this chapter) and the details thereof shall be entered by the proprietor on Form 1440. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. Packages shall be marked in accordance with this part. The storekeeper-gauger will verify the proof, weight, and gallonage of all alcohol withdrawn and will see that the instructions in the Gauging Manual respecting the proofing of alcohol are strictly followed in order that the proof may be accurately determined. The proof of the alcohol shall be adjusted to a whole or complete degree of proof before being removed from the receiving tanks for filling approved containers such as drums or barrels, bottles, containers made of tin, glass, or similar substance and steel containers having a capacity of not more than 10 wine gallons. Where removals from receiving tanks are to be made in tank cars, tank trucks, tank ships, tank barges, or by pipe line, the proof of the alcohol may be adjusted to a whole or complete degree of proof prior to gauge for removal or the alcohol may be removed without such reduction. Where the proof of alcohol removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for taxpayment, is not so adjusted to a whole or complete degree, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of alcohol removed in tank cars, tank trucks, tank ships, tank barges, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall

be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the alcohol and used in determining the proof-gallonage, in lieu of the whole degree of proof. The alcohol in the receiving tank must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of alcohol run into all packages filled from the receiving tank and all alcohol removed from such tank by pipe line or in tank cars or tank trucks. However, the proof of the alcohol in the receiving tank will be checked several times while the alcohol is being drawn off. The proprietor shall provide, at his own expense, accurate hydrometers, hydrometer cups and thermometers for the purpose of gauging alcohol. Alcohol to be transferred by pipe line or in railroad tank cars or tank trucks for shipment shall be gauged in a weighing tank as provided in § 182.407.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interprets or applies 53 Stat. 307, 357, 358, 364; 26 U. S. C. 2808, 3103, 3105, 3124)

3. Section 183.515 of Regulations 4 (26 CFR Part 183; 15 F. R. 5334) "Production of Distilled Spirits," is amended as follows:

SUBPART W—TAXPAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

*** * * * ***
DRAWING OFF, GAUGING AND REMOVAL OF SPIRITS
*** * * * ***

§ 183.515 *Gauging of spirits.* All distilled spirits drawn from receiving cisterns will be carefully gauged by the storekeeper-gauger by weighing and proofing the spirits in accordance with this subpart and the Gauging Manual (Part 186 of this chapter) and the details thereof will be entered on the report of gauge, Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the spirits gauged. The proof of spirits shall be adjusted to a complete or whole degree before being removed from the receiving cisterns in casks, barrels, or similar wooden packages or drums or similar metal packages. Where removals from receiving cisterns are to be made in tank cars, tank trucks, or by pipeline, the proof of the spirits may be adjusted to a whole or complete degree of proof prior to gauge for removal or the spirits may be removed without such reduction. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for taxpayment, is not adjusted to a whole or complete degree, the fractional degree of proof, if any shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof

of spirits removed in tank cars, tank trucks, or by pipeline, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage, in lieu of the whole degree of proof. Where spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the spirits shall be reduced to a whole degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn. The spirits in the cistern must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of spirits run into all packages filled from the cistern and all spirits removed by pipe line or in tank cars or in tank trucks. However, the proof of the spirits in the cistern will be checked several times while spirits are being drawn off. Distilled spirits to be transferred by pipe line or in tank cars or tank trucks for shipment will be gauged in a weighing tank as provided in §§ 183.517, 183.519 and 183.555.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 298, as amended, 307, 333, 335, as amended, 355, 4017; 26 U. S. C. 2800, 2808, 2878, 2883, 3070, 4017)

4. Sections 184.561 and 184.565 of Regulations 5 (26 CFR Part 184; 15 F. R. 5552) "Production of Brandy," are amended as follows:

SUBPART X—TAXPAYMENT, REMOVAL, AND TRANSFER OF BRANDY FROM DISTILLERY

*** * * * ***
DRAWING OFF, GAUGING AND REMOVAL OF BRANDY
*** * * * ***

§ 184.561 *Gauging of brandy.* All brandy drawn from receiving tanks will be carefully gauged by the storekeeper-gauger by weighing and proofing the brandy in accordance with this subpart and the Gauging Manual (Part 186 of this chapter) and the details thereof entered on the report of gauge, Form 1520. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form or issued in respect thereto and as required by this part. The storekeeper-gauger shall, in every instance, note on Form 1520 the proof of distillation of the brandy gauged. The proof of brandy shall be adjusted to a whole or complete degree before being removed from the receiving tanks in casks, barrels, or similar wooden packages or drums or similar metal packages. Where removals from

receiving tanks are to be made in tank cars, tank trucks, or by pipe line, the brandy may be adjusted to a whole or complete degree of proof prior to gauge for removal or the brandy may be removed without such reduction. Where the proof of brandy removed in tank cars, tank trucks, or by pipe line, for taxpayment is not so adjusted to a whole or complete degree, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual. Where the proof of brandy removed in tank cars, tank trucks, or by pipe line, for purposes other than taxpayment, is not adjusted to a whole or complete degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the brandy and used in determining the proof gallonage, in lieu of the whole degree of proof. Where brandy is to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the brandy in the tank car within 30 days after filling, and without regauge, the brandy shall be reduced to a whole degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn. The brandy in the receiving tank must be thoroughly agitated before taking the proof. The proof determined after such agitation will be regarded as the proof of brandy run into all packages filled from the receiving tank and all brandy removed by pipe line or in tank cars or in tank trucks. However, the proof of the brandy in the receiving tank will be checked several times while brandy is being drawn off. Brandy to be transferred by pipe line or in tank cars for shipment will be gauged in a weighing tank as provided in § 184.562.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 307, 333, 335, as amended, 492; 26 U. S. C. 2808, 2878, 2883, 4017)

§ 184.565 *Upon withdrawal from storage tanks.* When brandy is transferred to storage tanks in the brandy deposit room after it has been gauged, it will be regauged by weighing tanks upon removal, unless it is drawn into packages and gauged. The proof of brandy removed from storage tanks in the brandy deposit room shall be adjusted or determined in accordance with the provisions of § 184.561.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 307, 333, 335, as amended, 402; 26 U. S. C. 2808, 2878, 2883, 4017)

5. Regulations 10 (26 CFR Part 185; 15 F. R. 5233), "Warehousing of Distilled

Spirits," as amended, are amended as follows:

- a. Sections 185.377, 185.576, 185.622 and 185.660 are amended; and
- b. Section 185.377a is added.

SUBPART S—DEPOSIT OF SPIRITS IN WAREHOUSE

*** * * SPIRITS RECEIVED IN CASES OR OTHER APPROVED CONTAINERS * * ***

§ 185.377 *Examination of tank cars.* The storekeeper-gauger will carefully examine each tank car of spirits upon its arrival at the warehouse for evidence of loss and will determine if the seals affixed at the shipping premises are intact. Where the tank car bears evidence of tampering, or of unusual loss that cannot be satisfactorily explained, it will be temporarily detained pending further investigation in accordance with the applicable provisions of §§ 185.480 to 185.496. Where the tank car bears no evidence of tampering, or of unusual loss that cannot be satisfactorily explained, the spirits may be taxpaid on the filling gauge, within 30 days of the date of filling, in accordance with §§ 185.377a and 185.660. Where the spirits are not to be so taxpaid, they will be gauged in a gauging tank, or by volumetric measurement in the tank car, and reported on Form 1520 covering the transfer. Where the spirits are less than 160 degrees of proof and are gauged in a gauging tank, they will be immediately returned to the tank car for storage therein in the warehouse pending taxpayment or further transfer in bond in accordance with § 185.392. Where the spirits are 160 degrees or more of proof, they may be returned to the tank car, or transferred to warehouse storage tanks in accordance with § 185.392. Where, after gauge, the spirits are retained in or returned to the tank car, the car will be sealed pending taxpayment or further transfer in bond. Where the spirits are not taxpaid on the filling gauge within 30 days of the date of filling, they must be regauged prior to taxpayment.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 293, as amended, 335, as amended, 340, as amended; 26 U. S. C. 2800, 2883; 2901)

§ 185.377a *Taxpayment on filling gauge.* When spirits are received in bond in a tank car they may be taxpaid without regauge only where the spirits were reduced to a whole degree of proof when the car was filled, or the fractional degree of proof was used in determining the proof gallonage drawn into the car, and such fact was noted by the storekeeper-gauger on the Form 1520 covering the filling gauge.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 293; as amended, 335, as amended; 26 U. S. C. 2800, 2883)

SUBPART AA—WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

*** * * DRAWING OFF SPIRITS FROM GAUGING OR STORAGE TANKS * * ***

§ 185.576 *Adjusting proof.* The proof of distilled spirits in warehouse gauging

tanks and storage tanks shall be adjusted to a whole degree of proof prior to filling packages such as barrels or drums: *Provided*, That such adjustment will not be required prior to filling such packages from gauging tanks when the proof of the spirits is less than 100 degrees. Adjusting the proof to tenths of a degree, either above or below the whole degree, will not be permitted. Where spirits are to be transferred by pipe line from gauging tanks to tanks in the bottling-in-bond department or are to be removed from gauging or storage tanks in tank cars, tank trucks, or by pipe line, the proof of the spirits may be adjusted to a whole or complete degree prior to gauge for transfer or removal or the spirits may be transferred or removed without such reduction. Where the proof of spirits removed in tank cars, tank trucks, or by pipe line, for taxpayment, is not adjusted to a whole degree of proof, the fractional degree of proof, if any, shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with this part and Table 4 of the Gauging Manual (26 CFR Part 186) Where the proof of spirits removed in tank cars, tank trucks, or by pipeline, for purposes other than taxpayment, is not adjusted to a whole degree, the proof shall be determined to the nearest tenth but shall be rounded to a whole degree in accordance with § 186.20 of this chapter (Gauging Manual) and such whole degree shall be the proof of removal: *Provided*, That, where the proprietor or the consignee so desires, the fractional proof may be stated as the proof of the spirits and used in determining the proof gallonage of the spirits, in lieu of the whole degree of proof. Where spirits are to be transferred in bond to an internal revenue bonded warehouse in a tank car and the consignee desires to taxpay the spirits in the tank car within 30 days after filling, and without regauge, the spirits shall be reduced to a whole or flat degree of proof before being drawn into the tank car, or the proof gallonage shall be determined by use of the fractional degree of proof. In any such case the storekeeper-gauger shall make notation on Form 1520 that the spirits were reduced to a whole degree of proof or, if they were not so adjusted, the fractional degree of proof at which withdrawn.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 307; 26 U. S. C. 2803)

SUBPART CC—TAXPAID WITHDRAWALS BY GAUGE TANK

§ 185.622 *Gauge and taxpayment.* If the spirits to be withdrawn are in packages, the storekeeper-gauger, upon receipt of the Form 179 and Form 1520, will carefully examine and supervise the weighing of each package and enter the weights on Form 1520. Where it is determined that any package bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering such package will be detained pending further investigation in accordance with the applicable provisions of §§ 185.480 to 185.496. When the contents of the packages have been dumped into the gauging tank, the empty pack-

ages, including the char and wood chips, if any, will be thoroughly rinsed: *Provided*, That if the contents of the packages dumped for bulk gauging are to be drawn from the gauging tank for shipment in as many of the original packages as may be required, the packages to be used as shipping containers need not be rinsed if a declaration to that effect has been made by the proprietor prior to the dumping of the spirits, in which event recovery of spirits by rinsing at the time of dumping for bottling or rectification will be precluded. Water of any temperature may be used to rinse the packages. The rinsings will be added to the spirits dumped from the packages into the gauging tank prior to gauging: *Provided*, That where the proprietor does not wish to add any or all of the rinse water to the spirits in the gauging tank, such rinse water must be poured on the ground or into a sewer in the presence of the storekeeper-gauger. The temperature of water used for rinsing must be marked on the packages used as shipping containers in accordance with § 185.628. Loose char and wood chips, if any, collected from packages, the contents of which have been dumped into bulk gauging tanks after rinsing, must be destroyed in accordance with § 185.902, unless added to the packages which are to be used as shipping containers. The tare of any shipping container must include the weight of loose char and wood chips which are placed therein. After the packages have been dumped and rinsed, all marks and brands shall be obliterated, except where the packages are to be used for shipping of spirits dumped therefrom for gauging, in which case, only the kind of cooperage, serial number of the package, the word "Filled," the date of filling, and the original proof and proof gallons need be obliterated. The spirits in the gauging tank will be gauged with an official hydrometer and the details of the gauge and the number of the gauging tank entered by the storekeeper-gauger on Form 1520. The proof of the spirits shall be adjusted or determined in accordance with the provisions of § 185.576. If the spirits to be withdrawn are contained in a storage tank or tank car, they will be drawn into the gauging tank, gauged and reported in the same manner as packages dumped for bulk gauging. Four copies of Form 179 with the storekeeper-gauger's report thereon, duly executed, and four copies of Form 1520 will be delivered by the storekeeper-gauger to the proprietor of the warehouse. One copy of Form 1520 will be retained by the storekeeper-gauger pending taxpayment of the spirits represented thereby.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 293, as amended, 335, as amended, 375; 26 U. S. C. 2800, 2832, 2833)

