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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

STUDENT REGULATIONS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of August 17, 1955 (20 F. R. 5973) pursuant to section 4^o of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there was set out in full the terms of proposed revisions to Part 214f, Chapter I, Title 8 of the Code of Federal Regulations, relating to the issuance of rules facilitating the attendance of nonimmigrant students in schools in the United States. No representations were received concerning the proposed amendments. The amendatory regulations, as set out below, are hereby adopted. The adopted regulations are the same as set out in the notice. In addition, several amendments have been made to Part 299, Immigration Forms.

Part 214f is amended to read as follows:

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

Subpart A—Substantive Provisions

- Sec.
214f.1 Petition for approval.
214f.2 Approval of certain institutions of learning and recognized places of study.
214f.3 Withdrawal of approval.
214f.4 Certificate of acceptance.
214f.5 Prerequisites for admission.
214f.6 Limitation on time for which admitted.
214f.7 Employment.

Subpart B—Procedural and Other Nonsubstantive Provisions

- 214f.31 Withdrawal of approval; procedure.

AUTHORITY: §§ 214f.1 to 214f.31 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 4, 43 Stat. 155, as amended, secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214f.1 *Petition for approval.* Any institution of learning or other recognized place of study desiring the ap-

proval required by section 101 (a) (15) (F) of the act may file with the district director or officer in charge having administrative jurisdiction over the place in which the institution or place of study is located a petition for such approval on Form I-17. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

§ 214f.2 *Approval of certain institutions of learning and recognized places of study.* Any institution of learning or other place of study in the United States which falls within any of the following-described categories, and which agrees to report in writing to the district director or officer in charge having administrative jurisdiction over the place where such institution of learning or place of study is located the enrollment and termination of attendance of each nonimmigrant student, is hereby approved for the attendance of nonimmigrant students in accordance with section 101 (a) (15) (F) of the act:

(a) Any public educational institution listed in the current issue of one of the following-described publications or lists:

(1) "Directory of Secondary Day Schools in the United States," U. S. Office of Education, Washington, D. C.

(2) Directories and official lists of public educational institutions issued by State departments of education. In a State that does not publish all-inclusive public school directories or official lists, a statement over the signature of the local public school superintendent that any school is an approved or recognized part of that public school system, will suffice within the meaning of this subparagraph.

(3) Education Directory, Part 3, "Higher Education," U. S. Office of Education (including privately controlled colleges and universities listed therein)

(4) "Accredited Higher Institutions," U. S. Office of Education (including privately controlled colleges and universities listed therein)

(b) Any secondary school which is operated by or as a part of an institution

(Continued on next page)

CONTENTS

	Page
Agricultural Marketing Service	
See Commodity Credit Corporation; Rural Electrification Administration.	
Civil Aeronautics Board	
Notices:	
Chicago and Southern Air Lines; postponement of hearing.....	6311
Commodity Credit Corporation	
Notices:	
Sales of certain commodities; September 1955 domestic and export price list.....	6805
Customs Bureau	
Rules and regulations:	
Miscellaneous amendments to chapter.....	6792
Vessels in foreign and domestic trades.....	6792
Defense Department	
Notices:	
Assistant Secretary of Defense (Properties and Installations) et al., delegation of authority for development of family housing.....	6797
Rules and regulations:	
Armed Forces industrial defense and security regulations.....	6770
Federal Power Commission	
Notices:	
Cities Service Gas Producing Co., suspension of proposed changes in rates.....	6801
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
National Nurseries.....	6769
Wise, Wm. H., Inc.....	6768
Food and Drug Administration	
Proposed rule making:	
Tolerances for residue of calcium cyanide; petition for establishment of.....	6797
General Services Administration	
See Public Buildings Service.	
Health, Education, and Welfare Department	
See Food and Drug Administration.	



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CONTENTS—Continued

Justice Department	Page
See Immigration and Naturalization Service.	
Land Management Bureau	
Notices:	
Proposed withdrawals and reservations of lands:	
Florida.....	6800
Montana.....	6799
South Dakota.....	6798
Small tract classifications:	
Arizona.....	6798
California.....	6800
Rules and regulations:	
Agricultural entries on mineral lands; statutory authority....	6794
Alaska; public land order.....	6795
Desert land entries; miscellaneous amendments.....	6794
Mineral lands; coal permits and leases and licenses for free use of coal; correction.....	6794
Public Buildings Service	
Notices:	
Transfer of property for wildlife conservation purposes:	
Camp Adair (Tract C-74-W-Ore-1) Ore.....	6811
Clackamas Fish Cultural Station, Clackamas, Ore.....	6811
Railroad Retirement Board	
Rules and regulations:	
Registration and claims for benefits.....	6767
Sickness benefits and maternity benefits; days for which no statement of sickness deemed filed.....	6767
Rural Electrification Administration	
Notices:	
Loan announcements (37 documents).....	6808-6811
Securities and Exchange Commission	
Notices:	
Hearings, etc.	
Columbia Gas System et al... Electric Power and Light Corp., et al.....	6803
Grace, W R. & Co.....	6802
Northern States Power Co. (Delaware) et al.....	6804
Ohio Edison Co.....	6803
Rexall Drug Co. (2 documents).....	6801
West Penn Electric Co., and Potomac Edison Co.....	6802
Treasury Department	
See Customs Bureau.	

CODIFICATION GUIDE—Con.

Title 19	Page
Chapter I.	
Part 4 (2 documents).....	6792
Part 6.....	6792
Part 8.....	6792
Part 18.....	6792
Part 21.....	6792
Title 20	
Chapter II.	
Part 325.....	6767
Part 335.....	6767
Title 21	
Chapter I:	
Part 120 (proposed).....	6797
Title 32	
Chapter I.	
Part 71.....	6770
Part 72.....	6773
Title 43	
Chapter I:	
Part 70.....	6794
Part 102.....	6794
Part 232.....	6794
Appendix (Public land orders) 487 (revoked by PLO 1212)....	6795
1212.....	6795

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of higher learning listed in subparagraph (2) (3) or (4) of paragraph (a) of this section.

(c) Private and parochial elementary and secondary schools, if they meet any one of the following conditions:

(1) The school is currently listed as accredited in the U. S. Office of Education publication "Directory of Secondary Day Schools in the United States."

(2) The school is currently listed in the educational directory of the respective State department of education.

(3) The school is an elementary school related to an accredited secondary school.

(4) The school is certified by a responsible official of a State or local public education department or system as meeting the requirements of the State or local public educational system.

The agreement to report the enrollment and termination of attendance of each nonimmigrant student shall be executed on Form I-17. The provisions of § 2.5 of this chapter relating to payment of a fee shall not be applicable to an institution of learning or other place of study which meets the requirements of this section.

§ 214f.3 *Withdrawal of approval.* Approval granted under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924 to an institution of learning or place of study which materially reduces its educational program or facilities, or which fails, neglects, or refuses to comply with all the terms of its agreement and section 101 (a) (15) (F) of the act may be revoked by the district director having administrative jurisdiction over the place in which such institution or place of study is located.

§ 214f.4 *Certificate of acceptance.* When a prospective nonimmigrant student has been accepted for attendance, the appropriate officer of the approved

CONTENTS—Continued

Immigration and Naturalization Service	Page
Rules and regulations:	
Admission of nonimmigrants: students.....	6765
Immigration forms.....	6767
Interior Department	
See Land Management Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief.....	6811

CODIFICATION GUIDE

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

Title 8	Page
Chapter I.	
Part 214f.....	6765
Part 299.....	6767
Title 16	
Chapter I.	
Part 13 (2 documents).....	6768, 6769

institution of learning or place of study shall execute Form I-20 in a single copy and furnish it to the student for presentation to the American consul (if a visa is required) and the Service. If requested by the student, the school shall execute Form I-20 in a single copy for the student's use in temporarily departing from and reentering the United States, in connection with any application for extension of the period of his temporary admission, or in connection with any request to transfer to another school.

§ 214f.5 *Prerequisites for admission.* An alien, otherwise admissible to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the act, shall not be eligible for admission to the United States in such nonimmigrant classification unless he presents Form I-20 properly filled out by the institution to which he is destined, and personally executes the reverse of Form I-20. A certificate of acceptance or equivalent document dated prior to the effective date of these regulations will be accepted by an American consul and this Service until January 1, 1956.

§ 214f.6 *Limitation on time for which admitted.* An alien may be admitted initially to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the act for a period not to exceed one year.

§ 214f.7 *Employment.* If it becomes necessary for a student to accept employment after admission, he shall, before accepting such employment, apply on Form I-24 to the district director or officer in charge having administrative jurisdiction over the place in which is located the approved institution or place of study attended by him. If the district director or officer in charge is satisfied that the applicant is meeting all the conditions and requirements of his status, that he does not have sufficient means to cover his expenses, and that the desired employment will not interfere with his carrying successfully a course of study of the required scope, he may grant permission to accept employment. Practical training may be authorized within the limitations specified on Form I-20.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214f.31 *Withdrawal of approval; procedure.* Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that such institution or place of study has materially reduced its educational program or facilities, or has failed, neglected, or refused to comply with all the terms of its agreement and section 101 (a) (15) (F) of the act, he shall cause a notice to be sent to such institution or place of study that it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted for reasons set forth in the notice. Within such 30-day period the

institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. The period within which such representations may be submitted may be extended in the discretion of the district director upon timely request for such extension. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and, if said decision is to withdraw the approval previously granted, the reasons therefor and that the institution or place of study has 10 days from receipt of notification of decision in which to appeal in accordance with Part 7 of this chapter.

PART 299—IMMIGRATION FORMS

1. The introductory material to § 299.1 is amended to read as follows:

§ 299.1 *Prescribed forms.* The following forms are hereby prescribed by the Attorney General for use in compliance with the provisions of Subchapters A and B of this chapter:

2. The list of forms in § 299.1 *Prescribed forms* is amended by deleting the following:

I-32 Agreement to Report the Admission and Termination of Attendance of Nonimmigrant Students.

3. The list of forms in § 299.1 is further amended by adding the following in numerical sequence:

I-20 Certificate of Acceptance.

4. The first sentence of § 299.3 *Reproduction of forms by private parties* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I-20, I-94, I-95, I-132C, I-415, I-416, I-419, I-424, I-434, I-435, I-466, I-480, and I-489."

The basis and purpose of the above-prescribed regulations are to facilitate the attendance of nonimmigrant students in schools in the United States.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance since the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: September 9, 1955.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F. R. Doc. 65-7486; Filed, Sept. 14, 1955; 8:56 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

PART 335—SICKNESS BENEFITS AND MATERNITY BENEFITS

REGISTRATION; DAYS FOR WHICH NO STATEMENT OF SICKNESS DEEMED FILED

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362) §§ 325.12 (a) and 335.104 (e) of the regulations under such act (9 F. R. 3192; 12 F. R. 224, 4667) are amended by Board Order 55-249, dated August 22, 1955, as follows:

§ 325.12 *Registration—(a) Method of registration.* Registration with respect to any day shall be made by the employee's appearing before an unemployment claims agent at a free employment office during such agent's working hours, subscribing to the statements on the registration and claim form provided by the Board, and signing on such form for each such day. *Provided, however,* That no registration shall be deemed to have been made with respect to any day which, if registration were made with respect to it, would be the first day of a registration period in a benefit year in which (1) the employee is not a qualified employee under section 3 of the Railroad Unemployment Insurance Act, or (2) benefits have already been payable to him for 130 days of unemployment, or (3) benefits for days of unemployment have already been payable to him in an amount equal to his compensation in the base year: *And provided further,* That if registration is made with respect to any day, and the claim to such day as a day of unemployment on the basis of such registration is not withdrawn, nothing done subsequent to such registration, except reregistration under § 325.50, shall be deemed registration with respect to such day.

§ 335.104 *Filing statement of sickness and claim for sickness benefits. * * **

(e) *Days for which no statement of sickness deemed filed.* No statement of sickness shall be deemed to have been filed with respect to any day which, if a statement of sickness were filed with respect to it, would be the first day of a registration period in a benefit year in which (1) the employee is not a qualified employee under section 3 of the Railroad Unemployment Insurance Act, or (2) benefits have already been payable to the employee for 130 days of sickness, other than days of sickness in a maternity period, or (3) benefits have already been payable to the employee for days of sickness, other than days of sickness in a maternity period, in an amount equal to his compensation in the base year.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362)

Dated: September 7, 1955.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55-7483; Filed, Sept. 14, 1955;
8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6288]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WM. H. WISE CO., INC. ET AL.

