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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 6.104 (a) (1) (7) and (10), (b) (3) and (e), § 6.106 (b) (1) and (2) and § 6.107 (a) (1) are revoked, and the excepted positions of private secretaries or confidential assistants to the Secretary of the Army, to the Under Secretary of the Army, and to each Assistant Secretary of the Army in § 6.105 (b) (1) are also revoked.

2. Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.304 *Department of Defense—(a) Office of the Secretary.* (1) Two confidential or special assistants and two confidential assistants (private secretaries) to the Secretary of Defense.

(2) One confidential assistant (private secretary) to the Deputy Secretary of Defense; the Assistant Secretary of Defense, Manpower and Personnel; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Chairman of the Research and Development Board; and the Defense Liaison Officer to the White House.

(b) *Office of Public Information.* (1) The Director.

(c) *Office of Psychological Policy.* (1) The Director.

§ 6.305 *Department of the Army—(a) Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) One deputy or special assistant to the Under Secretary and to each Assistant Secretary of the Army.

(3) One Department Counselor.

§ 6.306 *Department of the Navy—(a) Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary and two civilian aides or executive assistants to the Under Secretary

and to each Assistant Secretary of the Navy.

(2) One private or confidential secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Navy.

(3) One chauffeur for the Secretary of the Navy.

§ 6.307 - *Department of the Air Force—(a) Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) One private secretary to the Secretary, to the Under Secretary, to each Assistant Secretary of the Air Force, and one to each Special Assistant whose appointment is authorized under subparagraph (1) of this paragraph.

(3) The General Counsel and one Deputy General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] **WIL. C. HULL,**
Executive Assistant.

[F. R. Doc. 53-5724; Filed, June 29, 1953;
8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Export and Diversion Programs PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1952-53 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The terms and conditions of 1952-53 Commodity Credit Corporation Wheat and Wheat-Flour Export Program (17 F. R. 5625, 17 F. R. 6807) are amended as follows:

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 6 (\$1.50); Title 14: Part 400—end (Revised Book) (\$3.75); Title 32: Parts 1—699 (\$0.75); Title 38 (\$1.50); Title 43 (\$1.50); Title 46: Part 146—end (\$2.00)

Previously announced: Title 3 (\$1.75); Titles 4—5 (\$0.55); Title 7: Parts 1—209 (\$1.75), Parts 210—899 (\$2.25), Part 900—end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9—(\$0.40); Titles 10—13 (\$0.40); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22—23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80—169 (\$0.40), Parts 170—182 (\$0.65), Parts 183—299 (\$1.75); Title 26: Part 300—end, Title 27 (\$0.60); Titles 28—29 (\$1.00); Titles 30—31 (\$0.65); Title 32: Part 700—end (\$0.75); Title 33 (\$0.70); Titles 35—37 (\$0.55); Title 39 (\$1.00); Titles 40—42 (\$0.45); Titles 44—45 (\$0.60); Title 46: Parts 1—145 (Revised Book) (\$5.00); Titles 47—48 (\$2.00); Title 49: Parts 1—70 (\$0.50), Parts 71—90 (\$0.45), Parts 91—164 (\$0.40), Part 165—end (\$0.55); Title 50 (\$0.45)

Order from
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Section 571.231 is amended by changing the final date for sales from June 30, 1953 to July 31, 1953, so that the amended section reads as follows:

§ 571.231 *Time of sale.* Sales entered into after the date of this subpart and not later than July 31, 1953, for recording against the 1951-52 or 1952-53 Wheat Agreement year quotas, are eligible for payment under this subpart. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment. Under no circumstances shall a sale be considered as

entered into until the purchase price has been established. The time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 571.255 (a) and present document evidence that the sale was consummated at such time.

(Secs. 2, 3, 63 Stat. 945, 946, sec. 104, 64 Stat. 103; 7 U. S. C. Sup. 1641, 1642)

Dated this 26th day of June 1953.

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

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-5728; Filed, June 29, 1953; 8:45 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Amdt. 1]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1953 CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

PMA COMMODITY OFFICES

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1960, and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1953 are amended as follows:

Section 601.21 *PMA Commodity offices* is deleted in its entirety and superseded by the following § 601.21.

§ 601.21 *PMA Commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue; Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 2, Tex., 1114 Commerce Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Portland 5, Oreg., 515 Southwest Tenth Avenue; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat.

1072, secs. 101, 301, 401, 63 Stat. 1651, 63 Stat. 753, 16 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1447, 1421)

Issued this 22d day of June 1953.

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

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-5703; Filed, June 29, 1953; 8:47 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 2, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP OATS RESEAL LOAN PROGRAM

PMA COMMODITY OFFICES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3526 and 4835, and 18 F. R. 2911, and containing the specific requirements for the 1952-crop oats reseal loan program is hereby amended as follows:

Section 601.1833 *PMA commodity offices* is deleted in its entirety and superseded by the following § 601.1833:

§ 601.1833 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue; Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 2, Tex., 1114 Commerce Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Portland 5, Oreg., 515 Southwest Tenth Avenue; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714c; 7 U. S. C. Sup., 1447, 1421)

Issued this 24th day of June 1953.

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

Approved:

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

[F. R. Doc. 53-5702; Filed, June 29, 1953; 8:47 a. m.]

[1953 C. C. Farm-Storage Facility Loan Program Bulletin 1]

PART 674—FARM-STORAGE FACILITIES
SUBPART—FARM-STORAGE FACILITY LOAN PROGRAM

This bulletin states the requirements with respect to the Farm-Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA") The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.	
674.200	Administration.
674.201	Availability of loans.
674.202	Approved lending agencies.
674.203	Eligible borrowers.
674.204	Eligible structures.
674.205	Terms and conditions of loan.
674.206	Disbursement of loan.
674.207	Service charge.
674.208	Sale and conveyance of security.

AUTHORITY: §§ 674.200 to 674.208 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 674.200 *Administration.* The program will be administered by PMA, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county PMA committees (hereinafter called State and county committees) State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart.

§ 674.201 *Availability of loans—(a) Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted at any time from June 30, 1953 to June 30, 1954.

(c) *Source.* All forms and documents will be made available through the offices of county committees. Disbursements of loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the county committees.

§ 674.202 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans, on a form prescribed by CCC.

§ 674.203 *Eligible borrowers.* Any person who, as tenant, landlord, or land owner-operator, produces one or more of the commodities listed in § 674.204, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing and erecting or constructing a facility, will be eligible for loans for the purchase and erection or construction of eligible storage facilities needed by them, except that tenants will not be eligible for loans on immovable facilities unless the property on which the facility is to be located is held under an assignable long term lease (i. e., a lease which will run at least ten years beyond maturity of the loan) and the tenant has obtained,

either in the lease or separately the written consent of the owner of the land to construct the facility thereon. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.204 *Eligible structures.* (a) New farm storage facilities of movable or immovable type, and additions to existing immovable facilities, which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date application is made, and used farm storage facilities which CCC previously acquired by foreclosure or other means under this program, will be eligible under this program provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds and winter cover crop seeds produced by or on land owned by the eligible borrower. Loans for the construction of immovable facilities for cottonseed, soybeans, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds and winter cover crop seeds, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available (1) for the repair, remodeling, refinancing, or maintenance of existing facilities, (2) for the purchase of secondhand facilities (except as specifically provided in this subpart) (3) to provide storage facilities for commodities which the borrower intends to purchase or store for others, (4) or to provide storage facilities which the borrower intends to lease to others, except in the case of landlords who lease the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.205 *Terms and conditions of loans—(a) Maximum term of loan.* The maximum term of the loan will be approximately four years from the first anniversary date of the first disbursement of the loan, except that the term of an individual loan may be extended for one year or less by the county committee in case of catastrophic losses of crops or other conditions beyond the control of the borrower. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitutes a salable unit. A first mortgage will be required except that where a first mortgage is not obtainable, a second mortgage loan may be made provided the prior lien on the farm is small enough that the borrow-

er's equity in the farm, in the opinion of the county committee, is sufficient to assure his continued tenure of the farm, and provided the prior lien-holder subordinates his lien as to the structure and the site on which it is located, with the right of ingress and egress to the storage facility. No second mortgage loans will be made on structures not located on the farm.

(b) *Amount of loan.* (1) The maximum amount loaned on any new farm storage facility shall be \$30.00 per ton of the rated storage capacity for cottonseed and forty-five cents per bushel for all other commodities, or eighty percent of the cost incurred which ever is less. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated. In determining the cost incurred, the applicants and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded.

(2) The maximum amount to be loaned on any farm storage facility which CCC had previously acquired by foreclosure or other means under the program shall be forty-five cents per bushel of capacity. *Provided,* That such amount shall not exceed eighty percent of the price of purchase from Commodity Credit Corporation.

(3) In computing the capacity of the storage facility, two and one-half cubic feet shall be considered equivalent to one bushel of ear corn, ninety cubic feet equivalent to one ton of cottonseed, and one and one-fourth cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest at four percent per annum on the unpaid balance. The first installment including interest shall be payable during the twelve months period beginning on the first anniversary date of the first disbursement of the loan, out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture, and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal together with interest thereon, has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Unless an extension is granted by Commodity Credit Corporation in writing, each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve months pay period, and failure to pay any installment by the thirtieth day after the end of such period, or extension

thereof, shall mature all installments then unpaid and the entire unpaid amount of the note without demand, notice, or other action, shall become immediately due and payable, and the borrower shall be personally liable for the entire amount remaining unpaid on the loan. Any delinquent loan may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds, i. e. funds other than CCC funds, when the loan is held by a lending agency. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under the mortgage or other security instrument securing the note, or under any other instruments executed in connection with the loan, the holder, at its option, may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

(d) *Insurance.* Insurance will be required on all immovable storage facility loans, regardless of the amount of the loan and with coverage for hazards existent in the area. Insurance will also be required on all movable facility loans on which the amount loaned was \$1,000 or more and on loans under \$1,000, when required by the State committee of any State. All insurance shall be maintained during the life of the loan and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of the note secured by the storage facility as their interests may appear.

(e) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid. The borrower shall not use the facility for any purpose other than the storage of the commodities listed in § 674.204 (a) in the production of which he has an interest without the written consent of the county committee, except that landlords may rent the facility, for the storage of any of such commodities, together with the land on which the commodity to be stored in such facility is produced.

§ 674.206 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee. In

the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility by the county committee or on a partial advance plan, as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 674.207 *Service charge.* There shall be collected from the applicant at the time the application is made, a service charge of eighteen cents per ton of the rated storage capacity of the structure to be acquired or erected for the storage of cottonseed and a charge of one-fourth cent per bushel of the rated storage capacity for all other commodities; but in no case shall the charge be less than \$2.50. If the loan is rejected or is not completed, the minimum charge of \$2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.208 *Sale or conveyance of security.* When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 24th day of June 1953.

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

Approved:

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

[F. R. Doc. 53-5729; Filed, June 29, 1953;
8:52 a. m.]

PART 674—FARM STORAGE FACILITIES

SUBPART—1953 PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program To Finance the Purchase of Drying Equipment for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.

- 674.230 Administration.
- 674.231 Availability of loans.
- 674.232 Approved lending agencies.
- 674.233 Eligible borrowers.
- 674.234 Eligible equipment.
- 674.235 Terms and conditions of loan.
- 674.236 Disbursement of loans.
- 674.237 Service charges.
- 674.238 Sale or conveyance of security.

AUTHORITY: §§ 674.230 to 674.238 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 6, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c.

§ 674.230 *Administration.* The program will be administered by PMA, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county PMA committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements hereto.

§ 674.231 *Availability of loans—(a) Area.* Loans will be available in any State in the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1953, through June 30, 1954.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Application for loans shall, in either case, be made to the county committee.

(d) *Approved forms.* All forms and documents will be made available through offices of county committees.

§ 674.232 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans, on the form prescribed by CCC.

§ 674.233 *Eligible borrowers.* A person shall be eligible for a loan for the purchase of eligible equipment provided such person (a) is a tenant, landlord, or landowner-operator who produces one or more of the commodities listed in § 674.234, or a landowner who rents for cash his land on which one or more of such commodities are produced, and (b) has facilities for the storage of one or more of such commodities suitable for adaptation to artificial drying and needs such eligible equipment in connection with the utilization of such facilities. Any two or more such persons may join together in purchasing such equipment. The term "person" as used in this sec-

tion means an individual, partnership, corporation, or other legal entity.

§ 674.294 *Eligible equipment.* Mobile drying equipment (such as air-circulators, ventilators, tunnels and power-fans, or any combination thereof, and mechanical driers of a mobile type) will be eligible equipment under this program provided such mobile drying equipment will be used in connection with the conditioning of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, cottonseed, hay seeds, pasture seeds, and winter cover crop seeds. Equipment for use in connection with the conditioning of commodities which the borrower intends to purchase or to store for others shall not be eligible equipment.

§ 674.295 *Terms and conditions of loan—(a) Term.* The maximum term of the loan will be for a period of approximately three years, except that the term of particular loans may be extended, at the option of CCC, under conditions prescribed by the Executive Vice President, CCC. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the mobile drier and/or equipment, or by other security instruments approved by CCC.

(b) *Amount of loan.* The maximum amount to be loaned on any single mobile drier, or any mobile equipment suitable for the conditioning of grain shall not exceed seventy-five percent of the delivered and assembled cost of such drier or equipment, exclusive of farm-labor costs.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning on the first anniversary date of the disbursement of the loan, and a like principal payment plus interest shall be due on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. The notes securing loans will provide for acceleration in event of default under conditions set forth therein. Any unpaid amount on a delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds when the loan is held by a lending agency. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee should be requested to release the mortgage of record by filing an instrument of release or by a marginal release on the county records. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage. The chairman of each county committee is authorized to act as agent of CCC in executing or obtaining such releases.

(d) *Insurance.* The borrower will be required to provide insurance in an amount sufficient to cover the loan and with coverage for fire and other hazards

common to the area for such equipment as determined necessary by the county committee. The insurance shall be maintained during the life of the loan, shall contain a loss payable clause in favor of the holder of the note and CCC, as their interest may appear, and the cost shall be borne by the borrower.

§ 674.296 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or direct by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by County PMA Offices.

§ 674.297 *Service charges.* A service charge of \$2.50 or one-half of 1 percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of \$2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.298 *Sale or conveyance of security.* When a borrower desires to sell or convey the mobile drying equipment without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mobile drying equipment located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 26th day of June 1953.

M. B. BRASWELL,
*Acting Executive Vice President,
Commodity Credit Corporation.*

Approved:

JOHN H. DAVIS,
*President,
Commodity Credit Corporation.*

[F. R. Doc. 53-5798; Filed, June 28, 1953;
11:30 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 40]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordi-

nated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. 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 610 is amended as follows:

1. Section 610.255 *Red civil airway No. 55* is amended by adding:

From—	To—	Minimum altitude
Mid Lake (INT), Ill...	South Bend, Ind. (LFR).	2,300

2. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Morgan Hill (INT), Calif. ¹	Evergreen, Calif. (LF/RBN).	5,000
Evergreen, Calif. (LF/RBN).	Oakland, Calif. (LFR).	5,000

¹6,000'—Minimum crossing altitude at Morgan Hill (INT), eastbound.

3. Section 610.644 *Blue civil airway No. 44* is amended to read in part:

From—	To—	Minimum altitude
Advance, Mo. (LFR)..	Paducah, Ky. (LF/RBN).	1,700

4. Section 610.1001 *Direct routes, United States* is amended to read in part:

From—	To—	Minimum altitude
New Rochelle, N. Y. (LF/RBN).	Paterson, N. J. (LF/RBN).	2,000
New York (La Guardia), N. Y. (LF/RBN) (LOM).	Paterson, N. J. (LF/RBN).	2,500
Kansas City, Mo. (LFR).	Columbia, Mo. (LFR)	4,000
Baldwin City (INT), Kans.	Topeka, Kans. (LF/RBN).	2,400

5. Section 610.1001 *Direct routes, United States* is amended by adding:

From—	To—	Minimum altitude
Ollinton (INT), Kans..	Topeka, Kans. (LF/RBN).	2,400
Ottawa (INT), Kans...	Forbes AFB, Kans. (LFR).	2,400
Vinland (INT), Kans..	Topeka, Kans. (LF/RBN).	2,400

6. Section 610.1001 *Direct routes, United States* is amended to eliminate:

From—	To—	Minimum altitude
Little Rock, Ark. (LFR).	St. Louis, Mo. (LFR).	3,000
Moorecroft, Wyo. (VOR).	Sheridan, Wyo. (VOR).	7,000
Rapid City, S. Dak. (VOR). ¹	Moorecroft, Wyo. (VOR).	9,000
Springfield, Mo. (VOR), via direct radial.	Flippin, Ark. (VOR) via direct radial.	2,700
Hill City, Kans. (VOR).	Hutchinson, Kans. (VOR).	2,500
Topeka, Kans. (LFR/RBN).	Baldwin City (INT), Kans.	2,400

¹ 7,500'—Minimum crossing altitude at Rapid City (VOR), westbound.
² 4,000'—Minimum terrain clearance altitude.

7. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Baker, Oreg. (VOR)--- Malad City, Idaho (VOR).	Boise, Idaho (VOR)--- Rock Springs, Wyo. (VOR).	9,000 13,850

¹ 12,000'—Minimum terrain clearance altitude.

8. Section 610.6010 *VOR civil airway No. 10* is amended to read in part:

From	To	Minimum altitude
Bradford, Ill. (VOR), via S. alter.	Int. 75° T. rad. Bradford, Ill. (VOR), and 227° T. rad. Naperville, Ill. (VOR), via S. alter.	13,200
Int. 75° T. rad. Bradford, Ill. (VOR) and 227° T. rad. Naperville, Ill. (VOR)—via S. alter.	Naperville, Ill. (VOR), via S. alter.	2,000
Bradford, Ill. (VOR), direct.	Naperville, Ill. (VOR), direct.	2,000
Litchfield, Mich. (VOR), via N. alter.	Int. 61° T. rad. Litchfield, Mich. (VOR), and 276° T. rad. Detroit, Mich. (VOR), via N. alter.	2,400
Int. 61° T. rad. Litchfield, Mich. (VOR), and 276° T. rad. Detroit, Mich. (VOR), via N. alter.	Detroit, Mich. (VOR), via N. alter.	13,500
Litchfield, Mich. (VOR).	Detroit, Mich. (VOR).	2,400

¹ 13,200'—Minimum reception altitude.
² 2,500'—Minimum terrain clearance altitude.

9. Section 610.6042 *VOR civil airway No. 42* is amended by adding:

From—	To—	Minimum altitude
Naperville, Ill. (VOR).	Pullman, Mich. (VOR).	2,300

10. Section 610.6068 *VOR civil airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
San Angelo, Tex. (VOR).	Junction, Tex. (VOR).	3,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 53 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 30, 1953.

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

[F. R. Doc. 53-5692; Filed, June 29, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 6007]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EXPERT RAYON CO., INC., ET AL.

Subpart—*Misbranding or mislabeling: § 3.1190 Composition; Wool Products Labeling Act; § 3.1325 Source or origin—Maker or seller—Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 3.1845 Composition—Wool Products Labeling Act; § 3.1900 Source or origin—Wool Products Labeling Act; § 3.1890 Safety. I. In connection with the offering for sale, sale, or distribution in commerce of fabrics composed of rayon or other fibers or any combination thereof, (1) offering for sale or selling any fabric that is highly flammable without clearly stating thereon that it is highly flammable; and, II, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as defined in the Wool Products Labeling Act of 1939, of wool jersey fabrics or other wool products, as such products are defined in and subject to said act, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as there defined, misbranding such products by (1) Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted in*

paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations thereunder.

(Sec. 6, 38 Stat. 722, ccc. 6, 54 Stat. 1131; 16 U. S. C. 46, 63d. Interpret or apply sec. 5, 38 Stat. 719, as amended, ccc. 2-5, 54 Stat. 1123-1130; 16 U. S. C. 45, 62-63c) [Cease and desist order, Expert Rayon Company, Inc., et al., Jamaica, Long Island, N. Y., Docket 6007, April 30, 1953]

In the Matter of Expert Rayon Company, Inc., a Corporation, and Sol Kokol and Harry Irwin, Individually and as Officers of Said Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939. / It was disposed of, as announced by the Commission's "Notice" dated May 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on April 30, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts¹ and conclusion,² reads as follows:

It is ordered, That the respondents, Expert Rayon Company, Inc., a corporation, and its officers and Sol Kokol and Harry Irwin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fabrics composed of rayon or other fibers or any combination thereof, do forthwith cease and desist from:

1. Offering for sale or selling any fabric that is highly flammable without clearly stating thereon that it is highly flammable.