SUBPART DD—TAXPAID WITHDRAWALS IN TANK CARS AND TANK TRUCKS

*** * * IN TANK CARS RECEIVED IN BOND * * ***

§ 185.660 *Procedure.* Where spirits are received in bond in tank cars at an internal revenue bonded warehouse and taxpaid thereat, the procedure prescribed in §§ 185.650 to 185.657 for the

taxpayment of tank cars of spirits filled from warehouse storage tanks will be followed, except that if the spirits in the tank car are taxpaid within 30 days after filling, they need not be regauged but may be taxpaid on the filling-gauge under the provisions of §§ 185.377 and 185.377a.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 298, as amended, 335, as amended; 26 U. S. C. 2800, 2883)

6. Sections 186.20 and 186.23 of the Gauging Manual (26 CFR Part 186; 15 F. R. 4787) are amended as follows:

SUBPART E—PRESCRIBED TABLES

§ 186.20 *Table 1, showing the true percents of proof spirits for any indication of the hydrometer at temperatures between zero and 100° F* This table shows the true percent of proof of distilled spirits for indications of the hydrometer likely to occur in practice at temperatures between zero and 100° F. The left-hand column contains the reading of the hydrometer and on the same horizontal line, in the body of the table, in the "Temperature" column corresponding to the reading of the thermometer is the corrected reading or "True percent of proof." The table is computed for tenths of a percent. Where distilled spirits or alcohol are gauged in packages, if the decimal is less than five it will be dropped; if it is five or over a unit will be added. Thus column 69° indication 114, the true percent, 110.4, is called 110; column 69° indication 117, the true percent of proof 113.5, is called 114. Where distilled spirits or alcohol are gauged for taxpayment in bulk for removal by pipe line, tank car, tank truck, tank ship, or tank barge without adjustment of the proof to a whole or complete degree, the proof shall be determined to the nearest tenth of a degree and such fractional proof will be used in determining the taxable gallons. Thus column 71° indication 193, the true percent, 190.4, will be recorded and used to calculate the taxable gallons. The proof of distilled spirits or alcohol withdrawn in tank cars, tank trucks, tank ships, tank barges, and by pipe line, for purposes other than taxpayment, shall be determined to the nearest tenth of a degree; however, except where the proprietor or consignee desires to remove distilled spirits or alcohol at a fractional degree, if the decimal is less than five it will be dropped; if it is five or over, a unit will be added. Thus column 71° indication 193, the true percent, 190.4, is called 190; column 71° indication 194, the true percent of proof, 191.5, is called 192. Where fractional readings are ascertained, the proper interpolations will be made, e. g., for a hydrometer reading of 151, temperature 71½ the true percent of proof would be 147.0, or for a hydrometer reading 179.4, temperature 75° the true percent of proof would be 175.0.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interprets or applies 53 Stat. 307, 333, 335, as amended, 373, as amended; 26 U. S. C. 2808, 2878, 2883, 3170)

§ 186.23 *Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor* This table provides

a method for use in ascertaining the wine gallon (at 60° F.) and/or proof gallon contents of containers of spirits by multiplying the net weight of the spirits by the fractional part of a gallon per pound shown in the table for spirits of the same proof. Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more. This table may also be used for ascertaining the quantity of water required to reduce to a given proof. To do this, divide the proof gallons of spirits to be reduced by the fractional part of a proof gallon per pound of spirits at the proof to which the spirits are to be reduced, and subtract from the quotient the net weight of the spirits before reduction. The remainder will be the pounds of water needed to reduce the spirits to the desired proof.

Example. It is desired to ascertain the quantity of water needed to reduce 1,000 pounds of 200 proof spirits, 302.6 proof gallons, to 190 proof:

302.6 divided by 0.27964 equals 1,082.11 pounds, weight of spirits after reduction.

1,082.11 minus 1,000 equals 82.11 pounds, weight of water required to reduce to desired proof.

The slight variation between this table and tables 2, 3, and 5 on some calculations is due to the dropping or adding of fractions beyond the first decimal on those tables.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interprets or applies 53 Stat. 307, 333, 335, as amended, 373, as amended; 26 U. S. C. 2808, 2878, 2883, 3170)

7. Section 190.566 of Regulations 15 (26 CFR Part 190; 15 F. R. 4790) "Rectification of Spirits and Wines," is amended as follows:

SUBPART BB—GAUGE, RETURN, AND TAX-PAYMENT OF RECTIFIED SPIRITS

GAUGE OF RECTIFIED SPIRITS

* * * * *

§ 190.566 *Adjustment of proof.* The proof of rectified spirits shall be adjusted to a whole degree of proof in accordance with the provisions of the Gauging Manual (Part 186 of this chapter) preparatory to filling barrels or bottles. Adjusting the proof to tenths of a degree, either above or below the whole or complete degree, will not be permitted: *Provided,* That when spirits are being prepared for bottling and are to be bottled and labeled in tenths of a degree of proof, such as 86.4, the proof of the spirits shall be adjusted to such tenths of a degree of proof. If the proof is so adjusted to tenths, the fractional degree of proof shall be used in determining the taxable gallons, for payment of the rectification tax, in accordance with the Gauging Manual. The proof in each instance shall be verified as to accuracy by the Government officer.

(R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176. Interprets or applies 53 Stat. 300, 329; 26 U. S. C. 2801, 2861)

8. These regulations shall be effected on the 31st day after publication in the FEDERAL REGISTER.

(53 Stat. 298 as amended, 300 as amended, 307, 329, 333, 335, 335 as amended, 340 as amended, 355, 357, 358, 364, 373 as amended, 375, 467, 492; 65 Stat. 116; 26 U. S. C. 2800,

2801, 2808, 2861, 2878, 2882, 2883, 2901, 3070, 3103, 3105, 3124, 3170, 3176, 3791, 4017, and 3183)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 10, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3294; Filed, Apr. 15, 1953; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY REESERVE

APPOINTMENTS TO WOMEN'S ARMY CORPS BRANCH

Section 561.19 is rescinded and the following substituted therefor:

§ 561.19 *Appointment as Reserved Commissioned Officers of the Army for assignment to Women's Army Corps Branch—(a) Grade—(1) For appointment to fill vacancies in the Ready Reserve troop program units.* Initial appointments normally will be in the grade of second lieutenant. However, where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. Detail to any branch of the Army Medical Service will be made only upon approval of The Surgeon General. If the application is approved the grade of appointment will be that authorized for the appointment of male applicants of similar qualifications for assignment to the branch in which the detail is to be made.

(2) *For appointment and concurrent order to active duty.* Appointments may be made in grades up to and including captain for qualified applicants whose services are desired for active duty to meet basic branch (WAC) requirements.

(b) *Limitation on appointments—(1) For Ready Reserve troop program units.* Appointments will be made only to fill a vacancy and when:

(i) The applicant is considered qualified to perform the normal duties of the position vacancy.

(ii) Assignment of WAC personnel is authorized by Army Regulations.

(iii) There is no qualified officer of appropriate grade available for the assignment. Officers of grades lower than the vacancy may be considered under this provision.

(2) *For active duty.* Applications for appointment and concurrent order to active duty may be accepted for basic branch (WAC) requirements when applicant's services are desired for active duty and no qualified officers are available.

(c) *General requirements for appointment.* Applicant must meet the requirements of §§ 561.2 to 561.8.

(d) *Special requirements for appointment.* Applicant must have a baccalaureate degree from an accredited college or university recognized by the Federal Security Agency United States Office of Education, as listed in part 3, Educational Directory, Higher Education.

However, students applying for concurrent order to active duty may submit applications prior to date of graduation. The anticipated date of graduation will be given under "Remarks" in the application, and a statement by an official of the university or college verifying date will accompany the application. Upon graduation, each applicant will submit a certificate of graduation signed by an appropriate official of the university or college direct to the commander of the major command concerned who will forward it to The Adjutant General, Department of the Army, Washington 25, D. C. Attn: AGPR-A.

(2) Applicant must have the minimum years of qualifying college education and/or experience and must not have attained the anniversary of birth shown for grades indicated:

Grade	Age	Qualifying college education and/or years of experience
Second Lieutenant.....	28	4
First Lieutenant.....	34	7
Captain.....	40	11

(3) Waivers of educational requirements specified in subparagraph (1) of this paragraph may be considered as follows:

(i) Area commanders may grant a waiver of the educational requirements of a college degree for individuals having 120 or more satisfactory semester hours gained through attendance at an accredited college or university. The waiver will be made part of the individual's application.

(ii) The Department of the Army will consider requests for a waiver of the college degree in the case of individuals who are outstanding in career fields requiring leadership and supervision of personnel, and who have completed a minimum of 2 years toward a baccalaureate degree or its equivalent, provided the individual's services are desired for concurrent order to active duty.

(4) Applicants must meet these additional requirements:

(i) For appointment and concurrent detail to an appropriate branch, as indicated in paragraph (a) (1) of this section, the applicant must meet the requirements prescribed for assignment to the branch to which detail is requested.

(ii) For appointment and concurrent active duty in grades above second lieutenant, the applicant must have a background of experience in teaching, business, recreation, personnel administration, advertising or other fields requiring leadership and supervision of personnel.

(e) *Application.* Applications and allied papers will be submitted as required by § 561.13. The following additional documents will be furnished:

(1) A recent photograph, head and shoulder type, approximately postcard size. The applicant's name will appear on the reverse.

(2) Transcript of college credits. If transcript is not readily available, certificate of graduation from an accredited college or university, signed by an appropriate official of the college or uni-

versity will be submitted. Students applying prior to date of graduation will submit statement required by paragraph (d) (1) of this section.

(3) Applications for concurrent order to active duty will include a statement in writing as follows:

If appointed and ordered to active duty I agree to serve on active duty for a period of 2 years, including the time spent in attendance at the WAC company officer course. I understand that if I fail to complete satisfactorily the required WAC officer course my Reserve commission may be terminated.

(f) *Orders to active duty.* Individuals will be ordered to active duty for the purpose of completing the prescribed WAC company officer basic course.

(g) *Action by school commandant.* The school commandant is authorized to relieve from active duty student officers who are participating in the WAC company officer basic course for:

- (1) Disciplinary reasons.
- (2) Academic deficiencies.
- (3) Deficiencies of leadership.
- (4) Other appropriate causes.

(h) *Other WAC appointments* Former WAC officers and female officers and former female officers of other Armed Forces of the United States may apply for appointment under § 561.14.

(i) *Appointment for detail to Army Security or Military Intelligence branches.* The provisions of §§ 561.2 to 561.8 and 561.13 which pertain to appointment for assignment to the Army Security and Military Intelligence branches of the Army Reserve are applicable to applicants for appointment for assignment to the Women's Army Corps branch who request appointment to fill vacancies in Military Intelligence or Army Security units of the Ready Reserve troop program.

[SR 140-105-7, March 25, 1953] (Pub. Law 476, 82d Cong.; 66 Stat. 481)

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

[F. R. Doc. 53-3290; Filed, Apr. 15, 1953; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce [Amdt. 1]

PART 405—GENERAL PROCEDURES

SUBPART C—CIVIL-MILITARY PROCEDURES

MILITARY NON-COMPLIANCE WITH AIR TRAFFIC RULES

The purpose of this amendment is to advise interested persons of the course and method by which military notices of non-compliance with Part 60 of this title are processed. A new Subpart C is added to read:

SUBPART C—CIVIL-MILITARY PROCEDURES

§ 405.21 *Military non-compliance with air traffic rules.* The following procedures have been concurred in by the United States Air Force, Navy, Coast Guard, and Civil Aeronautics Administration for processing military notices of non-compliance with Part 60 of this title:

(a) Military Departments will advise their subordinate Commands that:

(1) Notices of non-compliance required by § 60.1 (a) of this title will be forwarded to the appropriate Regional Administrator unless specific military instructions require that certain notices of non-compliance be addressed to the Administrator of Civil Aeronautics, Washington, D. C. The military recognizes the need for advance coordination by the Civil Aeronautics Administration in those cases where non-compliance will affect other civil and military operations. The military has agreed to state in special instructions that at least ten days' advance notice must be received by the Regional Administrator or Administrator, in order to establish a danger area or take other appropriate action in the interest of safety.

(2) Repeated notices of non-compliance will not be required for each operation of a type for which a standard procedure for the non-compliance has been established by the military, and the Administrator or, if appropriate, the Regional Administrator concerned has made continuing arrangements for handling the operation and so notified the military agency concerned.

(b) The Administrator of Civil Aeronautics will be responsible for the decision as to whether Airspace Subcommittee consideration is required and the promulgation of instructions to his Regional Administrators with respect to Airspace Subcommittee coordination at the regional level.

(c) The procedures in this section shall apply in normal circumstances. However, it is recognized that conditions may arise which are of such military exigency as to preclude the minimum of ten days' notice. Under these conditions and whenever military security dictates, coordination by the CAA with all other interested agencies may be impossible.

(Sec. 205, 62 Stat. 824, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1077, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

[F. R. Doc. 53-3255; Filed, Apr. 15, 1953; 8:45 a. m.]