Subpart—*Enforcing dealings or payments wrongfully*: § 13.1045 *Enforcing dealings or payments wrongfully*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1905 *Terms and conditions*. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal*. § 13.2070 *Special or trial offers, savings, and discounts*;¹ § 13.2080 *Terms and conditions*. Subpart—*Securing orders falsely, misleadingly or improperly*: § 13.2170 *Securing orders falsely, misleadingly or improperly*. In connection with the offering for sale, sale, and distribution, in commerce, of a course of instruction in beauty culture, or any similar courses of study and instruction, and on the part of respondents Wm. H. Wise Co., Inc., and The Charming Woman, Inc., and their officers, and respondent John J. Crawley, individually and as an officer of said corporation, and respondents' agents, etc.. (1) Failing to disclose clearly and adequately on enrollment cards and in other advertising material that by signing and returning the enrollment card or any similar document, the purchaser or subscriber is, in fact, enrolling for the entire course and that if the purchaser or subscriber desires to discontinue said course he must give notice to respondents to cancel his enrollment; and (2) collecting, or attempting to collect, payment for lessons and other instruction material sent to persons after they have notified respondents to cancel their enrollment; prohibited, subject to the provision, however, that upon a satisfactory showing by respondents that said collection or collection attempt results solely and exclusively from a normal and reasonable delay occasioned by the failure of the person cancelling his enrollment to include in his notice of cancellation the number assigned his account by respondents, said prohibition shall not be applicable.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order, Wm. H. Wise Co., Inc., et al., New York, N. Y., Docket 6288, August 19, 1955]

¹ Amended to read as set forth above.

In the Matter of Wm. H. Wise Co., Inc., a Corporation, The Charming Woman, Inc., a Corporation, and John J. Crawley, Individually and as an Officer of said Corporations

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission, which charged respondents with having violated the provisions of the Federal Trade Commission Act, in connection with the offer, sale, and distribution, in commerce, of a course of instruction in beauty culture, through the allegedly misleading use of an "introductory offer" and through certain other unfair and deceptive acts in said connection; and upon a stipulation in writing for a partial consent settlement only, entered into by respondents with counsel supporting the complaint, whereby respondents agreed that a consent order against them be entered in the matter in terms identical with those contained in the notice issued and served on them as a part of the complaint in the matter, except that a provision was inserted at the end of paragraph 2 of the order which took cognizance of a possible technical violation of the order which respondents desired to avoid, and which did not otherwise affect the obvious intent and meaning of said paragraph, and the proposed order omitted paragraph 3 of the order as it appeared in said notice because the stipulation reserved for decision after initial hearing in adversary proceedings all issues presented by Paragraph Seven of the complaint and the answer to the allegations of said paragraph contained in respondents' formal answer of record in the matter.

By said stipulation for partial consent settlement, which was approved in writing by the Director of the Commission's Bureau of Litigation, among other things, respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; that the parties expressly waived a hearing before the hearing examiner or the Commission only as to the matters agreed to by said partial consent settlement stipulation, and waived all further and other procedure relating thereto to which the respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission; that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, the parties having waived specifically therein any and all right, power, or privilege to challenge or contest the validity of said order; and that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation which might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission.

It was specifically stipulated by the parties, however, that said stipulation was for settlement purposes only and did not constitute an admission by respondents that they have engaged in any

method, act, or practice violative of law, and, with reference to Paragraph Seven of the complaint—which charged respondents with using a fictitious trade name, i. e., "Publishers Protective Service", representing it as an independent collection service, and operating it solely to coerce and intimidate purchasers and people, who had cancelled their enrollment, into paying for the course—it was further expressly provided in said stipulation that said paragraph was excluded from consideration in the proposed consent settlement and that the allegations made in said paragraph and the answer to said allegations in respondents' formal answer of record were not included in such stipulation for consent settlement and that the issues joined thereby should remain for decision in regular course and should not be affected, modified, or altered by such stipulation.

As respects the fact that said stipulation for consent order for partial settlement, as approved as aforesaid, was submitted to said hearing examiner for his consideration in accordance with Rule V of the Commission's rules of practice, on June 3, 1955, it appeared that since the drafting of said stipulation for consent order, the Commission's rules with respect to such matters had been revised; that the Commission's present rule pertaining to consent orders is now § 3.25 of the Commission's rules of practice for Adjudicative Proceedings, which became effective on May 21, 1955, and now govern the proceeding; that the word "stipulation" as used by the parties thereto and referred to in the matter means "agreement" as stated in said present rule; and that reference made in said stipulation to "the entire record herein" under the present rule is necessarily limited to the meaning of the temporary unofficial record, before the hearing examiner, which would not become a part of the official record in the proceeding unless and until the Commission approved said stipulation and the order pursuant to said present rule, said § 3.25.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; found, upon due consideration of the allegations of the complaint, other than Paragraph Seven thereof and the answer thereto, and the said stipulation for consent order—which he accepted and ordered filed as part of the record in the matter, it having been stipulated they should be the entire record in the matter on which the hearing examiner might enter the order—that the Commission had jurisdiction of the subject matter of the proceeding and of each of the parties respondent therein; that the allegations of the complaint, other than those contained in Paragraph Seven thereof, stated a legal cause for complaint under the Federal Trade Commission Act against the respondents and each of them as to each of the particular matters alleged as violations of law therein but that respondents did not admit the same; that the proceeding was in the interest of the public; and set forth that the said stipulation and the following order should not become a part of the official record of the proceeding unless and until

it became a part of the decision of the Commission and should not become a final order until approved by the Commission; and upon said conditions entered the order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 22, 1955, did, on August 19, 1955, pursuant to § 3.21 of the Commission's rules of practice, become the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents, Wm. H. Wise Co., Inc., a corporation, The Charming Woman, Inc., a corporation, and their officers, and John J. Crawley, individually and as an officer of said corporations, and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of a course of instruction in beauty culture, or any similar courses of study and instruction, do forthwith cease and desist from:

1. Failing to disclose clearly and adequately on enrollment cards and in other advertising material that by signing and returning the enrollment card or any similar document, the purchaser or subscriber is, in fact, enrolling for the entire course and that if the purchaser or subscriber desires to discontinue said course he must give notice to respondents to cancel his enrollment.

2. Collecting, or attempting to collect, payment for lessons and other instruction material sent to persons after they have notified respondents to cancel their enrollment: *Provided, however*, That upon a satisfactory showing by respondents that said collection or collection attempt results solely and exclusively from a normal and reasonable delay occasioned by the failure of the person cancelling his enrollment to include in his notice of cancellation the number assigned his account by respondents, this paragraph shall not be applicable.

It is further ordered, That the said stipulation and this order shall not become a part of the official record of this proceeding unless and until said stipulation and this order are approved by and become part of the decision of the Federal Trade Commission; and that the issues raised by paragraph seven of the complaint and respondents' answer thereto shall be unaffected by this order and are reserved for decision after initial hearing in adversary proceedings under the Rules of the Commission.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein 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 the order to cease and desist.

By the Commission.

Issued: August 22, 1955.

[SEAL] JOHN R. HELM,
Acting Secretary.

[F. R. Doc. 55-7473; Filed, Sept. 14, 1955; 8:53 a. m.]

[Docket 6343]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL NURSERIES

Subpart—*Advertising falsely or misleadingly*: § 13.35 *Condition of goods*; § 13.90 *History of product or offering*; § 13.170 *Qualities or properties of product or service*; § 13.175 *Quality of product or service*; § 13.200 *Sample, offer or order conformance*; § 13.230 *Size or weight*; § 13.272 *Type or variety*; § 13.285 *Value*. Subpart—*Offering unfair improper and deceptive inducements to purchase or deal*: § 13.2060 *Sample, offer or order conformance*. In connection with the offering for sale, sale, or distribution of nursery stock in commerce: (1) Misrepresenting the nursery stock offered for sale as to size, variety, age, rate of growth, production, condition, or blooming time; and (2) shipping to any purchaser nursery stock different from that advertised by respondent and ordered by the purchaser; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order, Spurgeon Pickering d. b. a. National Nurseries, Biloxi, Miss., Docket 6343, August 11, 1955]

In the Matter of Spurgeon Pickering, an Individual Trading and Doing Business as National Nurseries

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission which charged respondent with violation of the Federal Trade Commission Act, through the making of certain misrepresentations in connection with the sale of his nursery products, relating to such matters as size, etc., and upon an agreement entered into by respondent and counsel supporting the complaint, which provided, among other things, that respondent admitted all of the jurisdictional allegations in the complaint; that the filing of an answer to the complaint was waived; that the complaint and agreement should constitute the entire record in the proceeding; and that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter was waived, together with any further procedural steps before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Said agreement further provided that the order to be set forth might be entered in disposition of the proceeding, such order to have the same force and effect as if made after a full hearing,

¹ Amended to read as set forth above.

presentation of evidence, and findings and conclusions thereon, respondent specifically waiving any and all right, power, and privilege to challenge or contest the validity of such order; that the order might be altered, modified, or set aside in the manner provided in the Federal Trade Commission Act for other orders of the Commission; and that the signing of the agreement was for settlement purposes only and did not constitute an admission by respondent that he had violated the law as alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; his consideration of said agreement and proposed order and his conclusion that they provided an appropriate basis for settlement and disposition of the proceeding; his acceptance of said agreement, which he made a part of the record; and in which he made his jurisdictional findings, including his finding as to said respondent, and his findings that the Commission had jurisdiction of the subject matter of the proceeding and of the respondent, and that the proceeding was in the interest of the public; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 11, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Spurgeon Pickering, an individual, trading as National Nurseries, or trading and doing business under any other name or names, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of nursery stock in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting the nursery stock offered for sale as to size, variety, age, rate of growth, production, condition or blooming time.

2. Shipping to any purchaser nursery stock different from that advertised by respondent and ordered by the purchaser.

By said "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 11, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7474; Filed, Sept. 14, 1955; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

ARMED FORCES INDUSTRIAL DEFENSE AND SECURITY REGULATIONS

Subchapter F together with Parts 71 through 75, are hereby revoked and the following new Parts 71 and 72 are hereby added to Subchapter E:

Subchapter E—Security

PART 71—ARMED FORCES INDUSTRIAL DEFENSE REGULATION

Subpart A—General Provisions

INTRODUCTION

- Sec.
71.1-100 Purpose of part.
71.1-101 Scope and application.
71.1-104 Amendment of part.
71.1-107 Nature of program.

INDUSTRIAL DEFENSE COGNIZANCE AND RESPONSIBILITY

- 71.1-200 Application.
71.1-201 Responsibilities of Military Departments assigned industrial defense cognizance.

Subpart B—Industrial Defense

SELECTION OF KEY FACILITIES

- 71.2-100 Application.
71.2-101 The key facilities list.
71.2-102 Responsibility of the Assistant Secretary of Defense (Manpower and Personnel).
71.2-103 Procedures for assignment of industrial defense cognizance.
71.2-104 Responsibilities of Military Departments.

PROGRAM OBJECTIVE AND SCOPE

- 71.2-200 Application.
71.2-201 Program objective.
71.2-202 Program operation.

SURVEY REQUIREMENTS AND PROCEDURES

- 71.2-300 Application. —
71.2-301 Responsibilities.
71.2-302 Defense Production Security Survey, DD Form 395.
71.2-303 Survey form composition.
71.2-304 Survey requirements.
71.2-305 Method of accomplishing survey or resurvey.
71.2-306 Notification.
71.2-307 Use and completion.
71.2-308 Critical production areas.
71.2-309 Production continuity.
71.2-310 Protective construction.
71.2-311 Determination of industrial defense deficiencies.
71.2-312 Survey recommendations.
71.2-313 Distribution.
71.2-314 Security classification and release.

INDIVIDUAL PLANTS

- 71.2-400 Application.
71.2-401 Appointment of a coordinator.
71.2-402 Release of information.
71.2-403 Development of an individual program.
71.2-404 Coordination with related community activities.

Subpart C—Related Activities

INDUSTRIAL SECURITY EDUCATION PROGRAM

- 71.3-100 Application.
71.3-101 Responsibility.
71.3-102 Preparation of material.
71.3-103 Distribution of material.
71.3-104 Implementation of the program.
71.3-105 Review of the program.

Subpart D—Forms

- Sec.
71.4-100 Defense Production Security Survey, DD Form 395.
71.4-101 Key Facilities Report, DD Form 451.

AUTHORITY: §§ 71.1-100 to 71.4-101 issued under sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a.

SUBPART A—GENERAL PROVISIONS

INTRODUCTION

§ 71.1-100 *Purpose of part.* The purpose of this part is to establish the Department of Defense policies, practices, and procedures in the field of industrial defense, which are required to insure maximum uniformity and effectiveness in their application throughout industry by all echelons of the Military Departments.

§ 71.1-101. *Scope and application.* This part shall apply to all industrial defense matters within the continental United States and will govern the industrial defense relationships between all Military Departments and industry. These industrial defense matters and relationships apply to privately-owned or privately-leased industrial facilities or utilities and certain government operated, nonmilitary facilities included in the Department of Defense Key Facilities List.

(a) Industrial defense as used in this part refers to all nonmilitary measures to assure the uninterrupted productive capability of vital facilities and attendant resources essential to mobilization. These measures are designed to prevent and minimize loss or disruption of productive capability from any cause or hazard and to provide for the rapid restoration of production after any damage.