It is further ordered, That the respondents, Expert Rayon Company, Inc., a corporation, and its officers, and Sol Kokol and Harry Irwin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Wool Products Labeling Act, of wool jersey fabrics or other wool products, as such products are defined in and subject to the said act, which products contain, purport to contain or in any way are represented as

¹ Filed as part of the original document.

containing "wool," "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with said order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 30th day of April, A. D. 1953.

Issued: May 5, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-5726; Filed, June 29, 1953; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 505—REGULATIONS PROHIBITING TRANSACTIONS INVOLVING THE SHIPMENT OF CERTAIN MERCHANDISE BETWEEN FOREIGN COUNTRIES

The following regulations are issued to prohibit persons in this country from purchasing or selling or arranging the purchase or sale of strategic commodities outside the United States for ultimate shipment to the Soviet bloc.

These regulations supplement the export control laws which provide for control of exports from the United States

to the Soviet bloc but which do not prohibit shipments of commodities from foreign countries which are arranged by persons in the United States.

Sec.	
505.10	Prohibitions.
505.20	Definitions.
505.30	Licenses.
505.40	Records and reports.
505.50	Penalties.
505.60	Procedures.

AUTHORITY: §§ 505.10 to 505.60 issued under sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.

§ 505.10 *Prohibitions.* Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, no person within the United States, for his own account or that of another, may purchase or sell or arrange the purchase or sale of any merchandise in any foreign country or obtain from any banking institution a credit or payment in connection therewith if (a) the transaction involves the shipment from any foreign country of any merchandise directly or indirectly to any destination within a country on the schedule set forth in this section, and (b) the merchandise is included in the Positive List of Commodities set forth in Part 399 of Title 15 of the Code of Federal Regulations and is identified on that list by the letter "A" in the column headed "Commodity Lists" or is of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in §§ 370.5, 370.6, and 370.7 of Title 15 of the Code of Federal Regulations.

SCHEDULE

Albania.
Bulgaria.
China (Communist controlled).
Czechoslovakia.
Estonia.
Germany (only those areas under control or administration of the Union of Soviet Socialist Republics or Poland).
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Roumania.
Tibet.
Union of Soviet Socialist Republics.

The effective date of this section is June 29, 1953.

§ 505.20 *Definitions.* For definitions of certain terms used in § 505.10, see Subpart C, Part 500, of this chapter.

§ 505.30 *Licenses.* No regulation, ruling, instruction or license authorizes a transaction prohibited by § 505.10 unless the regulation, ruling, instruction or license is issued by the Treasury Department and specifically refers to that section.

§ 505.40 *Records and reports.* For provisions relating to records and reports, see §§ 500.601 and 500.602 of this chapter.

§ 505.50 *Penalties.* For provisions relating to penalties, see § 500.701 of this chapter.

§ 505.60 *Procedures.* For provisions relating to procedures, see §§ 500.801 (b) (2) (3) (4) (5) and (6) 500.803, 500.804, 500.805, 500.806, and 500.807 of this chapter.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53-5722; Filed, June 29, 1953; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[DMS Regulation No. 1, Direction 1 as Amended June 29, 1953]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 1—LIMITATIONS ON AUTHORITY TO ACQUIRE NICKEL-BEARING STAINLESS STEEL FOR PURPOSES OTHER THAN CONSTRUCTION

This amended direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 1 of April 30, 1953 (18 F. R. 2547), to DMS Regulation No. 1 as follows: Sections 5 (b) and 7 are amended to provide that persons subject to NPA Order M-46, M-46A, M-46B, or M-50 shall not place authorized controlled material orders after June 30, 1953, for third quarter deliveries of nickel-bearing stainless steel unless they have received prior authorization.

Sec.

1. What this direction does.
2. Definition.
3. Applicability of other regulations and orders.
4. Limitation on authority of manufacturers of Class B products to place authorized controlled material orders for third quarter deliveries of nickel-bearing stainless steel for the production of Class B products.
5. Limitation on authority to place authorized controlled material orders for third quarter deliveries of nickel-bearing stainless steel for certain purposes.
6. Orders for third quarter deliveries of nickel-bearing stainless steel which are not authorized controlled material orders.
7. Applications for additional quantities of nickel-bearing stainless steel.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 8, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this direction does. This direction modifies and limits the authority pursuant to which manufacturers of Class B products may acquire

nickel-bearing stainless steel for delivery in the third calendar quarter of 1953, for use in the production of Class B products to fill unrated orders. It also modifies and limits the authority pursuant to which persons may acquire nickel-bearing stainless steel for delivery in the third calendar quarter of 1953, for uses other than production of Class A and Class B products or construction. It provides that, on or before May 15, 1953, orders for nickel-bearing stainless steel calling for delivery in the third calendar quarter of 1953, which are not authorized controlled material orders, must be converted to authorized controlled material orders to the extent to which authority to place such orders is granted by this direction.

Sec. 2. Definition. As used in this direction, "unrated order" means a delivery order for any product or material other than a controlled material which does not bear an authorized rating and the certification required by any regulation or order of NPA.

Sec. 3. Applicability of other regulations and orders. The provisions of all NPA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect. The provisions of DMS Regulation No. 1 regarding the making and use of allotments and the placing of authorized controlled material orders, except as otherwise provided in this direction, shall apply to operations under this direction.

Sec. 4. Limitation on authority of manufacturers of Class B products to place authorized controlled material orders for third quarter deliveries of nickel-bearing stainless steel for the production of Class B products. (a) Except where otherwise specifically provided by NPA, a manufacturer of Class B products who requires nickel-bearing stainless steel for delivery in the third calendar quarter of 1953 for the production of Class B products is hereby authorized to place authorized controlled material orders for deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953, in the following amounts:

(1) For the production of Class B products, other than to fill rated orders, an amount equal to that portion of his authority to place authorized controlled material orders for deliveries of nickel-bearing stainless steel in the second calendar quarter of 1953, for the production of Class B products, with respect to which he is not authorized to use the program identification B-5 as a suffix; and

(2) For the production of Class B products to fill rated orders, the amount which he is permitted to acquire by self-authorization pursuant to the provisions of section 9 of DMS Regulation No. 1.

(b) The authority to place authorized controlled material orders for deliveries of nickel-bearing stainless steel for the production of Class B products granted

by paragraph (a) of this section shall be in lieu of all authority to place authorized controlled material orders for such purpose previously granted for the third calendar quarter of 1953, including allotment, automatic allotment pursuant to Direction 18 to CMP Regulation No. 1, and self-authorization pursuant to Direction 17 to CMP Regulation No. 1.

(c) Any person placing authorized control material orders pursuant to subparagraph (1) of paragraph (a) of this section shall do so in the manner prescribed by DMS Regulation No. 1, and shall indicate thereon the allotment number SS, followed by the quarterly designation 3Q53. He may also make allotments of nickel-bearing stainless steel to a person manufacturing Class A product components for him, in the manner prescribed by DMS Regulation No. 1, but he shall not authorize production schedules. Such allotments shall bear the allotment number SS, followed by the quarterly designation 3Q53.

Sec. 5. Limitation on authority to place authorized controlled material orders for third quarter deliveries of nickel-bearing stainless steel for certain purposes. (a) Any person, other than a person specified in paragraph (b) of this section, who requires nickel-bearing stainless steel for a particular use other than export, production of Class A and Class B products, or construction, is hereby authorized to place authorized controlled material orders calling for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953, for each such use, in an amount no greater than (1) the quantity received for the particular use pursuant to authorized controlled material orders, identified other than by a program identification consisting of the letter A, B, C, or E, and one digit, calling for delivery of nickel-bearing stainless steel in the first calendar quarter of 1953, or (2) the quantity needed for the particular use for which the authority to place such orders was granted, whichever is less. Except where otherwise specifically provided by NPA, authority to place authorized controlled material orders for nickel-bearing stainless steel granted pursuant to this paragraph shall be in lieu of all authority heretofore granted to place authorized controlled material orders for deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953, for particular uses other than export, production of Class A and Class B products, or construction.

(b) Any person subject to the provisions of NPA Order M-46, M-46A, M-46B, or M-50 immediately prior to their revocation, shall obtain his requirements of nickel-bearing stainless steel for delivery in the third calendar quarter of 1953 for the use or uses authorized by said orders in accordance with the provisions thereof: *Provided, however*, That any such person shall not, after June 30, 1953, place authorized controlled material orders for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953 for such use or uses, unless he has received authorization pursuant to paragraph (c) of section 7 of this direction.

(c) Authority granted pursuant to this section may be used to place authorized controlled material orders for deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953 pursuant to the provisions of DMS Regulation No. 1 by use of the program identification SS, followed by the quarterly designation 3Q53.

Sec. 6. Orders for third quarter deliveries of nickel-bearing stainless steel which are not authorized controlled material orders. Any person who has placed or who places an order for nickel-bearing stainless steel, calling for delivery in the third calendar quarter of 1953, which is not an authorized controlled material order and which has been or is accepted by a controlled materials producer, shall convert such order into an authorized controlled material order, to the extent to which he has authority to place authorized controlled material orders pursuant to section 4 or section 5 of this direction. Such conversion shall be accomplished by furnishing the supplier with a revised copy of the order indicating thereon the program identification SS, followed by the quarterly designation 3Q53, and bearing the certification provided for in section 20 of DMS Regulation No. 1, or by furnishing the supplier with information in writing clearly identifying the order and bearing such program identification, quarterly designation, and certification. A controlled materials producer who receives such a revision on or before May 15, 1953, shall consider the converted order an authorized controlled material order as of the date of the original acceptance of the order, and shall fill such converted order in preference to other orders, previously or subsequently received, calling for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953 which are not authorized controlled material orders. Subject to lead-time provisions, authorized controlled material orders calling for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953 must be accepted and filled by a controlled materials producer in preference to other orders, previously or subsequently received, calling for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953 which are not authorized controlled material orders.

Sec. 7. Applications for additional quantities of nickel-bearing stainless steel. Except as provided in paragraph (c) of this section, any person who requires deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953, for purposes other than construction or export, in an amount greater than that permitted by the provisions of this direction may apply for authority to place authorized controlled material orders for the additional amount he needs by letter in triplicate addressed to the National Production Authority, Washington 25, D. C., Ref: Direction 1 to DMS Regulation No. 1. Such letter must contain full and complete information regarding the following:

(a) If the applicant requires the additional nickel-bearing stainless steel for the production of Class B products:

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- (1) A description of the products.
- (2) The portion of his authority to place authorized controlled material orders for deliveries of nickel-bearing stainless steel in the second calendar quarter of 1953, with respect to which the use of the program identification B-5 as a suffix was not permissible.
- (3) His anticipated or actual production for each of the second and third calendar quarters of 1953, of the products referred to in subparagraph (1) of this paragraph to fill orders not identified by a program identification consisting of the letter A, B, C, D, or E, and one digit (including the program identification B-5 where it appears as a suffix)
- (4) The additional quantity of nickel-bearing stainless steel required for delivery in the third calendar quarter of 1953 to fill unrated orders for the products referred to in subparagraph (1) of this paragraph.
- (b) If the applicant, other than a person specified in paragraph (b) of section 5 of this direction, requires the additional nickel-bearing stainless steel for uses other than export, the production of Class A and Class B products, or construction:
- (1) The use for which the additional nickel-bearing stainless steel is required.
- (2) His receipts of nickel-bearing stainless steel for the use specified in subparagraph (1) of this paragraph pursuant to authorized controlled material orders calling for delivery in the first calendar quarter of 1953.
- (3) The additional quantity of nickel-bearing stainless steel required for delivery in the third calendar quarter of 1953 for the use specified in subparagraph (1) of this paragraph.
- (4) The regulation or order (whether in effect or revoked) pursuant to which he was authorized to place authorized controlled material orders for nickel-bearing stainless steel calling for delivery in the first calendar quarter of 1953 for the purpose specified in subparagraph (1) of this paragraph.
- (c) Any person who requires deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953 for a use or uses, other than construction, specified by NPA Order M-46, M-46A, M-46B, or M-50 (whether in effect or revoked) in an amount greater than that permitted by paragraph (b) of section 5 of this direction may apply for authority to place authorized controlled material orders for the additional amount he needs by letter in triplicate addressed to the Petroleum Administration for Defense (for uses specified in NPA Order M-46, M-46A, or M-46B) or the Office of Assistant Secretary of Interior, Water and Power, Department of Interior (for uses specified in NPA Order M-50) Washington 25, D. C., Ref: Direction 1 to DMS Regulation No. 1. Such letter must contain full and complete information regarding the following:
- (1) The use for which the additional nickel-bearing stainless steel is required.
- (2) The additional quantity of nickel-bearing stainless steel required for delivery in the third calendar quarter of 1953 for the use specified in subparagraph (1) of this paragraph.

(3) The order (whether in effect or revoked) pursuant to which he was authorized to place authorized controlled material orders for nickel-bearing stainless steel calling for delivery in the third calendar quarter of 1953 for the purpose specified in subparagraph (1) of this paragraph.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5778; Filed, June 29, 1953;
8:53 a. m.]

[DMS Regulation No. 2, Direction 1, as
Amended June 29, 1953]

DMS REG. 2—CONSTRUCTION UNDER THE
DEFENSE MATERIALS SYSTEM

DIR. 1—LIMITATIONS ON AUTHORITY TO AC-
QUIRE NICKEL-BEARING STAINLESS STEEL
FOR USE IN CONSTRUCTION

This amended direction under DMS Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amended direction differs from Direction 1 of April 30, 1953 (18 F. R. 2549) to DMS Regulation No. 2 in the following respects: Sections 5 and 7 are amended to provide that a person subject to NPA Order M-46, M-46A, M-46B, or M-50 shall not place authorized controlled material orders after June 30, 1953, for third quarter deliveries of nickel-bearing stainless steel unless he has received prior authorization.

Sec.

1. What this direction does.
2. Applicability of other regulations and orders.
3. Third and subsequent quarter requirements of nickel-bearing stainless steel for use in construction pursuant to schedules identified by symbol A, B, C, D, or E.
4. Third quarter requirements of nickel-bearing stainless steel for use in construction pursuant to schedules identified other than by symbol A, B, C, D, or E.
5. Third quarter requirements of nickel-bearing stainless steel for use in construction by persons subject to NPA Order M-46, M-46A, M-46B, or M-50.
6. Third quarter requirements of nickel-bearing stainless steel for use in construction without prior authorization.
7. Application for allotment of nickel-bearing stainless steel for delivery in third quarter for use in construction.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec.

101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction explains how a person may obtain his requirements of nickel-bearing stainless steel for use in construction for delivery in the third calendar quarter of 1953. Direction 1 to DMS Regulation No. 1, issued concurrently herewith, sets forth the rules applicable to controlled materials producers in accepting, and in making delivery against, orders for nickel-bearing stainless steel for delivery in the third calendar quarter of 1953.

SEC. 2. *Applicability of other regulations and orders.* The provisions of all NPA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect. The provisions of DMS Regulation No. 2 regarding the making and use of allotments and the placing of authorized controlled material orders, except as otherwise provided in this direction, shall apply to operations under this direction.

SEC. 3. *Third and subsequent quarter requirements of nickel-bearing stainless steel for use in construction pursuant to schedules identified by symbol A, B, C, D, or E.* An owner or a contractor who has an authorized construction schedule bearing a program identification consisting of the letter A, B, C, D, or E, and one digit, shall obtain his requirements, for delivery after the second calendar quarter of 1953, of nickel-bearing stainless steel and of Class A products containing nickel-bearing stainless steel, needed to fill his authorized construction schedule, in accordance with the provisions of DMS Regulation No. 2.

SEC. 4. *Third quarter requirements of nickel-bearing stainless steel for use in construction pursuant to schedules identified other than by symbol A, B, C, D, or E.* (a) An owner or a contractor, except an owner or a contractor specified in section 5 of this direction, who has an authorized construction schedule identified other than by a program identification consisting of the letter A, B, C, D, or E, and one digit, may use his authority to place authorized controlled material orders for nickel-bearing stainless steel and Class A products containing nickel-bearing stainless steel, calling for delivery in the third calendar quarter of 1953 only, pursuant to the provisions of DMS Regulation No. 2, indicating on such orders the allotment number SS, followed by the quarterly designation 3Q53. Such an owner or contractor may in the manner prescribed by DMS Regulation No. 2, make allotments of nickel-bearing stainless steel to persons producing Class A products for him, but he shall not authorize production schedules. Such allotments shall bear the allotment number SS, followed by the quarterly designation 3Q53. A producer of Class A products so receiving an allotment of nickel-bearing stainless steel may use it to place authorized controlled material orders for nickel-bearing stainless steel,

calling for delivery in the third calendar quarter of 1953 only, pursuant to the provisions of DMS Regulation No. 2, indicating on such orders the allotment number SS, followed by the quarterly designation 3Q53.

(b) If the requirements of any such owner or contractor for nickel-bearing stainless steel for delivery in the third calendar quarter of 1953 to fulfill his authorized construction schedule, including the requirements of his supplier or suppliers of Class A products for nickel-bearing stainless steel for delivery in that quarter, exceed his authority to place authorized controlled material orders for nickel-bearing stainless steel for delivery in that quarter, he may file with NPA an application for additional nickel-bearing stainless steel, in accordance with the provisions of section 7 of this direction.

SEC. 5. Third quarter requirements of nickel-bearing stainless steel for use in construction by persons subject to NPA Order M-46, M-46A, M-46B, or M-50. Any person subject to the provisions of NPA Order M-46, M-46A, M-46B, or M-50 immediately prior to their revocation, shall obtain his requirements of nickel-bearing stainless steel for delivery in the third calendar quarter of 1953 for the use or uses authorized by said orders in accordance with the provisions thereof: *Provided, however* That any such person shall not, after June 30, 1953, place authorized controlled material orders for delivery of nickel-bearing stainless steel in the third calendar quarter of 1953 for such use or uses, unless he has received authorization pursuant to paragraph (b) of section 7 of this direction.

SEC. 6. Third quarter requirements of nickel-bearing stainless steel for use in construction without prior authorization. An owner or a contractor who requires nickel-bearing stainless steel for delivery in the third calendar quarter of 1953 for his use in a construction project or for the use of his supplier of Class A products to be incorporated in a construction project, and who is not otherwise authorized to place authorized controlled material orders for nickel-bearing stainless steel calling for delivery in the third calendar quarter of 1953, may file an application with NPA in accordance with the provisions of section 7 of this direction.

SEC. 7. Application for allotment of nickel-bearing stainless steel for delivery in third quarter for use in construction. (a) An application pursuant to section 4 or section 6 of this direction for an allotment of nickel-bearing stainless steel, for delivery in the third calendar quarter of 1953 only, for use in construction, shall be filed with NPA on Form DMS-4C. Such form shall be completed and submitted as therein required, except that in section II the applicant should complete only Item 30, "Nickel-bearing stainless steel." The application must contain, or be accompanied by, a statement showing in detail, and justifying, the particular use or uses to be made of the nickel-bearing stainless steel applied for.

(b) Any person who requires deliveries of nickel-bearing stainless steel in the third calendar quarter of 1953 for a construction use specified in NPA Order M-46, M-46A, M-46B, or M-50 (whether in effect or revoked) in an amount greater than that permitted by section 5 of this direction, may apply for authority to place authorized controlled material orders for the additional amount he needs by letter in triplicate addressed, in the case of construction under NPA Order M-46, M-46A, or M-46B, to the Petroleum Administration for Defense, and in the case of construction under NPA Order M-50, to the Office of Assistant Secretary of Interior, Water and Power, Department of Interior, Washington 25, D. C. In either case such letter shall bear the legend "Ref: Direction 1 to DMS Regulation No. 2" and must contain full and complete information regarding the following:

(1) The use or purpose for which the additional nickel-bearing stainless steel is required.

(2) The additional quantity of nickel-bearing stainless steel required for delivery in the third calendar quarter of 1953 for the use or purpose specified in subparagraph (1) of this paragraph.

(3) The order (whether in effect or revoked) pursuant to which the applicant was authorized to place authorized controlled material orders for nickel-bearing stainless steel calling for delivery in the third calendar quarter of 1953 for the use or purpose specified in subparagraph (1) of this paragraph.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended direction shall take effect June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5779; Filed, June 29, 1953;
8:53 a. m.]