[Amdt. 30]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

Station; frequency; identification; class	Initial approach to station				Final approach course; degrees inbound, outbound	Procedure turn minimum at distances from station	Min altitude over station on approach	Distance from station to approach end of runway (mi)	Field elevation (ft)	Minimums		If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks	
	From—	To—	Magnetic course (deg)	Distance (mi)						Ceiling (ft)	Visibility (mi)		
BATON ROUGE LA Harding Field 284 kc; BT; LOM	(All directions—MEA from primary fixes)				158 300	10 mi—1 300' S side course 15 mi—1 300' S side course 20 mi—1 300' S side course 25 mi—1 300' S side course	1 300	4.38	70	R (B) S A T	5 1 0 1 0 2 0 2 0 1 0	Climb to 1,400' on crs of 129° within 25 mi of LOM or when directed by ATCO turn left; climb to 1,400' on crs of 054° from LOM within 25 mi *Runway 13	
	(All directions—MEA from primary fixes)				052 232	10 mi—2 000' S side course 15 mi—2 000' S side course 20 mi—2 000' S side course 25 mi—2 000' S side course	2 000	6.81	397	R (B) S A T	5 1 0 1 0 2 0 2 0 1 0	Climb to 2,000' on crs of 052° to intersect N crs Columbus LFR. Danger area S of this intersection. #Runway 6 CAUTION: 800' msl obstruction located 1.2 miles SE of final approach crs, 3 miles from airport	
	(All directions—MEA from primary fixes)				086 276	10 mi—2 400' S side crs 15 mi—2 400' S side crs 20 mi—2 400' S side crs 25 mi—2 400' S side crs	1 900	3.8	810	R (R) (S) S A T	5 1 0 1 0 2 0 2 0 1 0	Climb to 2,300' on crs of 084° within 25 mi of MEA when directed by ATCO make left turn climb to 2,300' on NE crs Columbus LFR within 25 mi (intersect NE crs Columbus LFR on 360° heading). *Night minimums #Runway 9	
COLUMBUS, OHIO Port Columbus (Procedure No. 2— Using Bexley Rbn) 287 kc; BXL; MHV	(All directions—MEA from primary fixes)				130 310	10 mi—1,000' S side crs 15 mi—NA 20 mi—NA 25 mi—NA	1 080	On Airport	471	R A T	1 0 2 0 1 0	Climb to 1 600' on crs of 190° within 25 mi of Rbn. NOTE: Minimum authorized for left with stall speeds of 75 mph or less only. CAUTION: 635' msl unlighted water tower 1 mile WSW of airport	
	(All directions—MEA)				300 120	10 mi—5 100' E side crs 15 mi—5 100' E side crs 20 mi—5 100' E side crs 25 mi—5 100' E side crs	4,700	0 0	3 989	R (R) A T	1 5 1 0 2 0 1 0	Climb to 5,400' on crs of 311° within 25 miles of Rbn.	
DALHART, TEX. Dalhart Airport 368 kc; DHT; 5H	(All directions—MEA from primary fixes)				253 073	10 mi—1 800' N side crs 15 mi—1,500' N side crs 20 mi—NA 25 mi—NA	1,620	3.96	400	R (R) (S) S A T	5 1 0 2 0 1 0 2 0 1 0	Climb to 2,000' on crs of 283° within 15 mi of LOM. Danger area 3 mi S of LOM *Night minimums #Runway 25 CAUTION: 600' msl unlighted tower 1.5 mi W of LOM on final approach crs to runway 22.	
	(All directions—MEA from primary fixes)				142 253	10 mi—1,200' E side crs 15 mi—1,200' E side crs 20 mi—1,200' E side crs 25 mi—1,200' E side crs	600	0.0	5	R (R) (S) S A T	1 5 2 0 1 0 2 0 1 0 2 0	Turn right and climb to 1,200' on crs of 170° within 25 miles of Callender Rbn. Night minimums	
	(All directions—MEA from primary fixes)				152 125	10 mi—1 900' 15 mi—1,700'	1 900 1,700				R A T	1 0 1 0 2 0 1 0	
FT. SMITH, ARK. Ft. Smith Airport 219 kc; FB; LOM	(All directions—MEA from primary fixes)				142 253	10 mi—1 900' 15 mi—1,800'	1 900 1,800						
	(All directions—MEA from primary fixes)				253 073	10 mi—1 800' 15 mi—1,700'	1 800 1,700						
NEW ORLEANS, LA. Callender Airport 263 kc; BCS; MHV	(All directions—MEA from primary fixes)				152 125	10 mi—1 900' 15 mi—1,700'	1 900 1,700						
	(All directions—MEA from primary fixes)				142 253	10 mi—1 800' 15 mi—1,700'	1 800 1,700						

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station				Final approach course; degrees inbound, outbound	Procedure turn minimum at distances from station	Mfln min altitude over station on final approach (ft)	Distance from station to approach end of runway (mi)	Field elevation (ft)	Minimums		Visual contact, not established at indicated landing minimum, or if landing not accomplished; remarks	
	From—	To—	Mng natio course (deg)	Dis tance (mi)						Mfln altitude (ft)	Colling (ft)		Vel bility (mi)
PELLSTON, MICH Durham County Airport 352 kc; FDN; BMLI-TV	(All directions—MEA)				315 135	10 mi—2 200 S side crs 15 mi—2 200 S side crs 20 mi—2 200 S side crs 25 mi—2 200 S side crs	1 620	0 0	720	R A T ^a	800 800 1,400 (DFOB) 600	1 5 1 0 2 0 1 0	Climb to 2 600' on crs of 315 within 25 miles. *4-engine acft not authorized for take off on E/W runway. CAUTION: Rbn must be monitored continuously during approach.
	(All directions—MEA from primary fixes)				034 214	10 mi—1,800' S side crs 15 mi—1,800' S side crs 20 mi—1,800' S side crs 25 mi—1,800' S side crs	1,300	4 4	769	R S ^a A T	600 600 600 800 300	1 5 1 0 1 0 2 0 1 0	
RALEIGH, N. C. Raleigh-Durham Airport 231 kc; RD; LOM	(All directions—MEA from primary fixes)				049 223	10 mi—1,500' S side crs 15 mi—1,500' S side crs 20 mi—1,500' S side crs 25 mi—1,500' S side crs	1,400	4 43	435	R S ^a A T	600 600 600 600 300	1 5 1 0 1 0 2 0 1 0	Climb to 1,500' on crs of 049° within 25 mi of LOM, or when directed by ATC, climb to 2,000' on crs of 233° from Raleigh LFR within 25 mi. *Runway 5.
	(All directions—MEA from primary fixes)				231 101	10 mi—2,000' S side crs 15 mi—NA 20 mi—NA 25 mi—NA	1,650	0 4	11	R S ^a A T	600 600 600 600 300	1 5 1 0 1 0 2 0 1 0	
SAN FRANCISCO, OALIF San Francisco Airport 320 kc; SF; LOM	(All directions—MEA from primary fixes)				073 233	5 mi—1,650' S side crs 15 mi—NA 20 mi—NA 25 mi—NA (Press lure turn not authorized beyond 5 miles)	3,650	4 42	2,372	R S ^a A T	600 600 600 600 1,200 200	1 5 1 5 1 0 1 0 2 0 1 0	Climb to 4,650' on V crs Spkano LFR within 25 mi of Spkano LFR. *Aircraft approaching from Spangle FM make press lure turn on N rd of crs of 4,650' within 5 mi to expedite procedure. **Night minimums per Army 2. NOTE: Deviation authorized in regular column and in procedure turn and missed approach procedure.
	(All directions—MEA from primary fixes)				309 150	10 mi—1,800' W side crs 15 mi—1,800' W side crs 20 mi—1,800' W side crs 25 mi—1,800' W side crs	720	On air port	293	R S ^a A T	600 600 1,000 (DFOB) 300	1 5 1 0 2 0 1 0	
SPOKANE, WASH Spokane Airport 220 kc; SP; LOM	(All directions—MEA from primary fixes)				073 233	5 mi—1,650' S side crs 15 mi—NA 20 mi—NA 25 mi—NA (Press lure turn not authorized beyond 5 miles)	3,650	4 42	2,372	R S ^a A T	600 600 600 600 1,200 200	1 5 1 5 1 0 1 0 2 0 1 0	Climb to 4,650' on V crs Spkano LFR within 25 mi of Spkano LFR. *Aircraft approaching from Spangle FM make press lure turn on N rd of crs of 4,650' within 5 mi to expedite procedure. **Night minimums per Army 2. NOTE: Deviation authorized in regular column and in procedure turn and missed approach procedure.
	(All directions—MEA from primary fixes)				309 150	10 mi—1,800' W side crs 15 mi—1,800' W side crs 20 mi—1,800' W side crs 25 mi—1,800' W side crs	720	On air port	293	R S ^a A T	600 600 1,000 (DFOB) 300	1 5 1 0 2 0 1 0	
VALDOSTA, GA. Valdosta Airport 224 kc; VLD; BMLI-TV	(All directions—MEA from primary fixes)				073 233	5 mi—1,650' S side crs 15 mi—NA 20 mi—NA 25 mi—NA (Press lure turn not authorized beyond 5 miles)	3,650	4 42	2,372	R S ^a A T	600 600 600 600 1,200 200	1 5 1 5 1 0 1 0 2 0 1 0	Climb to 4,650' on V crs Spkano LFR within 25 mi of Spkano LFR. *Aircraft approaching from Spangle FM make press lure turn on N rd of crs of 4,650' within 5 mi to expedite procedure. **Night minimums per Army 2. NOTE: Deviation authorized in regular column and in procedure turn and missed approach procedure.
	(All directions—MEA from primary fixes)				309 150	10 mi—1,800' W side crs 15 mi—1,800' W side crs 20 mi—1,800' W side crs 25 mi—1,800' W side crs	720	On air port	293	R S ^a A T	600 600 1,000 (DFOB) 300	1 5 1 0 2 0 1 0	

RULES AND REGULATIONS

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS				Final ILS approach course; inbound out bound	Procedure turn minimum on ILS	Minimum altitude at glide interception (ft)	Glide path altitude over markers (ft)		Distance from markers to approach end of runway (mi)		Field elevation (ft)	Minimums		If visual contact not established at authorized landing minimums, or if landing not accomplished: remarks	
	From—	To—	Magnetic course (degs)	Distance (mi)				Minimum altitude (ft)	Outer	Middle	Outer		Middle	Field elevation (ft)		Ceiling (ft)
QUINCY, ILL. Baldwin Quincy Airport Freq. 110.3 mc Ident UIN	Quincy VOR	Quincy Rbn	020	3 0	1 800	1 800—S side SW crs	1 800	1 834	952	4 44	0 69	709	R (R) S* A T	500 600 400 800 300	1 5 1 0 3/4 2 0 1 0	Climb to 1,800' on NE crs ILS within 25 mi, or as directed by ATO Runway 3. CAUTION: 1,660' msl tower located approximately 6 1/2 mi WNW of airport. NOTE: Quincy Rbn is at outer marker site; Freq. 239 kc, Ident UIN
SAN FRANCISCO, CALIF. San Francisco Airport Freq. 109.5 mc Ident SFO	San Francisco LFR Moffett LFR Half Moon Bay Int Oakland LFR Newark EM and Rbn Saratoga Int Oakland Arpt San Francisco VOR Oakland VOR	*Belmont FM (via SE crs San Francisco LFR) LOM LOM LOM LOM LOM LOM LOM LOM	108 200 034 176 253 333 176 288 107	6 0 18 0 12 0 12 0 12 0 24 0 11 0 20 0 11 0	1 700 1 700 3 500 2 000 2 000 5 000 (*) 1 700 2 000	None	1 060	1 060	230	6 60	0 66	11	R (R) S# A T	600 600 400 800 300	1 5 1 0 3/4 2 0 1 0	Climb to 3,000' on NW crs San Francisco LFR within 26 mi or as directed by ATO. *After passing thru Belmont FM, make left turn of 190° to intercept localizer crs SE of LOM inbound (231°) **After take off from Oakland Airport, home on San Francisco LOM (Doolin marker), making good track of 170° while enroute to 2,000'. Cross LOM at 2,000' and execute standard rate left turn to intercept localizer crs SE of LOM inbound. #Runway 28. NOTE: Deviation from standard en route authorized in regular approach ceiling minimums—high terrain SW of airport
SYRACUSE, N. Y. Hancock Airport Freq. 109.1 mc Ident. SYR (Procedure No. 2—Using back Course ILS Localizer)	Syracuse LFR Syracuse VOR	W crs ILS W crs ILS	110 235	1 0 6 0	2 000 1 700	2 000'—S side W crs	1 400 (Min. alt. on final approach at terrain crossing) S crs S crs S crs LFR or 055° S crs S crs VOR	**1,400 (Alt. on final approach over Int. 010° brg to Syracuse VOR and W crs ILS)	4 0 (from Int. 010° brg to Syracuse VOR and W crs ILS)	419	R (R) S* A T#	700 700 600 800 300	1 5 1 0 2 0 1 0 1 0	Make a left climbing turn, climb to 2,000' returning to Syracuse LFR or as directed by ATO Runway 10. **Straight in approach authorized from the W. Descend to authorized landing minimums after passing Int. 010° brg to Syracuse VOR and W crs ILS #600-1 required for take-off to the SE. CAUTION: 833' msl radio tower, 1.3 mi SE and 835' msl radio tower, 3 mi SW of airport		

These procedures shall become effective upon publication in the FEDERAL REGISTER (Sec 205 52 Stat 984 as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat 1007 as amended; 49 U S C 551)

[SEAL]

[F R Doc 53-3154; Filed Apr. 15 1953; 8:45 a m]

F B LEE
Acting Administrator of Civil Aeronautics

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt 131 to Schedule A]

[Rent Regulation 2, Amdt 120 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MASSACHUSETTS, NEW JERSEY, AND OHIO

Effective April 16, 1953 Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below

(Sec 204 61 Stat 197 as amended; 50 U S C App Sup 1804)