(b) The term facility as used in this part encompasses a physical plant, bridge, tunnel, pipeline, laboratory, office, college or university, manufacturing, producing, or commercial structure (or structures) etc., with its warehouses, storage areas, utilities, components, etc., which related by function and location, form an integral operating entity. Utilities may include communications systems, gas and oil pipelines, water systems, power systems, highways and bridges upon which the facility is dependent. One or more facilities make up an organization. For purposes of industrial defense, the term "facility" will not include military posts, camps, stations, arsenals or other comparable installations under military command.

§ 71.1-104 *Amendment of part.* This part will be amended and revised when necessary. Each subpart or section thereof may be revised separately. Any situation, emergency or otherwise, encountered by activities of any of the Military Departments, which indicates a need for clarification, modification, addition, or deletion to this part will be reported promptly through channels, together with recommendations, to the Assistant Secretary of Defense (Manpower and Personnel) Unless specifically provided for in any amendment, compliance shall not be mandatory until

30 days after date of its issuance, although compliance is authorized from date of publication.

§ 71.1-107 *Nature of program.* Management of surveyed facilities will be advised that the Industrial Defense Program is voluntary insofar as they are concerned.

INDUSTRIAL DEFENSE COGNIZANCE AND RESPONSIBILITY

§ 71.1-200 *Application.* Industrial defense cognizance for a given facility shall be assigned to one Military Department. That Military Department will act for the Department of Defense in the discharge of industrial defense responsibilities. Section 71.1-201 prescribes the responsibilities of the Military Department incident to such an assignment.

§ 71.1-201 *Responsibilities of Military Departments assigned industrial defense cognizance.* (a) The assignment of industrial defense cognizance requires the implementation of the Department of Defense Industrial Defense Program within an individual facility included in the Key Facilities List.

(b) The Military Departments in carrying out the program will:

(1) Conduct a comprehensive industrial defense survey or resurvey of the facility using DD Form 395 to determine deficiencies in the facility's ability to meet risks anticipated upon the outbreak of hostilities.

(2) Render advice to management for his voluntary and discretionary use concerning measures for the correction of deficiencies, such as guard force, protective fences, alarm systems, protective lighting, visitor escort, establishment of critical areas, fire protection and other appropriate counter-measures.

(3) Render advice and assistance to management in industrial defense planning; particularly against damage resulting from enemy attack. This will include disaster and restoration planning, plant dispersal, protection of personnel, development of mutual aid programs, protective construction, use of underground sites, and similar measures.

(4) Coordinate as appropriate with other governmental agencies which have an industrial defense related interest in the plant or its personnel.

(c) The representative of the cognizant Military Department for a given facility is the sole industrial defense representative of the Department of Defense. Contacts in this program between the Military Departments and the management of a facility will be made through this representative.

SUBPART B—INDUSTRIAL DEFENSE

SELECTION OF KEY FACILITIES

§ 71.2-100 *Application.* Sections 71.2-101 to 71.2-104 apply to the responsibility of the Assistant Secretary of Defense (Manpower and Personnel) and prescribes the role of the Military Departments in the development of the industrial section of the Key Facilities List.

§ 71.2-101 *The Key Facilities List.* (a) The Key Facilities List is composed of selected industrial facilities, utilities,

and government-owned installations located within the continental United States. The Key Facilities List is revised periodically in order to reflect changes in the Defense Mobilization Programs, and to correct information in the listings. The Key Facilities List is a registered document, and its distribution is rigidly controlled.

(b) The purpose of the Key Facilities List, as it relates to the Industrial Defense Program, is to designate those vital industrial facilities within the United States which are of outstanding importance in support of wartime production programs of the Department of Defense.

§ 71.2-102 *Responsibility of the Assistant Secretary of Defense (Manpower and Personnel)* (a) The Assistant Secretary of Defense (Manpower and Personnel) is responsible for the designation of industrial facilities within the United States for inclusion on the Key Facilities List, and for providing the Joint Chiefs of Staff, periodically, with such listings of industrial facilities. He is also responsible for developing standards for evaluating industrial facilities and determining their relative importance to wartime production programs. The industrial evaluation standards used in the selection of key industrial facilities are referred to the Military Departments for their information and guidance.

(b) In assembling pertinent information required by the criteria for evaluating industrial facilities for inclusion in the Key Facilities List, use will be made of the information—current procurement and mobilization planning data relating to requirements, production schedules, sources of supply, production capacities and other pertinent information—available in the Office of the Secretary of Defense. When such data are not available within the Office of the Secretary of Defense, the Assistant Secretary of Defense (Manpower and Personnel) will request the appropriate Assistant Secretary of Defense to supply the required data or will request the Military Departments to do so with the coordination of the appropriate Assistant Secretary of Defense.

§ 71.2-103 *Procedures for assignment of industrial defense cognizance.* The Assistant Secretary of Defense (Manpower and Personnel) will assign industrial defense cognizance for privately operated facilities on the Key Facilities List to one of the Military Departments. Assignments of industrial security responsibility shown in the Department of Defense Key Facilities List will hereafter be regarded as assignments of industrial defense cognizance. Initial assignment to a Military Department will be based on the Armed Services Procurement Planning Officer assignment as shown in the Alphabetical Register of Planned Wartime Material Suppliers unless the Assistant Secretary of Defense (Manpower and Personnel) and the services involved agree to assignment on a different basis. Where there is no ASPPO assignment, industrial defense cognizance assignments will be based upon factors which include, but are not limited to, status in Departmental or National Industrial Reserve, primary interest in the

product of a facility, similarity of product to those in facilities already assigned to a Military Department, desires of management, consistency with assignment of other plants in a corporate structure, and geographical location.

§ 71.2-104 *Responsibilities of Military Departments.* (a) When pertinent information required by the criteria for evaluating industrial facilities for inclusion in the Key Facilities List is not available in the Office of the Secretary of Defense, the Military Department which has or can best obtain the data will be requested to provide the information.

(b) The Military Departments will contribute recommendations for changes in the Key Facilities List to the Assistant Secretary of Defense (Manpower and Personnel) DD Form 451 has been authorized for this purpose and may be used. It is an administrative type report and, as such, is not assigned an OSD Report Control Symbol. Recommendations may include the addition or deletion of a facility, change in category rating, name and location of plant, and product description. The Military Departments may also recommend the assignment or transfer of industrial defense cognizance for key industrial facilities.

PROGRAM OBJECTIVE AND SCOPE

§ 71.2-200 *Application.* Sections 71.2-201 and 71.2-202 establish the objective of the Industrial Defense Program (formerly designated as the Defense Production Security Program) and outlines general procedures for executing the program.

§ 71.2-201 *Program objective.* This program is designed primarily to encourage and assist management of a limited number of facilities considered of vital importance to the defense of the United States to strengthen the industrial defense of their facilities. The objective of this program is to minimize the loss of vital wartime production capability through application of vulnerability reduction measures, passive defense measures and restoration measures to industrial facilities on the Department of Defense Key Facilities List. The goal is to develop with management a complete, well balanced industrial defense program which is fitted to each particular facility.

§ 71.2-202 *Program operation.* In operation, the program consists of an industrial defense survey or resurvey of the facility including the critical points in the production processes, measures currently in effect to protect and safeguard production capability and plans to insure continuity of production. Management is then encouraged to develop an industrial defense program especially suited to the particular facility, making use of recommendations resulting from the survey and other advice and guidance afforded by survey personnel.

SURVEY REQUIREMENTS AND PROCEDURES

§ 71.2-300 *Application.* Sections 71.2-301 to 71.2-314 prescribe the requirements and outline procedures for

the conduct of an industrial defense survey in Defense Key Facilities, for making recommendations to management, and for reporting the results of survey activity.

§ 71.2-301 *Responsibilities.* The Military Departments are responsible for making surveys of each Defense Key Facility assigned to them; for furnishing recommendations, advice and guidance to management to obtain an optimum industrial defense status; and for reporting the results of industrial defense surveys.

§ 71.2-302 *Defense Production Security Survey, DD Form 395.* This form is authorized and prescribed for use by Military Departments in the Industrial Defense Program. Report Control Symbol DD-M & P (AR) 125 has been assigned to this reporting requirement.

§ 71.2-303 *Survey form composition.* The Defense Production Security Survey is comprised of two parts and is supplemented by instructions covering details of entry and execution. Part I, Survey Summary, is designed for the purposes of (a) identifying the surveyed facility, utility service or system; (b) recording a summary of the appraised industrial defense status prevailing at the surveyed site; and (c) identifying significant changes, showing additional comments when pertinent and listing recommendations as a result of survey. Part II, Survey Check List, contains specific check list questions grouped in numbered sections which correspond to those sections listed in the summary of Part I. Check list questions are cross-referenced to related portions of pertinent references shown in the instructions.

§ 71.2-304 *Survey requirements.* The prevailing status of industrial defense in each Defense Key Facility will be determined by survey or resurvey by the cognizant Military Department under this program at least once during each fiscal year. Exceptions may be requested by the Military Departments. The determination of the frequency of resurveys will be made by the cognizant Military Department, depending upon the facility's importance in the defense program and the current status of industrial defense at the facility.

§ 71.2-305 *Method of accomplishing survey or resurvey.* (a) The survey or resurvey accomplished at each facility will be carried out by Military Department survey personnel through on-site observation of existing industrial defense conditions, unless otherwise authorized by the Assistant Secretary of Defense (Manpower and Personnel) Statistical data, or other information required to complete the survey form, not readily obtainable through direct observation, will be requested of management. Such requests in all cases will be kept to the minimum and will be made only to the extent necessary to meet and fulfill the intent of the survey or resurvey.

(b) The Assistant Secretary of Defense (Manpower and Personnel) will designate certain nonmanufacturing facilities in remote locations which need

not be resurveyed on-site, provided that a responsible management official of such a facility states that conditions have not changed since the last on-site survey. Under these conditions a modified report will be made in accordance with requirements of § 71.2-307.

§ 71.2-306 *Notification.* (a) Upon the initial assignment of a facility to a Military Department for industrial defense cognizance, that Department will transmit a letter to the facility's top management. The letter will outline the program and policies pertaining thereto and solicit management's voluntary cooperation. When the original industrial defense survey is made, management will be more fully advised of the general purposes and limitations of the program.

(b) Management will also be notified by letter should the cognizance be changed, or should the facility be deleted from the Key Facilities List. The letter will outline the reasons for the change or deletion and will express appreciation of the efforts and cooperation of management.

(c) These letters to management will bear a notation substantially as follows:

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

§ 71.2-307 *Use and completion.* Parts I and II of DD Form 395 will be completed on an original survey of any Defense Key Facility. Part I, Survey Summary, will be completed on all resurveys. Part II, Check List, will be completed on a resurvey of a facility in which the DD Form 395 is initially used. Thereafter, Part II may be completed in connection with all subsequent resurveys.

§ 71.2-308 *Critical production areas.* The Military Department will emphasize the identification of critical production areas and other sensitive points within a facility. Sensitive points lying either inside or outside of critical production areas will be considered when making recommendations. Survey personnel, with the assistance of management, will estimate the effect of the loss of such critical production areas and will determine the type and degree of preparation warranted.

§ 71.2-309 *Production continuity.* Special consideration will be given to measures designed to expedite restoration of or substitution for productive capacity lost through enemy action. Survey personnel will consider the requirements for restoring full production. Particular aspects of damage prevention and post-attack industrial restoration are reflected in appropriate sections of the DD Form 395.

§ 71.2-310 *Protective construction.* (a) Survey personnel will advise plant management of Office of Defense Mobilization and Federal Civil Defense Administration policy regarding protective construction.

(b) Appropriate planning measures are contained in the Federal Civil Defense Administration, Technical Bulletin,

tin, TB-5-1, "Interim Design Standards for Protective Construction in Industrial Structures," April 1954; and the ODM DMO Order VI-4, March 12, 1954.

§ 71.2-311 *Determination of industrial defense deficiencies.* Department of Defense publications, "Principles of Plant Protection," dated 1 August 1950, "Standards for Plant Protection," dated 1 June 1952, and "Industry Guide to Planning for Restoration of Production," dated 15 September 1954, will be used as criteria on which to base answers to questions in Part II, Survey Check List. These publications will be supplemented by the Office of Defense Mobilization booklet, "Suggested Post-Attack Production Measures," dated 20 April 1953. Additional detailed information is contained in subpart D of this part as Survey Rating Criteria.

§ 71.2-312 *Survey recommendations.* (a) Generally, recommendations should be submitted to the management of Defense Key Facilities by the cognizant Military Department. This will be in addition to referral to the industrial defense coordinator of copies of recommendations. Release of recommendations and security classification will be in accordance with the provisions of § 71.2-314.

(b) Specific, practical and reasonable recommendations will be made when inadequate ratings are shown in the Survey Summary (Part I, Section 2). These recommendations will be such that adoption by management would serve to change the rating to adequate. Recommendations should be written to indicate clearly and exactly what is to be done, leaving nothing to speculation on the part of management with regard to the intent of survey personnel.