[NPA Order M-46 and Directions 5, 6, 7, and
8—Revocation]

M-46—PRIORITIES ASSISTANCE FOR THE
PETROLEUM AND GAS INDUSTRIES IN THE
UNITED STATES AND CANADA

DIR. 5—RULES FOR ACQUIRING CARBON CON-
VERSION STEEL BY PETROLEUM AND GAS
OPERATORS IN THE UNITED STATES AND
CANADA

DIR. 6—RESTRICTIONS ON ACQUISITION OF
OIL COUNTRY TUBULAR GOODS BY PETRO-
LEUM AND GAS OPERATORS IN THE UNITED
STATES AND CANADA

DIR. 7—TRADING OR EXCHANGING OIL COUN-
TRY TUBULAR GOODS AND LINE PIPE

DIR. 8—AUTOMATIC REVALIDATION OF CER-
TAIN ALLOTMENTS AND ORDERS

REVOCATION

NPA Order M-46 (17 F. R. 6034) and
Directions 5 (18 F. R. 1055), 6 (17 F. R.
9742), 7 (18 F. R. 134) and 8 (18 F. R.
1419) thereto, are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-46, or under Directions 5, 6, 7, and 8 of that order, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under that order or said directions thereto, prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 423, 82d Cong.; 50
U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5760; Filed, June 29, 1953;
8:53 a. m.]

[NPA Order M-46A and Directions 3, 4, and
5—Revocation]

M-46A—PRIORITIES ASSISTANCE FOR FOR-
EIGN PETROLEUM OPERATIONS

DIR. 3—RULES FOR ACQUIRING CARBON CON-
VERSION STEEL BY PETROLEUM AND GAS
OPERATORS FOR FOREIGN OPERATIONS

DIR. 4—RESTRICTIONS ON ACQUISITION OF
OIL COUNTRY TUBULAR GOODS BY PETRO-
LEUM OPERATORS FOR FOREIGN OPERATIONS

DIR. 5—TRADING OR EXCHANGING OIL COUN-
TRY TUBULAR GOODS AND LINE PIPE

REVOCATION

NPA Order M-46A (17 F. R. 4419) and
Directions 3 (18 F. R. 1056) 4 (17 F. R.
9743), and 5 (18 F. R. 134) to said order
are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-46A, or under Directions 3, 4, and 5 to that order, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or said directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50
U. S. C. App. Sup. 2154.)

This revocation is effective July 1,
1953.

Issued: June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5731; Filed, June 29, 1953;
8:53 a. m.]

[NPA Order M-46B and Direction 1—
Revocation]

M-46B—CONSTRUCTION LIMITATIONS FOR
THE PETROLEUM AND GAS INDUSTRIES OF
THE UNITED STATES

DIR. 1—USE OF MATERIAL IN THE PETROLEUM
AND GAS INDUSTRIES

REVOCATION

NPA Order M-46B (17 F. R. 8689),
and Direction 1 to said order (18 F. R.
2174), are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-46B, or Direction 1 to that order, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154.)

This revocation is effective July 1, 1953.

Issued: June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5782; Filed, June 29, 1953; 8:53 a. m.]

[NPA Order M-50, Revocation]

M-50—ELECTRIC UTILITIES
REVOCATION

NPA Order M-50 (17 F. R. 7489) and Directions 3 (17 F. R. 11818) and 4 (18 F. R. 799) thereto are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-50 or Direction 3 or 4 thereto, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: June 29, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5783; Filed, June 29, 1953; 8:53 a. m.]

[NPA Order M-11A, Amdt. 1 of June 26, 1953]

M-11A—COPPER AND COPPER-BASE
ALLOYS

PRODUCTION CAPACITY RESERVED BY PRODUCERS NOT HAVING BASE PERIOD

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

NPA Order M-11A dated May 6, 1953 (18 F. R. 2642), is hereby amended as follows:

In section 9, a new paragraph, designated "(c)" is added, as follows:

(c) A copper controlled materials producer who did not ship a particular product listed in paragraph (b) of this section during the first 6 months of 1952, but who is now producing and shipping

such product, in computing the production capacity to be reserved by him pursuant to paragraph (a) of this section for any future month for which production is being scheduled, shall consider his average shipment of such product to be the quantity of that product which he has scheduled for shipment during the then current month.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 26, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5747; Filed June 26, 1953; 12:37 p. m.]

[NPA Order M-1A, Amdt. 1 of June 26, 1953]

M-1A—IRON AND STEEL

REMOVAL OF LIMITATION ON DISTRIBUTORS' INVENTORIES

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

NPA Order M-1A dated May 14, 1953 (18 F. R. 2820) is hereby amended as follows:

Item 16 in the table of contents and section 16 of the order are deleted.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 26, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5746; Filed, June 26, 1953; 12:37 p. m.]

[NPA Order M-95—Revocation]

M-95—RAILROAD TRANSPORTATION
EQUIPMENT
REVOCATION

NPA Order M-95 (17 F. R. 7502) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-95 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.
Issued June 26, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5748; Filed, June 26, 1953; 12:38 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 148 to Schedule A]
[Rent Regulation 2, Amdt. 146 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS
OHIO, PENNSYLVANIA AND WASHINGTON

Effective June 30, 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. 1894)

Issued this 25th day of June 1953.

GLENWOOD J. SHERRARD,
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
Ohio (227) Cincinnati.....	B	In Ohio: in BUTLER COUNTY, the city of Hamilton, the villages of Jacksonburg, New Miami, and Seven Mile; in CLERMONT COUNTY, the villages of Amelia and Bethel; in HAMILTON COUNTY, the cities of Lincoln Heights and St. Bernard, and the villages of Addyston, Mariemont, and Sharonville.	Mar. 1, 1942	Nov. 1, 1942
	B	In Kentucky: in CAMPBELL COUNTY, the city of Dayton; in KENTON COUNTY, the cities of Edgewood, Ludlow, and Winston Park.	.....do.....	Do.
Pennsylvania (202) Harrisburg.....	B	CUMBERLAND COUNTY, except the townships of Hopewell, Lower Millin, North Newton, Shipensburg, Southampton, South Newton, and Upper Millin, and the boroughs of Camp Hill, Lemoyne, New Cumberland, Newburg, Newville, and Shipensburg; DAUPHIN COUNTY, except the city of Harrisburg, and the township of Susquehanna; and in PERRY COUNTY, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	.....do.....	Do.
	C B	In FRANKLIN COUNTY, the township of Hamilton and the borough of Waynesboro.	Aug. 1, 1952 Mar. 1, 1942	Dec. 8, 1952 Dec. 1, 1942
Washington (852b).....		[Revoked and decontrolled.]		

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

- The Village of Terrace Park in Hamilton County, Ohio, a portion of the Cincinnati Defense-Rental Area; and
- The Borough of New Cumberland in Cumberland County, Pennsylvania, a portion of the Harrisburg Defense-Rental Area.

These amendments also decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Bremerton Defense-Rental Area in the State of Washington.

[F. R. Doc. 53-5720; Filed, June 29, 1953; 8:50 a. m.]

[Rent Regulation 3, Amdt. 140 to Schedule A]

[Rent Regulation 4, Amdt. 83 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREA

PENNSYLVANIA AND WASHINGTON

Effective June 30, 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. 1694)

Issued this 25th day of June 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(202) Harrisburg.....	Pennsylvania..	CUMBERLAND COUNTY, except the townships of Hopewell, Lower Millin, North Newton, Shippensburg, Southampton, South Newton, and Upper Millin, and the boroughs of Camp Hill, Lemoyne, New Cumberland, Newburg, Newville, and Shippensburg; DAUPHIN COUNTY, except the city of Harrisburg and the township of Susquehanna; in PERRY COUNTY, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville. [Revoked and decontrolled.]	Aug. 1, 1952	Dec. 8, 1952
(352b).....	.....	.....	.....	.....

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

The Borough of New Cumberland in Cumberland County, Pennsylvania, a portion of the Harrisburg Defense-Rental Area.

These amendments also decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The Bremerton Defense-Rental Area in the State of Washington.

[F. R. Doc. 53-5721; Filed, June 29, 1953; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

DIVIDENDS; PREMIUM WAIVER

1. In § 8.26, paragraphs (b) and (g) are amended to read as follows:

§ 8.26 *How paid.* * * *

(b) Unless and until the Veterans' Administration receives a written request from the insured that National Service life insurance dividends be paid in cash,

or, that they be placed on deposit or be used to pay premiums in advance, or that they be used to pay the premiums on a particular policy or policies, any such dividends shall be held to the credit of the insured to be applied to pay monthly premiums becoming due and unpaid after the date such dividends are payable on any National Service life insurance policy or policies held by the insured: *Provided*, That such dividend credits will be applied as of the due date of any unpaid premium: *Provided further*, That effective April 1, 1953, interest, as such rate as the Administrator may determine, will be computed and credited only on the balance of dividend credits remaining as of the date preceding the anniversary date of the policy.

(g) At the written request of the insured, National Service life insurance dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine: *Provided*, That effective April 1, 1953, interest will be computed and credited only on the balance of dividend deposits remaining as of the date preceding the anniversary date of the policy. *Provided further*, That the policy is in force on a basis other than extended term insurance or level pre-

mium term insurance. Dividend credit of the insured under Public Law 36 held for payment of premiums or left to accumulate on deposit as provided in this paragraph may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 and 8.30, respectively. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in Public Law 36, will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

2. In § 8.113, paragraphs (c) (3) and (j) are amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended April 25, 1951.* * * *

(c) If premiums are being waived under section 602 (n) of the National Service Life Insurance Act, as amended, at the time application for waiver under this section is made, such waiver will be effective at the termination of the premium waiver under section 602 (n) of the act, provided waiver under section 602 (n) terminates while the insured has continued in active service without interruption or within 120 days following discharge from such active service and the insured is otherwise eligible for waiver under this section.

(j) If waiver of premiums is granted under section 602 (n) of the National Service Life Insurance Act, as amended, while premiums are being waived under section 622, waiver under this provision will be suspended. If the insured is otherwise entitled, upon termination of waiver under section 602 (n) of the act, as amended, waiver of premiums under section 622 will be resumed for the remainder of the insured's continuous active service and for 120 days thereafter.

(Sec. 603, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 833, 855. Interpret or apply sec. 602, 54 Stat. 1003, as amended; 39 U. S. C. 892)

This regulation is effective June 30, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-5723; Filed, June 29, 1953; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board,
Maritime Administration, Department
of CommerceSubchapter A—Practice and Procedure¹
[Gen. Order 41, 2d Rev.]PART 201—RULES OF PRACTICE AND PROCEDURE
BEFORE THE FEDERAL MARITIME
BOARD AND THE MARITIME ADMINISTRATION²

The Federal Maritime Board and the Maritime Administration (1) having published in the FEDERAL REGISTER on June 11, 1953 (18 F. R. 3336) a notice of proposed changes in the present Parts 201, 202, and 203 of this chapter covering practice and procedure; (2) having granted all interested persons a reasonable opportunity to submit written comments on the proposed changes in the parts aforesaid; (3) having considered all written comments submitted, and (4) having adopted the changes in the present Rules of Practice and Procedure as hereinafter set forth:

It is ordered, That, effective July 31, 1953, Part 201—Rules of Procedure Before the Commission, Part 202—Approved Forms and Part 203—Practice Before the Commission (General Order 41, Revised, and General Order 21, Revised, published in the FEDERAL REGISTER (12 F. R. 6076, 6086)) be, and the same are hereby, superseded and revised as a new Part 201 which shall read as set forth below.

This part prescribes rules of practice and procedure before the Federal Maritime Board and the Maritime Administration in proceedings under the Shipping Act, 1916, as amended, Merchant Marine Act, 1920, as amended, Intercoastal Shipping Act, 1933, as amended, Merchant Marine Act, 1936, as amended, Administrative Procedure Act, and related acts.

PART 201—RULES OF PRACTICE AND PROCEDURE
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¹ The headnote of Subchapter A is changed as indicated.

² The headnote of this part is changed as indicated.

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AUTHORITY: §§ 201.1 to 201.291 issued under sec. 204, 49 Stat. 1937, as amended; 46 U. S. C. 1114.

SUBPART A—GENERAL INFORMATION

§ 201.1 *Scope of rules.* The rules in this part govern procedure before the Federal Maritime Board and Maritime Administration, hereinafter referred to collectively as the "Board" under the Shipping Act, 1916, as amended, Merchant Marine Act, 1920, as amended, Intercoastal Shipping Act, 1933, as amended, Merchant Marine Act, 1936, as amended, Administrative Procedure Act, and related acts, except as may be provided otherwise by the Board. They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding.

§ 201.2 *Mailing address; hours.* Documents required to be filed in, and correspondence relating to, proceedings governed by the rules in this part should be addressed to "Federal Maritime Board, Washington 25, D. C." The hours of the Board are from 8:30 a. m. to 5:00 p. m., Monday to Friday, inclusive, unless otherwise provided by Federal statute or executive order.

§ 201.3 *Compliance with rules or orders of Board.* Persons named in a rule or order shall notify the Board during business hours on or before the day on which such rule or order becomes effective whether they have complied therewith and, if so, the manner in which compliance has been made. If a change in rates is required, the notification shall specify the tariffs which effect the changes.

§ 201.4 *Authentication of rules or orders of the Board.* All rules or orders issued in any proceeding covered by the rules in this part shall, unless otherwise specifically provided by the Board, be signed and authenticated by seal by the Secretary of the Board in the name of the Board.

§ 201.5 *Inspection of records.* (a) The files and records of the Board, except those held by the Board for good cause to be confidential, shall be open for inspection and copying as follows:

(1) Tariffs and agreements filed with the Board pursuant to statute or rule or order of the Board may be inspected and copied during business hours in the Regulation Office at Washington.

(2) All pleadings, depositions, exhibits, transcripts of testimony, exceptions, and briefs in any statutory proceeding before the Board may be inspected and copied at the Washington office of the Board. Volumes of Federal Maritime Board reports may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Copies of individual decisions may be secured from the Board upon request, or may be examined in the regional offices of the Maritime Administration.

(3) Other files and records may be inspected and copied in the discretion of the Board upon written request to the Secretary describing in detail the documents of which inspection is desired, and setting forth the reasons therefor.

(b) Orders, rules, rulings, opinions, and decisions (initial, recommended, tentative, and final) may be inspected at the Washington office of the Board, except those held by the Board for good cause to be confidential and not cited as precedents.

§ 201.6 *Certified copies; requests for* Copies of documents which may be inspected subject to the provisions of § 201.5 will be prepared and certified by the Secretary under the seal of the Board if written request is made specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request shall permit a reasonable time for the preparation of copies. The cost of preparing copies shall be paid by the one making the request.

§ 201.7 *Documents in foreign languages.* Every document, exhibit, or other paper written in a language other than English and filed with the Board or offered in evidence in any proceeding before the Board under the rules in this part or in response to any rule or order of the Board pursuant to the rules in this part, shall be filed or offered in the language in which it is written and shall be accompanied by an English translation thereof duly verified under oath to be a true translation.

§ 201.8 *Denial of applications and notice thereof.* Except in affirming a prior denial or where the denial is self-explanatory, prompt written notice will be given of the denial in whole or in part of any written application, petition, or other request made in connection with any proceeding under the rules in this part, such notice to be accompanied by a simple statement of procedural or other grounds for the denial, and of any other or further administrative remedies or recourse applicant may have where the denial is based on procedural grounds.

§ 201.9 *Suspension, amendment, etc., of rules.* The rules in this part may, from time to time, be suspended, amended, or revoked, in whole or in part. Notice of any such action will be published in the FEDERAL REGISTER. Also, any rule may be waived by the Board or the presiding officer to prevent undue hardship in any particular case.

SUBPART D—APPEARANCES AND PRACTICE BEFORE THE BOARD

§ 201.21 *Appearance in person or by representative.* A party may appear in person or by an officer, partner, or regular employee of the party, or by or with counsel or other duly qualified representative, in any proceeding under the rules in this part. One who appears under this section may testify, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted.

§ 201.22 *Authority for representation.* Any individual acting in a representative capacity in any proceeding before the Board may be required to show his authority to act in such capacity.

§ 201.23 *Written appearance.* Persons who appear at any hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made. The written appearance shall be made a part of the record.

§ 201.24 *Practice before the Board defined.* Practice before the Board shall be deemed to comprehend all matters connected with the presentation of any matter to the Board, including the preparation and filing of necessary documents, and correspondence with and communications to the Board. The term "Board" as used in this part includes any division, office, branch, section, unit, or field office of the Federal Maritime Board or Maritime Administration and any officer or employee of such division, office, branch, section, unit, or field office.

§ 201.25 *Attorneys at law.* Attorneys at law who are admitted to practice before the Federal courts or before the courts of any State or territory of the United States may practice before the Board. An attorney's own representation that he is such in good standing before any of the courts referred to in this section will be sufficient proof thereof.

§ 201.26 *Persons not attorneys at law.* Any person who is not an attorney at law may be admitted to practice before the Board if he is a citizen of the United States and files proof to the satisfaction of the Board that he possesses the necessary legal, technical, or other qualifications to enable him to render valuable service before the Board and is otherwise competent to advise and assist in the presentation of matters before the Board. Applications by persons not attorneys at law for admission to practice before the Board shall be made on the forms prescribed therefor, which may be obtained from the Secretary of the Board, and shall be addressed to the Federal Maritime Board, Washington 25, D. C. No person who is not an attorney at law and whose application has not been approved shall be permitted to practice before the Board. This provision and the provisions of §§ 201.23, 201.29, and 201.30 shall not apply, however, to any person who appears before the Board on his own behalf or on behalf of any corporation, partnership, or association

of which he is a partner, officer or regular employee.

§ 201.27 *Firms and corporations.* Practice before the Board by firms or corporations on behalf of others shall not be permitted.

§ 201.28 *Hearings.* The Board in its discretion may call upon the applicant for a full statement of the nature and extent of his qualifications. If the Board is not satisfied as to the sufficiency of the applicant's qualifications, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Board no request for such hearing within 20 days after receiving the notification referred to in this section, his application shall be acted upon without further notice.

§ 201.29 *Suspension or disbarment.* The Board may, in its discretion, deny admission to, suspend, or disbar any person from practice before the Board who it finds does not possess the requisite qualifications to represent others or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice before the Board may be disbarred from such practice only after he is afforded an opportunity to be heard.

§ 201.30 *Statement of interest.* The Board, in its discretion, may call upon any practitioner for a full statement of the nature and extent of his interest in the subject matter presented by him before the Board. Attorneys retained on a contingent fee basis shall file with the Board a copy of the contract of employment. Practitioners subject to section 307 of Merchant Marine Act, 1936, as amended, shall comply fully with the requirements of the Board's General Order 9 (2 F R. 1240)

§ 201.31 *Former employees—(a) Practice prohibited.* No person shall practice, appear, or represent anyone before the Board in any matter to which he, as member, officer, or employee of the Board, or as officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge during and by reason of his Government service.

(b) *Further prohibitions with exceptions.* No former member of the Federal Maritime Board shall practice, appear, or represent anyone before the Board or act as the employee of an attorney or agent, in any matter which was pending before the Board during the period of his membership in the Board. No former officer or employee of the Board shall practice, appear, or represent anyone before the Board, or act as the employee of an attorney or agent, within two years after the termination of his service with the Board, in any matter which was pending before the Board during the period of his employment by the Board, unless he shall first obtain the written consent of the Board. This consent will not be granted unless it appears that the applicant did not, as officer or employee of the United States, give personal consideration to the matter, to handle which consent is sought, or gain knowledge of the

facts of said matter during and by reason of his Government service.

(c) *Former employees; affidavit.* Such applicant shall be required to file an affidavit to the effect that he gave no personal consideration to such matter; that he gained no knowledge of the facts involved in such matter during and by reason of his Government service; that he is not associated with, and will not in such matter be associated with, any former member, officer, or employee of the Board who has gained knowledge of the matter during and by reason of his Government service; and that his employment is not prohibited by any law of the United States or by the regulations of the Board. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

(d) *Former employees; applications for consent.* Applications for consent should be directed to the Board; should state the former connection with the Board of the applicant, and should identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and the application, affidavit, and consent, or refusal to consent, shall be filed by the Board in its records relative thereto. Separate consents to appear must be obtained to appear in separate cases.

(e) *Assistance to or by former employees.* No one entitled to practice before the Board shall knowingly (1) assist a person employed by a client to represent him before the Board in connection with any matter to which such person as a member, officer, or employee of the Board or as an officer or employee of the United States, gave personal consideration or as to the facts of which such person gained personal knowledge during and by reason of his Government service, or (2) accept assistance from any such person in connection with any such matter, or (3) share fees with any such person in connection with such matter.