Issued this 13th day of April 1953

WILLIAM G. BARR,

Acting Director of Rent Stabilization

State and name of defense rental area	Class	County or counties in defense rental area under regulation	Maximum rent date	Effective date of regulation
Massachusetts (143a) Cambridge	B	In MIDDLESEX COUNTY, the cities of Cambridge, Everett, Lowell, Malden, Northborough, Needham Heights, Newton, Somerville, Waltham and Woburn, the towns of Acton, Arlington, Ashland, Ayer, Bedford, Belmont, Billerica, Burlington, Cambridge, Concord, East Pepperell, Framingham, Groton, Holliston, Hopkinton, Hudson, Littleton, Lynn, Lynnfield, Lynnwood, North Andover, Peppercorn, Reading, Shirley, Stoneham, Westbury, Townsend, Tyngsboro, Wakefield, Waverletown, Wayland, Westford, Wilmington, and Winchendon	Mar 1, 1952	Nov 1, 1952
New Jersey (100) Northeastern New Jersey	B	In ESSEX COUNTY, the cities of East Orange, Newark and Orange, the towns of Carlisle, Cedar Grove, Hudson, Millburn, North Plainfield, Belleville, Bloomfield, Elmwood Park, Gladbach, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange; in MIDDLESEX COUNTY, the cities of New Brunswick, Perth Amboy and South Amboy, the townships of Cranbury, East Brunswick, Edison, Easton, North Brunswick, Plainfield, Rutherford, Scotch Plains, Scotch Plains Park, Springfield, Union, Union Hill, and Woodbridge; the boroughs of Carteret, Dunellen, Highland Park, Janssenville, Metuchen, Middletown, Sayreville, South Plainfield and South River, and all unincorporated localities; in MONMOUTH COUNTY, the boroughs of Avenel, Manasquan, Red Bank, Seabright and Shrewsbury, and all unincorporated localities in the borough of Allentown and the townships of Howell, Millstone and Upper Freehold; in SOMERSET COUNTY, the townships of Bridgewater and Franklin, and the boroughs of Bound Brook, Manville, Raritan, Somerville and South Bound Brook, and all unincorporated localities; in UNION COUNTY, the cities of Elizabeth, Linden and Rahway, the townships of Cranford, Hillside and Union, the town of Westfield, the boroughs of Clarkwood, Roselle and Roselle Park, and all unincorporated localities; in MONMOUTH COUNTY, except the boroughs of Allentown, Avenel, Fair Haven, Farmingdale, Little Silver, Manasquan, Redbank, Seabright, Shrewsbury, and the townships of Howell, Millstone, and Upper Freehold	do	July 1, 1952
	C		AUG 1, 1953	NOV 6, 1953

State and name of defense rental area	Class	County or counties in defense rental area under regulation	Maximum rent date	Effective date of regulation
Ohio (220) Columbus	B	FRANKLIN COUNTY, except the city of Upper Arlington, the township of Millington, the villages of Riverlet, Westerville, and Worthington, and that part of the village of Canal Winchester located in FRANKLIN COUNTY	Mar 1, 1952	Nov 1, 1952
	C	In LICKING COUNTY, the city of Newark and all unincorporated localities in the townships of Madison and Newark	AUG 1, 1952 Mar 1, 1952	Jan 7, 1953 May 1, 1953
	A	In FRANKLIN COUNTY, the village of Riverlet and that part of the village of Canal Winchester located in FRANKLIN COUNTY; in FAIRFIELD COUNTY, the townships of Amanda, Bloom, Clear Creek, and Violet; in PICKAWAY COUNTY, the townships of Circleville, Harrison, Madison, Walnut, and Washington	AUG 1, 1952	Jan 7, 1953

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Town of Draut in Middlesex County Massachusetts, a portion of the Cambridge Defense Rental Area;

The Borough of Little Silver in Monmouth County New Jersey a portion of the Northeastern New Jersey Defense Rental Area; and

The Village of Worthington in Franklin County, Ohio a portion of the Columbus Defense-Rental Area

[F. R. Doc 53-3207; Filed Apr 15, 1953; 8:54 a. m.]

[Rent Regulation 3, Amdt 125 to Schedule A]

[Rent Regulation 4, Amdt 98 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY AND OHIO

Effective April 16, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedules A read as set forth below

(Sec 204, 61 Stat 197 as amended; 50 U S C App Sup 1804)

Issued this 13th day of April 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization

1 Item 190 of Schedule A of Rent Regulation 4 is amended to read as follows:

Name of defense rental area	State	County or counties in defense rental area under regulation	Maximum rent date	Effective date of regulation
(100) Northeastern New Jersey	New Jersey	MONMOUTH COUNTY, except the boroughs of Allentown, Avenel, Farmingdale, Little Silver, Manasquan, Redbank, Seabright, Shrewsbury, and the townships of Howell, Millstone, and Upper Freehold	AUG 1, 1953	NOV 6, 1953

2. Item 229 of Schedules A of Rent Regulation 3 and Rent Regulation 4 is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(229) Columbus.....	Ohio.....	FRANKLIN COUNTY, except the city of Upper Arlington, the township of Mifflin, and the villages of Westerville and Worthington; in FAIRFIELD COUNTY, the townships of Amanda, Bloom, Clear Creek and Violet; in PICKAWAY COUNTY, the townships of Circleville, Harrison, Madison, Walnut, and Washington.	Aug. 1, 1952	Jan. 7, 1953

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Borough of Little Silver in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area (from Rent Regulation 4 only); and

The Village of Worthington in Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4).

[F. R. Doc. 53-3298; Filed, Apr. 15, 1953; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE Production and Marketing Administration [7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN LIMA BEANS¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Lima Beans (17 F. R. 3783) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). This revision, if made effective, will be the seventh 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 same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.172 *Frozen lima beans*—(a) *Identity*. "Frozen lima beans" means the frozen product prepared from the clean, sound, succulent seed of the lima bean plant by shelling, washing, blanching, and properly draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(b) *Types of frozen lima beans*. (1) "Thin-seeded," such as Henderson Bush and Thorogreen varieties.

(2) "Thick-seeded," such as Fordhook variety.

(3) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen.

¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *Grades of frozen lima beans*. (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor that are tender; that possess a good color that are practically free from defects; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are reasonably tender; that possess a reasonably good color; that are reasonably free from defects; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a fairly good flavor and odor; that are fairly tender; that possess a fairly good color that are fairly free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of frozen lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Ascertaining the grade*. (1) The grade of frozen lima beans is ascertained by considering in conjunction with the other requirements of the respective grade the respective ratings for the factors of color and absence of defects.

(2) 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 is:

Factors:	Points
(i) Color.....	60
(ii) Absence of defects.....	40
Total score.....	100

(3) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The tenderness and flavor and odor of frozen lima beans are determined after the product is cooked.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating of the factors which are scored*. The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "54 to 60 points" means 54, 55, 56, 57, 58, 59, or 60 points)

(1) *Color* (i) "Green" with respect to thin-seeded and thick-seeded types means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, K-5, as illustrated in Maerz and Paul's Dictionary of Color.²

(ii) "Green" with respect to thick-seeded baby potato type means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, J-3, as illustrated in Maerz and Paul's Dictionary of Color.²

(iii) "White" means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E-1, as illustrated in Maerz and Paul's Dictionary of Color.²

(iv) Frozen lima beans that possess a good color may be given a score of 54 to 60 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(a) *Thin-seeded type (with skins removed) Thick-seeded Baby Potato type (with skins on)* (1) Not less than 93 percent, by count, of the lima beans are "green" and not more than 7 percent, by count, may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the lima beans are white, or

² First edition.

(2) Not less than 97 percent, by count, of the lima beans are "green" and not more than 3 percent, by count, may be lighter in color or white lima beans.

(b) *Thick-seeded type (with skins on)* Not less than 85 percent, by count, of the lima beans are "green" and not more than 15 percent, by count, may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the lima beans are white.

(v) If the frozen lima beans possess a reasonably good color, a score of 48 to 53 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(a) *Thin-seeded type (with skins removed) Thick-seeded Baby Potato type (with skins on)* Not less than 65 percent, by count, of the lima beans are "green" and not more than 35 percent, by count, may be lighter in color or white beans.

(b) *Thick-seeded type (with skins on)* Not less than 60 percent, by count, of the lima beans are "green" and not more than 40 percent, by count, may be lighter in color: *Provided*, That not more than 5 percent, by count, of all the lima beans are white.

(vi) If the frozen lima beans possess a fairly good color, a score of 42 to 47 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(a) *Thin-seeded type (with skins removed) Thick-seeded Baby Potato type (with skins on)* Less than 65 percent, by count, of the lima beans are "green" and all of the lima beans may be white.

(b) *Thick-seeded type (with skins on)* Less than 60 percent, by count, of the lima beans are "green". *Provided*, That not more than 20 percent, by count, of all the lima beans are white.

(vii) Frozen lima beans that are definitely off color or fail to meet the requirements of subdivision (vi) of this subparagraph may be given a score of 0 to 41 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins, loose cotyledons, broken or mashed beans, shriveled beans, sprouted beans, and from beans that show light discoloration or that are blemished or seriously blemished.

(a) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(b) "Broken or mashed" means a bean from which a portion of a cotyledon has become detached or is mashed to the extent that the appearance of the bean is seriously affected, or pieces of cotyledon aggregating the equivalent of an average size whole cotyledon.

(c) "Loose skin" means a whole skin or portions of skin aggregating the equivalent of an average size whole skin, which has become separated from the cotyledons.

(d) "Loose cotyledon" means a single cotyledon which has become separated from the skin.

(e) "Light discoloration" means discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of the bean.

(f) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than by light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance or eating quality of a bean or any detached piece of a bean.

(g) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of a bean or any detached piece of a bean.

(h) "Shriveled" means lima beans that are materially wrinkled and are not of normal plumpness.

(i) "Sprouted" means lima beans that show an external shoot protruding beyond the cotyledon or skin.

(ii) Frozen lima beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that for each 10 ounces there may be present one piece, or pieces, of extraneous vegetable matter having an aggregate area of not more than $\frac{3}{16}$ square inch ($\frac{1}{2}'' \times \frac{3}{8}''$) on one surface of the piece, or pieces, and there may be present not more than 5 percent, by count, of loose skins; not more than 3 percent, by count, of broken or mashed beans and loose cotyledons; not more than 1 percent, by count, of shriveled and sprouted beans; not more than 2 percent, by count, of blemished and seriously blemished beans: *Provided*, That not more than $\frac{1}{2}$ of 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not more than slightly affect the appearance of the product.

(iii) If the frozen lima beans are reasonably free from defects a score of 32 to 35 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 10 ounces there may be present one piece, or pieces, of extraneous vegetable matter having an aggregate area of more than $\frac{3}{16}$ square inch but not more than $\frac{3}{8}$ square inch ($\frac{1}{2}'' \times \frac{3}{4}''$) on one surface of the piece, or pieces; and there may be pres-

ent not more than 10 percent, by count, of loose skins; not more than 5 percent, by count, of broken or mashed beans and loose cotyledons; not more than 4 percent, by count, of shriveled and sprouted beans; not more than 3 percent, by count, of blemished and seriously blemished beans: *Provided*, That not more than 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not materially affect the appearance of the product.

(iv) Frozen lima beans that are fairly free from defects may be given a score of 28 to 31 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that for each 10 ounces there may be present one piece, or pieces, of extraneous vegetable matter having an aggregate area of more than $\frac{3}{8}$ square inch but not more than $\frac{3}{4}$ square inch ($\frac{1}{2}'' \times 1\frac{1}{2}''$) on one surface of the piece, or pieces; and there may be present not more than 15 percent, by count, of loose skins; not more than 10 percent, by count, of broken or mashed beans and loose cotyledons; not more than 8 percent, by count, of shriveled and sprouted beans; not more than 4 percent, by count, of blemished and seriously blemished beans: *Provided*, That not more than 2 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not seriously affect the appearance of the product.

(v) Frozen lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen lima beans the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) Score sheet for frozen lima beans.

Size and kind of container.....		
Container marks or identification.....		
Label.....		
Net weight (ounces).....		
Type.....		
Size.....		
Color { Percent green.....		
{ Percent white.....		
<hr/>		
Factors	Score points	
<hr/>		
I. Color.....	60	(A) 54-60 (B) 48-53 (C) 42-47 (SStd.) 40-41
II. Absence of defects.....	40	(A) 36-40 (B) 32-35 (C) 28-31 (SStd.) 10-27
Total score.....	100	
<hr/>		
Grade.....		
Flavor and odor.....		

¹ Indicates limiting rule.

Issued at Washington, D. C., this 13th day of April 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 53-3314; Filed, Apr. 15, 1953;
8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY
Bureau of Internal Revenue

[Commissioner's Delegation Order 1]

DEPUTY COMMISSIONER OF INTERNAL
REVENUEDELEGATION OF AUTHORITY TO PERFORM
FUNCTIONS OF COMMISSIONER DURING
ABSENCE OR DISABILITY

Pursuant to the authority conferred upon me as Commissioner of Internal Revenue, it is hereby ordered that during the absence or disability of the Commissioner of Internal Revenue, or when otherwise directed, the Deputy Commissioner of Internal Revenue shall perform the functions of the Commissioner. In the performance of such functions, the Deputy Commissioner shall be designated as Acting Commissioner of Internal Revenue.

Dated: April 10, 1953.

[SEAL] T. COLEMAN ANDREWS,
Commissioner

[F. R. Doc. 53-3296; Filed, Apr. 15, 1953;
8:54 a. m.]