(c) Recommendations made to management will include those measures required to provide protection and safeguards common to all types of facilities; those required to meet special hazards peculiar to specific types of industry and those requiring consideration and advanced planning for application under emergency, disaster or damage conditions.

(d) Recommendations to management will be based upon wartime, as opposed to peacetime, standards. Management will be informed that inadequate ratings do not necessarily reflect upon the current industrial defense status of the facility but are designed to assist the facility in preparing to meet wartime conditions.

§ 71.2-313 *Distribution.* (a)—Distribution of completed survey and resurvey reports, DD Form 395 (Parts I and II as pertinent) will be made as follows:

Copy to:

Assistant Secretary of Defense (M & P), Federal Bureau of Investigation (the district office in which territory the facility is located).

Commanding General of the Army Area in which the facility is located (if officially requested).

Management of the facility surveyed.

Military Department distribution optional.

(b) When critically adverse information or evaluations are gained or

developed, as a result of a survey, such matters will be reported as a separate attachment to completed reports. Copies of these attachments will not be distributed or released to management of the facility. For purposes of this part, critically adverse information means information which bears directly upon or is otherwise related to industrial defense matters, which, if compromised, could become embarrassing to or jeopardize relationships among management, labor and the Department of Defense. Nothing in this section is to be interpreted or construed to be a part of or relating to intelligence and counter-intelligence type activities and measures which may be authorized and prescribed elsewhere under the responsibilities of the Military Departments.

§ 71.2-314 *Security classification and release.* The DD Form 395, when completed, is classified as "Confidential" or higher, if warranted. As this information originates with the assistance of management, they are authorized to receive a copy of the completed form on their own facilities, under the following conditions, even when they are not cleared for access to classified information:

(a) Each completed DD Form 395 released to management will bear a notation substantially as follows:

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

(b) The military representative will explain that the restriction embodied in the stamped notation applies only to the composite information as compiled in the completed DD Form 395, and not to the individual elements contained therein unless such elements affect the security of the United States.

(c) The representative of the Military Department will explain that the information is to be protected in keeping with the pertinent provisions of Part 60 of this subchapter, "Industrial Security Manual for Safeguarding Classified Information."

INDIVIDUAL PLANTS

§ 71.2-400 *Application.* The purpose of §§ 71.2-401 to 71.2-404 is to prescribe the development of a comprehensive industrial defense program in each assigned industrial facility through the cooperation of plant management with the representatives of the cognizant Military Department.

§ 71.2-401 *Appointment of a coordinator.* The cognizant Military Department's representative will recommend that management appoint a qualified coordinator to work with the representative of the Military Department in developing a specific industrial defense program, and in coordinating that program with other interested agencies and organizations.

§ 71.2-402 *Release of information.* (a) When requested by management, or when circumstances make it desirable,

the representative of the cognizant Military Department will advise management in matters concerning the release of information which may affect the industrial defense of the facility.

(b) In this connection management should be encouraged to exercise considerable caution prior to any release of economic or technical information (unclassified) in press releases, advertisements, notices to stockholders, annual or quarterly reports, brochures, etc., and reports in response to questionnaires from unknown or questionable sources. This material, when assembled, collated, and evaluated could contribute materially to an accurate appraisal of the strategic intentions of the United States. Among the various areas where management should exercise caution before making information public are the following:

- (1) Contract award information.
- (2) Vulnerable points within a facility.
- (3) Plans and details of expansion of equipment and facilities.
- (4) Production methods, techniques, and equipment.
- (5) Production and production capacity of plants.
- (6) Sources of semi-finished products, components, and supplies.
- (7) Sources of power, other utilities and critical transportation.
- (8) Information concerning facility industrial defense measures.

§ 71.2-403 *Development of an individual program.* The representatives of the cognizant Military Department will discuss with management the detailed requirements for a complete and well balanced industrial defense program at that particular facility. The program will be reviewed from time to time by the cognizant Military Department to determine if it is being maintained as a well balanced program.

§ 71.2-404 *Coordination with related community activities.* The representative of the cognizant Military Department will consider the relationship of the industrial defense program in individual plants to related activities in the community and will recommend that any coordination with such activities be maintained through the industrial defense coordinator. Management will be encouraged to:

- (a) Establish liaison with the local fire and police department officials.
- (b) Take full advantage of local civil defense activities. The industrial defense coordinator is normally responsible for the organization and protection of personnel within the plant perimeter and should be encouraged to take the initiative in this regard.

(c) Participate in the organization of a group of facilities for the purpose of mutual aid in case of disaster. Actual organization of such a group is a local matter beyond the responsibility of the cognizant Military Department.

(d) Take full advantage of the consultations afforded by local industrial dispersion committees, where organized.

SUBPART C—RELATED ACTIVITIES

INDUSTRIAL SECURITY EDUCATION PROGRAM

§ 71.3-100 *Application.* The purpose of §§ 71.3-101 to 71.3-105 is to describe the Department of Defense Industrial Security Education Program and to outline its scope and operation. This program is designed to acquaint industrial management and employees with the principles of industrial defense, to alert them to the dangers, and to suggest preventive measures which industry may adopt to avoid such dangers.

§ 71.3-101 *Responsibility.* The Assistant Secretary of Defense (Manpower and Personnel) is responsible for the Industrial Security Education Program, which consists of the preparation and distribution of informative and technical guidance materials to be furnished to industry.

§ 71.3-102 *Preparation of material.* The staff of the Assistant Secretary of Defense (Manpower and Personnel), in consultation with representatives of the Military Departments, prepares appropriate material for dissemination in execution of this program. Suggestions from the field representatives of the Military Departments, submitted through departmental channels, and from industry, are solicited. Technical advice and assistance of the agencies of the Department of Defense, and the services of the design and art facilities of the Military Departments are made available for this program as requested.

§ 71.3-103 *Distribution of material.* Industrial facilities and activities of the Military Departments may be placed on the mailing list to receive wall posters, leaflets, cartoons, editorial, or security letters, free of charge, by writing directly to the Industrial Security Division, Office of the Assistant Secretary of Defense (Manpower and Personnel), The Pentagon, Washington 25, D. C.

§ 71.3-104 *Implementation of the program.* The representative of the cognizant Military Department will recommend to management that they use the appropriate Industrial Security Education Program materials at their facilities and will also advise and assist management in the most effective exploitation of the material.

§ 71.3-105 *Review of the program.* In order to make this program more effective, the representative of the cognizant Military Department, after consultation with industrial management, will make recommendations on any suggested changes, modifications, or constructive criticism through appropriate military channels to the Industrial Security Division, Office of the Assistant Secretary of Defense (Manpower and Personnel).

SUBPART D—FORMS

§ 71.4-100 *Defense Production Security Survey, DD Form 395.* This form is prescribed for use by the representatives of the Military Departments in the conduct of surveys or resurveys at facilities on the Key Facilities List for which each

Department has cognizance (the Defense Production Security Survey, DD Form 395, will be revised and reprinted as the Industrial Defense Survey, DD Form 395) Reference to the form and its use are—§§ 71.1-201, 71.2-202, 71.2-302, 71.2-303, 71.2-305, 71.2-307, 71.2-309, 71.2-311, 71.2-312, 71.2-313, and 71.2-314.

§ 71.4-101 *Key Facilities Report, DD Form 451.* This form is prescribed for use by the Military Departments in contributing recommendations for changes in the Key Facilities List to the Assistant Secretary of Defense (Manpower and Personnel) It is not intended for use as an intra-departmental form. Intra-departmental recommendations are made in the manner established by the Military Departments. Reference to the form and its use are—§§ 71.2-101 and 71.2-104.

PART 72—ARMED FORCES INDUSTRIAL SECURITY REGULATION

Subpart A—General Provisions

INTRODUCTION

Sec.	
72.1-100	Objective.
72.1-101	Authority and scope.
72.1-103	Application.
72.1-105	Amendment of this part.
72.1-108	Distribution and use of this part.
72.1-107	Departmental procedures under this part.
72.1-108	Departmental assignment of functions.
72.1-109	Non-applicability to other contractual matters.
72.1-110	Expenditure of funds for security.
72.1-111	Release of economic and technical information.
72.1-112	Application of Air Corps Act of 1926.
72.1-113	Limitation on release of classified information.
DEFINITION OF TERMS	
72.1-200	Definitions.
72.1-201	Access, accessibility.
72.1-202	Alien.
72.1-203	Classified contract.
72.1-204	Classified information.
72.1-205	Colleges and universities.
72.1-206	Compromise.
72.1-207	Confidential information.
72.1-207.1	Confidential information—"Modified Handling Authorized."
72.1-208	Contractor.
72.1-209	Declassify.
72.1-210	Department of Defense.
72.1-211	Downgrade.
72.1-212	Facility.
72.1-213	Facility security clearance.
72.1-214	Foreign nationals.
72.1-215	Handling.
72.1-216	Immigrant alien.
72.1-217	Industrial security.
72.1-218	Interim facility security clearance.
72.1-219	Internal security.
72.1-220	Key employee.
72.1-221	Material.
72.1-221.1	"Need to Know"
72.1-222	Officers (corporation, association, or other type of business or educational institution).
	"Restricted Data"
72.1-223	Security.
72.1-224	Security cognizance.
72.1-225	Security office.
72.1-226	Secret information.
72.1-227	Top secret information.
72.1-228	Upgrade.
72.1-229	

in any amendment, compliance therewith shall not be mandatory until 60 days after date of its issuance although compliance shall be authorized from such date.

§ 72.1-106 *Distribution and use of this part.* This part is intended for the use and guidance of the field industrial security and procurement activities of the Military Departments. It shall be distributed through normal channels by each Military Department to its staff and operating activities concerned with industrial security matters. This part is not applicable to industrial management and is not primarily intended for distribution to industry. Parts or all of the regulation may be made available to industry when judged in the interest of the Government by competent authority of any of the Military Departments.

§ 72.1-107 *Departmental procedures under this part.* (a) The Military Departments may augment this part by prescribing more detailed operating instructions as may be required, not inconsistent with this part. The application of these procedures shall be guided by the two-fold objective of establishing uniformity and maintenance of maximum security consistent with the accomplishment by each Military Department of its assigned missions. It is expected that the departments and commands shall take the action necessary to meet emergency situations. Copies of departmental operating instructions, including those that may be authorized by the Military Departments for issuance by its technical services, bureaus, or major commands, shall be forwarded to the Office of the Assistant Secretary of Defense (Manpower and Personnel) and the other Military Departments upon release.

(b) In those exceptional cases where the situation so warrants because of the nature of the item or the conditions under which it is being produced, the Secretary of the contracting Military Department may, by mutual agreement with the contractor, provide and establish such additional security safeguards as may be required for the protection of that item and which are not provided for in Part 66 of this subchapter.

§ 72.1-108 *Departmental assignment of functions.* Except as otherwise specified in this part, each Military Department shall designate the activities within its Department which will perform the various functions prescribed in this part.

§ 72.1-109 *Non-applicability to other contractual matters.* This part applies solely to industrial security matters for the safeguarding of classified information. It is not intended to apply to other contractual procedures covered in applicable laws and regulations.

§ 72.1-110 *Expenditure of funds for security.* No Military Department shall direct, propose, or recommend to management of a facility, security measures which may result in additional costs to another Military Department, without the prior knowledge and consent of that Military Department. The security representative of the cognizant Military

Department shall not direct management of the facility to expend any funds for security without the prior knowledge and consent of the contracting officer concerned.

§ 72.1-111 *Release of economic and technical information.* Part 66 of this subchapter establishes uniform security practices within industrial plants for the protection of classified information. On the other hand, considerable information of value to a potential enemy is generated in the daily business of the Nation, and particularly within industry, which receives no security classification until or unless, the subject matter becomes a military project. This information is passed freely in various forms. This section furnishes information which will enable the representatives of the Military Departments to provide advice and guidance on the subject to management when requested by them or when circumstances make it desirable. Management may then institute a voluntary program governing the release of such unclassified information if they so desire.

(a) Management of facilities should be encouraged by the representatives of the cognizant Military Department to exercise considerable caution prior to any release of unclassified economic or technical information in press releases, advertisements, notices to stockholders, annual or quarterly reports, brochures, etc., and reports in response to questionnaires from unknown or questionable sources. They should be advised that indiscriminate release could make easier the job of the saboteur by pointing out potential targets. Furthermore, this material, when assembled, collated, and evaluated, could also contribute materially to an accurate appraisal of the strategic intentions of the United States. Among the various areas where management should exercise caution before making information public are the following:

- (1) Contract award information.
- (2) Vulnerable points within a manufacturing plant.
- (3) Plans and details of expansion of equipment and facilities.
- (4) Production methods, techniques, and equipment.
- (5) Figures on production and production capacity of plants and units within plants.
- (6) Sources of semi-finished products, components, and supplies.
- (7) Sources of power, other utilities, and critical transportation affecting plant operations.
- (8) Information concerning the security protection of the plant.
- (9) Information concerning research and development activities.