SUBPART C—PARTIES

§ 201.41 *Parties; how designated.* The term "party" whenever used in this part, shall include any natural person, corporation, association, firm, partnership, trustee, receiver, agency, public or private organization, or governmental agency. A party who seeks relief or other affirmative action under § 201.62 and/or § 201.68 shall be designated as "complainant" A party against whom relief or other affirmative action is sought in any proceeding commenced under §§ 201.62, 201.67, or 201.68, shall be designated as "respondent" A party applying for charter, subsidy, or other government aid shall be designated as "applicant" A party who petitions to intervene under § 201.74 shall be designated as "intervener" A party who files a petition under §§ 201.51, 201.69, or 201.70, or a petition seeking relief not otherwise designated in this part shall be designated as "petitioner" No person other than a party as designated in this section may introduce evidence or examine witnesses at hearings.

§ 201.42 *Counsel for the Board.* The Assistant General Counsel for Litigation shall be a party to all proceedings governed by the rules in this part. The Assistant General Counsel or his representative shall be designated as "Counsel for the Board" and shall be served with copies of all papers, pleadings, and documents as are all other parties to the same proceeding. Counsel for the Board shall actively participate in any proceeding to the extent that he deems required in the public interest. Except in the case of rule making proceedings, no member of the staff of the General Counsel who acts as Counsel for the Board in a particular case shall participate or advise in the decision, recommended decision, or agency review of that case or a factually related case, except as witness or counsel in public proceedings. Members of the Board's staff other than those acting as Counsel for the Board may assist in the decision or agency review of any case or proceeding.

§ 201.43 *Substitution of parties.* Upon petition and for good cause shown, the Board may order a substitution of parties except that in case of death of a party substitution may be ordered upon suggestion and without the filing of a petition.

SUBPART D—RULE MAKING

§ 201.51 *Petition for issuance, amendment, or repeal of rule.* Any interested party may file with the Board a petition for the issuance, amendment, or repeal of a rule designed to implement, interpret, or prescribe law, policy, organization, procedure, or practice requirements of the Board. The petition shall set forth the interest of petitioner and the nature of the relief desired, shall include any facts, views, arguments, and data deemed relevant by petitioner, and shall be verified. If such petition is for the amendment or repeal of a rule, it shall be accompanied by proof of service on all persons, if any, specifically named in such rule, and shall conform in other aspects to Subpart H of this part. Replies to such petition shall conform to the requirements of § 201.76.

§ 201.52 *Notice of proposed rule making.* General notice of proposed rule making, including the information specified in § 201.143, shall be published in the FEDERAL REGISTER, unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except where notice of hearing is required by statute, this section shall not apply to interpretative rules, general statements of policy, organization rules, procedure, or practice of the Board, or any situation in which the Board for good cause finds (and incorporates such finding in such rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

§ 201.53 *Participation in rule making.* Interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or arguments, with or with-

out opportunity to present the same orally in any manner: *Provided*, That, where the proposed rules are such, as are required by statute to be made on the record after opportunity for a hearing, such hearing shall be conducted pursuant to section 7 of the Administrative Procedure Act, and the procedure shall be the same as stated in Subpart J of this part. In those proceedings in which respondents are named, interested persons who wish to participate therein shall file a petition to intervene in accordance with the provisions of § 201.74.

§ 201.54 *Contents of rules.* The Board will incorporate in any rules adopted a concise general statement of their basis and purpose.

§ 201.55 *Effective date of rules.* The publication or service of any substantive rule shall be made not less than 30 days prior to its effective date except (a) as otherwise provided by the Board for good cause found and published in the FEDERAL REGISTER or (b) in the case of rules granting or recognizing exemption or relieving restriction, interpretative rules, and statement of policy.

SUBPART E—PROCEEDINGS; PLEADINGS;
MOTIONS; REPLIES

§ 201.61 *Proceedings.* Proceedings are commenced by filing a complaint with the Board, by order to show cause, by order of investigation upon protest against rates, agreements, etc., by order of the Board upon petition or upon its own motion, or by the filing of an application for government aid, or other relief, the processing of which necessitates a statutory hearing.

§ 201.62 *Complaints.* Relief or other affirmative action sought under the Shipping Act, 1916, as amended, Merchant Marine Act, 1936, as amended, and related acts, shall be set forth in a complaint filed with the Board. The complaint shall contain the name and address of each complainant, the name and address of complainant's attorney or agent, the name and address of each carrier or person against whom complaint is made, a concise statement of the cause of action, and a request for the relief or other affirmative action sought. Where reparation is sought and the nature of the proceeding so requires, the complaint shall set forth the ports of origin and destination of the shipments, consignees, or real parties in interest where shipments are on "order" bill of lading, consignors, date of receipt by carrier or tender of delivery to carrier, names of vessels, bill of lading number (other identifying reference) description of commodities, weights, measurement, rates, charges made or collected, when, where, by whom and to whom rates and charges were paid, by whom the rates and charges were borne, the amount of damage, and the relief sought. Except under unusual circumstances and for good cause shown, reparation will not be awarded upon a complaint in which it is not specifically asked for, nor upon a new complaint by or for the same complainant which is based upon a finding in the original proceeding. Wherever a rate, fare, charge, rule, regulation, clas-

sification, or practice is involved, appropriate reference to the tariff should be made, if possible. If complaint fails to indicate the sections of the acts alleged to have been violated or clearly to state facts which support the allegations, the Board may, on its own initiative, require the complaint to be amended to supply such further particulars as it deems necessary. The complaint shall be signed and sworn to by complainant, or by an officer or duly accredited representative of complainant if it is an association or a corporation, or by an authorized agent or attorney. When a complaint is filed by several complainants, one may sign on behalf of all. When the complaint is signed and sworn to by an agent or attorney, it shall be accompanied by a copy of the power of attorney or other authority of such agent or attorney to prosecute the complaint. A form of complaint is set forth in Appendix II (1) (18 F. R. 3347). The complaint should designate the place at which hearing is desired.

§ 201.63 *Reparation, statute of limitations.* Complaints seeking reparation shall be filed within two (2) years after the cause of action accrues (section 22, Shipping Act, 1916, as amended). The Board will consider as in substantial compliance with the statute of limitations a complaint in which complainant alleges that the matters complained of, if continued in the future, will constitute violations of the shipping acts in the particulars and to the extent indicated and prays for reparation accordingly on all shipments affected thereby which may move during the pendency of the proceeding and on which the transportation charges shall be paid and borne by complainant. Notification to the Board that a complaint may or will be filed for the recovery of reparation will not constitute a filing within the 2-year period.

§ 201.64 *Joinder of actions and parties.* Two or more complaints which state similar causes of action against the same respondent or respondents and involve substantially the same issues may be consolidated and heard together. If a complaint relates to through transportation by continuous carriage or transshipment, all carriers participating in such through transportation shall be joined as respondents. If the complaint relates to more than one carrier or other person subject to the shipping acts, all carriers or other persons against whom a rule or order is sought shall be made respondents. If complaint is made with respect to an agreement filed with the Board under section 15 of the Shipping Act, 1916, as amended, or against a conference organized under said section, the carriers who are parties to such agreement or members of such conference shall be made respondents.

§ 201.65 *Answer to complaint.* Respondent shall file with the Board an answer to the complaint and shall serve it on complainant within twenty (20) days after the date of service of the complaint by the Board or within thirty (30) days if such respondent resides in Alaska or beyond Continental United States, unless such periods have been

extended under § 201.103 or reduced under § 201.104, or unless motion is filed to withdraw or dismiss the complaint, in which latter case provision for answer, if necessary, will be made by order of the Board. Such answer shall give notice of issues controverted in fact or law. Recitals of material and relevant facts in a complaint, amended complaint, or bill of particulars, unless specifically denied in the answer thereto, shall constitute evidence, but if request is seasonably made, a competent witness shall be made available for cross-examination on such evidence. The answer shall be signed and verified by respondent, or by an officer or accredited representative of respondent if it is an association or corporation, or by an authorized agent or attorney. Where the answer is made on behalf of several respondents, one may sign on behalf of all. In the event that respondent should fail to file and serve the answer within the time provided, the Board may enter such rule or order as may be just, or may in any case require such proof as to the matters alleged in the complaint as it may deem proper: *Provided*, That the Board or Hearing Examiners' Office may permit the filing of a delayed answer after the time for filing the answer has expired, for good cause shown; or if motion to dismiss has been filed.

§ 201.66 *Replies to answers not permitted.* Replies to answers will not be permitted. New matter set forth in respondent's answer will be deemed to be controverted.

§ 201.67 *Order to show cause.* The Board may institute a proceeding against a person subject to its jurisdiction by order to show cause. The order shall be served upon all persons named therein, shall include the information specified in § 201.143, may require the person named therein to answer, and shall require such person to appear at a specified time and place and present evidence upon the matters specified.

§ 201.68 *Proceedings under section 3 of the Intercoastal Act.* Protests against proposed changes in tariffs, invoking the provisions of section 3 of the Intercoastal Shipping Act, 1933, may be made by letter, telegram, or radiogram, and shall be filed with the Chief, Regulation Office, not later than ten (10) days prior to the proposed effective date of the change unless the Board permits the filing of the change in less than ten (10) days prior to the proposed effective date thereof, pursuant to the provisions of section 2 of the Intercoastal Act. Every protest shall clearly identify the tariff in question, give specific reference to the items opposed, set forth the grounds for opposition to the change, including a reference to the section or sections of the shipping acts alleged to be violated, shall be subscribed and verified, and shall be served upon each carrier whose tariff is protested or the issuing agent. Protests sent by telegraph or radio shall be confirmed promptly by letter signed by the person making the protest or by someone in his behalf. Replies thereto shall conform to the requirements of § 201.76.

§ 201.69 *Declaratory orders.* The Board may issue a declaratory order to terminate a controversy or to remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and grounds prompting the petition, together with full disclosure of petitioner's interest, and shall conform to the requirements of Subpart H of this part. Replies thereto shall conform to the requirements of § 201.76.

§ 201.70 *Petitions; general.* All claims for relief or other affirmative action by the Board, except as otherwise provided in this part, shall be by written petition subscribed and verified, which shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon and the relief sought, shall cite by appropriate reference the statutory provision or other authority relied upon for relief, shall be served upon all parties named therein, and shall conform otherwise to the requirements of Subpart H of this part. Replies thereto shall conform to the requirements of § 201.76.

§ 201.71 *Applications for government aid.* Applications for operating-differential subsidies, charter of government-owned vessels, and other types of government aid shall conform to the requirements set forth in the various general orders and other rules of the Board specifically provided therefor. These rules of procedure shall apply where a statutory hearing is required in connection with such applications.

§ 201.72 *Amendments or supplements to pleadings.* Amendments or supplements to any pleading will be allowed or refused in the discretion of the Board if the case has not been assigned for hearing, otherwise in the discretion of the officer designated to conduct the hearing: *Provided*, That after a case is assigned for hearing no amendment shall be allowed which would broaden the issues, without opportunity to reply to such amended pleading and to prepare for the broadened issues. The presiding officer may direct a party to state his case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served in conformity with the requirements of § 201.76 unless the Board or the presiding officer directs otherwise. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading. Whenever by this part a pleading is required to be verified, the amendment or supplement shall also be verified.

§ 201.73 *Bill of particulars.* Within ten (10) days after date of service of the complaint, respondent may file with the Board for service upon complainant a request for a bill of particulars. Within ten (10) days after date of service of such request, complainant shall file with the Board and serve upon respondent either (a) the bill of particulars requested or (b) a reply to such request, made in conformity with the require-

ments of § 201.76, setting forth the particular matters contained in the request which are objected to and the reasons for the objections. The time for filing answer to the complaint shall be extended to a date ten (10) days after the date of service of the bill of particulars or of notice of the Board's disallowance of the request therefor. The time limits prescribed above are subject to § 201.104. For good cause shown, request for a bill of particulars also may be filed after answer is made and within a reasonable time prior to hearing.

§ 201.74 *Petition for intervention.* A petition for leave to intervene may be filed in any proceeding before the Board. The petition will be granted if the proposed intervenor shows in his petition a substantial interest in the proceeding and the grounds for intervention are pertinent to the issues already presented and do not unduly broaden them, but if filed after hearing has been closed it will not be granted ordinarily. If a petition filed prior to the hearing is granted, copies will be served by the Board as provided by § 201.113. When tendered at the hearing, sufficient copies shall be provided for distribution as motion papers to the parties represented at the hearing, together with additional copies for the use of the Board. When the petition is filed subsequent to the hearing, service shall be made on all parties to the proceeding as provided by § 201.114, and reply may be made thereto in conformity with § 201.76. The petition shall set forth the grounds of the proposed intervention and the interest and position of the petitioner in the proceeding shall comply with the other applicable provisions of Subpart H of this part, and if affirmative relief is sought, the applicable provisions of § 201.62. A person granted permission to intervene becomes a party, pursuant to Subpart C of this part, and may introduce evidence or examine witnesses at any hearing which may be held in the proceeding.

§ 201.75 *Motions.* All motions and requests for rulings by the Board or the presiding officer shall state clearly and concisely the purpose of and the relief sought by the motion, the statutory or principal authority relied upon, and the facts claimed to constitute the grounds requiring the relief requested. If made before or after the hearing, such motion shall be in writing and shall conform to the requirements of Subpart H of this part. If made at the hearing, such motion may be stated orally and shall be made a part of the transcript: *Provided*, That the presiding officer may require that such motion be reduced to writing and filed and served in the same manner as written motions. Replies to written motions shall comply with the requirements of § 201.76. Motions and replies thereto shall be addressed to the presiding officer if the case is pending before such officer: *Provided*, That motions to dismiss or otherwise terminate the proceeding, and replies thereto, shall be addressed to the Board. Oral argument upon a written motion will be granted within the discretion of the Board or the presiding officer as the case may be.

§ 201.76 *Replies to pleadings, motions, applications, etc.* (a) A reply to a reply is not permitted. Except as otherwise provided respecting answers (§ 201.65), shortened procedure (Subpart K of this part) briefs (§ 201.221), exceptions (§ 201.229), and the documents specified in the paragraph (b) of this section, an adverse party may file a reply to any written motion, pleading, application, etc., permitted under these rules within ten (10) days after date of service thereof, unless a shorter period is fixed under § 201.104.

(b) When time permits, replies also may be filed to protests seeking suspension of tariffs (§ 201.68), applications for subpoenas duces tecum (§ 201.131) applications for enlargement of time and postponement of hearing (Subpart G of this part) and motions to take depositions (§ 201.201)

(c) Replies shall be in writing, shall be verified if verification of original pleading is required, shall be so drawn as fully and completely to advise the parties and the Board as to the nature of the defense, shall admit or deny specifically and in detail each material allegation of the pleading answered, shall state clearly and concisely the facts and matters of law relied upon, and shall conform to the requirements of Subpart H of this part.

SUBPART F—SETTLEMENT; PREHEARING PROCEDURE

§ 201.91 *Opportunity for informal settlement.* Where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity for the submission and consideration of facts, argument, offers of settlement, or proposal of adjustment, without prejudice to the rights of the parties; no stipulation, offer, or proposal shall be admissible in evidence over the objection of any party in any hearing on the matter. When any settlement does not dispose of the whole proceeding, the remaining issues shall be determined in accordance with sections 7 and 8 of the Administrative Procedure Act.

§ 201.92 *Voluntary payment of reparation.* Carriers or other persons subject to the shipping acts may file applications for the voluntary payment of reparation or for permission to waive collection of undercharges, even though no complaint has been filed pursuant to § 201.62. All such applications shall be made in accordance with the form prescribed in Appendix II (5) (18 F. R. 3348) shall describe in detail the transaction out of which the claim for reparation arose, and shall be filed within the 2-year statutory period referred to in § 201.63. Such applications will be considered the equivalent of a complaint and answer thereto admitting the facts complained of. If allowed, an order for payment will be issued by the Board.

§ 201.93 *Satisfaction of complaint.* If a respondent satisfies a complaint either before its answer thereto is due or after answering, a statement to that effect, setting forth when and how the complaint has been satisfied and signed and verified by the opposing parties,

shall be filed with the Board and served upon all parties of record. Such a statement may be by letter. Satisfied complaints will be dismissed in the discretion of the Board.

§ 201.94 *Prehearing conference.* (a) Prior to any hearing the Board or presiding officer may direct all interested parties, by written notice, to attend a prehearing conference for the purpose of considering any settlement under § 201.91, formulating the issues in the proceeding and to determine other matters to aid in its disposition. In addition to any offers of settlement or proposals of adjustment, there may be considered the following:

- (1) Simplification of the issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;
- (4) Limitations on the number of witnesses;
- (5) The procedure at the hearing;
- (6) The distribution to the parties prior to the hearing of written testimony and exhibits;
- (7) Consolidation of the examination of witnesses by counsel;
- (8) Time and place of hearing; and
- (9) Such other matters as may aid in the disposition of the proceeding.

The officer conducting the conference may require, prior to the hearing, exchange of exhibits and any other material which may expedite the hearing. He shall assume the responsibility of accomplishing the purposes of the notice of prehearing conference so far as this may be possible without prejudice to the rights of any party.

The notice of hearing will recite the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning any of the matters considered. This notice, when entered, will limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of counsel, and will control the subsequent course of the proceeding unless modified at the hearing to prevent manifest injustice.

(b) In any proceeding under this part, the presiding officer may, in his discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

SUBPART G—TIME

§ 201.101 *Computation.* In computing any period of time under this part, except § 201.63, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or a national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation.

§ 201.102 *Additional time to file documents.* Parties in the States of Washington, Oregon, and California, parties in Alaska, and parties who reside beyond continental United States, and their agents or attorneys, are allowed five (5) additional days for filing documents. This section, however, shall not apply where a limitation of time is fixed by statute, or by notice enlarging time under § 201.103 or reducing time under § 201.104, or by §§ 201.163, 201.222, 201.230 and 201.264.

§ 201.103 *Enlargement of time to file documents.* Applications for enlargement of time for the filing of any pleading or other document shall set forth the reasons for the application. Such applications may be granted upon a showing of diligence and good cause on the part of applicant, except where the time for compliance has been fixed by statute. Such applications shall conform to the requirements of Subpart H of this part, except as to service if they show that the parties have received actual notice of the application; and in relation to briefs, exceptions, and replies to exceptions—such applications shall conform to the further provisions of §§ 201.222 and 201.230. Upon motion made after the expiration of the specified period, the filing may be permitted to be done where reasonable grounds are found for the failure to file. Replies to such applications shall conform to the requirements of § 201.76.

§ 201.104 *Reduction of time to file documents.* Except as otherwise provided by law and for good cause, the Board, with respect to matters pending before it, and the presiding officer, with respect to matters pending before him, may reduce any time limit prescribed in the rules in this part.

§ 201.105 *Postponement of hearing.* Applications for postponement of any hearing date shall set forth the reasons for the application; and shall conform to the requirements of Subpart H of this part, except as to service if they show that parties have received actual notice of the application. Such applications may be granted upon a showing of diligence and good cause on the part of the applicant. Replies to such applications shall conform to the requirements of § 201.76.

SUBPART H—FORM, EXECUTION, AND SERVICE OF DOCUMENTS

§ 201.111 *Form and appearance of documents filed with Board.* All papers to be filed under this part may be reproduced by printing or by any other process, provided the copies are clear and legible; shall be dated, (the original) signed in ink, show the docket description and title of the proceeding, and show the title, if any, and address of the signer. If typewritten, the impression shall be on only one side of the paper and shall be double spaced, except that quotations shall be single spaced and indented. Documents not printed, except correspondence and exhibits, should be on strong, durable paper and shall be not more than 8½ inches wide and 12 inches long, with a left hand

margin 1½ inches wide. Printed documents shall be printed in clear type (never smaller than small pica or 11-point type) adequately leaded, and the paper shall be opaque and unglazed. Documents of more than twenty (20) typewritten pages, except exhibits, shall be printed unless permission is secured to reproduce them by other method. Briefs, if printed, shall be printed on paper 6½ inches wide and 9¼ inches long, with inside margin not less than 1 inch wide, and shall contain a subject index with page references and a list of authorities cited.

§ 201.112 *Subscription and verification of documents.* (a) Pleadings and other documents filed, except complaints and petitions for intervention subject to §§ 201.62 and 201.74, respectively, shall be subscribed: (1) By the person or persons filing same, (2) by an officer thereof if it be a corporation or association, (3) by an officer or employee if it be a government instrumentality, or (4) by an attorney or other person having authority with respect thereto.