Office of the Secretary

[Treasury Department Order 150-24]

ORGANIZATION

ABOLITION OF CERTAIN OFFICES AND DETER-
MINATION OF TITLES OF NEW OFFICES

By virtue of the authority vested in me as Secretary of the Treasury:

1. *Abolition of certain existing offices.* The offices of Assistant to the Commissioner and Administrative Assistant to the Commissioner in the Bureau of Internal Revenue, as established in Treasury Department Order No. 150-5, dated July 29, 1952, are abolished.

2. *Establishment of new offices.* It is determined, pursuant to section 2 of Reorganization Plan No. 1 of 1952, that there shall be in the Washington Headquarters Office of the Bureau of Internal Revenue, additional offices having titles as follows:

Deputy Commissioner of Internal Revenue.
Assistant Commissioner of Internal Revenue (Administration).
Assistant Commissioner of Internal Revenue (Planning).

Dated: April 10, 1953.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-3295; Filed, Apr. 15, 1953;
8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 2]

IDAHO

ORDER PROVIDING FOR OPENING OF
PUBLIC LANDS

APRIL 8, 1953.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934, (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315 g), the following described lands have been reconveyed to the United States:

-BOISE MERIDIAN

- T. 3 S., R. 31 E.
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 3 S., R. 32 E.
Sec. 7, all,
Sec. 8, all,
Sec. 18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$.
T. 6 S., R. 24 E.
Sec. 28, NW $\frac{1}{4}$,
Sec. 30, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
T. 6 S., R. 22 E.
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 9 S., R. 28 E.
Sec. 3, Lot 4,
Sec. 4, Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 5, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 6, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$,
Sec. 8, N $\frac{1}{2}$.
T. 8 N., R. 32 E.
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 4 S., R. 31 E.
Sec. 21, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 22 N., R. 22 E.
Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 20, NE $\frac{1}{4}$.

The areas described aggregate 4920 acres.

The lands are within grazing districts and the surface varies from slightly rolling to rough. Vegetation consists of native grasses and sage brush and due to the lack of evidence of the availability of water, the lands are classified as primarily suitable for the grazing of livestock under the administration of the Bureau of Land Management.

No application for these lands may be allowed under the homestead, small tract, desert land or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 270-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable

claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Land and Survey Office, Boise, Idaho.

JAMES F DOYLE,
Assistant Regional Administrator.

[F. R. Doc. 53-3292; Filed, Apr. 15, 1953; 8:53 a. m.]

[Docket DA-391, 396, 403]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 7, 1953.

Pursuant to determination DA-391, 396, 403, Idaho, of the Federal Power Commission and in accordance with Order No. 427, sections 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818) as amended.

IDAHO

T. 13 N., R. 19 E., B. M.
Sec. 28, lot 2,
Sec. 29, lot 3.

T. 6 S., R. 13 E., B. M.
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 6 S., R. 14 E., B. M.
Sec. 30, lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 2 N., R. 43 E., B. M.
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 228.34 acres.

The lands described in secs. 28 and 29, T. 13 N., R. 19 E., are classified as suitable for public recreational purposes and retention in public ownership. The lands described in sec. 25, T. 6 S., R. 13 E., and sec. 30, T. 6 S., R. 14 E., are classified as grazing in character and for retention in public ownership. The greater portion of the land described in sec. 6, T. 2 N., R. 43 E., is too rough and mountainous for cultivation and is classified for grazing purposes only.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90 day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land and Survey Office, Boise, Idaho.

JAMES F. DOYLE,
Assistant Regional Administrator.

[F. R. Doc. 53-3262; Filed, Apr. 15, 1953; 8:47 a. m.]

MONTANA

NOTICE OF FILING OF PLATS OF SURVEY

APRIL 9, 1953.

Notice is given that the plat of island survey of the following described lands, accepted June 22, 1951, will be officially filed in the Land Office, Billings, Montana, effective 10:00 a. m. on the 35th day after the date of this notice:

PRINCIPAL MERIDIAN, MONTANA

T. 15 N., R. 3 W.
Sec. 2, lot 10,
Sec. 3, lot 8,
Sec. 10, lot 10.

The area described aggregates 14.70 acres.

This plat represents the survey of an island which was not included in the original survey of the township executed by John M. Marsh, in 1881, although it is shown in sketch on the plat of that survey, which was approved January 7, 1882.

According to the field notes and as shown by the plat, the island is situated in the Missouri River, about one-fourth mile below the town of Craig, Montana. The surface of the island is gently rolling, with an elevation of five to ten feet in height above the mean high water level of the river. The soil is mostly black loam. Scattering cottonwood timber is found on most of the island. The undergrowth consists of young timber, willow, and briars. An old wire fence extends across the island near the line between sections three and ten.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to

valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in

Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

WILLIAM RIDDELL,
Manager Land Office.

[F. R. Doc. 53-3257; Filed, Apr. 15, 1953;
8:46 a. m.]

MONTANA

NOTICE OF FILING OF PLATS OF SURVEY

APRIL 9, 1953.

Notice is given that extension plat of survey of the following described lands accepted July 23, 1952, will be officially filed in the Land Office, Bureau of Land Management, Billings, Montana, effective 10:00 a. m. on the 35th day after the date of this notice.

PRINCIPAL MERIDIAN, MONTANA

Township 30 N., Range 19 W.,
All Sections 1, 2, 3, 10-15 inclusive, 22-27
inclusive, 33-36 inclusive.

The public lands in the areas described aggregate 10,778.22 acres.

This extension survey was made at the request of the Forest Service. The plat represents a retracement and re-establishment of a portion of the original survey designed to restore the corners in their original positions according to the best available evidence.

Available data indicates that the described lands are rough and mountainous in character.

In so far as title thereto remains in the United States, the following described lands which lie below the 3500 foot contour were withdrawn under Power Site Classification No. 47 by Order of August 2, 1922.

Township 30 N., Range 19 W.,
Sec. 22: Lots 1, 2, 3, 4, 5, NW $\frac{1}{4}$, SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 25: Lots 1, 2, 3, E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 26: All;
Sec. 27: Lots 1, 2, 3, 4, 5, 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 35: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 36: Lots 1-10 inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$.

The following lands in this extension survey, among other lands, were withdrawn by order of June 30, 1948, under first form of withdrawal, as provided by the Reclamation Act of June 17, 1902, in connection with the Hungry Horse Project, Montana.

PRINCIPAL MERIDIAN, MONTANA

Township 30 N., Range 19 W.,
Sec. 22: Lots 1-5 inclusive, NW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
Sec. 23: S $\frac{1}{2}$,
Sec. 26: Lots 1-8 inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 27: Lots 1-6 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$.

These lands are inclusive of the lands in Sections 22, 26, and 27 withdrawn on November 29, 1946, under first form withdrawal—Hungry Horse Project, Montana.

All lands in this township are covered by Coal Land Withdrawal, Montana No. 1, by Executive Order dated July 9, 1910.

The N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ section three is withdrawn as an administrative site.

The lands covered by this survey are located within the Flathead National Forest, and were withdrawn from all entries and filings November 9, 1906. Therefore, these lands are not public lands subject to disposition under the general public land laws.

Anyone having a settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under the appropriate public land law, setting forth all facts relative thereto.

Inquiry concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

WILLIAM RIDDELL,
Manager

[F. R. Doc. 53-3258; Filed, Apr. 15, 1953;
8:46 a. m.]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 9, 1953.

Notice is given that the plat of survey of the following described lands; accepted January 21, 1953, will be officially filed in the Land Office, Bureau of Land Management, Billings, Montana, effective 10:00 a. m., on the 35th day after the date of this notice.

PRINCIPAL MERIDIAN, MONTANA

Township 7 S., Range 27 E.,
Section 12, SE $\frac{1}{4}$.

The area described aggregates 160.00 acres.

This plat represents a retracement and re-establishment of the east boundary of section 12, and a survey of the SE $\frac{1}{4}$ section 12, executed by Ernest Parker, Cadastral Engineer, from May 13 to May 15, 1952, under Special Instructions for Group 457 dated February 29, 1952.

The lands covered by this survey are located within the Crow Indian Reservation. The survey was made to accommodate the allotment and patent in fee of land to Mrs. Pearl Scott Loukes, Crow Allottee No. 950, Private Law 109, 81st Congress.

The lands covered by this survey are not public lands subject to disposition under the general public land laws.

Inquiry concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

WILLIAM RIDDELL,
Manager

[F. R. Doc. 53-3259; Filed, Apr. 15, 1953;
8:46 a. m.]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 9, 1953.

Notice is given that the plat of island survey of the following described lands, accepted June 20, 1951, will be officially filed in the Land Office, Billings, Montana, effective 10:00 a. m. on the 35th day after the date of this notice.

PRINCIPAL MERIDIAN, MONTANA

T. 13 N., R. 52 E.,
Sec. 25, Lots 10, 11, 12.
Sec 36, Lot 2.
T. 13 N., R. 53 E.,
Sec. 30, Lot 5.
Sec. 31, Lot 8.

The area described aggregates 147.45 acres.

This plat represents the survey of an island which was not included in the original surveys of the townships executed by Elmer C. Towne in 1881, and Paul S. A. Bickel and Walter G. Filer in 1900, although it is shown in outline on the plats of those surveys which were approved August 19, 1882 and March 25, 1901.

According to the field notes and as shown by the plat, the island is situated in the Yellowstone River approximately three miles east of the town of Fallon, Montana. This island is covered with cottonwood and willow timber. The undergrowth is dense rose briars and willow brush. The soil is sandy loam and gravel, second rate.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on

the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1245 N. 29th St. Billings, Montana.

WILLIAM RIDDELL,
Manager Land Office.

[F. R. Doc. 53-3260; Filed, Apr. 15, 1953; 8:47 a. m.]

MONTANA

NOTICE OF FILING OF PLATS OF SURVEY

APRIL 9, 1953.

Notice is given that the plat of island survey of the following described lands, accepted May 2, 1952, will be officially filed in the Land Office, Billings, Montana, effective 10:00 a. m. on the 35th day after the date of this notice:

PRINCIPAL MERIDIAN, MONTANA

T. 5 N., R. 34 E.
Sec. 28, lots 12, 13, 14, 15, 16, 17, 18;
Sec. 29, lots 9, 10.

The area described aggregates 248.89 acres.

This plat represents the survey of an island in sections 28 and 29. The survey embraces portions of an unsurveyed island shown on the plats approved March 12, 1880, and May 8, 1906, and portions of lots 5 and 7, section 28, as shown on the latter plat, together with accretions thereto.

According to the field notes and as shown by the plat, the island is situated in the Yellowstone River approximately 3½ miles from Custer, Montana, downstream. The island is covered with cottonwoods and willows. The undergrowth is dense rose briars and willow brush. The soil is sandy loam and gravelly.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title

43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1245 North 29th St., Billings, Montana.

WILLIAM RIDDELL,
Manager Land Office.

[F. R. Doc. 53-3261; Filed, Apr. 15, 1953; 8:47 a. m.]

MONTANA

CLASSIFICATION ORDER NO. 2

APRIL 13, 1953.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a) as hereinafter indicated, the following described land in the Montana land district, embracing approximately 160 acres:

For lease and sale for homesteads:
T. 13 N., R. 19 W., Montana Principal Meridian;
Section 30, Lots 5 through 36 and 38 through 65.
T. 13 N., R. 29 W., Montana Principal Meridian;
Section 25, Lots 1 through 8 and 10 through 61.

Lot 9, Section 25, T. 13 N., R. 20 W. and Lot 37, Section 30, T. 13 N., R. 19 W., are not available for lease or sale but are reserved for public purposes.

These lots lie adjacent to the City of Missoula, Montana. Year-round access is provided by either oiled or county roads which are extensions of the City of Missoula road system. City water is not available at the present time but it is expected that the present water mains will be extended when there is sufficient demand in the area. Electricity is available. The land is nearly level to gently

sloping. The size of the lots ranges from 1.02 acres to 1.60 acres.

2. Public Land Order 865 dated September 17, 1952 provided for the partial revocation of the Executive Order of August 5, 1878 which reserved the public lands embraced in this small tract classification as an addition to the United States Military Reservation at Fort Missoula, Montana. This order also provided that "The described lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and others entitled to preference."

3. A multiplicity of filings by those persons entitled to claim veterans' preference for service in World War II only is anticipated during the simultaneous filing period. Therefore, in accordance with the provisions of 43 CFR 257.8, Circ. 1764, containing small tract regulations approved September 11, 1950, the special procedure and drawing outlined therein will be used. This special procedure does not apply to veterans of other wars of the United States.

4. Commencing at 10:00 a. m., on the date of this order and for a period of 35 days thereafter, the lands described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II veterans' preference under the act of September 27, 1944 (58 Stat. 748, 43 U. S. C. 279-284) amended. Such veterans desiring to participate in the drawing may secure drawing entry cards, Form 4-775, from the Manager, Montana Land Office in Billings, Montana, Area Manager, Bureau of Land Management, Whitehall, Montana, and for the convenience of those living in the vicinity of Missoula, Montana, entry cards may be secured by calling in person on the Regional Forester, United States Forest Service, Post Office Building, Missoula, Montana. The veteran will print clearly his name, post office address, and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age or the head of a family, and entitled to veterans' preference based upon service in World War II and honorable discharge from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry card. All drawing entry cards when completed as indicated shall be mailed to the Manager, Montana Land Office, 1245 North 29th Street, Billings, Montana and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day after the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a box and at 2:00 p. m., on the business day following such 35th day and thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn by a disinterested party, one at

a time, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order.