(b) An approved method to guard against assembling of this vital information by a potential enemy, is to make management aware of the danger and for them to determine, at the source, those details which may or may not involve questions of security. In such a manner, publication of that segment of information of possible value to a potential enemy can be prevented. Any questions concerning the release of such informa-

tion should be referred to the cognizant Military Department.

(c) Management should be further informed that if they have contracts with the Department of Defense, the release of certain classes of information is covered by the provisions of current Public Information Security Guidelines.

(d) Management should be advised that under no circumstances will it release to unauthorized persons classified information furnished to, or developed by, the facility; further, that this restriction applies to releases to public news media and representatives thereof.

§ 72.1-112 *Application of Air Corps Act of 1926.* Department of Defense contractors engaged in contracts to furnish aircraft, aircraft parts, or aeronautical accessories are required to have written consent prior to the employment of any aliens on such contracts. Such authorization will not be granted unless, after full consideration of the evidence presented, it is determined that the employment of such individual, in the manner proposed, will not be inimical to the interests of the United States. A review by the contracting Military Department of the Immigrant Alien Questionnaire (DD Form 49) and Certificate of Non-affiliation with Certain Organizations (DD Form 48-1) to establish legal entry into the United States and the right to be gainfully employed normally will be sufficient basis for determination that the employment may be authorized on unclassified work. In such cases, a Letter of Consent for Immigrant Aliens (DD Form 561) shall be issued indicating under the classification column, "Unclassified—Air Corps Act of 1926," and a Central Index File Card—Personnel (DD Form 264) shall be submitted promptly to the Central Index File. In the foregoing cases, a facility security clearance shall not be processed if the facility does not require access to classified information.

§ 72.1-113 *Limitation on release of classified information.* A Military Department shall not authorize the release to industry of any classified information originated by another Department without the prior approval of that Department.

DEFINITION OF TERMS

§ 72.1-200 *Definitions.* The definitions set forth in §§ 72.1-201 to 72.1-229 apply to the terms as used in this part and their application to matters of industrial security as governed by this part.

§ 72.1-201 *Access, accessibility.* The ability or opportunity to obtain knowledge of classified information. An individual does not have access to classified information merely by being in a place where such information is kept, providing the security measures which are in effect prevent him from gaining knowledge of such classified information.

§ 72.1-202 *Alien.* Any person not a citizen or national of the United States.

§ 72.1-203 *Classified contract.* A classified contract is any contract that requires access to classified information by the contractor or his employees in

the performance of the contract. (This is not limited to the contract document.)

§ 72.1-204 *Classified information.* The term "classified information" as used in this part means official information which requires protection in the interest of National defense and which is classified for such purpose by appropriate classifying authority. Classified information of the Departments of the Army, Navy, and Air Force in the hands of industry is to be considered and known as classified information of the Department of Defense, and shall be protected as provided for in Part 66 of this subchapter.

§ 72.1-205 *Colleges and Universities.* All educational institutions, in which courses are given in the liberal arts and professions, and their related research activities directly associated therewith through organization or by Articles of Incorporation.

§ 72.1-206 *Compromise.* A loss of security due to an unauthorized person obtaining knowledge of classified information. As used in this part, the term "unauthorized person" means any person not authorized by competent authority to have access to classified information.

§ 72.1-207 *Confidential information.* Information and material, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

§ 72.1-207.1 *Confidential information—"Modified Handling Authorized."* Confidential information, so designated, and for which less stringent standards are prescribed with respect to transmission and safekeeping. (Clearance requirements are the same as for Confidential.)

§ 72.1-208 *Contractor.* An industrial, educational, commercial, or other entity which has executed a contract or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense agency or activity.

§ 72.1-209 *Declassify.* To remove a security classification.

§ 72.1-210 *Department of Defense.* That Department of the Executive Branch of the Federal Government comprising the Office of the Secretary of Defense (including all boards, councils, staffs, or agencies) and the Departments of Army, Navy, and Air Force (including all of their activities)

§ 72.1-211 *Downgrade.* To assign a lower security classification than that previously assigned.

§ 72.1-212 *Facility.* Encompasses a physical plant, laboratory, office, college or university, manufacturing, producing, or commercial structure (or structures) etc., with its warehouses, storage areas, utilities, components, etc., which, related by function and location, form an integral operating entity. (One or more individual facilities make up an organization. For purposes of industrial security, the term does not include military installations.)

§ 72.1-213 *Facility security clearance.* An administrative determination that, from a security viewpoint, a facility is eligible for access to classified information of a certain category (and all lower categories)

§ 72.1-214 *Foreign nationals.* For the purpose of this part, foreign nationals are:

(a) All persons not citizens of, or immigrant aliens to, the United States.

(b) All citizens of the United States and immigrant aliens who are acting as representatives, officials, or employees of a foreign government, firm, corporation, or individual.

§ 72.1-215 *Handling.* The preparation, processing, transmission, and custody of classified information.

§ 72.1-216 *Immigrant alien.* Any person lawfully admitted into the United States under an immigration visa for permanent residence.

§ 72.1-217 *Industrial security.* That portion of internal security which is concerned with the protection of classified information in the hands of United States industry.

§ 72.1-218 *Interim facility security clearance.* A facility security clearance based on lesser investigative requirements, which is granted on a temporary basis, pending the completion of the full investigative requirements.

§ 72.1-219 *Internal security.* The prevention of action against United States resources, industries, and institutions; and the protection of life and property in the event of a domestic emergency by the employment of all measures, in peace or war, other than military defense.

§ 72.1-220 *Key employee.* Any employee, as differentiated from owners, directors, or officers at a facility, who requires access to classified information for the purpose of preparing a bid or quotation.

§ 72.1-221 *Material.* The term "material" as used in this part means any document, product, or substance, on, or in, which information may be recorded or embodied.

§ 72.1-221.1 *"Need to Know"* This term is given to the requirement that knowledge or possession of classified defense information shall be permitted only to persons whose employment requires such access in the interests of promoting National defense.

§ 72.1-222 *Officers (Corporation, association, or other type of business or educational institution)* Those persons designated as officers by the Articles of Incorporation or By-Laws of the organization.

§ 72.1-223 *"Restricted Data"* All information designated as being "Restricted Data" within the meaning of Public Law 703, 83d Congress (Atomic Energy Act of 1954), including all documents and other material of such designation which bear the following markings in addition to their classification markings: "Restricted Data, Atomic

Energy Act of 1954." (Includes that previously marked, "Restricted Data, Atomic Energy Act of 1946.")

§ 72.1-224 *Security.* A protected condition of information which prevents unauthorized persons from obtaining information of direct or indirect military value. This condition results from the establishment and maintenance of protective measures which insure a state of inviolability from hostile acts or influences.

§ 72.1-225 *Security cognizance.* The responsibility for the implementation of the Department of Defense industrial security program for an individual facility which the Assistant Secretary of Defense (Manpower and Personnel) has assigned to one Military Department for that purpose.

§ 72.1-226 *Security office.* Any command, office, unit, agency, or person within a Military Department, designated by that Military Department as being responsible for exercising control over industrial security matters at a facility for which it is cognizant.

§ 72.1-227 *Secret information.* Information and material, the unauthorized disclosure of which could result in serious damage to the Nation.

§ 72.1-228 *Top secret information.* Information and material, the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation.

§ 72.1-229 *Upgrade.* To assign a higher classification than that previously assigned, including the assignment of security classification to previously unclassified information.

SECURITY COGNIZANCE

§ 72.1-300 *Application.* Security cognizance for a given facility shall be assigned to one Military Department. That Military Department will act for the Department of Defense in the discharge of industrial security responsibilities as described in this part. Sections 72.1-301 to 72.1-305 establish the procedures for the assignment of security cognizance and prescribe the responsibilities of the Military Department incident to such an assignment.

§ 72.1-301 *Procedures for assignment of security cognizance.* The Assistant Secretary of Defense (Manpower and Personnel) will assign security cognizance for privately-owned or privately-leased facilities to one of the Military Departments. In arriving at a decision as to the Military Department which will be assigned security cognizance, the following criteria will be followed:

(a) For those facilities on the Key Facilities List, the current industrial defense assignment shall be followed.

(b) Assignment of security cognizance for those facilities previously assigned in accordance with the Alphabetical Register of Planned Wartime Suppliers shall remain in effect. However, this document shall not be used in the future as a criterion for the assignment of security cognizance.

(c) For those facilities not included in paragraphs (a) and (b) of this section, and in which two or more Departments have classified contracts, security cognizance will be assumed by the Military Department mutually agreed upon by the Departments concerned. That Military Department will promptly notify the Central Index File, using Central Index File Card—Facility (DD Form 265) Where mutual agreement is not reached by the Departments concerned, upon notification thereof, the Assistant Secretary of Defense (Manpower and Personnel) will assign security cognizance to the Military Department having the "greatest interest" as determined by the following factors:

(1) Dollar value of the classified contracts.

(2) Relative volume of classified information involved.

(3) Estimated duration of the classified contracts.

(4) Highest classification of information involved.

(5) Local conditions.

(6) Desires of management, when expressed.

(d) For those facilities not covered, in paragraphs (a) (b) and (c) of this section, with which one of the Departments desires to enter into precontract or contract negotiations requiring access to classified information, that Department will assume security cognizance for the facility and so advise the facility. The Central Index File will be notified immediately by the Military Department of the action taken, using Central Index File Card—Facility (DD Form 265), as required by § 72.4-101 (a) (1)

(e) For those facilities which are selected for inclusion on the Key Facilities List, the assignment of security cognizance will be made by the Assistant Secretary of Defense (Manpower and Personnel) to the Military Department assigned industrial defense cognizance.

§ 72.1-302 *Changes in assignment.* When a Military Department has been assigned security cognizance at any given facility, this assignment shall continue until such time as it is changed by notice from Assistant Secretary of Defense (Manpower and Personnel) A shift of primary mobilization interests, dollar value of a contract, change in classification of a contract, or factors governed by local conditions, shall not automatically change the assignment from one Military Department to another. The Military Departments at any time may request changes in the assignment of security cognizance by furnishing supporting reasons therefor to the Assistant Secretary of Defense (Manpower and Personnel) Upon notification from the Assistant Secretary of Defense (Manpower and Personnel) to a Military Department that it is relieved of assignment of security cognizance for a given facility, that Military Department shall promptly transmit its industrial security files pertaining to the facility to the Military Department receiving the security cognizance assignment. The Military Department transferring the security files shall advise the Military Department receiving cognizance of the

results of any pending investigations pertaining to the facility or its employees. The Military Department relinquishing security cognizance shall notify management and the procurement activities having classified contracts with the facility that cognizance has been transferred. The notification shall contain the address of the security office receiving cognizance and the effective date of the transfer.

§ 72.1-303 *Appeal procedure.* In those cases in which one of the Military Departments does not concur in the decision of the Assistant Secretary of Defense (Manpower and Personnel) in the assignment of security cognizance, the matter with all pertinent details and compelling reasons to the contrary may be referred to the Secretary of Defense for final decision.

§ 72.1-304 *Notification of security assignment.* The management of each facility which has been assigned to one of the Military Departments for security cognizance shall be notified in writing of this action by the Department receiving the assignment at such time as an industrial security program is initiated for the facility.

§ 72.1-304.1 *Publication of assignment of security cognizance.* The Consolidated Listing of Security Clearance Actions for Department of Defense Contractors' Facilities, referred to in this part as the Consolidated Listing, published from the records of the Central Index File, will indicate assignment of security cognizance according to Military Department and field activity thereof.

§ 72.1-305 *Responsibilities of Military Departments assigned security cognizance.* (a) The assignment of security cognizance requires the implementation, as prescribed in this part, of the Department of Defense industrial security program within an individual facility which the Assistant Secretary of Defense (Manpower and Personnel) has assigned to one Military Department for that purpose.

(b) At a facility requiring access to classified information, the Military Department assigned security cognizance shall be responsible for:

(1) Acting as the Department of Defense representative in matters dealing with safeguarding of classified information.

(2) Execution of the Department of Defense Security Agreement (DD Form 441) as required.

(3) Execution of the Facility Security Clearance Survey (DD Form 374) as required.

(4) The granting of facility security clearance and interim facility security clearance as may be required. The cognizant Department shall be the only Department to originate or issue facility clearances in that facility and accordingly shall be solely responsible for issuance of Letters of Notification (DD Form 562) and Central Index File Card—Facility (DD Form 265). Responsibility of the cognizant Military Department for granting facility security clearances shall include the necessary investigation

and clearance of officers, directors, owners, and key employees. In accordance with § 72.2-102, previous clearances granted by another Military Department shall be accepted by the cognizant Military Department, provided such clearances meet the standards prescribed in this part.

(5) The investigation and clearance of such additional contractors' employees as may be required for its own classified contracts.