(b) Verification shall be made under oath of any facts alleged in the document filed, by the person filing, an officer, or an attorney or other person having authority with respect thereto. The form of verification set forth in Appendix II (1) (18 F. R. 3348), suitably modified, should be used.

§ 201.113 *Service by the Board.* Complaints filed pursuant to § 201.62, amendments to complaints, petitions to intervene granted prior to hearing, requests for bills of particulars, and complainant's memoranda filed in shortened procedure cases will be served by the Board. In addition to and accompanying the original of every document filed with the Board for service by the Board, there shall be a sufficient number of copies for use of the Board (see § 201.117) and for service on each party to the proceeding.

§ 201.114 *Service by parties.* Answers, briefs, exceptions, written motions, applications, requests for depositions, petitions, replies, requests for findings by Board counsel, stipulations, protests, bills of particulars, and all other papers in proceedings before the Board under this part, except pleadings served by the Board under § 201.113, shall, when tendered to the Board or to the presiding officer for filing, show that service has been made upon all parties to the proceedings. Such service shall be made by delivering one copy to each party in person or by mailing by first-class mail properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service upon such attorney or other representative will be deemed service upon the party. All documents served by mail shall be mailed in sufficient time to reach the parties on the date on which the original is due to be filed with the Board.

§ 201.115 *Date of service.* The date of service of documents served by the Board shall be the date shown in the service stamp thereon. The date of service of documents served by parties

shall be the day when the matter served is deposited in the United States mail, or is delivered in person, as the case may be. In computing the time from such dates, the provisions of § 201.101 shall apply.

§ 201.116 *Certificate of service.* The original of every document filed with the Board and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing via first-class mail, postage prepaid (or by delivering in person), a copy to each such party in sufficient time to reach such party on the date said document is due to be filed with the Board:

Dated at _____ this _____ day
of _____ 19____.
(Signature) _____
For _____

§ 201.117 *Copies of documents for use of the Board.* Except as otherwise provided in this part, the original and fifteen (15) copies of every document filed and served in proceedings before the Board, except exhibits made a part of the record, shall be furnished for the Board's use.

SUBPART I—SUBPENAS

§ 201.131 *Applications; issuance.* Subpenas to require attendance of witnesses and subpenas duces tecum will be issued to parties upon request and reasonable showing, by the presiding officer before or at the hearing. Applications for subpenas duces tecum shall be in writing, shall set forth the relevancy and materiality of the facts which the applicant expects to prove, shall describe in detail and with reasonable certainty the books, papers, documents, or other records to be produced, and shall conform to the requirements of Subpart H of this part. Replies to such application shall conform to the requirements of § 201.76.

§ 201.132 *Attendance and mileage fees.* Persons attending hearings under requirement of subpenas are entitled to the same fees and mileage as in the courts of the United States, to be paid by the party at whose instance the persons are called.

§ 201.133 *Service of subpenas.* If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service the original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by required re-

turn, affidavit, or statement, shall be returned without delay to the Board, or if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

SUBPART J—HEARINGS; PRESIDING OFFICERS; EVIDENCE

§ 201.141 *Hearings not required by statute.* The Board may call informal public hearings, not required by statute, to be conducted under this part where applicable, for the purpose of rule making or to obtain information necessary or helpful in the determination of its policies or the carrying out of its duties, and may require the attendance of witnesses and the production of evidence.

§ 201.142 *Hearings required by statute.* In complaint and answer cases, investigations on the Board's own motion, and in other rule-making and adjudication proceedings in which a hearing is required by statute, formal hearings shall be conducted pursuant to section 7 of the Administrative Procedure Act. Proceedings involving common questions of law and fact may be consolidated for hearing.

§ 201.143 *Notice of nature of hearing, jurisdiction, and issues.* Persons entitled to notice of hearings, except those notified by complaint served under § 201.113, will be duly and timely informed of (a) the nature of the proceeding, (b) the legal authority and jurisdiction under which the proceeding is conducted, and (c) the terms, substance, and issues involved, or the matters of fact and law asserted, as the case may be. Such notice shall be published in the FEDERAL REGISTER unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law.

§ 201.144 *Notice of time and place of hearing.* Notice of hearing will designate the time and place thereof and the person or persons who will preside. The date or place of a hearing for which notice has been issued may be changed when warranted. Reasonable notice will be given to the parties or their representatives of the time and place or the change thereof, due regard being had for the public interest and the convenience and necessity of the parties or their representatives. Notice may be served by mail or telegraph.

§ 201.145 *Presiding officer.* The examiners of the Board's Hearing Examiners' Office will be designated to preside at hearings required by statute, in rotation so far as practicable, unless the Board or one or more members thereof shall preside; and also at hearings not required by statute when designated to do so by the Board.

§ 201.146 *Commencement of functions of Hearing Examiners' Office.* In proceedings handled by the Hearing Examiners' Office, its functions shall attach upon (a) the filing of a formal complaint, or (b) upon the institution of a proceeding and ordering of hearing by the Board.

§ 201.147 *Authority of presiding officer.* The officer designated to hear a case shall have authority to arrange and give notice of hearings; sign and issue subpoenas authorized by law; take or cause depositions to be taken; rule upon proposed amendments or supplements to pleadings; hold conferences for the settlement or simplification of issues by consent of the parties; regulate the course of the hearing; prescribe the order in which evidence shall be presented; dispose of procedural requests or similar matters; hear and rule upon motions, other than motions to dismiss, which may be granted only by the Board; administer oaths and affirmations; examine witnesses; direct witnesses to testify or produce evidence available to them which will aid in the determination of any question of fact in issue; rule upon offers of proof and admit competent evidence; act upon petitions to intervene and upon appearances by non-interveners; permit submission of facts, argument, offers of settlement, and proposals of adjustment; hear oral argument at the close of testimony; fix the time for filing briefs, motions, and other documents to be filed in connection with hearings and the examiner's decision thereon, except as otherwise provided by this part; act upon petitions for enlargement of time to file such documents, including answers to formal complaints and exceptions to examiner's decisions and replies thereto; and dispose of any other matter that normally and properly arises in the course of proceedings. Disrespectful, disorderly, or contumacious language or conduct at any hearing shall be grounds for exclusion of the person guilty thereof from such hearing and for summary suspension for the duration of the hearing by the Board or the presiding officer.

§ 201.148 *Postponement or change of place by presiding officer.* If, in the judgment of the presiding officer, convenience or necessity so requires, he may postpone the time or change the place of hearing.

§ 201.149 *Disqualification of presiding or participating officer.* Any presiding or participating officer may at any time withdraw if he deems himself disqualified, in which case there will be designated another presiding or participating officer. If a party to a proceeding, or his representative, files in good faith a timely and sufficient affidavit of personal bias or disqualification of a presiding or participating officer, the Board will determine the matter as a part of the record and decision in the case.

§ 201.150 *Further evidence required by presiding officer during hearing.* At any time during the hearing the presiding officer may call for further evidence upon any issue, and require such evidence where available to be presented by the party or parties concerned, either at the hearing or adjournment thereof. If a witness refuses to testify or produce the evidence as requested, the presiding officer shall report such refusal to the Board forthwith.

§ 201.151 *Exceptions to rulings of presiding officer unnecessary.* Formal exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is made or sought, makes known the action which he desires the presiding officer to take or his objection to an action taken, and his grounds therefor.

§ 201.152 *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

§ 201.153 *Appeal from ruling of presiding officer.* Rulings of presiding officers may not be appealed prior to, or during the course of, the hearing except in extraordinary circumstances where prompt decision by the Board is necessary to prevent unusual delay, expense, or detriment to the public interest, in which instances the matter shall be referred forthwith by the presiding officer to the Board for determination.

§ 201.154 *Rights of parties as to presentation of evidence.* Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The presiding officer shall, however, have the right and duty to limit the introduction of evidence and the examination and cross-examination of witnesses when in his judgment such evidence or examination is cumulative or is productive of undue delay in the conduct of the hearing.

§ 201.155 *Burden of proof.* At any hearing in a suspension proceeding under section 3 of the Intercoastal Shipping Act, 1933, as amended (§ 201.68), the burden of proof to show that the suspended rate, fare, charge, classification, regulation, or practice is just and reasonable shall be upon the respondent carrier or carriers. In all other cases, the burden shall be on the proponent of the rule or order.

§ 201.156 *Evidence admissible.* In any proceeding under this part, all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative shall be admissible. Irrelevant and immaterial or unduly repetitious or cumulative evidence shall be excluded.

§ 201.157 *Written evidence.* (a) The reading of previously prepared statements into the record by a witness or the examination of a witness by means of written questions and answers should not be resorted to except where necessary to secure a clear presentation of complicated facts. Any portion of such

testimony which is argumentative shall be excluded. Where it is intended to use previously prepared statements or written questions and answers, copies shall be furnished to all parties at the hearing at the time the witness testifies, unless the presiding officer directs otherwise.

(b) Where a formal hearing is held in a rule-making proceeding, interested persons will be afforded an opportunity to participate through submission of competent written evidence properly verified: *Provided*, That such evidence submitted by persons not present at the hearing will not be made a part of the record if objected to by any party on the ground that the person who submits the evidence is not present for cross-examination.

§ 201.158 *Documents containing matter not material.* Where written matter offered in evidence is embraced in a document containing other matter which is not intended to be offered in evidence, the party offering shall present the original document to all parties at the hearing for their inspection, and shall offer a true copy of the matter which is to be introduced unless the presiding officer determines that the matter is short enough to be read into the record. Opposing parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of the original document which are material and relevant.

§ 201.159 *Copies of exhibits.* One copy of each exhibit shall be furnished to each of the parties present at the hearing and to the presiding officer unless he directs otherwise.

§ 201.160 *Records in other proceedings.* When any portion of the record before the Board in any proceeding other than the one being heard is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless the parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference.

§ 201.161 *Board's files.* Where any matter contained in a tariff, report, or other document on file with the Board is offered in evidence, such document need not be produced or marked for identification, but the matter so offered shall be specified in its particularity, giving tariff number and page number of tariff, report or document in such manner as to be readily identified, and may be received in evidence by reference, subject to comparison with the original document on file.

§ 201.162 *Stipulations.* The parties may, by stipulation in writing filed at the prehearing conference or by written or oral stipulation presented at the hearing or by written stipulation subsequent to the hearing, agree upon any facts involved in the proceeding and include them in the record with the consent of the presiding officer. It is desirable that facts be thus agreed upon whenever practicable. Written stipulations shall be subscribed and served upon all parties of record,

§ 201.163 *Receipt of documents after hearing.* Documents or other writings to be submitted for the record after the close of the hearing will not be received in evidence except upon agreement of all parties and with the permission of the presiding officer. Such documents or other writings when submitted shall be accompanied by proof that copies have been served upon all parties, and shall be received not later than ten (10) days after the close of the hearing except for good cause shown, and not less than ten (10) days prior to the date set for filing briefs. Exhibit numbers will not be assigned until such documents are actually received and incorporated in the record. In computing the time within which to file such documents or other writings, the five additional days provided in § 201.162 shall not apply. Documents or other writings submitted contrary to the provisions of this section will be returned to the sender.

§ 201.164 *Oral argument at hearings.* A request for oral argument at the close of testimony will be granted or denied by the presiding officer in his discretion.

§ 201.165 *Official transcript.* The Board will designate the official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and any briefs or memoranda of law filed therewith, shall be filed with the Board. Transcripts of testimony will be available in any proceeding under this part, and will be supplied by the official reporter to the parties and to the public, except when required for good cause to be held confidential, at rates not to exceed the maximum rates fixed by contract between the Board and the reporter.

§ 201.166 *Corrections of transcript.* Motions made at the hearing to correct the record will be acted upon by the presiding officer. Motions made after the hearing to correct the record shall be filed with the presiding officer within ten (10) days after receipt of the transcript, unless otherwise directed by the presiding officer, and shall be served on all parties. Such motions may be in the form of a letter and shall certify the date when the transcript was received. If no objections are received within ten (10) days after date of service, the transcript will, upon approval of the presiding officer, be changed to reflect such corrections. If objections are received, the motion will be acted upon with due consideration of the stenographic record of the hearing.

§ 201.167 *Objection to public disclosure of information.* Upon objection to public disclosure of any information sought to be elicited during a hearing, the witness shall disclose such information only in the presence of the presiding officer, official reporter, and such attorneys or representatives of each party as the presiding officer shall designate, and after all present have been sworn to secrecy. The transcript of testimony shall be held confidential. Within five (5) days after such testimony is given, the objecting party shall file with the presiding officer a verified written motion to withhold such information from

public disclosure, setting forth sufficient identification of same and the basis upon which public disclosure should not be made. Copies of said transcript and motion need not be served upon any other party unless so ordered by the presiding officer.

§ 201.168 *Copies of data or evidence.* Every person compelled to submit data or evidence shall be entitled to retain or, on payment of proper costs, procure a copy of transcript thereof.

§ 201.169 *Record for decision.* The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding shall constitute the exclusive record for decision.

SUBPART K—SHORTENED PROCEDURE

§ 201.181 *Selection of cases for shortened procedure; consent required.* By consent of the parties and with approval of the Board by notice, a complaint proceeding may be conducted under shortened procedure without oral hearing: *Provided*, That a hearing may be ordered at the request of any party prior to initial or recommended decision or upon the Board's motion at any stage of the proceeding.

§ 201.182 *Complainant's memorandum of facts and argument.* Each complainant shall submit to the Board within twenty-five (25) days after date of service of notice by the Board, unless a shorter period is fixed under § 201.104, a memorandum of the facts, subscribed and verified according to § 201.112, and of arguments separately stated, upon which it relies. The original of each memorandum shall be accompanied by sufficient copies for service upon each party and for the Board's use.

§ 201.183 *Respondent's answering memorandum.* Within twenty-five (25) days after date of service of complainant's memorandum, unless a shorter period is fixed under § 201.104, each respondent shall serve upon the complainant an answering memorandum of the facts, subscribed and verified according to § 201.112, and of argument, separately stated, upon which it relies. The original of the answering memorandum shall be accompanied by a certificate of service as provided in Subpart H of this part and shall be accompanied by copies for the Board's use.

§ 201.184 *Complainant's memorandum in reply.* Within fifteen (15) days after the date of service of the answering memorandum, unless a shorter period is fixed under § 201.104, each complainant may serve a memorandum in reply upon each respondent, subscribed, verified and served as provided in Subpart H of this part, and shall be accompanied by copies for the Board's use. This will conclude presentation of the evidence unless otherwise determined by the Board.

§ 201.185 *Service of memoranda upon and by interveners.* Service of all memoranda shall be made upon any interveners. Intervenors shall file and serve memoranda in conformity with the provisions relating to the parties on whose behalf they intervene.

§ 201.186 *Contents of memoranda.* The memorandum should contain concise arguments and fact, the same as would be offered if a formal hearing were held and briefs filed. If reparation is sought, paid freight bills should accompany complainant's original memorandum.

§ 201.187 *Procedure after filing of memoranda.* An initial, recommended, or tentative decision will be served upon the parties in the same manner as is provided under § 201.226. Thereafter, the procedure will be the same as that in respect to proceedings after formal hearing.

SUBPART L—DEPOSITIONS

§ 201.201 *Request for orders to take; time of filing; contents.* The Board may, either on its own initiative, pursuant to a prehearing conference or otherwise, or upon proper request of a party to a proceeding, issue an order to take a deposition. A motion to take a deposition shall be filed with the Board not less than fifteen (15) days before the proposed date for taking the deposition, unless a shorter period is fixed under § 201.104, and shall set forth the reason for the deposition, the place and time of taking, the officer before whom it is to be taken, the name and address of each witness to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and whether the deposition is to be based upon written interrogatories or upon oral examination. If the deposition is to be based upon oral examination, the motion shall contain a statement of the matters concerning which each witness will testify. If the deposition is to be based on written interrogatories, the motion shall be accompanied by the interrogatories to be propounded, serially numbered. Copies of all motions to take depositions, and accompanying interrogatories, if any, shall conform to the requirements of Subpart H of this part. Objection to the taking of such deposition may be made in a reply to such motion, which shall conform to the requirements of § 201.76. Without prejudice to objection to such motion, the reply may also state objection to any individual interrogatory, and if the deposition is permitted, the Board will rule upon such objections to interrogatories. A party served with an order to take a deposition on written interrogatories shall have ten (10) days after date of service of such order, unless a shorter time is fixed under § 201.104, within which to file and serve written cross-interrogatories, which shall be served pursuant to Subpart H of this part. Upon the issuance of an order by the Board for the taking of a deposition, the Secretary will mail a copy thereof to all parties, and the party who requested the deposition shall transmit a copy of such order to the officer taking the deposition. An application to take a deposition in a foreign country will be entertained when necessary or convenient, and authority to take such deposition will be granted upon such notice and other terms and directions as are lawful and appropriate.

§ 201.202 *Contents of order.* The order issued authorizing the taking of a deposition will state the name and address of each witness or a general description sufficient to identify him or the particular class or group to which he belongs, the matters concerning which it is expected such witness will testify, the place where, the time when, and the officer before whom the deposition is to be taken. If the deposition is to be taken upon written interrogatories, a list of the interrogatories will accompany the order.

§ 201.203 *Record of examination, oath, objections.* The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically, shall be translated to English pursuant to § 201.7 if necessary, and shall be transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. Any party served with a notice to take an oral deposition may cross-examine a witness whose testimony is taken under such deposition. In lieu of cross-examination, parties served with notice of taking a deposition may transmit written interrogatories or cross-interrogatories to the officer taking the deposition, who shall propound them to the witness and record the answers verbatim together with any objections interposed thereto by adverse parties.

§ 201.204 *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon objection the presiding officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

§ 201.205 *Certification and filing by officer's copies.* The officer taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel

or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Board. Interested parties shall make their own arrangements with the officer taking the deposition for copies of the testimony and the exhibits.

§ 201.206 *Waiver of objections and admissibility.* Objections to the form of question and answer shall be made before the officer taking the depositions by parties or representatives present, and if not so made, shall be deemed waived. Depositions shall, when offered at the hearing, be subject to proper legal objection.

§ 201.207 *Time of filing.* All depositions shall be filed with the Board not later than the date of the hearing in which they are to be offered as evidence.

§ 201.208 *Inclusion in record.* No deposition shall constitute a part of the record in any proceeding until received in evidence.

§ 201.209 *Witness fees; expenses of taking depositions.* Witnesses whose depositions are taken pursuant to this part, and the officer taking such depositions; shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States. All expenses of taking such depositions shall be paid by the party at whose instance the deposition is taken.

§ 201.210 *Depositions taken or authorized by presiding officer.* The presiding officer may also take or authorize depositions to be taken, and in such event this part shall govern in so far as applicable unless the proper course of the proceeding requires otherwise, in which case he shall prescribe the procedure to be followed.

SUBPART M—BRIEFS; REQUESTS FOR FINDINGS; DECISIONS; EXEMPTIONS

§ 201.221 *Briefs; request for findings.* The presiding officer shall fix the time for filing briefs and any enlargement thereof. The period of time allowed, subject to the provisions of § 201.102, shall be the same for all parties unless the presiding officer, for good cause shown, directs otherwise. The parties may not file more than one brief except in unusual cases. Briefs shall be served upon all parties pursuant to Subpart H of this part. In investigations instituted on the Board's own motion, the presiding officer may require the attorney for the Board to file a request for findings of fact and conclusions within a reasonable time prior to the filing of briefs. Service of the request shall be in accordance with the provisions of Subpart H of this part. In addition to the ordinary summary of evidence, with reference to exhibit numbers and pages of the transcript, and statements of law with appropriate citations of the authorities relied upon, the

brief shall contain proposed findings of fact and conclusions in serially numbered paragraphs.

§ 201.222 *Requests for enlargement of time for filing briefs.* Requests for enlargement of time within which to file briefs shall conform to the requirements of § 201.103. Except for good cause shown, such requests shall be filed and served not later than eight (8) days before the expiration of the time fixed for the filing of the briefs. In computing the time within which to file such request, the five additional days provided in § 201.102 shall not apply.

§ 201.223 *Reopening of case by presiding officer prior to decision.* At any time prior to the filing of his decision, the presiding officer, either upon petition or within his discretion, may, for good cause and upon reasonable notice, reopen the case for the reception of further evidence.