5. Each successful entrant to whom a lot is awarded will be sent by registered mail a decision making appropriate requirements with an offer to lease Form 4-776, in duplicate, bearing the description of the tract. The forms must be completely filled out, signed and returned by the successful entrant within the time allowed, accompanied by a \$10.00 filing fee and \$15.00 representing rental for a 3-year period; also a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of the branch of the service which shows clearly his honorable discharge, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. An award to a successful entrant who was not qualified to enter the drawing, or who for any reason fails within the time allowed to comply with the requirements of the decision accompanying the lease forms, will be canceled upon the records, and the lot will become available to the alternate next in line as determined by the drawing.

6. Lessees, under the Small Tract Act of June 1, 1938, will be required within a reasonable time after execution of the lease to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Detailed specifications as to the improvement requirements under the terms of the lease or prior to the sale of the lots will be made part of the lease terms.

7. Lessees or their successors in interest shall comply with all Federal, State, county, and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized official of the Bureau of Land Management.

8. Leases will be subject to renewal by application filed in the Montana Land Office not more than 6 months or less than 60 days prior to the expiration of the lease, and provided the lessee has complied with the improvement requirements and other terms of the lease.

9. Leases will contain an option to purchase clause at the appraised value of the lots as follows:

T. 13 N., R. 19 W., Montana	
Principal Meridian:	
Section 30:	
Lots 5 through 28.....	\$250.00
Lots 29 through 36.....	300.00
Lots 38 through 49.....	250.00
Lot 50.....	300.00
Lots 51 through 57.....	250.00
Lots 58 through 65.....	300.00
T. 13 N., R. 20 W., Montana	
Principal Meridian:	
Section 25:	
Lots 1 through 8.....	150.00
Lots 10 through 29.....	150.00
Lots 30 through 45.....	175.00
Lots 46 through 61.....	200.00

10. Leases will be made subject to rights of way for road purposes and irrigation ditches as follows:

T. 13 N., R. 19 W., Section 30

60 feet along the north side, 60 feet along the east side and 10 feet along the south side of Lot 5.

60 feet along the north sides, and 10 feet along the south sides of Lots 6, 7, 10, 11.

60 feet along the north sides, 30 feet along the west sides and 10 feet along the south sides of Lots 8, 12.

60 feet along the north side, 30 feet along the east side and 10 feet along the south side of Lot 9.

10 feet along the north sides, 30 feet along the west sides and 30 feet along the south sides of Lots 13, 17, 20, 33.

10 feet along the north sides and 30 feet along the south sides of Lots 14, 15, 18, 19, 30, 31, 34, 35.

10 feet along the north sides, 30 feet along the east sides and 30 feet along the south sides of Lots 16, 32.

10 feet along the north sides, 60 feet along the east sides and 30 feet along the south sides of Lots 20, 36.

30 feet along the north side, 60 feet along the east side and 10 feet along the south side of Lot 21.

30 feet along the north sides and 10 feet along the south sides of Lots 22, 23, 26, 27.

30 feet along the north sides, 30 feet along the west sides and 10 feet along the south sides of Lots 24, 28.

30 feet along the north side, 30 feet along the east side and 10 feet along the south side of Lot 25.

30 feet along the north sides and 10 feet along the south sides of Lots 38, 41, 42, 51, 52, 55, 56.

30 feet along the north sides, 30 feet along the west sides and 10 feet along the south sides of Lots 39, 43, 53, 57.

30 feet along the north sides, 30 feet along the east sides and 10 feet along the south sides of Lots 40, 50, 54.

10 feet along the north sides, 30 feet along the west sides and 30 feet along the south sides of Lots 44, 48.

10 feet along the north sides and 30 feet along the south sides of Lots 45, 46, 49.

10 feet along the north side, 30 feet along the east side and 30 feet along the south side of Lot 47.

10 feet along the north sides, 30 feet along the west sides and 40 feet along the south sides of Lots 58, 62.

10 feet along the north sides and 40 feet along the south sides of Lots 59, 60, 63, 64.

10 feet along the north sides, 30 feet along the east sides and 40 feet along the south sides of Lots 61, 65.

T. 13 N., R. 20 W., Section 25

30 feet along the north sides, 30 feet along the east sides and 10 feet along the south sides of Lots 1, 5, 10, 30, 34, 38, 42.

30 feet along the north sides and 10 feet along the south sides of Lots 2, 3, 6, 7, 11, 12, 31, 32, 35, 36, 39, 40, 43, 44.

30 feet along the north sides, 30 feet along the west sides and 10 feet along the south sides of Lots 4, 8, 13, 33, 37, 41, 45.

10 feet along the north sides, 30 feet along the west sides and 30 feet along the south sides of Lots 14, 18, 22, 26.

10 feet along the north sides and 30 feet along the south sides of Lots 15, 16, 19, 20, 23, 24, 27, 28.

10 feet along the north sides, 30 feet along the east sides and 30 feet along the south sides of Lots 17, 21, 25, 29.

10 feet along the north sides, 30 feet along the west sides and 40 feet along the south sides of Lots 46, 50, 54, 58.

10 feet along the north sides and 40 feet along the south sides of Lots 47, 48, 51, 52, 55, 56, 59, 60.

10 feet along the north sides, 30 feet along the east sides and 40 feet along the south sides of Lots 49, 53, 57, 61.

11. Lots 1, 26, 27, 28, 29, 34, 35, 36, 37, 38, 39, 40, 47, 48, 49, 50, 51, Section 25, will be subject to a right of way of not more than 30 feet in width for the irrigation ditch which passes through these lots.

12. Each entrant to whom no lot is allocated will be informed thereof by the return of his card carrying a notation to that effect.

13. The lots, if any, which are not leased as a result of the drawing, will not become subject to application by veterans who do not participate in the drawing or by the general public until a further order has been issued granting veterans of World War II a preference-right of application for a period of 90 days.

14. All inquiries relating to these lands should be addressed to the Manager, Montana Land Office, Billings, Montana.

MAX CAPLAN,
Acting Regional Administrator

[F. R. Doc. 53-3263; Filed, Apr. 15, 1953;
8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Interim Department Order 1]

ORGANIZATION, FUNCTIONS, AND DUTIES

Pursuant to the authority vested in me by Reorganization Plan No. 1 of 1953, hereinafter referred to as the Plan, and the act of April 1, 1953 (Pub. Law 13, 83d Cong.) and in accordance with section 9 of the Reorganization Act of 1949, as amended, and in order to assure uninterrupted and immediate performance of the functions transferred to the Department of Health, Education, and Welfare (hereinafter referred to as the Department) or to the Secretary thereof: *It is hereby ordered*, That:

(1) All agencies transferred by the Plan to the Department shall within such Department continue to perform their respective functions in the organizational structures existing and applicable immediately prior to such transfer.

(2) All officers and employees transferred by the Plan to the Department shall within such Department exercise authority and perform and be responsible for functions and duties identical to the authority exercised by such officers and employees respectively, and to the respective functions and duties which they performed and for which they were responsible immediately prior to such transfer.

(3) All agencies, officers and employees, transferred by the Plan to the Department shall continue to perform their respective functions and exercise their respective authority under the nomenclature existing and applicable immediately prior to such transfer except that (1) the Office of the Administrator shall hereafter be known as the Office of the Secretary (2) wherever the words "Federal Security Agency" or "Agency" appear in the title of any offi-

cer, employee, board or committee, the words "Department of Health, Education, and Welfare" or "Department" shall be substituted therefor; and (3) the Deputy Commissioner for Social Security shall be known as the Deputy Commissioner of Social Security.

(4) Except as otherwise provided herein, all regulations or other actions (as defined in section 9 (a) (2) of the Reorganization Act of 1949, as amended) in effect at the close of business April 10, 1953, and not inconsistent with the plan or with this order, shall remain in full force and effect until superseded or amended, and shall be applicable with respect to all functions, transferred to the Department or to the Secretary and with respect to all personnel transferred to the Department.

(5) All functions of and authority, vested in the Commissioner for Social Security at the close of business April 10, 1953, shall be performed and exercised by the Commissioner of Social Security.

[SEAL] OVETA CULP HOBBY,
Secretary.

APRIL 11, 1953.

[F. R. Doc. 53-3278; Filed, Apr. 14, 1953;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5055, et al.]

REOPENED WIGGINS RENEWAL INVESTIGATION CASE

NOTICE OF ORAL ARGUMENT

In the matters raised in the petitions for reconsideration filed herein by Wiggins, the City of Rutland, Vt., the Vermont Aeronautics Commission, the State of New Hampshire, the Town of Norwood, Mass., the State of Rhode Island, and the Greater Boston Chamber of Commerce, including particularly the alternative route pattern proposed in the petition of Wiggins.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 12, 1953 at 10:00 a. m. (local time) in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 13, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-3312; Filed, Apr. 15, 1953;
8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6490]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

APRIL 10, 1953.

Take notice that on April 8, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific

Power & Light Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance and sale to its employees during the twelve months period from the first offering date, up to but not exceeding 15,000 shares of its authorized but unissued Common Stock without par value, or up to but not exceeding \$300,000 in the aggregate offering price of such shares; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 30th day of April 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3264; Filed, Apr. 15, 1953;
8:48 a. m.]

[Docket No. G-1414]

**TRANSCONTINENTAL GAS PIPE LINE CORP.
NOTICE OF FINAL DECISION ISSUING AMENDMENT OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

APRIL 10, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing an amendment of certificate of public convenience and necessity in the above-designated matter was issued on March 3, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on April 2, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3265; Filed, Apr. 15, 1953;
8:48 a. m.]

[Docket No. G-2075]

**TRANSCONTINENTAL GAS PIPE LINE CORP.
ORDER FIXING DATE FOR RESUMPTION OF HEARING**

On January 13, 1953, Transcontinental Gas Pipe Line Corporation (Transcontinental) having completed the direct presentation of its case, the hearing in this proceeding was recessed subject to the further order of the Commission.

The Commission finds: Good cause exists and the public interest requires that the proceeding be set for further hearing as hereinafter ordered.

The Commission orders: The public hearing in this proceeding be resumed on May 4, 1953, at 10:00 a. m. in the Hearing Room of the Federal Power

Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted: April 9, 1953.

Issued: April 9, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3266; Filed, Apr. 15, 1953;
8:48 a. m.]

[Docket No. G-2113]

WASHINGTON GAS LIGHT CO. AND PRINCE
GEORGES GAS CORP.

ORDER FIXING DATE OF HEARING

On January 22, 1953, Washington Gas Light Company (Washington) a corporation organized and existing under the laws of the United States, having its principal place of business at 11th and H Streets NW., Washington, D. C., and Prince Georges Gas Corporation (Prince Georges) a Maryland corporation having its principal place of business at Chillum, Maryland, filed a joint application for a certificate of public convenience and necessity to Washington pursuant to section 7 (c) of the Natural Gas Act authorizing the acquisition and operation of all the facilities and properties of Prince Georges, and for permission and approval to Prince Georges pursuant to section 7 (b) of the Natural Gas Act to abandon all of its facilities and properties by transfer to Washington, all as more fully described in said joint application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 4, 1953 (18 F. R. 744).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 30, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 9, 1953.

Issued: April 9, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3267; Filed, Apr. 15, 1953;
8:49 a. m.]

INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 27979]

CEMENT AND RELATED ARTICLES FROM
KANSAS AND OKLAHOMA TO MICHIGAN
AND OHIO

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, hydraulic, portland or natural, mortar cement, masonry cement and dry building mortar, carloads.

From: Points in Kansas and Oklahoma, specified in exhibit 1 of application.

To: Points in Michigan and Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings, Alternate Agent, ICC No. A-3758, suppl. 8.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3283; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27980]

BENZOL FROM MINNEQUA, COLO., TO
OMAHA, NEBR.

APPLICATION FOR RELIEF

APRIL 13, 1953.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Benzol (benzene) in tank-car loads.

From: Minnequa, Colo.

To: Omaha, Nebr.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings, Alt. Agent, ICC No. A-3902, suppl. 4.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3284; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27981]

SUPERPHOSPHATE FROM POINTS IN SOUTH
AND SOUTHWEST TO WICHITA, KANS.

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Superphosphate (Acid phosphate) other than ammoniated, in bulk carloads.

From: Specified points in Oklahoma, Texas, Missouri, Arkansas and Louisiana.

To: Wichita, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3919, suppl. 158; F. C. Kratzmeir, Agent, ICC No. 3967, suppl. 220; F. C. Kratzmeir, Agent, ICC No. 3908, suppl. 140; F. C. Kratzmeir, Agent, ICC No. 3006, suppl. 168.

Any interested person desiring the Commission to hold a hearing upon such

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

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3285; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27982]

CEMENT AND RELATED ARTICLES FROM BIRMINGHAM DISTRICT TO OTHER POINTS IN ALABAMA

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

Filed by: The Louisville and Nashville Railroad Company.

Commodities involved: Cement and related articles, carloads.

From: Birmingham, Boyles and North Birmingham, Ala.

To: Sheffield, Florence, Stylon, Jacksonburg and Pruitton, Ala.

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

Schedules filed containing proposed rates; C. A. Spaninger, Agent, ICC No. 1244, supl. 40.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3286; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27983]

SODA ASH AND SESQUI-CARBONATE OF SODA FROM OHIO, MICHIGAN, NEW YORK, AND VIRGINIA TO OMAHA, NEBR.

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

Filed by: L. C. Schuldt and C. W. Boin, Agents, for carriers parties to schedules listed below.