(6) The coordination of security clearance actions on other contractors' employees performed by other Military Departments for work on their classified contracts. In this connection, the contracting Military Department will issue Letters of Consent (DD Forms 560 and 561) to the facility and Central Index File Card—Personnel (DD Form 264) to the Central Index File. Upon completion of such personnel clearances, the contracting Department shall forward a copy of the new Central Index File Card—Personnel (DD Form 264) to the designated representative of the cognizant Department informing him of the new personnel clearances granted.

(7) The processing of requests of visitors to the facility who require access to classified information. In those cases where classified information of another Military Department is involved, the necessary coordination will be effected with the designated activity of the Military Department concerned.

(8) Implementation of the industrial security education program.

(9) The maintenance of such records as are necessary to discharge the responsibilities enumerated above.

(10) The conduct of investigations of security violations, including loss or subjection to compromise of classified information, in accordance with departmental regulations. Coordination will be effected, as required, with the other Military Departments concerned.

(c) In those facilities on the Key Facilities List, the Military Department assigned industrial defense cognizance shall be responsible for the conduct of all activities in connection with the industrial defense program. These responsibilities are outlined in Part 71 of this subchapter.

(d) The representative of the cognizant Military Department for a given facility is the industrial security representative of the Department of Defense. All relationships between the Military Departments and the management of a facility on industrial security matters will be handled through, or in coordination with, the representative of the Military Department which has been assigned security cognizance. It is the responsibility of the Military Department assigned security cognizance to insure that the industrial security interests of the other Military Departments and the Department of Defense are adequately protected. All requests received from any activity within the Department of Defense and which are required by this part shall be promptly processed.

(e) The designation of one Military Department to exercise security cognizance at a facility will not relieve any other Department of the responsibility

of assuring the security of its classified information incident to its classified contracts with the facility. The responsibility of a Military Department for the protection and safeguarding of classified information remains with that Department. However, for industrial security purposes, this security responsibility of a Military Department at a particular facility will be performed through the Department assigned security cognizance for that facility.

(f) In all instances where this part requires that management of a facility be advised regarding certain industrial security matters, or where certain requirements upon management have been established, the Military Department which has been assigned security cognizance of the facility shall so advise management. Where appropriate, this advice will be given to management in conjunction with representatives of the other interested Military Department(s).

(g) The management of each cleared facility will be required to fulfill their security obligations by conforming with the requirements of Part 66 of this subchapter and with written mutual agreements that may be entered into between the Department of Defense and the contractor in order to adapt Part 66 to the contractor's business and necessary procedures thereunder.

(h) In those cases in which a Department which has been assigned security cognizance does not take appropriate action when requested by another Military Department which has a classified contract at the facility and the matter cannot be mutually and satisfactorily adjusted between the local representatives of the Departments concerned, a report, incorporating all the facts in the case and including the circumstances involving the failure to receive the necessary services which are required under this part, shall be submitted through channels to the appropriate activity within the Military Department designated to adjust such matters. If necessary corrective measures cannot be arrived at through mutual agreement between the Departments to their satisfaction, the matter, with all pertinent details, will be submitted to the Assistant Secretary of Defense (Manpower and Personnel) for decision and appropriate action.

SUBPART B—CLEARANCE PROCEDURES

FACILITY SECURITY CLEARANCES AND DENIALS

§ 72.2-100 *Application.* Sections 72.2-100 to 72.2-115 establish the procedures for granting security clearances to private contractors' facilities where access to classified information is required for contractual purposes. Sections 72.2-100 to 72.2-115 also outline the procedures for the denial, suspension, or revocation of security clearances of contractors' facilities.

§ 72.2-101 *Facility security clearances.* (a) A facility security clearance is an administrative determination that the facility is eligible, from a security viewpoint, for access to classified information of the same or lower security category as the clearance being granted.

As an emergency measure and in order to avoid crucial delays in precontract or contract negotiations, the award of a contract or the performance of a contract, a facility security clearance based on lesser investigative requirements may be granted on a temporary basis, pending the completion of the full investigative requirements. A contracting Military Department, when requesting the cognizant Military Department to initiate temporary facility security clearance action, shall submit the reasons for such action and indicate the effect that any crucial delays will have on its precontract or contract negotiations and indicate the degree of facility security clearance to be granted. The cognizant Military Department shall comply with the request of the contracting Military Department to initiate a temporary security clearance action, and will simultaneously initiate the action to effect a facility security clearance. The authorization in connection with an interim Top Secret facility security clearance will be made by the Secretary of the contracting Military Department, and a copy of the authorization shall be furnished to the cognizant Military Department which shall process and issue the clearance. When so authorized, this shall be identified as an interim facility security clearance. A facility security clearance (or interim facility security clearance, when so authorized) is required for prospective bidders or contractors prior to granting them access to classified information. Classified information shall not be disclosed to a facility, its representatives or employees, in connection with a contract, bid or quotation, which is of a higher security classification than that of a facility security clearance.

(b) Restricted facility security clearances formerly held by facilities are no longer considered as clearances. Records of such clearances have been eliminated from the Central Index File.

§ 72.2-102 *Responsibility for effecting a facility security clearance.* The Military Department assigned, or which has assumed, security cognizance shall initiate and continue all actions necessary for the granting of a facility security clearance, until a decision to grant or deny the clearance has been reached by the appropriate authority. Subject to the provisions of § 72.2-111 (c) any prior industrial security clearance actions that may have been accomplished by any Military Department, provided these actions meet the standards prescribed in this part, will not be duplicated, but shall be accepted by the cognizant Military Department in effecting the facility security clearance. When a facility security clearance or interim facility security clearance has been granted, the cognizant Military Department shall issue a Letter of Notification of Facility Security Clearance (DD Form 562) to the facility and will prepare and forward the Central Index File Card—Facility (DD Form 265) to the Central Index File. All forms issued in connection with an interim facility security clearance shall plainly indicate INTERIM on the face thereof. If applicable, officers, directors, regents, and trustees of a facility ex-

cluded under the provisions of § 72.2-107 shall be listed on the Central Index File Card—Facility (DD Form 265) with a notation indicating the date of this action by the Board.

§ 72.2-103 *Requirements for facility Security Clearances.* When clearing a facility, the parent organization of the facility must have a facility security clearance of the same or higher category, unless formal action of the Board of Directors of the parent organization specifies that the officials of the parent organization will not have access to classified information held by the subsidiary facility. Two copies of such Board action shall be obtained by the cognizant Military Department processing the clearance of the subsidiary facility one copy of which shall be furnished to the Central Index File. This provision shall not apply when the parent organization is foreign owned, controlled or influenced (see §§ 72.2-300 to 72.2-307). In those cases in which the parent organization is foreign owned, controlled, or influenced, the subsidiary organization is ineligible for a facility security clearance. Detailed requirements governing the investigation of personnel to be cleared in connection with a facility security clearance are set forth in §§ 72.2-200 to 72.2-210. The requirements that shall be accomplished prior to issuing to a private contractor's facility the various categories of security clearances are prescribed below.

(a) *Top Secret facility security clearance.* (1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Conduct a National Agency Check on the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a).

(4) Investigate, as prescribed in § 72.2-203 (a) the personnel required to be cleared in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Top Secret for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(b) *Interim Top Secret facility security clearance.* An Interim Top Secret facility security clearance is an emergency clearance which may be granted only in those special cases when necessary to prevent crucial delays in precontract negotiations, the award or performance of a contract. Special authorization as to the need for granting an Interim Top Secret facility security clearance must, in each case, be obtained from the Secretary of the contracting Military Department. This authorization shall not be delegated below the Under Secretary or Assistant Secretary of the Military Department concerned. The authorization shall be forwarded directly to the cognizant Military Department. Prior to granting an Interim Top Secret facility security clearance, the following requirements also shall have been completed:

(1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Conduct a National Agency Check on the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a)

(4) Investigate, as prescribed in § 72.2-203 (b) the personnel required to be cleared in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Interim Top Secret for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(c) *Secret facility security clearance.*

(1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Conduct a National Agency Check on the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a)

(4) Investigate, as prescribed in § 72.2-203 (c) the personnel required to be cleared in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Secret for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(d) *Interim Secret facility security clearance.* (1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Conduct a National Agency Check on the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a)

(4) Investigate, as prescribed in § 72.2-203 (d) the personnel required to be cleared in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Interim Secret for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(e) *Confidential facility security clearance.* (1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Conduct a National Agency Check on the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a)

(4) Investigate, as prescribed in § 72.2-203 (e) the personnel required to be cleared in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Confidential for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(f) *Interim Confidential facility security clearance.* (1) Execute for the Department of Defense the Department of Defense Security Agreement (DD Form 441) with the facility.

(2) Ascertain from information locally available in the investigative files of the Military Department concerned, and such other local records as may be pertinent, whether adverse information exists concerning the facility.

(3) Conduct a Facility Security Clearance Survey (DD Form 374) as described in § 72.2-109 (a).

(4) Accomplish the actions required in § 72.2-203 (f) (1) for clearance of the personnel listed in § 72.2-107 and issue to the facility Letters of Consent (DD Forms 560 and 561) for Interim Confidential for these personnel concurrently with the issuance of the Letter of Notification of Facility Security Clearance (DD Form 562) for the facility.

(g) The requirements for clearance of a facility for access to Confidential Information—"Modified Handling Authorized" is the same as for Confidential. A facility security clearance for Confidential—"Modified Handling Authorized" is not authorized.

§ 72.2-104 "Restricted Data," additional clearance requirements. (a) Where access to "Restricted Data," as defined in the Atomic Energy Act of 1954, having a security classification of Confidential is required by any prospective bidder or contractor, the cognizant Military Department shall accomplish a National Agency Check, as defined in §§ 72.2-200 to 72.2-210, for personnel listed in § 72.2-107. In addition, if one of the persons referred to in § 72.2-107 is an immigrant alien, a Background Investigation, as prescribed in § 72.2-208 (b) is required prior to granting him access to the "Restricted Data."

(b) Requirements for clearance for access to Top Secret or Secret "Restricted Data" shall be in conformance with § 72.2-203 (a), (b), or (c) as applicable.

(c) Interim Secret or Interim Confidential personnel security clearances do not meet this requirement and their use for access to Confidential "Restricted Data" is not authorized.

§ 72.2-105 *Cryptographic material and information, additional clearance requirements.* Where access to cryptographic material or information is required by any prospective bidder or contractor, the additional investigative requirements for personnel clearances for those personnel listed in § 72.2-107, as prescribed in Department of Defense Directive 5210.8, 5 June 1952, shall be accomplished by the Military Department which furnishes such cryptographic classified information to the facility.

§ 72.2-106 *Upgrading of facility security clearances.* In those cases in which classified information of a higher category than the facility security clearance is to be released to the facility, the cognizant Military Department shall take necessary action to raise the facility security clearance to the higher category. This action shall be completed prior to the release of the information of the higher classification.

§ 72.2-107 *Personnel required to be cleared for a facility security clearance—*

(a) *For corporations and associations.*

(1) All principal officers, such as President, Senior Vice President, Secretary, Treasurer and those occupying similar positions. Other officers who are United States citizens or immigrant aliens and who will not require access to classified information in the conduct of the organization's business are not required to be cleared, provided that the organization, by official action:

(i) Designates each of said such officers by name;

(ii) Affirms that the officers will not require, nor will have and can be effectively denied, access to classified information in the possession of the organization, and do not occupy positions that would enable them to affect adversely the organization's policies or practices in the performance of contracts for the Government. This action shall be made a matter of record in the organization's minutes. Two copies of such minutes shall be obtained by the cognizant Military Department, one of which shall be forwarded to the Central Index File. In case the organization does not comply with this requirement, all officers shall be cleared.

(2) All directors, except as follows: Those directors who are United States citizens or immigrant aliens and who will not require access to classified information in the conduct of the organization's business are not required to be cleared, provided that the organization, by official action of the Board of Directors:

(i) Designates each of said such directors by name;

(ii) Affirms that the directors will not require, nor will have and can be effectively denied, access to classified information in the possession of the organization, and do not occupy positions that would enable them adversely to affect the organization's policies or practices in the performance of contracts for the Government. This action shall be made a matter of record in the organization's minutes. Two copies of such minutes shall be obtained by the cognizant Military Department, one of which shall be forwarded to the Central Index File. In case the organization does not comply with this requirement, all directors shall be cleared.

(3) All key employees who will have access to classified information for the purpose of preparation of a bid or quotation.

(b) *For sole proprietorships.* (1) All owners.

(2) All officers, if applicable.

(3) All key employees who will have access to classified information for the purpose of preparation of a bid or quotation.

(c) *For partnerships.* (1) All general partners. All other partners who are United States citizens or immigrant aliens and who will not require access to classified information in the conduct of the partnership's business are not required to be cleared, provided that the partnership, by official action of all partners:

(i) Designates each of said such partners by name;

(ii) Affirms that such partners will not require, nor will have and can be effectively denied, access to classified information in the possession of the partnership, and do not occupy positions that would enable them to affect adversely the partnership's policies or practices in the performance of contracts for the Government. This action shall be made a matter of record in the partnership's minutes. Two copies of such minutes shall be obtained by the cognizant Military Department, one of which shall be forwarded to the Central Index File. In case the partnership does not comply with this requirement, all partners shall be cleared.