§ 201.224 *Decisions; authority to make and kinds.* To the examiners of the Hearing Examiners' Office is delegated the authority to make and serve initial or recommended decisions. The notice of hearing or order of investigation shall prescribe the kind of decision to be issued. The same officers who preside at the reception of evidence pursuant to section 7 of the Administrative Procedure Act shall make the initial or recommended decision except where such officers become unavailable to the Board, in which case another officer will be designated to make such decision. Where the Board requires the entire record in the case to be certified to it for initial decision, the presiding or other officer shall first recommend a decision except that in rule making or determining applications for initial licenses (a) in lieu thereof the Board may issue a tentative decision or any of its responsible officers may recommend a decision or (b) any such procedure may be omitted in any case in which the Board finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires. When an initial decision becomes a decision of the Board in the absence of Board review, the Secretary will issue and serve upon the parties of record notice of the date such decision becomes effective as a Board decision or order.

§ 201.225 *Separation of functions.* The separation of functions as required by section 5 (c) of the Administrative Procedure Act shall be observed in proceedings under this part.

§ 201.226 *Decisions; contents and service.* All initial, recommended, tentative, and final decisions will include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate rule, order, sanction, relief, or denial thereof. A copy of each decision when issued shall be served on the parties to the proceeding, and furnished to interested persons upon request.

§ 201.227 *Decision based on official notice.* Official notice may be taken of

such matters as might be judicially noticed by the courts, or of technical or scientific facts within the general knowledge of the Board as an expert body. *Provided,* That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence in the record, the fact of official notice shall be so stated in the decision, and any party, on timely request, shall be afforded an opportunity to show the contrary.

§ 201.228 *Exceptions to, and renewal by Board of, decisions.* Within fifteen (15) days after date of service of the initial, recommended, or tentative decision, unless a shorter time is fixed under § 201.104, any party may file a memorandum excepting to any conclusions, findings, or statements contained in such decision, and a brief in support of such memorandum. Such exceptions and brief shall constitute one document, shall indicate with particularity alleged errors, shall indicate page of the transcript and exhibit number when referring to the record, and shall be served on all parties pursuant to Subpart H of this part. In the absence of ascertained error or exceptions, a recommended or tentative decision will be taken by the Board as the basis of its decision. Whenever the officer who presided at the reception of the evidence, or other qualified officer, makes an initial decision, and in the absence of the filing of exceptions thereto or notice of review thereof by the Board, such decision by the officer, without further proceedings, shall become the decision of the Board. Upon the filing of exceptions to, or review of, an initial decision, such decision shall become inoperative until the Board determines the matter. Where exceptions are filed to, or the Board reviews, an initial decision, the Board, except as it may limit the issues upon notice or by rule, will have all the powers which it would have in making the initial decision. Whenever the Board shall determine to review an initial decision on its own initiative, notice of such intention shall be served upon the parties within thirty (30) days after date of service of the initial decision.

§ 201.229 *Replies to exceptions.* An adverse party may file and serve a reply to exceptions within fifteen (15) days after date of service thereof, unless a shorter time is fixed under § 201.104. Such reply shall indicate page of the transcript and exhibit numbers when referring to the record.

§ 201.230 *Request for enlargement of time for filing exceptions and replies thereto.* Requests for enlargement of time within which to file exceptions, and briefs in support thereof, or replies to exceptions shall conform to the applicable provisions of § 201.103. Except for good cause shown, such requests shall be filed and served not later than eight (8) days before the expiration of the time fixed for the filing of such documents. In computing the time within which to file such request, the five (5) additional days provided in § 201.102 shall not apply.

§ 201.231 *Certification of record by presiding or other officer*. The presiding or other officer shall certify and transmit the entire record to the Board when (a) exceptions are filed or the time therefor has expired, (b) notice is given by the Board that the initial decision will be reviewed on its own initiative, or (c) the Board requires the case to be certified to it for initial decision.

SUBPART N—ORAL ARGUMENT; SUBMITTAL FOR FINAL DECISION

§ 201.241 *Oral argument*. If oral argument before the Board is desired on exceptions to an initial, recommended, or tentative decision, or on a motion, petition, or application, a request therefor shall be made in writing. Any party may make such request irrespective of his filing exceptions under § 201.228. If a brief on exceptions is filed, the request for oral argument shall be incorporated in such brief. Requests for oral argument on any motion, petition, or application shall be made in the motion, petition, or application, or in the reply thereto. Applications for oral argument will be granted or denied in the discretion of the Board, and, if granted, the notice of oral argument will set forth the order of presentation. Upon request, the Board will notify any party of the amount of time which will be allowed him. Those who appear before the Board for oral argument should confine their argument to points of controlling importance. Where the facts of a case are adequately and accurately dealt with in the initial, recommended, or tentative decision, parties should, as far as possible, address themselves in argument to the conclusions. Effort should be made by parties taking the same position to agree in advance of the argument upon those who are to present their side of the case, and the names of such persons and the amount of time requested should be received by the Board not later than ten (10) days before the date set for the argument. The fewer the number of persons making the argument the more effectively can the parties' interests be presented in the time allotted.

§ 201.242 *Submittal to Board for final decision*. A proceeding will be deemed submitted to the Board for final decision as follows: (a) If oral argument is had, the date of completion thereof, or if memoranda on points of law are permitted to be filed after argument, the last date of such filing; (b) if oral argument is not had, the last date when exceptions or replies thereto are filed, or if exceptions are not filed, the expiration date for such exceptions; (c) in the case of an initial decision, the date of notice of the Board to review the decision, if such notice is given.

SUBPART O—REPARATION

§ 201.251 *Proof on award of reparation*. If many shipments or points of origin or destination are involved in a proceeding in which reparation is sought, the Board will determine in its decision the issues as to violations, injury to complainant, and right to reparation. If complainant is found entitled to reparation, the parties thereafter will be given an opportunity to agree or make

proof respecting the shipments and pecuniary amount of reparation due before the order of the Board awarding reparation is entered. In such cases, freight bills and other exhibits bearing on the details of all shipments, and the amount of reparation on each, need not be produced at the original hearing unless called for or needed to develop other pertinent facts.

§ 201.252 *Reparation statements*. When the Board finds that reparation is due, but that the amount cannot be ascertained upon the record before it, the complainant shall immediately prepare a statement in accordance with the approved reparation statement in Appendix II (4) (18 F. R. 3348) showing details of the shipments on which reparation is claimed. This statement shall not include any shipments not covered by the findings of the Board. Complainant shall forward the statement, together with the paid freight bills on the shipments, or true copies thereof, to the carrier or other person who collected the charges for checking and certification as to accuracy. Statements so prepared and certified shall be filed with the Board for consideration in determining the amount of reparation due. Disputes concerning the accuracy of amounts may be assigned for conference by the Board, or in its discretion referred for further hearing.

SUBPART P—REOPENING OF PROCEEDINGS

§ 201.261 *Reopening by Board and modification or setting aside of report or order*. Upon petition or its own motion, the Board may at any time after reasonable notice, reopen any proceeding under this part for rehearing, reargument or reconsideration and, after opportunity for hearing, may alter, modify, or set aside in whole or in part its report of findings or order therein if it finds such action is required by changed conditions in fact or law or by the public interest.

§ 201.262 *Petition for reopening*. A petition for reopening for the purpose of reargument, reconsideration, or to take further evidence shall be made in writing, shall state the grounds relied upon, and shall conform to the requirement of Subpart H of this part. If the petition be to take further evidence, the nature and purpose of the new evidence to be adduced shall be briefly stated, and it shall appear that such evidence was not available at the time of the prior hearing. If the petition be for reargument or reconsideration, the matter claimed to have been erroneously decided shall be specified and the alleged errors briefly stated. In case of unforeseen emergency, satisfactorily shown by the petitioner, request for modification of rules or orders may be made by telegram or otherwise, upon notice to all parties or attorneys of record, but such request shall be followed by a petition filed and served in accordance with Subpart H of this part.

§ 201.263 *Stay of rule or order*. No petition for reopening or allowance thereof, except by special order of the Board shall operate as a stay of any

rule or order entered by the Board, except that pending judicial review, and where it finds that justice so requires, the Board may postpone the effective date of any action taken by it.

§ 201.264 *Time for filing petition to reopen*. Except for good cause shown, and upon leave granted, petition to reopen under § 201.262 shall be filed with the Board within thirty (30) days after the date of service of the Board's final decision or order in the proceeding, unless a shorter period is fixed under § 201.104.

§ 201.265 *Reply to petition to reopen*. Replies to petitions filed pursuant to § 201.262 shall conform to the requirements of § 201.76.

SUBPART Q—JUDICIAL REVIEW

§ 201.271 *Appeal from initial decision necessary before judicial review*. Any party not satisfied with the initial decision of a hearing officer shall appeal same to the Board, by filing exceptions thereto, before such decision may be regarded as final for the purposes of judicial review. In the event of such appeal, the initial decision meanwhile shall be inoperative.

SUBPART R—SCHEDULES AND FORMS

§ 201.281 *Schedule of information for presentation in regulatory cases; approved forms*. A schedule of information for presentation in regulatory cases, and approved forms, which have been adopted by the Board and Maritime Administration, were published in the FEDERAL REGISTER of June 11, 1953 (18 F. R. 3347-3349)

SUBPART S—EFFECTIVE DATE

§ 201.291 *Effective date and applicability of rules*. The rules in this part shall become effective July 31, 1953, and shall apply only to cases which are designated for hearing on or after July 31, 1953: *Provided, however*, That the rules in this part shall be applicable to cases designated for hearing prior to July 31, 1953, if consolidated with a case designated for hearing on or after that date. All other cases designated for hearing prior to July 31, 1953, shall be governed by the rules in effect immediately prior to such date.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

By order of the Maritime Administration.

[SEAL] A. J. WILLIAMS,
Secretary.

JUNE 23, 1953.

[F. R. Doc. 53-8704; Filed, June 20, 1953; 8:47 a. m.]

PART 202—APPROVED FORMS

PART 203—PRACTICE BEFORE THE COMMISSION

CROSS REFERENCE: For supersedure of Parts 202 and 203, see Part 201 of this chapter, *supra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 17 since it was last published in the FEDERAL REGISTER (January 4, 1951, at page 86) there follows a recapitulation of Part 17 as revised to and including the Commission's action of June 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

SUBPART A—GENERAL INFORMATION

- Sec.
17.1 Basis and purpose.
17.2 Definitions.
17.3 Form to be used to describe proposed antenna structures.
17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

SUBPART B—CRITERIA FOR DETERMINING WHETHER APPLICATIONS FOR RADIO TOWERS LIMITATION IN CONNECTION WITH AIR NAVIGATION REQUIRE SPECIAL AERONAUTICAL STUDY

- 17.11 Antenna structures over 500 feet in height.
17.12 Antenna structures over 170 feet up to and including 500 feet in height.
17.13 Antenna structures 170 feet in height and under.
17.14 Certain antenna structures exempt from special aeronautical study.
17.15 Antenna structures in airports and approach areas.
17.16 Shielded antenna structures.
17.17 Existing structures.

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

- 17.21 Painting and lighting, when required.
17.22 Particular specifications to be used.
17.23 Specifications for the painting of antenna structures in accordance with § 17.21.
17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height.
17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.
17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.
17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.
17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.
17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.
17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1050 feet in height.
17.31 Specifications for the lighting of antenna structures over 1050 feet up to and including 1200 feet in height.
17.32 Specifications for the lighting of antenna structures over 1200 feet up to and including 1350 feet in height.
17.33 Specifications for the lighting of antenna structures over 1350 feet up to and including 1500 feet in height.

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- Sec.
17.34 Specifications for the lighting of antenna structures over 1,500 feet in height.
17.35 Antenna farms and multiple structure antenna arrays.
17.36 Temporary warning lights.
17.37 Inspection of tower lights and associated control equipment.
17.38 Recording of tower light inspections in the station record.
17.39 Cleaning and repainting.
17.40 Time when lights shall be exhibited.
17.41 Spare lamps.
17.42 Lighting equipment.
17.43 Painting and lighting existing structures.
17.44 Maintenance of lighting equipment.
17.45 Report of completion of radio transmitting antenna construction.

AUTHORITY: §§ 17.1 to 17.45 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 309, 48 Stat. 1081, 1082, 1086; 47 U. S. C. 301, 303, 309.

SUBPART A—GENERAL INFORMATION

§ 17.1 *Basis and purpose.* (a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience or necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards have been worked out in conjunction with the Civil Aeronautics Administration, the Department of Defense and other Government agencies.

§ 17.2 *Definitions.*—(a) *Airport reference point.* The airport reference point is a point selected and marked at the approximate geometric center of the airport landing area.

(b) *Antenna structures.* The term "antenna structures" includes the radiating system and its supporting structures.

(c) *Approach surfaces and approach areas.* The approach surface is an imaginary inclined plane through the air space located directly above the approach area. The dimensions of the approach area are measured horizontally. This inclined plane extends upward and outward from the beginning of the approach area starting at the elevation of the runway end.

(1) *Length.* The approach area has a length of 10,000 feet beginning 200 feet (1,000 feet for regular Department of Defense Air Bases) from the end of each runway and extending outward, ending at a point 10,200 feet (11,000 feet for regular Department of Defense Air Bases) from the end of the runway on the extended center line of the runway. In addition the approach areas of all runways which may be used for instrument operation shall extend outward an

additional 40,000 feet. The approach area requirements for instrument runways shall apply to all runways which may be used for instrument operations and to both ends of such runways.

(2) *Width.* The approach area is symmetrically located with respect to the extended runway center line, and for all instrument runways has a total width of 1,000 feet (1,500 feet for regular Department of Defense Air Bases) at the end adjacent to the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section. For all other runways not designated for instrument operation, the approach area has a total width at the end adjacent to the runway, and at the approach end, respectively, as follows: For express air carrier service and larger airports, 500 feet and 2,500 feet; for trunk line air carrier service airports, 400 feet and 2,400 feet; for feeder air carrier service airports, 300 feet and 2,300 feet; for secondary airports, 250 feet and 2,250 feet.

(3) *Slope.* For instrument runways the slope of the approach surface along the runway center line extended is 50:1 (an elevation of 1 foot for each 50 feet of horizontal distance) for the inner 10,000-foot section and 40:1 (an elevation of 1 foot for each 40 feet of horizontal distance) for the outer 40,000-foot section. All other runways, not designated for instrument operation which meet or exceed the minimum runway length requirements for feeder air carrier service shall have a slope of 40:1. On airports with shorter runway lengths than those specified for feeder air carrier service, the slope of the approach surface is 20:1 (an elevation of 1 foot for each 20 feet of horizontal distance) for all runways.

(d) *Conical surface.* The conical surface is an imaginary surface through the air space extending upward and outward from the periphery of the horizontal surface and having a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance of 7,000 feet for intercontinental express airports, intercontinental airports and Department of Defense Air Bases; and 5,000 feet for continental, express, trunk line and feeder airports, and 3,000 feet for all smaller airports.

(e) *Designated air traffic control areas.* Areas established and designated by the Administrator of Civil Aeronautics for air traffic control purposes. Information concerning the location of these areas can be obtained from CAA publications and by contacting the CAA regional office.

(f) *Established airport elevation.* The established elevation of the airport is the elevation of the highest point of the usable landing area.

(g) *Established coastal corridors.* Certain established corridors in which low level flight is required for Department of Defense and Coast Guard air operations conducted from air stations located within 20 statute miles of the

Atlantic, Pacific and Gulf Coast. These corridors will be ten miles in width extending from coastal air stations to the nearby sea coast. Information with respect to these established corridors will be published along with the information on civil airways.

(h) *Civil airways.* A system of aerial routes designated by the Administrator of Civil Aeronautics for Air Navigation and Traffic Control purposes. Information concerning the location of civil airways can be obtained from aeronautical charts, CAA publications, and by contacting the CAA regional offices.

(i) *Final approach minimum flight altitude.* An altitude designated by appropriate federal authority which is normally established from the highest point within five statute miles of the center line of the final approach course of the radio facility used for final let-down for an airport, and extending for a distance of ten statute miles along this course outward from the radio facility. The radio facilities used for final let-down and the final approach minimum flight altitudes are published in Instrument Approach and Landing Charts and the Flight Information Manual.

(j) *Horizontal surface.* The horizontal surface is an imaginary plane through the air space, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as indicated in the following table:

	<i>Feet</i>
Intercontinental express airports and Department of Defense air bases.....	13,000
Intercontinental airports.....	11,500
Continental airports.....	10,000
Express airports.....	8,500
Trunk line airports.....	7,000
Feeder airports.....	6,000
All smaller airports.....	5,000

The category of every airport in accordance with the above classification is designated by the Administrator of Civil Aeronautics.

(k) *Instrument approach area.* An approach area where instrument approaches are authorized. The dimensions of the approach area and instrument approach area are contained in paragraph (c) of this section.

(l) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use,¹ for the landing and takeoff of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(m) *Minimum flight altitude.* Minimum altitudes designated by the Administrator of Civil Aeronautics to provide aircraft a safe clearance of all obstructions within the area designated. The necessary information concerning the locations of these areas and the established minimum flight altitude can be

¹ Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

obtained from the CAA publications and by contacting the CAA regional offices.

(n) *Transitional surfaces.* The transitional surfaces are imaginary inclined planes through the air space having a slope of 7:1 (an elevation of 1 foot for each 7 feet of horizontal distance) measured upward and outward in a vertical plane at right angles to the axis of the runway. The transitional surfaces, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center line equal to one-half of the minimum width of the approach area indicated in paragraph (c) (2) of this section. Transitional surfaces extend from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface or the conical surface. The approach surfaces for instrument runways projecting through and beyond the limits of the conical surface shall have 7:1 transitional surfaces extending a distance of 5,000 feet measured horizontally from the edge of the approach surfaces and at right angles to the runway axis.

§ 17.3 *Form to be used to describe proposed antenna structures.* Applications for radio facilities shall be accompanied by FCC Form 401-A (revised) for services other than broadcast² when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401-A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

§ 17.4 *Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.* (a) All applications which in the light of the criteria set forth below require aeronautical study will be referred by the Commission through appropriate channels to the Airspace Subcommittee of the Air Coordinating Committee for its recommendation.

(b) All applications which do not require aeronautical study in view of the criteria set forth below will be deemed not to involve a hazard to air navigation and will be considered by the Commission without reference to the

² FCC Form 301, Section V-G (antenna) shall be submitted with all broadcast applications.

Airspace Subcommittee of the Air Coordinating Committee.

(c) Whenever a recommendation for approval of any application that has been submitted to the Airspace Subcommittee of the Air Coordinating Committee has been received from that Committee, the application will be deemed not to involve a hazard to air navigation and will be processed by the Commission accordingly.

(d) Whenever a report recommending denial of any application or any report which indicates a lack of agreement among the members of the Airspace Subcommittee of the Air Coordinating Committee has been received from that Committee, the applicant will be so advised and the Commission will take such further action as might be appropriate.

SUBPART B—CRITERIA FOR DETERMINING WHETHER APPLICATIONS FOR RADIO TOWERS LIMITATION IN CONNECTION WITH AIR NAVIGATION REQUIRE SPECIAL AERONAUTICAL STUDY

§ 17.11 *Antenna structures over 500 feet in height.* Antenna structures over 500 feet in height above the ground will require special aeronautical study irrespective of their location.

§ 17.12 *Antenna structures over 170 feet up to and including 500 feet in height.* Antenna structures over 170 feet up to and including 500 feet in height above the ground will not require special aeronautical study except:

(a) Where antenna structures less than 500 feet in height would necessitate the raising of the minimum flight altitude within the Civil Airways and designated air traffic control areas in the country.

(b) In areas of established coastal corridors.

(c) Where the antenna structure would project above the landing area, or the limiting heights or surfaces, specified in § 17.15, of all airports now in existence or provided for in approved plans.¹

§ 17.13 *Antenna structures 170 feet in height and under.* Antenna structures 170 feet and under in height above the ground will not require special aeronautical study, except in the areas outlined in § 17.15.

§ 17.14 *Certain antenna structures exempt from special aeronautical study.* Antenna structures mounted on top of natural formations or existing man-made structures will not require special aeronautical study, if, as a result of such mounting, the over-all height of such natural formations or existing man-made structures has not increased more than 20 feet.

§ 17.15 *Antenna structures in airports and approach areas.* Antenna structures in the vicinity of airports and approach areas will require special aeronautical study if they project above the following heights above ground or surfaces (in case of conflict the lowest height will prevail)

(a) In instrument approach areas, more than 100 feet above the ground or 100 feet above the elevation of the approach end of the runway, whichever gives the higher elevation of the structure, within three statute miles of the

runway end, and increasing in height above ground in the proportion of 25 feet for each additional statute mile of distance outward from the runway but not to exceed 250 feet within ten miles of the runway end. The approach area requirements for instrument runways shall apply to both ends of such runways.