Commodities involved: Soda ash and sesqui-carbonate of soda, carloads.

From: Specified points in Ohio, Michigan, New York and Virginia.

To: Omaha, Nebr.

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

Schedules filed containing proposed rates: L. C. Schuldt, Agent, ICC No. 4238, supl. 78; C. W. Boin, Agent, ICC No. A-970, supl. 8.

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

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3287; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27984]

PLASTER AND RELATED ARTICLES FROM MEDICINE LODGE, KANS., TO THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster and related articles, carloads.

From: Medicine Lodge, Kans.

To: Points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed of the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 4031, supl. 11.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3288; Filed, Apr. 15, 1953;
8:52 a. m.]

[4th Sec. Application 27985]

CEMENT FROM POINTS IN SOUTHERN TERRITORY TO PORT OF PALM BEACH JUNCTION, FLA.

APPLICATION FOR RELIEF

APRIL 13, 1953.

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

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

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: Port of Palm Beach Junction, Fla.

Grounds for relief: Competition with rail carriers, competition with water carriers, market competition, port competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1244, supl. 39.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3289; Filed, Apr. 15, 1953;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of April A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities-Exchange Act of 1934, having summarily suspended trading in the \$1 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective at the opening of the trading session on said Exchange on April 13, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-3271; Filed, Apr. 15, 1953;
8:49 a. m.]

[File No. 70-2829]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM ORDER POSTPONING FOR ONE WEEK HEARING ON SALES OF LEASED PROPERTIES

APRIL 10, 1953.

Upon application of White & Case, attorneys for Christian A. Johnson, a Class A stockholder of International Hydro-Electric System, and for good cause shown:

It is ordered, That the hearing on the proposed sales of the leased properties of Eastern New York Power Corporation, originally scheduled herein for April 14, 1953, be, and hereby is, postponed for

one week, to April 21, 1953, at 10 o'clock a. m., e. s. t.

In all other respects the order for hearing will stand as heretofore written.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-3272; Filed, Apr. 15, 1953;
8:49 a. m.]

[File No. 70-3041]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING REGARDING INCREASE IN AUTHORIZED COMMON STOCK

APRIL 10, 1953.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company has filed a declaration pursuant to sections 6 (a) 7 and 12 (e) of the Public Utility Holding Company Act of 1935 with respect to the proposed transactions which are summarized as follows:

Middle South proposes to amend its certificate of incorporation so as to increase its authorized capital stock from 7,500,000 shares of no par value common stock (of which 6,650,000 shares are presently outstanding and 475,000 shares are contemplated to be sold and outstanding in the near future) to 12,000,000 shares of no par value common stock. The amendment will require the approval of the holders of a majority of the shares of outstanding common stock of Middle South. The company intends to submit the proposed amendment to its stockholders at the annual meeting to be held June 10, 1953, and will solicit proxies with respect thereto.

Middle South states that the financing of its system construction program, presently estimated to require the investment by Middle South in its subsidiaries of approximately \$27,000,000 during the years 1953-54, will not require the issuance and sale of additional securities beyond the 475,000 shares of common stock presently contemplated. It proposes to increase the authorized common stock, however, so that, if required, additional shares may be issued and sold at a later date upon the approval of this Commission.

Notice is further given that any interested person may, not later than April 27, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after such date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested

persons are referred to said declaration which is on file with the Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-3268; Filed, Apr. 15, 1953;
8:49 a. m.]

[File No. 70-3032]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE TO BANKS OF UNSECURED NOTES

APRIL 10, 1953.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Penelec proposes, by the issuance and sale of unsecured notes, to borrow from banks from time to time (but not later than September 30, 1954) sums not to exceed the aggregate amount of \$10,000,000 outstanding at any one time. Such notes are to be issued pursuant to the terms of a credit agreement between Penelec and Mellon National Bank & Trust Company, Manufacturers Trust Company, and Chemical Bank & Trust Company, dated February 26, 1953. Any note issued under the agreement is to mature at a date to be specified by Penelec, but not later than December 31, 1957. Any note maturing on or before December 31, 1954, is to bear interest at the rate of 3 percent per annum; any note maturing after December 31, 1954, is to bear interest at the rate of 3 1/4 percent per annum. Any note may be prepaid, in whole or in part, without premium, unless (a) the note prepaid matures on or before December 31, 1954, and is prepaid with proceeds, or in anticipation, of another note issued under the credit agreement maturing after December 31, 1954, made within two months of such prepayment, or (b) the prepayment is made with proceeds, or in anticipation, of any bank borrowing not made under the credit agreement, made within two months of such prepayment. In the event of prepayment pursuant to (a) above, the company is required to pay a premium at the rate of 1/4 of 1 percent per annum on the amount prepaid from the date of issuance of the note to the date of such prepayment; in the event of prepayment pursuant to (b) above the premium will be at the rate of 1/2 of 1 percent per annum of the amount prepaid.

If Penelec pays at maturity any note maturing on or before December 31, 1954, from the proceeds, or in anticipation, of another loan under the credit agreement maturing by its terms after December 31, 1954, made within two months of such payment, the company

is required to pay a premium at the rate of $\frac{1}{4}$ of 1 percent per annum of the amount prepaid from the date of issuance of the note to its maturity.

Penelec is to pay the banks a commitment fee at the rate of $\frac{1}{4}$ of 1 percent per annum computed on a daily basis from the date of any Commission order approving the instant proposal to September 30, 1954, on the unused balance of the commitment, which commitment may be terminated or reduced by Penelec upon five days' prior notice and payment of the commitment fee accrued and unpaid.

The filing states that Penelec will use the proceeds of the initial sales of notes under the credit agreement, expected to aggregate \$10,000,000, to temporarily finance its construction program, and that such borrowings are expected to be repaid with a portion of the proceeds to be derived from Penelec's anticipated sales of bonds during June 1953 and of common stock to be effected simultaneously or prior to the bond sale. Later in 1953, Penelec expects to effect further borrowings under the credit agreement in amounts aggregating not more than \$5,400,000, with maturities subsequent to December 31, 1953.

The filing also states that total fees and expenses of Penelec in connection with the proposed transactions are estimated not to exceed \$3,100, including legal fees and expenses of \$2,000.

The filing further states that Penelec consents to the imposition by the Commission in any order approving the proposals of a condition to the effect that, unless and until a post-effective amendment to this application shall have been filed and granted, the aggregate principal amount of borrowings by Penelec under the credit agreement maturing by their terms subsequent to December 31, 1953, outstanding at any one time shall not exceed \$5,400,000.

Penelec states that no State or Federal regulatory body, other than this Commission and the Pennsylvania Public Utility Commission, has jurisdiction over the proposed transactions and that the issuance and sale by Penelec of notes under the credit agreement will be solely for the purpose of financing the business of Penelec, and are expected to be expressly authorized by the Pennsylvania Public Utility Commission. It requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than April 27, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions

as provided in Rule U-20 (a) and Rule U-100, thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3270; Filed, Apr. 15, 1953;
8:49 a. m.]

[File No. 811-327]

SELECTED INDUSTRIES CORP.

NOTICE OF APPLICATION

APRIL 9, 1953.

Notice is hereby given that Tri-Continental Corporation (Tri-Continental), a Maryland corporation and a closed-end management company registered under the Investment Company Act of 1940, has filed for and on behalf of Selected Industries Corporation (Selected), a former Delaware corporation, presently registered under the act as a closed-end management company, an application pursuant to section 8 (f) of the act for an order declaring that Selected has ceased to be an investment company within the meaning of the act.

It appears that the merger of Selected into Tri-Continental was authorized by the stockholders of Tri-Continental representing more than a majority of its outstanding capital stock and by the stockholders of Selected representing two-thirds of its outstanding capital stock entitled to vote thereon at extraordinary meetings held on March 15 and 20, 1951, respectively, and that the merger of Selected with and into Tri-Continental, Tri-Continental surviving the merger, became effective under the General Corporation Law of Delaware on March 31, 1951, the separate existence of Selected ceasing upon that date.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application upon such conditions as the Commission may deem necessary for the protection of investors may be issued by the Commission at any time on or after April 28, 1953, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 27, 1953, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such a request, and the issue of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3269; Filed, Apr. 15, 1953;
8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 20]

ROSARIES

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to Rosaries, heretofore scheduled for May 4, 1953 (17 F. R. 11356) be postponed to 10 a. m., June 8, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 10th day of April 1953.

Issued: April 13, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-3279; Filed, Apr. 15, 1953;
8:51 a. m.]

[Investigation 21]

WATCH BRACELETS AND PARTS THEREOF OF METAL OTHER THAN GOLD OR PLATINUM

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to watch bracelets and parts thereof of metal other than gold or platinum, heretofore scheduled for May 11, 1953 (17 F. R. 11357) be postponed to 10 a. m. June 15, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 10th day of April 1953.

Issued: April 13, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-3231; Filed, Apr. 15, 1953;
8:51 a. m.]

[Investigation 23]

MUSTARD SEEDS

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to mustard seeds, heretofore scheduled for May 18, 1953 (18 F. R. 1875) be postponed to 10 a. m. June 22, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 10th day of April 1953.

Issued: April 13, 1953.

[SEAL] DONN N. BENT,
Secretary.[F. R. Doc. 53-3280; Filed, Apr. 15, 1953;
8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 9-53]

OFFICE OF LEGAL COUNSEL

CHANGE IN NAME

APRIL 3, 1953.

The name of the Executive Adjudications Division, in the Department of Justice, is hereby changed to Office of Legal Counsel.

Order No. 3732, Supplement No. 54, issued by the Attorney General December 13, 1951, designating the office therein referred to as the Executive Adjudications Division, is modified accordingly.

HERBERT BROWNELL, Jr.
Attorney General.[F. R. Doc. 53-3291; Filed, April 15, 1953;
8:53 a. m.]

Office of Alien Property

[Vesting Order 19255]

REICHSBANK

In re: Debt owing to the Reichsbank, also known as Deutsche Reichsbank, and as Reichsbankdirektorium, F-28-25292-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That the Reichsbank, also known as Deutsche Reichsbank and as Reichsbankdirektorium, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a cash payment order dated January 2, 1940, from Reichsbank, Berlin, in the amount of \$158.00, Reference No. KL1045, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Reichsbank, also known as Deutsche Reichsbank and as Reichsbankdirektorium, the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.[F. R. Doc. 53-3245; Filed, Apr. 14, 1953;
8:57 a. m.]

[Vesting Order 14988, Amdt.]

ANNA BORCHERS

In re: Judgment rights owned by Anna Borchers, F-28-211.

Vesting Order 14988, dated August 11, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 of the aforesaid Vesting Order 14988, the title, "Anna Borchers

vs. Louise Pughelli, and Ralph Pughelli, also known as Pughelli" and substituting therefor the title, "Anna Borchers vs. Louise Pughelli, also known as Louise B. Pughelli, Ralph Pughelli, also known as Ralph Pughelli, and Gussie Lipson."

All other provisions of said Vesting Order 14988, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.[F. R. Doc. 53-3247; Filed, Apr. 14, 1953;
8:57 a. m.]

[Vesting Order 19257]

CHARLOTTE E. BARTHEL

In re: Rights of Charlotte E. Barthel, a/k/a Charlotte E. Schuller, under insurance contract, File No. F-28-32034-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.), 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charlotte E. Barthel, a/k/a Charlotte E. Schuller, whose last known address is 41 Rigaer Strasse, Berlin 0112, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 11 949 254, issued by the New York Life Insurance Company, New York, New York, to Charlotte E. Barthel, a/k/a Charlotte E. Schuller, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Charlotte E. Barthel, a/k/a Charlotte E. Schuller, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3299; Filed, Apr. 15, 1953;
8:54 a. m.]

[Vesting Order 19258]

N. V. INTERNATIONALE HANDEL MAATSCHAP-
PIJ "CONTROLA"

In re: Claim of N. V. Internationale Handel Maatschappij "Controla"

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany)

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

3. That N. V. Edmund Wagenknecht's Handelmaatschappij, the last known address of which is Heergracht 256 Amsterdam, Holland, is a corporation organized under laws of Holland which on or since December 11, 1941, and prior to January 1, 1947, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Clare Wagenknecht Stinnes, Sr., and is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

4. That the Union Trading and Financing Company, the last known address of which is Copenhagen, Denmark, is a corporation organized under the laws of Denmark which on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid N. V. Edmund Wagenknecht's Handelmaatschappij, Clare Wagenknecht Stinnes, Sr., Hugo Stinnes, Ernst Stinnes, Otto Stinnes, and Hilde

Fiedler and is and prior to January 1, 1947, was a national of a designated enemy country (Germany),

5. That the Atlantic Assets Corporation, is a corporation organized under the laws of the State of Delaware, which on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid Clare Wagenknecht Stinnes, Sr., Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, and Hilde Fiedler, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

6. That the Lantica Trading Company, Limited, the last known address of which is London, England, is a corporation organized under the laws of England which on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid Atlantic Assets Corporation, Union Trading and Financing Co., Clare Wagenknecht Stinnes, Sr., Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, and Hilde Fiedler and is and prior to January 1, 1947, was a national of a designated enemy country (Germany),

7. That N. V. Internationale Handel Maatschappij "Controla" the last known address of which is Amsterdam, The Netherlands, is a corporation organized under the laws of the Netherlands which on or since December 11, 1941, and prior to January 1, 1947, has been controlled by, or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid Union Trading and Financing Company, Atlantic Assets Corporation, and Lantica Trading Company, Limited, and is and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

8. That the property described as follows: All rights and interests in, to and under the claim of N. V. Internationale Handel Maatschappij "Controla" to an amount of \$60,000, formerly held by The Chase National Bank of the City of New York for the account of Lietuvos Bankas and transferred in May 1941 to the account of the Lithuanian Government with the Federal Reserve Bank of New York together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Internationale Handel Maatschappij "Controla" the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

9. That the Atlantic Assets Corporation, The Union Trading and Financing Company, the Lantica Trading Company, Limited, The N. V. Edmund Wagenknecht's Handelmaatschappij, and the N. V. Internationale Handel Maatschappij "Controla" are and prior to January 1, 1947, were controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons

within such country and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

10. That the national interest of the United States requires that the persons referred to in subparagraph 1, 2, 3, 4, 5, 6 and 7 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3300; Filed, Apr. 15, 1953;
8:55 a. m.]