(2) All key employees who will have access to classified information for the purpose of preparation of a bid or quotation.

(d) *Colleges, universities, and non-profit organizations.* (1) Those officers who are specifically and properly designated in accordance with the institution's requirements as the managerial group having the authority and responsibility for the negotiation, execution, and administration of Government contracts, provided that the institution furnishes the cognizant Military Department a copy of such delegation of authority from which it can be definitely determined the particular officers who are to be processed in conjunction with a facility security clearance. If this requirement is not met, all officers shall be cleared.

(2) All regents, trustees, or directors, except as follows: Those regents, trustees, or directors who are United States citizens or immigrant aliens and who do not require access to classified information in the conduct of the institution's business will not be required to be cleared provided that the institution, by action of its official administrative body:

(i) Designates each of such regents, trustees, or directors by name;

(ii) Affirms that these individuals will not require, nor have and can be effectively denied, access to classified information in the possession of the institution, and do not occupy positions that would enable them to affect adversely the institution's policies or practices in the performance of contracts for the Government. This action shall be made a matter of official record in the institution's minutes. Two copies of such minutes shall be obtained by the cognizant Military Department, one of which shall be forwarded to the Central Index File. If this requirement is not met, all regents, trustees, or directors shall be cleared.

(3) All key employees who will have access to classified information for the purpose of preparation of a bid or quotation.

(e) Whenever derogatory information is received concerning any official not required to be cleared under the foregoing provisions, which indicates that the facility should no longer be eligible for the clearance and the clearance should be revoked under the standard and criteria established by the Industrial Personnel Security Review Regulation, the Military Department receiving such information

shall immediately report the facts to the cognizant Military Department. The cognizant Military Department shall make a complete investigation and, where indicated, make recommendations in a full report to the Director, Office of Industrial Personnel Security Review. The Central Index File shall be advised promptly of such action by submission of a DD Form 265.

(f) In those cases where United States citizens or immigrant aliens are required to be cleared in connection with a facility security clearance and such individuals fall within the definition of "Foreign National" as set forth in § 72.1-214, the following procedures, in addition to the requirements for investigation established by § 72.2-203, shall be followed:

(1) The facility shall designate by name the individual(s) required to be cleared in connection with a facility security clearance, who falls within this category.

(2) Each of the owners, officers, and directors designated as falling within the category of a "Foreign National" as required in subparagraph (1) of this paragraph, shall execute a certificate that he will not disclose classified information to any unauthorized individual or group of individuals, foreign or domestic, regardless of his official, business, or personal association therewith. When the certificate has been executed, official notice thereof shall be made a matter of record in the facility's minutes by the Board of Directors or equivalent administrative body.

(3) Two copies of the minutes and two copies of the individual's certification prescribed in subparagraph (2) of this paragraph shall be furnished the security office of the cognizant Military Department. The security office of the cognizant Military Department, in turn, shall furnish promptly one copy of each such action to the Central Index File.

(4) The above provisions are applicable to United States citizens and immigrant aliens in those instances where the facility does not desire to invoke the procedures prescribed in § 72.2-305.

(5) The procedures established above also shall be applicable in those cases where previous security clearances have been granted. Facilities which fail to comply with the foregoing provisions shall be ineligible for clearance, and their existing clearances shall be revoked by the cognizant Military Department. Such actions are not appealable.

§ 72.2-108 *Execution of the Department of Defense Security Agreement.*

(a) The Department of Defense Security Agreement (DD Form 441) is entered into between management of facilities who will have access to classified information and the Department of Defense, to preserve and maintain the security of the United States through the prevention of improper disclosure of classified information derived from matters affecting the National Defense, sabotage, or any other act detrimental to the security of the United States. Requests for modifications to the Security Agreement shall be submitted through military channels to the Office of the Assistant Secretary

of Defense (Manpower and Personnel) for approval. The Security Agreement once executed shall continue in effect until terminated by action of either party thereto. In case of termination, the Central Index File shall be promptly advised by the security office of the cognizant Military Department by the submission of a Central Index File Card—Facility (DD Form 265) which shall include the reason for termination. Termination of the Security Agreement by either party thereto shall automatically void the security clearance held by the facility.

(b) The Military Department assigned security cognizance of the facility shall execute the Security Agreement (DD Form 441) on behalf of the Department of Defense, provided one already has not been executed, prior to granting a facility security clearance.

(c) The cognizant Military Department will not require the contractor to execute a revised Security Agreement (DD Form 441) because of a subsequent modification of the form, unless "Restricted Data" or cryptographic information, or both, is to be furnished to the contractor and the Security Agreement that had been entered into between the contractor and the Department of Defense was on the form, February 1, 1951, which did not cover these categories of information. In the latter case, a revised Security Agreement shall be executed with the contractor, who shall be fully advised by the cognizant Military Department of the reasons for such action.

(d) Only one Security Agreement (DD Form 441) to cover any individual facility will be entered into between management of the facility and the Department of Defense. At the option of management of multiple plant units, an appendage to the Department of Defense Security Agreement (DD Form 441-1) may be incorporated in the Security Agreement identifying by name and location each of the various facilities of the corporation to be covered by the Agreement. Separate Security Agreements will not be necessary to cover these plants enumerated in the appendage. Upon agreement between management and the cognizant Military Department, additional facilities may be added to or deleted from the original Security Agreement (DD Form 441) by using the appendage (DD Form 441-1). Management will be responsible for furnishing a copy of the Security Agreement, with appendage, to each individual plant listed thereon. This section shall not be construed to preclude the requirement for the accomplishment of all other facility security clearance actions prescribed by this part.

§ 72.2-108-1 *National Agency Check (Facility)* (a) A National Agency Check of a facility shall include a check of the agencies indicated below:

(1) Federal Bureau of Investigation (FBI)

(2) Assistant Chief of Staff, G-2, Department of the Army (G-2)

(3) Office of Naval Intelligence, Department of the Navy (ONI)

(4) Office of Special Investigation, Department of the Air Force, The Inspector General (OSI)

(5) Other Agencies as appropriate.

(b) Requests for National Agency Checks of facilities from clearing activities will be submitted by letter of transmittal or approved departmental forms and will include the following identifying data concerning the facility.

(1) Full name, street address, city and State of facility being cleared.

(2) Full name, street address, city and State of company operating facility, if applicable.

(3) Any changes in name or address of facility being cleared which have occurred within the past ten (10) years.

(4) Names and positions of officers of facility being cleared.

§ 72.2-109 *Security surveys*—(a) *Facility Security Clearance Survey (DD Form 374)* Prior to granting a facility security clearance, the Military Department assigned or which has assumed security cognizance of the facility shall conduct a survey of the facility for the purpose of:

(1) Obtaining information concerning foreign ownership, control, or influence and the extent of such ownership, control, or influence;

(2) Evaluating the ability of the facility physically to safeguard classified information of the same category as that of the facility security clearance being processed;

(3) Advising management of the facility of those measures that they must accomplish and maintain to bring the facility to the standards established in Part 66 of this subchapter, which they have agreed to through the execution of the Department of Defense Security Agreement (DD Form 441)

(b) *Contract Award Security Report (DD Form 696)*. Prior to awarding a contract and granting physical custody of classified information to a facility in connection with that contract, the contracting Military Department shall conduct a Contract Award Security Report (DD Form 696) The "on-the-premise" portion of the survey should be conducted in conjunction with the security office of the cognizant Military Department. Its purpose is to determine that the facility has the necessary means at the proper location for the proper physical safeguarding of the classified information which is to be entrusted to, or developed by, the facility in connection with the contract. Upon notification by the prime contractor or any subcontractor in the tier of subcontracting that a subcontract which involves access to classified information is being effected, a Contract Award Security Report (DD Form 696) shall be accomplished as provided for above. In developing the specific requirements for security in connection with a classified contract, the Security Requirements Check List (DD Form 254) shall be utilized. A copy of the Contract-Award Security Report (DD Form 696) shall be furnished the security office of the cognizant Military Department. This survey, and the survey described in § 72.2-109 (a), may be accomplished simultaneously.

(c) *Recurring inspections*. The cognizant Military Department shall make recurrent inspections of the facility as deemed necessary to insure that the facility meets the requirements established in Part 66 of this subchapter, for physically safeguarding classified information of the category entrusted to the facility.

§ 72.2-110 *Changed conditions pertaining to the facility*. The following action shall be taken by the cognizant Military Department in cases of changed circumstances at the facility.

(a) *Change of operating name*. In instances of changes in the operating name of the facility when ownership and management remain the same, a new facility security clearance shall be issued reflecting the change in name, and the following actions shall be completed:

(1) A new Department of Defense Security Agreement (DD Form 441) shall be executed.

(2) A Letter of Notification of Facility Security Clearance (DD Form 562) shall be issued.

(3) A Central Index File Card—Facility (DD Form 265) shall be submitted to the Central Index File, indicating the specific reasons for such submission and noting under item 11 the administrative termination of the facility security clearance in the old operating name.

(b) *Changes in ownership or management*. In instances of changes of owners, officers, directors, or personnel occupying managerial positions (such as general or plant manager) as described in Part 66 of this subchapter, the facility security clearance becomes inactive and must be processed to bring it up to a current status. Classified information shall not be furnished to, or retained by, the facility unless the representative of a cognizant Military Department can assure himself that the new owner or management staff shall not obtain access to the classified information while their clearance is being processed. The following action shall be completed:

(1) Clearance action for the new personnel involved shall be started promptly for clearance to the degree of the facility security clearance as required in this part.

(2) Upon completion of the clearance action, a new Central Index File Card—Facility (DD Form 265) shall be submitted, indicating the specific reasons for such submission.

(c) *Changes of address*. In instances in which the facility is relocated, a new facility security clearance shall be issued reflecting this fact, and the following action shall be completed:

(1) The present Security Agreement shall be amended to reflect the change in address of the facility, or where administratively more feasible, a new DD Form 441 will be executed.

(2) A Facility Security Clearance Survey (DD Form 374) shall be completed for the new location.

(3) A Letter of Notification of Facility Security Clearance (DD Form 562) shall be issued.

(4) A Central Index File Card—Facility (DD Form 265) shall be submitted, indicating reasons for such submission

and noting under item 11 the administrative termination of the facility security clearance at the old address.

(d) *Change in location of closed or restricted areas*. In instances in which the contractor reports to the security office of the cognizant Military Department any change in the location of a closed or restricted area within the facility during the period of performance on a classified contract, the following action shall be completed:

(1) The security office of the cognizant Military Department shall advise the contracting officer of the contracting Military Department of the reported change in the location of the closed or restricted area.

(2) The contracting officer will determine whether a new survey is necessary. If the contracting officer determines that a new survey is required, the procedures established in § 72.2-109 (b) for the initial contract survey shall be followed using Contract Award Security Report (DD Form 696).

(e) *Closing of business, bankruptcy, etc.* In all instances in which information is received by the security office of the cognizant Military Department that a facility which has been previously granted a facility security clearance has closed its doors, gone out of business, adjudicated a bankrupt, etc., the security office of the cognizant Military Department shall administratively terminate the facility security clearance. This shall include the withdrawal of Letter of Notification of Facility Security Clearance (DD Form 562) and termination of the Security Agreement (DD Form 441) This information shall be processed promptly to the Central Index File, using Central Index File Card—Facility (DD Form 265) and stating the reasons for such submission under item 11. All classified information shall be recovered promptly from the facility by the cognizant security officer in coordination with the appropriate contracting Military Department.

§ 72.2-111 *Denials and revocations of facility security clearances*. (a) Facility security clearances shall not be granted by the cognizant Military Department when an officer or any director who will have access to classified information, or key employee of the contractor who is required to be cleared in connection with a facility security clearance, or any owner who will have access to classified information, is found to be unsuited for access to classified information under the standard and criteria established by the Industrial Personnel Security Review Regulation. Whenever a denial appears justified, a copy of the report of investigation and any other information upon which the decision is predicated, together with appropriate recommendations, shall be forwarded by the cognizant Military Department to the Director, Office of Industrial Personnel Security Review.

(b) When any security inspection reveals inadequate means for the protection of classified information of the category for which the facility security clearance is being processed or has been granted, classified information shall not

be furnished or will be withdrawn until the facility meets the standards required by Part 66 of this subchapter. Failure on the part of management of the facility to maintain the physical standards may be grounds for revocation of the facility's security clearance by the cognizant Military Department. Upon such revocation, a DD Form 265 shall be submitted to the Central Index File.