(b) More than 170 feet above the ground or the established airport elevation, whichever gives the higher elevation of the structure within three statute miles of the reference point of a feeder or larger class airport and increasing in height above ground in the proportion of 100 feet for each additional statute mile of distance from the airport but not to exceed a maximum of 500 feet above ground.

(c) Antenna structures of an elevation which would increase the final approach minimum flight altitude.

(d) In addition to the requirements mentioned above, antenna structures which project above the landing area or any of the following imaginary surfaces will require special aeronautical study:

- (1) Approach surface.
- (2) Horizontal surface.
- (3) Conical surface.
- (4) Transitional surface.

(e) Under most conditions, the limits prescribed in paragraphs (a) (b) and (c) of this section will be the determining factor. However, in the areas immediately adjacent to the runways and under certain conditions where the terrain rises rapidly in the airport area, the surfaces specified in paragraph (d) of this section become a more limiting factor from the absolute height of requirements.

§ 17.16 Shielded antenna structures. In any special aeronautical study conducted under the provisions of this subpart, the circumstances that the antenna structure will be shielded by natural formations or existing man-made structures will be taken into account.

§ 17.17 Existing structures. (a) Nothing in these criteria concerning antenna structures or locations shall apply to those structures now existing or to those structures authorized prior to the effective date of these criteria.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

§ 17.21 Painting and lighting, when required. Antenna structures shall be painted and lighted when:

- (a) They require special aeronautical study or
- (b) They exceed 170 feet in height above the ground.

(c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 Particular specifications to be used. (a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth in this subpart.

(b) Where special aeronautical study is required, the Commission will, insofar as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed in this subpart.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen, the Commission will specify the type of painting and lighting to be used in the individual situation.

§ 17.23 Specifications for the painting of antenna structures in accordance with § 17.21. Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 40 feet nor less than 1½ feet in width.

§ 17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height. (a) Antenna structures up to and including 150 feet in height above the ground located in areas set forth in § 17.15 shall be lighted as follows:

(1) There shall be installed at the top of the tower at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it should be adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height. (a) Antenna structures over 150 feet up to and including 300 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of ap-

proach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate mid point of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height. (a) Antenna structures over 300 feet up to and including 450 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower, there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height. (a) Antenna structures over 450 feet up to

and including 600 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately one-half of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height. (a) Antenna structures over 600 feet up to and including 750 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons

from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height. (a) Antenna structures over 750 feet up to and including 900 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach,

there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height. (a) Antenna structures over 900 feet up to and including 1,050 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of less than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles

and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.31 *Specifications for the lighting of antenna structures over 1,050 feet up to and including 1,200 feet in height.* (a) Antenna structures over 1,050 feet up to and including 1,200 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.32 *Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.* (a) Antenna structures over 1,200 feet up to and including 1,350 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other con-

struction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths and two-ninths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.33 *Specifications for the lighting of antenna structures over 1,350 feet and up to and including 1,500 feet in height.* (a) Antenna structures over 1,350 feet up to and including 1,500 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of

darkness equal to one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed heights.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.34 *Specifications for the lighting of antenna structures over 1,500 feet in height.* Antenna structures over 1,500 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.35 *Antenna farms and multiple structure antenna arrays.* In the case of antenna structures which are so grouped as to present a common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.36 *Temporary warning lights.* During construction of an antenna structure, for which obstruction lighting is required, at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.37 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has

an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.38 *Recording of tower light inspections in the station record.* The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.37:

(a) The time the tower lights are turned on and off each day if manually controlled;

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided;

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed, or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements were made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 17.39 *Cleaning and repainting.* All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.40 *Time when lights shall be exhibited.* All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.41 *Spare lamps.* A sufficient supply of spare lamps shall be maintained

for immediate replacement purposes at all times.

§ 17.42 *Lighting equipment.* The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government, and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings: (Lamps are referred to by standard numbers.)

Aviation red	Army-Navy Specification	AN-C-56. ¹
Outside white	Federal Specifications	TT-P-40, Type 1 or 2. ²
Aviation surface orange	do	TT-P-59. ²
Code beacon	CAA Specifications	446 (sec. II-d-Style 4). ⁴
Obstruction light globe, prismatic.	Army-Navy Drawing	} AN-L-10A. ¹ or CAA Specification L-810.
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly.	do	
Obstruction light fitting assembly.	do	
100-watt lamp		#100 A21/TS. ⁵
111-watt lamp		#111 A21/TS (3,000 hours).
500-watt lamp		#500 PS 40/45. ⁵
620-watt lamp		#620 PS 40/45 (3,000 hours).

¹ Copies of Army-Navy Specifications or drawings can be obtained by contacting Commanding General, Air Materiel Command, Wright Field, Dayton, Ohio, or the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Information concerning Army-Navy Specifications or drawings can also be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

² Copies of this specification can be obtained from the Government Printing Office for 5 cents.

³ At the Air Routes and Ground Aids Division Meeting of the International Civil Aviation Organization during November 1949, the designation "Aviation Surface Orange", was adopted to replace "International Orange"

⁴ Copies of this specification can be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce.

⁵ It is strongly recommended that the 111-watt and 620-watt, 3,000-hour lamps, be used instead of the 100-watt and 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.43 *Painting and lighting existing structures.* Nothing in the criteria set forth in §§ 17.11 to 17.17 or this subpart concerning antenna structures or locations shall apply to painting and lighting those structures authorized prior to the effective date of this part except where lighting and painting requirements are reduced, in which case the lesser requirements may apply.

§ 17.44 *Maintenance of lighting equipment.* Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.45 *Report of completion of radio transmitting antenna construction.* Any permittee or licensee, who pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking is required, shall, upon the completion of such construction or changes, immediately fill out and file with the Director, U. S. Coast and Geodetic Survey, C. & G. S. Form 844 (Report of Completion of Radio Transmitting Antenna Construction) in order that radio tower information may be provided promptly for use on Aeronautical Charts and related publications in the interest of safety in air navigation.

[F. R. Doc. 53-5699; Filed, June 29, 1953; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 95, Amdt. 1]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F. R. 473) and good cause appearing therefor: It is ordered, that:

Section 95.95 *Appointment of refrigerator car agent of Fifth Revised Service Order No. 95*, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) This section, as amended, shall expire at 11:59 p. m., November 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953; that a copy of this order and direction be served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by de-

positing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5705; Filed, June 29, 1953;
8:48 a. m.]

[S. O. 865, Amdt. 36]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467, 5771, 5772, 5953, 6558; 18 F. R. 37, 1857, 2084, 2757) and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5706; Filed, June 29, 1953;
8:48 a. m.]

[S. O. 865, Amdt. 37]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467, 5771, 5772, 5953, 6558; 18 F. R. 37, 1857, 2084, 2757) and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 as amended, be, and it is hereby suspended until 11:59 p. m., September 30, 1953, on all freight cars except cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 306, supplements thereto and reissues thereof, as Class "F"—Flat Car Type, Class "LO"—Covered Hopper Type, and Class "LG"—Bulk Lading Container Type.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5707; Filed, June 23, 1953;
8:48 a. m.]

[Rev. S. O. 866, Amdt. 8]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of the provisions of Revised Service Order No. 866 (15 F. R. 6198, 6256, 6573; 16 F. R. 2894, 13102; 17 F. R. 2765, 3458, 4949; 18 F. R. 1858, 2084, 3172) and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement*, of Revised Service Order No. 866 be, and it is hereby amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads sub-

scribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5703; Filed, June 23, 1953;
8:43 a. m.]

[S. O. 869, Amdt. 8]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of Service Order No. 869 (15 F. R. 8224, 9109; 16 F. R. 2040, 3619, 10994; 17 F. R. 2765, 8582; 18 F. R. 1853), and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited* of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5703; Filed, June 23, 1953;
8:43 a. m.]

[S. O. 873, Amdt. 6]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its

RULES AND REGULATIONS

office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482, 6558; 18 F. R. 473, 2235) and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent* of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5710; Filed, June 29, 1953; 8:49 a. m.]

[S. O. 887, Amdt. 3]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1953.

Upon further consideration of Service Order No. 887 (17 F. R. 5954, 9777; 18 F. R. 1858) and good cause appearing therefor: It is ordered, that:

Section 95.887 *Substitution of refrigerator cars for box cars* of Service Order No. 887, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1953; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5711; Filed, June 29, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDERS

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued in this rate proceeding on December 30, 1952 (11 A. D. 1167) authorizing the respondent to continue assessing to and including February 11, 1955, the rates and charges for stockyard services authorized by certain prior orders.

On June 18, 1953, respondent filed a petition requesting authority to put into effect as soon as possible certain modifications of its current schedule and to continue assessing the current schedule as so modified for a period of two years from the effective date of the order to be issued as a result of the petition.

The modifications of the current schedule of rates and charges proposed by respondent are as follows (present rates are shown in parentheses)

In section 1, item 1 (regular yardage), change the amounts as follows:

	Received by railroad	Received other than by railroad
Cattle.....	\$0.70 (\$0.62)	\$0.70 (\$0.62)
Calves (300 pounds and under).....	.37 (.32)	.37 (.32)
Hogs.....	.24 (.21)	.24 (.21)
Sheep and goats.....	.18 (.14)	.18 (.14)

In section 1, item 2 (resales) change the amounts as follows:

Cattle	\$0.35 (\$0.31)
Calves .....	.19 (.16)
Hogs .....	.12 (.11)
Sheep .....	.09 (.07)

In section 1, item 3 (reweighs) change the amounts as follows:

Cattle	\$0.13 (\$0.10)
Calves .....	.08 (.06)
Hogs .....	.05 (.04)
Sheep .....	.05 (.04)

In section 1, item 4 (directs) change the amounts as follows:

Cattle	\$0.35 (\$0.31)
Calves .....	.19 (.16)
Hogs .....	.12 (.11)
Sheep .....	.09 (.07)

In section 2 (service charges) add a new item as follows:

Item 5. For driving livestock to railroad chutes for loading outbound rail shipments, a charge of \$1 per deck will be made.

In section 3 (feed and bedding), change item 7 to read as follows:

When bedding is requested for railroad cars, the charge for material and labor will be \$1 (\$0.75) per bale of straw or bedding hay.

NOTE: Unless otherwise ordered in writing, 2 bales per deck will be furnished.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. It appears, therefore, that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 25th day of June 1953.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 53-5371; Filed, June 20, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 11, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT TO ASSIST IN A FEDERAL LAND PROGRAM

JUNE 23, 1953.

Pursuant to determination of the Federal Power Commission, DA-707-California, dated June 8, 1949, and in accordance with Order No. 427, section 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 other existing withdrawals, and subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject further to the condition that, if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon, which shall be found to interfere with power development, shall be removed or so relocated as may be necessary to eliminate interference with power development without expense to the United States, it permits or licenses; the land hereinafter described, so far as it is withdrawn or reserved for power purposes under Federal Power Project No. 152 of December 15, 1921, is hereby restored for disposition under the exchange provisions of section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) in accordance with application Los Angeles serial 088891 to assist in the Federal land program of land consolidation within the Joshua Tree National Monument, as authorized by section 3 of the act of May 31, 1947 (61 Stat. 123; 43 U. S. C. 282)

T. 25 S., R. 35 E., M. D. M.,
Sec. 24, NW¼NW¼.

The land described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER, or until advice as to the State's interest is received, if prior to the expiration of ninety days, for rights-of-way for public highways or as a source of material for such highways, as provided by said section 24 of the Federal Power Act, as amended.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 53-5693; Filed, June 29, 1953;
8:45 a. m.]

[Order No. 30, Region V]

TOWN SITE OF CLAY SPRINGS, ARIZONA
SALE OF TOWN LOTS

JUNE 23, 1953.

1. *Statutory authority.* Certain lots in the town site of Clay Springs, Arizona, No. 126—5

will be disposed of under sections 2382 to 2386, U. S. Revised Statutes (43 U. S. C. 713-717). The Regional Administrator is authorized to conduct the sale under section 2.78 of Order No. 427 of the Bureau of Land Management dated August 16, 1950 (15 F. R. 5639) The townsite plat of Clay Springs was accepted October 11, 1939.

2. *Lots, areas, and minimum prices.* Lot 4 of Block 4, Lots 2 and 3 of Block 5, Lot 4 of Block 9, and Lot 1 of Block 12 as shown on the town site plat will be offered for sale. Each lot is over 4,200 square feet, the area of each lot being shown on the town site plat. The appraised and minimum price of each lot is \$16.00.

Lots 2 and 3 of Block 5 were previously offered for public sale pursuant to notice of sale dated September 29, 1950, contained in Order No. 17, Region V (15 F. R. 6726), but were not sold at such sale. Lot 4 of Block 4, Lot 4 of Block 9, and Lot 1 of Block 12 were not previously offered because of preemption claims, none of which were finally allowed.

The sale provided for in Order No. 17 is hereby terminated and no further sales will be made under that order.

3. *Public sale.* The above described lots will be offered for sale by the Manager of the Land and Survey Office, Phoenix, Arizona, who is hereby designated as a representative of the Regional Administrator, at public outcry to the highest bidder at the Land and Survey Office, Room 243, Main Post Office Building, Phoenix, Arizona, on the 5th day of October 1953 at 10:00 a. m. The sale will be continued from day to day for a period of five (5) days at the end of which it will be closed.

4. *Payment.* No lot will be sold for less than the appraised price. Full payment must be made in cash for those lots sold for not more than \$50.00. Payment must be made on the date of sale. The lots which are sold for more than \$50.00 and not more than \$100.00 may be paid for in cash on the date of sale, or in two equal installments, the first installment to be paid on the date of sale, and the second installment within one year from the date of sale, with interest at the rate of four percent per annum to the date of payment.

Those lots which are sold for more than \$100.00 may be paid for in cash on the date of sale, or one-third of the purchase price may be paid in cash at that time and the balance is not to exceed two equal annual installments, with interest at the rate of four percent per annum to the date of payment.

Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Land and Survey Office, Phoenix, Arizona.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, in-

cluding a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, territory, or possession thereof, and that it is authorized to acquire and hold real estate in Arizona.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to close the sale after the period prescribed in section 3 above.

8. *Removal of improvements.* Owners of improvements who do not purchase the lots on which the improvements are located will be allowed six months from the date of the sale within which to remove their improvements.

9. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their appraised price, and may be purchased from the Manager, Land and Survey Office, Phoenix, Arizona.

10. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable source materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391)

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

ED PIERSON,
Acting Regional Administrator.

[F. R. Doc. 53-5727; Filed, June 29, 1953;
8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

AUTHORITIES, RESPONSIBILITIES AND DUTIES

The material appearing at 16 F. R. 8190 and 16 F. R. 8191 is hereby revoked and the following substituted therefor:

1. *Purpose.* The purpose of this notice is to define the authorities, responsibilities and duties of the Assistant Secretary of Commerce for Administration.

2. *Administrative designation.* Pursuant to the authority vested in the Secretary of Commerce, the position of Administrative Assistant Secretary of Commerce, established by section 3 of Reorganization Plan No. 5 of 1950, dated May 24, 1950, is designated as the Assist-

ant Secretary of Commerce for Administration.

3. *Duties and responsibilities of the Assistant Secretary of Commerce for Administration.* (a) The Assistant Secretary of Commerce for Administration is the principal deputy and adviser to the Secretary of Commerce on all matters of administration and management and is the chief administrative and management officer of the Department.

(b) The Assistant Secretary of Commerce for Administration shall:

(1) Prescribe the Department policies, regulations and programs with respect to all administrative and management activities and shall direct their execution;

(2) Perform all other functions and exercise all other powers, authorities and discretions vested in the Secretary with respect to administrative and management matters as delegated to the Assistant Secretary of Commerce for Administration by this notice or any internal departmental order;

(3) Exercise direction and supervision of all staff service offices in the Office of the Secretary except the Office of the General Counsel and the Office of Public Information, and except that with respect to the Security Control Office the Security Control Officer shall report to the Secretary through the Assistant Secretary for Administration. He shall, in addition, exercise direction and supervision of the Department Field Service; and

(4) In collaboration with other secretarial officers and officers of the primary organization units of the Department define the basic objectives, programs, functions, relationships and plans of organization of the Department.

(c) More specifically, but not by way of limitation, the Assistant Secretary of Commerce for Administration shall:

(1) Prescribe the policies and programs and provide departmental leadership for the following major administrative activities of the Department:

- (i) Fiscal management;
- (ii) Budget planning and administration;
- (iii) Management research and planning;
- (iv) Organization planning;
- (v) Personnel administration;
- (vi) Administrative operations and services;
- (a) Property and supply operations;
- (b) Records administration;
- (vii) Publications programs;
- (viii) Security programs;

(2) Be responsible for and direct the evaluation of all of the Department's programs and activities in terms of efficiency of management and economy of operations with a view to improving management and effecting economies in operations;

(3) Be responsible for and direct all activities of the Department relating to interdepartmental coordination of administrative and management matters; and

(4) Serve as the representative of and upon designation as the alternate to the Secretary of Commerce on all committees, boards, commissions, services and

organizations constituted with authority or responsibilities in the field of administration and management.

4. *Delegation of authority.* Pursuant to the authority vested in the Secretary by Reorganization Plan No. 5 of 1950, the Assistant Secretary of Commerce for Administration is hereby delegated all authority vested by law in the Secretary of Commerce to take final action on all matters of administration and management within the Department of Commerce except such authority as must by law be exercised by the Secretary in his own right.

The Assistant Secretary of Commerce for Administration may, at his discretion, delegate any authority conferred upon him by this notice, provided redelegation is permitted by law, to any officer of the Department of Commerce, and may further provide for redelegation by such officer, if permitted by law.

5. *Effective date.* This notice is effective May 29, 1953.

[SEAL]

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53-5719; Filed, June 29, 1953;
8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818)

Anvil Brand, Inc., 318 Willowbrook St., High Point, N. C., effective 6-17-53 to 6-16-54; 10 percent of the factory production workers for normal labor turnover purposes (work pants, work shirts, and sport shirts).

Arte Native, West Plaza, Taos, N. Mex., effective 7-10-53 to 7-9-54; 10 learners (floral Indian shawls, skirts and blouses).

Blue Bell, Inc., Booneville, Prentiss County, Miss., effective 6-18-53 to 6-17-54; 10 percent

of the factory production workers for normal labor turnover purposes (sport shirts).

Blue Bell, Inc., Booneville, Prentiss County, Miss., effective 6-18-53 to 6-17-54; 10 percent of the factory production workers for normal labor turnover purposes (ladies' and girls' blouses).

Blue Jeans Corp., Box 588, Whitoville, N. C., effective 6-17-53 to 6-16-54; 10 percent of the factory production workers for normal labor turnover purposes (work clothing).

Brookdale Corp., 410 North Street, West Pittston, Pa., effective 6-25-53 to 6-24-54; 10 percent of the factory production workers for normal labor turnover purposes (infant's and children's sportswear).

Clearfield Sportswear Co., Inc., 216 West Fourth Avenue, Clearfield, Pa., effective 6-17-53 to 12-16-53; 20 learners for expansion purposes (sportswear).

Clyde Shirt Co., Ninth and Main Streets, Northampton, Pa., effective 6-20-53 to 6-19-54; 10 percent of the factory production force for normal labor turnover purposes (women's and children's blouses).

Dury Clothing Co., 330 Philadelphia Avenue, West Pittston, Pa., effective 6-22-53 to 12-21-53; 10 learners for expansion purposes (men's trousers).

Elder Manufacturing Co., Dexter, Mo., effective 6-16-53 to 6-15-54; 10 percent of the factory production workers for normal labor turnover purposes (men's and boys' wearing apparel).

Fashionmaker Dress Corp., Onaga, Kans., effective 6-22-53 to 12-21-53; 30 learners for expansion purposes (misses' dresses).

Hadley Manufacturing Corp., 1709 North Church Street, Burlington, N. C., effective 6-19-53 to 12-18-53; 15 learners for expansion purposes (ladies' cotton pajamas).

H. R. Halprin Manufacturing Co., Monsey and Ash Streets, Scranton, Pa., effective 6-20-53 to 6-19-54; 10 percent of the factory production workers for normal labor turnover purposes (children's snow suits and men's outdoor jackets).

Helena Garment Co., Ritmore Square, West Helena, Ark., effective 6-18-53 to 6-17-54; 10 percent of the factory production workers for normal labor turnover purposes (women's garments).

Hercules Trouser Co., Jackson, Ohio, effective 6-17-53 to 9-16-53; 25 learners for expansion purposes (men's and boys' single pants).

Isaacson-Carrico Manufacturing Co., 310 East First Street, El Campo, Tex., effective 6-18-53 to 6-17-54; 5 learners or 10 percent of the production workers, whichever is greater, for normal labor turnover purposes (girls' cotton panties and slips).