[Vesting Order 19259]

HERMAN DUNKEL

In re: Estate of Herman Dunkel, deceased. File No. 017-27887.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Mueller, also known as Bernard Miller, Hermann Dunkel, Linda Schindler, Herman Volk, Maria Volk, Lena Volk Mueller, Amalie Fallert, Bernhard Fallert, Lina Herr and Joseph Fallert, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to funds on deposit in Account E-24615 in the name of Herman Dunkel, also known as H. Dunkel, Napa County Probate No. 6851 on the records of the California State Controller, for the benefit of Nicholas Dunkel, Bernard Miller, Caroline Fallert, Herman Volk, Maria Volk and Lena Volk, dated January 28, 1951, Document 4368 (102) is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliv-

erable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3301; Filed, Apr. 15, 1953;
8:55 a. m.]

[Vesting Order 19260]

G. CHARLES HOLTHAUS

In re: Trust under the will of G. Charles Holthaus, deceased for the benefit of Gerhard Robert Holthaus. File No. D-28-13166.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Gerhard Robert Holthaus, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is and prior to January 1, 1947 was a national of a designated enemy country (Germany).

2. That the property described as follows: All property in the possession or custody of or under the control of the Clerk of the Circuit Court of the City of St. Louis, St. Louis, Missouri, as depositary, pursuant to a decree of the Circuit Court of the City of St. Louis, made and entered on or about December 17, 1941, in the Matter of Gerhard Robert Holthaus, No. 54622 C upon the petition of William Rodiek, Sr., as trustee of the testamentary trust established under the will of G. Charles Holthaus, deceased, for the benefit of Ger-

hard Robert Holthaus, including but not limited to the sum of \$10,846.43 and any and all accretions thereto

is property which is and prior to January 1, 1947, was within the United States owned or controlled by payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

3. That such property is in process of administration by the Clerk of the Circuit Court of the City of St. Louis, St. Louis, Missouri, as depositary, acting under the judicial supervision of the Circuit Court of the City of St. Louis, St. Louis, Missouri;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3302; Filed, Apr. 15, 1953;
8:55 a. m.]

[Vesting Order 19261]

ANTON KIRNER

In re: Estate of Anton Kirner, deceased. File No. D-28-13167.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Maria Anna Elisabeth Igersheim, Maria Kirner, Leonie Franziska Kirner, Emilie Martha Kirner, Maria Magdalena Schaeffler, Robert Kirner and Emil Kirner, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Viktor Edmund Kirner, deceased, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Estate of Anton Kirner, deceased, is property which is and prior to January 1, 1947, was within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Hyman Wank, Public Administrator of Kings County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3303; Filed, Apr. 15, 1953;
8:55 a. m.]

[Vesting Order 19263]

ALLGEMEINE ELEKTRICITÄTS-
GESELLSCHAFT

In re: Account owned by Allgemeine Elektrizitäts-Gesellschaft, also known as General Electric Co., Germany F-28-4320.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive

Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Elektrizitäts-Gesellschaft, also known as General Electric Co., Germany, the last known address of which is Berlin, Germany, is a corporation, partnership, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, in the amount of \$6,746.60, as of August 10, 1951, arising out of cash held by the aforesaid The National City Bank of New York, in an account entitled Allgemeine Elektrizitäts-Gesellschaft maintained by the aforesaid bank, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allgemeine Elektrizitäts-Gesellschaft, also known as General Electric Co., Germany, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3305; Filed, Apr. 15, 1953; 8:55 a. m.]

[Vesting Order 19265]

LOUIS C. LA CROIX

In re: Bank account owned by the personal representatives, heirs, next of

No. 73—6

kin, legatees and distributees of Louis C. La Croix, also known as Johann Christian Ludwig La Croix, deceased. F-28-32095.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Louis C. La Croix, also known as Johann Christian Ludwig La Croix, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of the Illinois National Bank of Quincy, Quincy, Illinois, arising out of a demand account, entitled, Howard J. Wheeler, Administrator to Collect for Louis C. La Croix, maintained with the aforesaid Bank, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Louis C. La Croix, also known as Johann Christian Ludwig La Croix, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3307; Filed, Apr. 15, 1953; 8:56 a. m.]

[Vesting Order 19262]

AKTIESELSKABET KJOBENHAVNS
HANDELSBANK

In re: Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark, and owned by persons whose names are unknown. F-19-344.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is and prior to January 1, 1947, was property within the United States;

2. That the property described in subparagraph 1 hereof is and prior to January 1, 1947, was owned or controlled by payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are and prior to January 1, 1947, were nationals of a designated enemy country;

NOTICES

and it is hereby determined:

4. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

[SEAL]

PAUL V MYRON,
Deputy Director
Office of Alien Property.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

[SEAL]

PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3306; Filed, Apr. 15, 1953;
8:56 a. m.]

[Vesting Order 19260]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: Securities owned by unknown German nationals. F-28-30820.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons who own the property described in subparagraph 2 hereof, who, if individuals, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and, which if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation matured or unmatured evidenced by One (1) St. Louis Southwestern Railway Company First Mortgage Gold bond, due 1989, numbered 8735 and of \$1,000.00 face value, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond,

b. That certain debt or other obligation matured or unmatured evidenced by One (1) St. Louis Southwestern Railway Company Second Mortgage Certificate numbered 4661 and of \$1,000.00 face value, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said certificate, and

c. Those certain debts or other obligations matured or unmatured evidenced by Ten (10) certificates for 4¼% Corporate Stock of The City of New York, To Provide for the Supply of Water, Series W-17, due April 1, 1966, each of \$1,000 face value and numbered 7263 to 7272 inclusive, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said certificates,

is property which is and prior to January 1, 1947, was within the United States

EXHIBIT A

[Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account excluded from this vesting order ¹
J. Henry Schroder Banking Corp., 57 Broadway, New York 15, N. Y.	(a) Current account "Separate Account" (b) Securities in safe custody account "Separate Account" as described by J. Henry Schroder Banking Corp. in its report on Form OAP-700, bearing its serial No. 3.	\$2,493.67 which, according to a letter dated Nov. 2, 1951, from J. Henry Schroder Banking Corp., is identified as beneficially owned by Hungarian Commercial Bank of Pest.

¹ Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Nov. 2, 1951, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 53-3304; Filed, Apr. 15, 1953; 8:55 a. m.]

[Vesting Order 19264]

MAGDA MARIA BIORNSEN

In re: Securities owned by Magda Maria Biornsen. F-28-25560-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Magda Maria Biornsen, whose last known address is Mohrkirchosterholz, Schleswig Holsten, Germany, on or since December 11, 1941 and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One (1) German Central Bank for Agriculture Farm loan secured 6 Percent Gold Sinking Fund Bond Second Series of 1927 having a face value of \$1000, numbered M45416, and due October 15, 1960, said bond presently held by The National City Bank of New York, Yorkville Branch, 123 East 86th Street, New York 28, New York, in an account in the name of Magda Biornsen, together with any and all rights thereunder and thereto,

b. Twenty (20) dividend coupons detached from Reichsbank shares numbered 0529294, 0569744, 057190, 0581097, 0583204, 0649119, 0649137, 0723124,

0723125 and 0723127, said coupons numbered 17-1938 and 19-1939, presently held by The National City Bank of New York, Yorkville Branch, 123 East 86th Street, New York 28, New York, in an account in the name of Magda Biornsen, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Magda Maria Biornsen, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3308; Filed, Apr. 15, 1953; 8:56 a. m.]

[Vesting Order 19268]

HUGO STINNES, JR., ET AL.

In re: Securities owned by Hugo Stinnes, Jr., and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR, 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany)

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

3. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured, evidenced by one hundred twenty-seven (127) Hugo Stinnes Industries, Inc., 7 Percent 20 year Sinking Fund Gold Debentures, with an aggregate face value

of \$123,500.00, said debentures numbered and in the amounts listed below:

\$500 each

D-61	D-681
D-143	D-753
D-191	D-805
D-212	

\$1,000 each

M-59	M-4222	M-8539
M-60	M-4223	M-8644
M-61	M-4224	M-8773
M-80	M-4225	M-8718
M-151	M-4480	M-8887
M-201	M-4516	M-9038
M-225	M-4797	M-9165
M-301	M-4890	M-9236
M-328	M-4895	M-9420
M-438	M-5325	M-9740
M-447	M-5326	M-9741
M-489	M-5443	M-9742
M-491	M-5545	M-9767
M-498	M-5546	M-9768
M-748	M-5547	M-9769
M-1087	M-5548	M-9770
M-1245	M-6206	M-9771
M-1391	M-6229	M-9797
M-1459	M-6260	M-9914
M-1556	M-6261	M-10070
M-1662	M-6388	M-10132
M-1663	M-6652	M-10134
M-1664	M-6856	M-10135
M-1665	M-6886	M-10136
M-1707	M-6887	M-10222
M-1743	M-6888	M-10438
M-1744	M-6889	M-10458
M-1900	M-6890	M-10459
M-1901	M-6977	M-10693
M-1976	M-7346	M-10694
M-2415	M-7801	M-10615
M-2631	M-7802	M-10666
M-3536	M-7803	M-10748
M-3588	M-7804	M-10983
M-3589	M-7805	M-11042
M-3630	M-7806	M-11043
M-4068	M-7807	M-11151
M-4078	M-8366	M-11196
M-4095	M-8537	M-11197
M-4096	M-8538	M-11198

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures, and

b. Twenty-three (23) coupons due April 1, 1944, detached from Hugo Stinnes Industries, Inc. 7 percent 20 year Sinking Fund debentures numbered M-1034, 2064, 2853, 2913/15, 3543, 3691, 3729, 4501, 4799, 5445, 8206, 9927, 10061/9, said coupons presently in the custody of J. & W. Seligmann & Co., 65 Broadway, New York 6, New York, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany), and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

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

[F. R. Doc. 53-3310; Filed, Apr. 15, 1953; 8:56 a. m.]

[Vesting Order 19267]

W. VON SCHNITZLER

In re: Securities owned by and debts owing to W von Schnitzler, also known as W A. von Schnitzler and as Werner von Schnitzler. F-28-2586-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That W. von Schnitzler, also known as W A. von Schnitzler and as Werner von Schnitzler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Four Hundred (400) shares of stock of Tri Continental Corp., evidenced by certificates presently in the custody of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, in a blocked account for Wodan Handelsmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon.

b. Seven Hundred Ninety-Six (796) shares of stock of United Gas Corp., evidenced by certificates presently in the custody of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, in a blocked account for Wodan Handelsmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon.

c. Five Hundred Fifty-Three (553) shares of stock of Middle South Utilities, evidenced by certificates presently in the custody of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, in a blocked account for Wodan Handelsmaatschappij N. V., Rotterdam, together

with all declared and unpaid dividends thereon,

d. Five Hundred (500) shares of stock of Tri Continental Corp., evidenced by certificates presently in the custody of Herzfeld & Stern, 30 Broadway, New York, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

e. Fifty (50) shares of stock of New York Central Railroad, being a portion of one hundred (100) shares evidenced by a certificate numbered 406048 presently in the custody of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends on the aforesaid fifty shares,

f. Those certain 5 percent International Match Corp. 1941 debentures, stamped 30.4 percent having an aggregate face value of \$2,000.00 formerly allocable to N. V. West Europeesche Algemeene Trust Maatschappij, Rotterdam, and W von Schnitzler, and presently in the custody of Herzfeld & Stern, 30 Broadway, New York, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

g. Those certain 5 percent International Match Corp. 1947 debentures, stamped 30.4 percent having an aggregate face value of \$48,000.00 formerly allocable to N. V. West Europeesche Algemeene Trust Maatschappij, Rotterdam, and W. von Schnitzler, and pres-

ently in the custody of Herzfeld & Stern, 30 Broadway, New York, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

h. That certain debt or other obligation of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, representing funds formerly allocable to N. V. Algemeen Kantoor voor Commissie Zaken, Amsterdam, N. V. West Europeesche Algemeene Trust Maatschappij, Rotterdam, and W von Schnitzler, being a portion of the funds on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Carl M. Loeb Rhoades & Co., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, representing funds formerly allocable to N. V. Algemeen Kantoor voor Commissie Zaken, Amsterdam, N. V. West Europeesche Algemeene Trust Maatschappij, Rotterdam, and W von Schnitzler, being a portion of the funds on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, is property which is and prior to January 1, 1947, was within the United States

owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1953.

For the Attorney General.

[SEAL]

PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3309; Filed, Apr. 15, 1953; 8:56 a. m.]