Joyner-Fields, Inc., Shorman, Miss., effective 6-22-53 to 12-21-53; 10 learners for expansion purposes (sport shirts).

Kaljay Fants Co., Inc., West Catawissa Street, Nesquehoning, Pa., effective 6-22-53 to 6-21-54; 10 learners for normal labor turnover purposes. This certificate does not authorize the employment of learners at subminimum wage rates in the production of ladies' skirts (ladies sportswear).

Lebanon Shirt Co., Inc., Union, Miss., effective 6-19-53 to 6-18-54; 10 percent of the factory production workers for normal labor turnover (men's dress and sport shirts).

Lynn Dress Co., Danville, Pa., effective 6-18-53 to 6-17-54; 5 learners for normal labor turnover (women's dresses).

Madill Manufacturing Co., Madill, Okla., effective 6-22-53 to 12-21-53; 50 learners for expansion purposes (men's dress trousers).

The Salisbury Co., Salisbury, Mo., effective 6-18-53 to 12-17-53; 50 learners for expansion purposes (dress trousers and slacks).

School House Dress Co., Inc., 17 North Front Street, St. Clair, Pa., effective 6-17-53 to 6-16-54; 10 learners for normal labor turnover purposes (children's cotton and nylon dresses, blouses and sportswear).

M. C. Schrank Manufacturing Co., 515-17 Atlantic Avenue, Atlantic City, N. J., effective 6-22-53 to 6-21-54; 10 percent of the factory production workers for normal labor turnover purposes (ladies' pajamas and night-gowns).

Sea Craft Sportswear, Inc., Grassflat, Pa., effective 6-22-53 to 10-26-53; 5 learners for expansion purposes (trousers).

I. Taitel & Son, 111 West Cherry Street, Scottsburg, Ind., effective 6-20-53 to 6-19-54; 10 learners for normal labor turnover purposes (men's and boys' cotton and part wool odd outerwear jackets).

Charles P. Thornley Co., Inc., Commerce Street, Smyrna, Del., effective 6-18-53 to 6-17-54; 10 percent of the factory production workers for normal labor turnover purposes (boys' trousers).

Tremont Sportswear Co., Clyde Building, Northampton, Pa., effective 6-20-53 to 6-19-54; 10 percent of the factory production force for normal labor turnover purposes (women's blouses).

Wadley Manufacturing Co., Wadley, Ga., effective 6-19-53 to 6-18-54; 10 learners for normal labor turnover purposes (dress shirts).

Wear Well Garment Co., Inc., New Ulm, Minn., effective 6-18-53 to 6-17-54; 10 percent of the factory production workers for normal labor turnover purposes (men's holly-wood trousers, waistband trousers and ladies' zipper slacks).

Wilson Manufacturing Co., Winnsboro, Tex., effective 6-22-53 to 12-21-53; 25 learners for expansion purposes (children's clothing).

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

The Batesville Co., 137 Van Doris Street, Batesville, Miss., effective 6-18-53 to 2-17-54; 20 learners for expansion purposes.

The Batesville Co., 137 Van Doris Street, Batesville, Miss., effective 6-18-53 to 6-17-54; 5 percent of the total number of factory production workers (not including office and sales personnel).

Lorraine Cross Hosiery, Inc., East Seventh and Locust Streets, Bloomsburg, Pa., effective 6-18-53 to 6-17-54; 2 learners.

Griffin Hosiery Mills, Griffin, Ga., effective 6-20-53 to 6-19-54; 5 percent of the total number of factory production workers (not including office and sales personnel).

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

Handley Mills, Inc., Paris, Ky., effective 6-18-53 to 6-17-54; 5 percent of the total number of factory production workers (not including office and sales personnel) (men's and boys' cotton woven undershorts).

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

Texas Boot Manufacturing Co., Inc., Forest Avenue, Lebanon, Tenn., effective 6-16-53 to 6-15-54; 10 percent of the number of productive factory workers in the plant.

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

Richards and Associates, Box 1191, Fort Myers, Fla., effective 6-18-53 to 12-17-53; 25 learners for expansion purposes. Sewing machine operators, 480 hours at 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (garment bags and closet accessories).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The ef-

fective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Electronic Components Inc., Santurco, P. R., effective 6-10-53 to 12-9-53; 11 learners. Any occupation under coil winding or coil assembly (except winding secondary coil), 240 hours at 35 cents an hour; Winding secondary coil, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour (manufacture of electric coils for magnetos).

Pamcor, Inc., Rio Piedras, P. R., effective 6-15-53 to 12-14-53; 45 learners. Any occupation under wafer fabrication, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour; any occupation under network fabrication 240 hours at 35 cents an hour, 240 hours at 40 cents an hour (manufacture of electronic and wiring devices).

Sterling Instruments Corp., Villa Caparra, Bayamon, P. R., effective 6-8-53 to 12-7-53; 5 learners. Grinding, polishing, buffering, adjusting; each 200 hours at 36 cents an hour (manufacture of surgical instruments) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of June 1953.

MILTON BROOKE,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 53-5694; Filed, June 29, 1953;
8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF DEFENSE HOUSING PROGRAMS IN
CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS;
MISCELLANEOUS AMENDMENTS

Appearing below are amendments to previously published defense housing programs, and an additional new housing program. These amendments are published herein as amendments to Part II (Defense Housing Programs) initially published in the FEDERAL REGISTER October 27, 1951 (16 F. R. 10963).

Applications relating to the construction of such defense housing may be filed with the local FHA office serving the particular critical defense housing area in which the proposed defense housing is located under appropriate regulations of the FHA, and in connection with such housing, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.) are available. These aids include the more liberal form of Federal

Housing Administration mortgage insurance under title IX of the National Housing Act, as amended, and the special benefits provided in title III of that act in connection with commitments by the Federal National Mortgage Association for the purchase of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. To be eligible for these special aids all applicable requirements, conditions and restrictions imposed by or pursuant to said title III or title IX of the National Housing Act, as amended, must be complied with. Information concerning such requirements, conditions and restrictions may be obtained from the local FHA and FNMA offices.

The critical defense housing areas listed in Part II hereof indicate the areas in connection with which defense housing has been programmed. In order to be eligible for the special aids authorized, the housing must be located within the designated critical defense housing area.

PART II—DEFENSE HOUSING PROGRAMS

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. Area programs numbered 9, 9A, 9B, and 9C (Lone Star, Texas) appearing respectively in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) of November 28, 1951 (16 F. R. 11978) of April 12, 1952 (17 F. R. 3244) and of May 14, 1952 (17 F. R. 4397) are amended by increasing the total number of two-bedroom rental units from 345 to 356 and by decreasing the total number of three-bedroom rental units 155 to 152; the number of two-bedroom sale units is reduced from 90 to 67, and the number of three-bedroom sale units is reduced from 40 to 33; the rental maxima of the two-bedroom units is also amended so that 121 units are to be offered at a rental not to exceed \$60, and 17 three-bedroom units at a rental not to exceed \$70; and with respect to programmed sale units, the prior area programs are amended so that 33 two-bedroom sale units are to be offered at a sales price not to exceed \$8,500, and 13 three-bedroom sale units at a sales price not to exceed \$9,500.

Amendment 2. Area program numbered 12 (Newport News, Virginia) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by reducing the number of two-bedroom rental units from 350 to 270, and by increasing the number of three-or-more bedroom rental units from 250 to 257; and the number of two-bedroom sale units is reduced from 90 to 30 units and the number of three-or-more bedroom sale units is reduced from 60 to 39.

Amendment 3. Area program numbered 12B (Newport News, Virginia) appearing in the FEDERAL REGISTER of January 24, 1952 (17 F. R. 740) is amended by reducing the number of two-bedroom rental units from 605 to 586 and of these 586 units, 500 units are to be rented at a rental not to exceed \$57.50, the number of three- or more bedroom units is increased from 75 to 140; the number of two-bedroom sale units is reduced from 100 to 0, and the

number of three-or-more bedroom sale units is reduced from 70 to 51.

Amendment 4. Area programs numbered 16 and 16B (Camp Roberts-Camp Cooke, California) appearing respectively in the FEDERAL REGISTERS of October 27, 1951 (16 F R. 10962) and of March 1, 1952 (17 F R. 1864) are amended so that the total number in both programs of one-bedroom rental units is reduced from 130 to 45, the total number of two-bedroom rental units is reduced from 505 to 200, the total number of three- or more bedroom rental units is reduced from 85 to 35, the total number of two-bedroom sale units is reduced from 235 to 111, and the total number of three-or-more bedroom sale units is reduced from 145 to 82.

Amendment 5. Area program numbered 35 (Indianapolis, Indiana) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F R. 10962) is amended by reducing the number of one-bedroom rental units from 50 to 44, the number of two-bedroom rental units from 300 to 172, the number of two-bedroom sale units from 350 to 344, and the number of three-or-more bedroom sale units from 150 to 142.

Amendment 6. Area program numbered 35A (Indianapolis, Indiana) appearing in the FEDERAL REGISTER of July 31, 1952 (17 F R. 7027) is amended by reducing the number of one-bedroom rental units from 110 to 4, and of the four remaining one-bedroom units, the authorized rental is a rental not to exceed \$67.50 per month, the number of two-bedroom rental units from 670 to 657 and of such two-bedroom rental units, 10 units are to rent at a rental not to exceed \$67.50 per month with the remainder at a rental not to exceed \$77.50 per month, and the number of two-bedroom sale units is reduced from 170 to 130 with 30 of such units at a sales price not to exceed \$9,000 with the remainder of these units at a sales price not to exceed \$10,500.

Amendment 7 Area program numbered 29 (Florence-Kileen, Texas) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F R. 10962) is amended by reducing the number of one-bedroom rental units from 240 to 238, the number of two-bedroom rental units is increased from 380 to 388, the number of three-or-more bedroom rental units is reduced from 180 to 172, and the number of two-bedroom sale units is reduced from 150 to 148.

Amendment 8. Area program numbered 29A (Florence-Kileen, Texas) appearing in the FEDERAL REGISTER of January 24, 1952 (17 F R. 740) is amended by reducing the number of two-bedroom rental units from 220 to 200 with 60 of these units at a rental not to exceed \$67.50 and the remainder of these units at a rental not to exceed \$75 per month, the number of two-bedroom sale units is reduced from 105 to 101 and the number of three-or-more bedroom sale units is reduced from 25 to 22.

Amendment 9. Area program numbered 79 (Bryan, Texas) appearing in the FEDERAL REGISTER of December 19, 1951 (16 F R. 12731) is amended by reducing the number of two-bedroom

rental units from 159 to 139 with 20 of these units at a rental not to exceed \$65.00 per month, 24 of these units at a rental not to exceed \$70.00 per month with the remainder at a rental not to exceed \$75.00, the number of three-or-more bedroom rental units is increased from 40 to 42, the number of two-bedroom sale units is reduced from 75 to 25, and the number of three-or-more bedroom sale units is reduced from 25 to 21.

Amendment 10. Area program numbered 96A (LaPorte, Indiana) appearing in the FEDERAL REGISTER of June 28, 1952 (17 F R. 5840) is amended by reducing the number of two-bedroom sale units from 50 to 0, the number of three-or-more bedroom sale units from 50 to 7, and the number of two-bedroom rental units is increased from 100 to 128.

Amendment 11. Area programs numbered 154 and 154A (Indian Head, Maryland) appearing respectively in the FEDERAL REGISTER of April 12, 1952 (17 F R. 3244) and of December 16, 1952 (17 F R. 11371) are amended by reducing the number of two-bedroom rental units in both programs from the total number of 33 to 0, the number of two-bedroom sale units from 40 to 15, at an authorized

sales price not to exceed \$6,000, and the number of three-or-more bedroom sale units from 25 to 20.

Amendment 12. Area program numbered 174 (Poughkeepsie, New York) appearing in the FEDERAL REGISTER of June 28, 1952 (17 F R. 5840) is amended by reducing the number of two-bedroom rental units from 300 to 135 with 50 of such units at a monthly rental not to exceed \$60.00 with the remainder at a rental not to exceed a monthly rental of \$70.00, and the number of three-or-more bedroom rental units is increased from 125 to 215 with 165 of these units at a monthly rental not to exceed \$70 and the remaining units at a monthly rental not to exceed \$80.00.

Amendment 13. Area numbered 200 (Arkadelphia, Arkansas) appearing in the FEDERAL REGISTER of December 16, 1952 (17 F R. 11371) is amended by reducing the total number of sale units from 15 to 0.

Amendment 14. Area numbered 210 (Rockville, Indiana) appearing in the FEDERAL REGISTER of December 16, 1952 (17 F R. 11371) is amended by reducing the number of two-bedroom rental units from 30 to 15.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAM AND SUPPLEMENTAL DEFENSE HOUSING PROGRAM

225. Niagara Falls, New York.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom.....					
2 bedrooms.....	30	\$75.00			30
3 or more bedrooms.....	70	85.00			70
Total.....	100				100

LIST OF DEFENSE ACTIVITIES

Military and in-migrant civilian personnel of the Army, Navy and Air Force stationed at the military installations in the area.

CRITICAL DEFENSE HOUSING AREA

The Towns of Niagara and Wheatfield in Niagara County.

35B. Indianapolis, Indiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom.....					
2 bedrooms.....	150	\$55.00			150
3 or more bedrooms.....	157	65.00			157
Total.....	307				307

¹ This quota is in addition to the 1,172 rental and 646 sales units authorized in programs Nos. 35 and 35A both revised as of this date.

LIST OF DEFENSE ACTIVITIES

Army Finance Center, Fort Benjamin Harrison, Army Infirmary, Indiana Military District, Adjutants General School and the other defense activities listed in Form H-1002-IV-20, List No. 8.

CRITICAL DEFENSE HOUSING AREA

The critical defense area is defined as: Marlon, Hancock and Hamilton Counties.

[SEAL]

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

JUNE 26, 1953.

[F. R. Doc. 53-5743; Filed, June 29, 1953; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5142]

BRANIFF AIRWAYS, INC., FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF ORAL ARGUMENT

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 July 30, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 25, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 53-5728; Filed, June 29, 1953; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28209]

CINDERS, CLAY OR SHALE FROM RANGER, TEX., TO OKLAHOMA CITY, OKLA.

APPLICATION FOR RELIEF

JUNE 25, 1953.

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

Filed by F. C. Kratzmeir, Agent, for the Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, and the Texas and Pacific Railway Company.

Commodities involved: Cinders, clay or shale, ground or not ground, carloads. From: Ranger, Tex.

To: Oklahoma City, Okla.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3736, suppl. 224.

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. 53-5712; Filed, June 29, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLPH GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the American Stock Exchange in the \$1.00 par value Common Stock of Adolph Gobel, Inc., File No. 1-3237.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of June A. D. 1953.

The Commission by order adopted on 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 June 25, 1953, for a period of ten days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5697; Filed, June 23, 1953; 8:46 a. m.]

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER PURSUANT TO SUPPLEMENT R OF THE INTERNAL REVENUE CODE

JUNE 24, 1953.

In the matter of The North American Company, Union Electric Company of Missouri, File No. 54-205; The North American Company, File No. 59-95.

The Commission having issued its findings and opinion and order on Oc-

tober 31, 1952, approving a Plan for the liquidation and dissolution of The North American Company ("North American") pursuant to section 11 (e) of the act; said Plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union"), said Plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey; North American having on said date declared said Plan to be effective as of January 20, 1953; said Plan having become effective;

It appearing that under the terms of the Plan North American is to transfer to Union from time to time during the two-year period during which the Plan was to be operative, the remaining assets of North American; it also appearing that in connection with the Amended Plan for North American Utility Securities Corporation, approved by the Commission on July 23, 1952, the portfolio of securities owned by North American Utility Securities Corporation had been transferred to North American, which subsequently sold said securities pursuant to an order of the Commission dated October 13, 1952; it further appearing that North American desires at this time, pursuant to the terms of the Plan, to transfer to Union, as a capital contribution, the sum of \$10,000,000 in cash, constituting a portion of its remaining assets, and including all of the proceeds derived from the sale of the portfolio of securities transferred by North American Utility Securities Corporation;

North American having requested the Commission to issue an appropriate order with respect to said transaction under Supplement R of Chapter 1 of the Internal Revenue Code, as amended; and the Commission deeming it appropriate and in the public interest to grant such request;

It is ordered and recited and the Commission finds, That: The proposed transfer, at the earliest practicable date, by North American to Union of \$10,000,000 in cash, representing, in part, all of the proceeds of the sale by North American, pursuant to the Commission's order of October 13, 1952, of the portfolio of securities transferred to it by North American Utility Securities Corporation, in connection with and as a part of the final liquidation and dissolution of North American and as authorized or permitted by the order of this Commission of October 31, 1952, and in obedience thereto, be executed and is necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5695; Filed, June 23, 1953; 8:45 a. m.]

[File Nos. 811-600, 812-835]

SMALL INVESTORS MUTUAL FUND, INC.

NOTICE OF APPLICATION REQUESTING ORDER THAT COMPANY IS NOT AN INVESTMENT COMPANY

JUNE 24, 1953.

Notice is hereby given that Small Investors Mutual Fund, Inc., ("Small Investors") New York, N. Y., a registered management, open-end, diversified investment company, has filed an application under section 8 (f) of the act for an order declaring that it has ceased to be an investment company and under section 6 (c) of the act for an order exempting it from the provisions of section 30 (a) of the act with respect of an annual report due to have been filed with the Commission as at April 30, 1953.

The outstanding capital stock of Small Investors consists of 500 shares, all of which is owned by three partners of Tellier & Co., a registered broker-dealer.

Small Investors had previously proposed to issue shares of its capital stock to the public and had filed a registration statement under the Securities Act of 1933 (File No. 2-9354). This registration statement did not become effective and on June 2, 1952, upon application, the Commission permitted such registration statement to be withdrawn. The management of Small Investors states that it does not presently propose to make any public offering of its securities but that it has not determined whether to dissolve the company under State law.

Notice is further given that any interested person may, not later than July 10, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application may be granted as provided in Rule

N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5698; Filed, June 29, 1953;
8:46 a. m.]

[File No. 812-830]

E. I. DU PONT DE NEMOURS AND CO.

ORDER EXEMPTING CERTAIN LOANS TO EMPLOYEES BY AN AFFILIATE OF AN INVESTMENT COMPANY

JUNE 24, 1953.

E. I. Du Pont de Nemours and Company ("du Pont") Wilmington, Delaware, which is controlled by Christiana Securities Company, a registered closed-end, non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered, closed-end, non-diversified investment company, having filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting the transactions summarized below from the prohibitions contained in section 17 (a) (3) of the act:

Du Pont proposes, when in its opinion circumstances warrant and only in accordance with general or specific actions of its Executive Committee or Finance Committee, to assist employees (other than officers or directors of du Pont or of any affiliated company) through the making and holding of mortgage loans for the purpose of aiding employees to acquire residential property. Du Pont also proposes to make advances to such employees for emergency funds needed because of serious and costly illness in family, for transportation and settling family's new home, etc. The amount to be on loan to any individual at any time is not to exceed \$10,000, and the aggregate amount of such loans to be outstanding at any time is not to exceed \$2,000,000.

Du Pont states that it is its intention, except in cases where the circumstances may indicate that it would be to the benefit of the company to do otherwise, that such loans will bear interest at rates in keeping with those of lending institu-

tions for the same type of loan, and that in order to encourage employees not to apply for employer loans, liquidation of any loan will be required in the shortest time consistent with the employee's financial status.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an employee of an affiliated company thereof, from borrowing any money from any company controlled by such registered investment company, subject to certain exceptions, unless the Commission upon application pursuant to section 6 (c) or section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). The applicant states that the terms of the proposed transactions including the consideration to be paid are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the transactions are consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the act and are consistent with the general purposes of the act.

Said application having been filed on April 29, 1953; due notice of said filing having been given in the form and manner prescribed by Rule N-5 under the act; the Commission not having received a request for hearing within the period specified in said notice or otherwise; and the Commission not having ordered a hearing on said application; and

The Commission finding that the proposed transactions are fair and reasonable and do not involve overreaching on the part of any person concerned, and are consistent with the policy of each registered investment company involved as recited in its registration statement and reports filed under the act and with the general purposes of the act:

It is ordered, That the proposed transactions, involving loans and advances by du Pont to certain employees as set forth in the application be, and they hereby are, exempted forthwith from the provisions of section 17 (a) of the act pursuant to section 17 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-5696; Filed, June 29, 1953;
8:46 a. m.]