(c) If a facility security clearance has been revoked on grounds pertaining solely to the physical elements of security, the Letters of Consent issued for the personnel of the facility will not be revoked. In such cases, however, the individuals concerned shall not be furnished access to additional classified information. If necessary corrective action is subsequently taken by the contractor to bring the facility up to the standards prescribed in Part 66 of this subchapter, the security office of the cognizant Military Department may grant a new facility security clearance. If such action is taken within six months from the time of revocation of the facility security clearance, it will be unnecessary to issue new Letters of Consent for the personnel of the facility. If the time lapse is more than six months, the investigations of the personnel concerned shall be brought up-to-date and new Letters of Consent granted.

(d) When a facility security clearance has been granted and any information develops which indicates that the facility should no longer be eligible for the clearance and the clearance should be revoked, the Military Department discovering such information shall immediately report the facts to the cognizant Military Department. The cognizant Military Department, in coordination with other interested Military Departments, shall take necessary action to safeguard the classified information and will advise management of this action. The cognizant Military Department, where indicated, shall make recommendations in a full report to the Director, Office of Industrial Personnel Security Review. The Central Index File shall be advised promptly of such action by submission of a DD Form 265.

(e) In the event a determination is made under the Industrial Personnel Security Review Regulation that a facility security clearance should be granted, the cognizant Military Department will grant the clearance utilizing DD Form 562, and shall forward a DD Form 265 to Central Index File, making reference to the determination and citing the authority for this action under item 11.

§ 72.2-112 *Appeals not authorized.* In the following cases, denial or revocation actions are taken exclusively by the Military Departments; appeals are not authorized:

(a) Involving research, development, and production of cryptographic equipment.

(b) Originating outside the Continental limits of the United States.

(c) Involving denial or revocation of security clearance for a contractor or prospective contractor on grounds pertaining solely to the physical elements of security.

(d) Involving solely a determination under the provisions of the Air Corps Act of 1926, Section 10 (j) Act of July 2, 1926 (44 Stat. 787, 10 U. S. C. 310 (j))

(e) Involving contractors which are under foreign ownership, control, or influence.

§ 72.2-113 *Reinstatement of a facility security clearance.* If a facility security clearance has been denied or revoked, and one of the Military Departments considers that there are new circumstances which warrant granting a facility security clearance, recommendations shall be made to the Director, Office of Industrial Personnel Security Review through the cognizant Military Department. This procedure does not authorize a Military Department to grant a facility security clearance in such case, pending final action under the Industrial Personnel Security Review Regulation.

§ 72.2-114 *Subcontractors.* The procedures established in §§ 72.2-100 to 72.2-115 pertaining to contractors are equally applicable to subcontractors, vendors, and suppliers and in turn to each succeeding tier of subcontractors. Each subcontractor will be regarded by the Department of Defense to be in the same category as a prime contractor with respect to his individual subcontract.

§ 72.2-114-1 *Consultants.* (a) Consultants to Department of Defense contractors, who will require access to classified information in the course of the performance of any classified contract, shall be considered in the same services for the contractor in connection with a category as subcontractors. The procedures established for §§ 72.2-100 to 72.2-115 pertaining to contractors are applicable, as appropriate, to consultants.

(b) In those cases in which a Military Department enters into a contract with a facility for the services of one of its employees as a consultant, whose services will involve access to classified information, the facility and the individual shall be cleared in accordance with the provisions of this part.

(c) In those cases in which the services to be rendered by the consultant including any of his employees so designated by name will be performed at, and no classified material will be removed from, the facility of the contractor and provided a certification is executed jointly by the contractor and the consultant setting forth these facts, the requirement for execution of a Security Agreement (DD Form 441) by the consultant is waived. The adoption of this procedure eliminates the requirement for conducting a Facility Security Clearance Survey (DD Form 374) at the premises of the consultant. Two copies of such certification shall be furnished by the contractor to the security officer of the cognizant Military Department, one copy of which will be sent to the Central Index File. Failure to accomplish the above certification by the contractor and the consultant will require the processing of a facility security clearance as prescribed by this part.

(d) Security clearances for individuals who act as consultants directly to activities of the Department of Defense shall not be processed under the procedures established in paragraphs (a) and (b) of this section. The separate regulations of the Military Departments are applicable in such cases.

§ 72.2-115 *Eligibility for access.* Classified information, when required by contractors or subcontractors, may be furnished to them, but may be divulged only on a "need-to-know" basis, provided the contractor has a facility security clearance of the appropriate category. A facility without a facility security clearance and employees of such facility, except where acting as consultants directly to an activity of the Department of Defense, shall not be permitted to have access to classified information. In this connection, it shall be borne in mind that authorization for access to classified information for one subject or contract does not automatically grant authorization for access to any other subject or contract.

SECURITY CLEARANCES AND DENIALS FOR CONTRACTOR PERSONNEL

§ 72.2-200 *Application.* Sections 72.2-200 to 72.2-210 establish the investigative requirements and procedures for granting to contractor personnel security clearances for access to classified information. Sections 72.2-200 to 72.2-210 also outline the procedures for the revocation, suspension, or denial of personnel security clearances.

§ 72.2-201 *Security clearances for personnel.* A personnel security clearance is an administrative determination that an individual is eligible, from a security point of view, for access to classified information of the same or lower category as the clearance being granted. In an emergency situation, in order to avoid crucial delays in precontract negotiations, or the award or performance of a contract, a personnel security clearance based on lesser investigative requirements as prescribed by this regulation may be granted on a temporary basis, pending the completion of the full investigative requirements. If, upon review of the Personnel Security or Immigrant Alien Questionnaire (DD Form 48 or DD Form 49) and the Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1), it is apparent that the full investigative requirements for the category of clearance requested cannot be completed to meet prescribed standards, an investigation to satisfy lesser interim investigative requirements shall not be initiated nor shall an interim clearance be granted. The facility shall be notified promptly to this effect. When a clearance based upon the lesser standards is authorized, this shall be identified as an interim personnel security clearance. An interim personnel security clearance shall not be granted unless a request for investigation of a type required to satisfy final clearance requirements has been initiated. A personnel security clearance (or an interim personnel security clearance, when so authorized) is required for contractor personnel prior to granting them access to,

classified information. Personnel shall not be cleared, in connection with any contractual activities of the facility for access to classified information of a higher category than the facility security clearance (see § 72.2-101)

§ 72.2-201-1 *Review of letters of consent.* (a) The contracting Military Department, during the period of negotiations for a new classified contract, shall request the security office of the cognizant Military Department to review Letters of Consent or any other authorization for access to classified information issued prior to 1 November 1950 and determine whether the investigation upon which the issuance was predicated equals the standards prescribed by this part. The security office of the cognizant Military Department shall promptly accomplish the review of the investigative basis. If upon review it is determined that the investigation is less than that prescribed by this part, action shall be initiated immediately by the contracting Military Department to extend the investigation to meet current standards or to take administrative action to withdraw the clearance previously granted if it is no longer required. The Central Index File shall be promptly advised of this action through the submission of Central Index File Card—Personnel (DD Form 264) indicating in item 15, "Remarks," the basis of such action.

(b) In those cases where employees have been granted personnel security clearances higher than the facility security clearance, and it is determined by the security office of the cognizant Military Department that the facility does not require its clearance to be raised to the same degree as the security clearances of the employees in question, administrative action shall be taken to withdraw previous Letters of Consent, and concurrently, new Letters of Consent (DD Forms 560 or 561) shall be issued in consonance with the facility security clearance. Central Index File Card—Personnel (DD Form 264) will be submitted promptly to the Central Index File, reflecting such action and indicating in item 15, "Remarks," the basis for such action.

(c) Existing Letters of Consent may be considered as valid until such time as a further investigation, required by paragraph (a) of this section, reveals that continued access to classified information is not clearly consistent with the interests of National security.

(d) Upon review of the Letters of Consent and the completion of the required investigation, where necessary, a new Letter of Consent (DD Form 560 or 561) shall be issued by the security office of the cognizant Military Department to the facility. The security office shall prepare and forward an original Central Index File Card—Personnel (DD Form 264) to the Central Index File. If the Letter of Consent was issued in connection with a facility security clearance, a corrected original Central Index File Card—Facility (DD Form 265) shall be forwarded to the Central Index File.

§ 72.2-201-2 *Special status of certain American Indians born in Canada.*

American resident members of the Six-Nation Confederacy or the Sovereign Nation of Iroquois Indians (Seneca, Cayuga, Onondaga, Oneida, Tuscarora, and Mohawk tribes) born in Canada who possess at least fifty percent tribal blood are eligible for clearance for access to classified information in the same manner as any other immigrant aliens, without, however, being required to possess an immigrant visa for permanent residence. The Immigration and Naturalization Service, Department of Justice, and the Bureau of Indian Affairs, Department of Interior, will be checked, in addition to the investigation prescribed by § 72.2-208, for registration as aliens and to determine, under the provisions of the Immigration and Nationality Act of 1952, whether the individual has fifty percent tribal (Indian) blood.

§ 72.2-202 *Responsibility for effecting contractor personnel security clearances.* (a) Those personnel security clearance actions required in connection with the granting of a facility security clearance (see § 72.2-107) shall be accomplished by the Military Department assigned security cognizance of the facility. Those additional personnel security clearance actions required in connection with a contract will be accomplished by the contracting Military Department, except those which are indicated herein to be accomplished by management. When the cognizant Military Department is different from the contracting Military Department, the cognizant Military Department shall forward the completed forms required for clearance to the security office of the contracting Military Department for processing. The clearing authority shall complete all actions necessary for the granting of a personnel security clearance and will determine whether to grant the clearance or refer the case to the Director, Office of Industrial Personnel Security Review in accordance with the Industrial Personnel Security Review Regulation. Subject to the provisions of § 72.2-209, any prior industrial security personnel clearance actions that may have been accomplished by any Military Department, provided these actions meet the standards prescribed in this part, shall not be duplicated, but shall be accepted by the Military Department effecting the personnel security clearance.

(b) Letters of Consent (DD Forms 560 and 561) issued by a Military Department to a facility remain in force so long as an individual is continuously employed by a facility, and during any period of re-employment with any facility of the same organization which commences within six months after the cessation of prior employment, unless in any case otherwise revoked or administratively withdrawn.

(c) Whenever an individual has been authorized access to classified information with a facility and is subsequently employed by another facility of a different organization, the Military clearing authority may issue a new Letter of Consent based upon the previous investigation provided there has been a lapse of not more than thirty days between termination and subsequent employment

and that the investigation previously conducted meets the standards prescribed in this part. Prior to taking such action, the reason for termination of employment shall be ascertained by the clearing authority.

(d) When a personnel security clearance or interim personnel security clearance has been granted, the Military Department effecting the clearance shall issue a Letter of Consent (DD Form 560 or 561) to the facility, and shall prepare and forward the original Central Index File Card—Personnel (DD Form 264) to the Central Index File. A copy of the Central Index File Card—Personnel (DD Form 264) shall be forwarded to the security office of the cognizant Military Department.

(e) In the case of an employee of a Department of Defense contractor, if there is a termination of employment status while he is under investigation, the investigation may be stopped and not carried to completion.

(f) If a review of the Personnel Security Questionnaire or Immigrant Alien Questionnaire (DD Forms 48 or 49) and Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) of a contractor's employee reveals that the full investigation cannot be completed to meet the standards prescribed for the category of clearance being granted, the investigation will be stopped at that point, and the facility shall be promptly notified to that effect. A Central Index File Card—Personnel (DD Form 264) shall be submitted to the Central Index File, reflecting the factors and reasons for submission under item 15, "Remarks."

(g) In all cases other than those described in paragraphs (e) and (f) of this section, a personnel security clearance action shall continue until a decision to grant or deny such clearance has been reached by the appropriate authority.

(h) A personnel security clearance action for an individual shall not be initiated prior to the employment of the individual by the facility requesting such action.

§ 72.2-203 *Requirements for security clearances for contractor personnel.* The requirements that shall be accomplished with favorable results prior to issuing Letters of Consent to facilities for the various categories of personnel security clearances are prescribed below. In addition, an immigrant alien to be eligible for a personnel security clearance shall have formally declared his intent to become a United States citizen. Security clearances that have been previously granted to immigrant aliens which fail to meet this requirement will be administratively terminated by the Military Department concerned. The Central Index File and the security office of the cognizant Military Department will be so notified by the submission of the Central Index File Card—Personnel (DD Form 264). This action is not appealable. Foreign nationals are not eligible for security clearance under the provisions of this part (see § 72.2-107 (f)).

(a) *Top Secret personnel security clearance.* (1) U. S. Citizens—Background Investigation.

(2) Immigrant Aliens—Background Investigation.

(b) *Interim Top Secret personnel security clearance.* (1) U. S. Citizens—An Interim Top Secret personnel security clearance may be granted only in those special cases when necessary to clear the personnel to prevent crucial delays in precontract negotiations, award or the performance of a contract. Special authorization as to the need for granting an Interim Top Secret personnel security clearance must, in each case, be obtained from the Secretary of the contracting Military Department. This authority shall not be delegated below the Under Secretary or the Assistant Secretary of a Military Department. Prior to granting an Interim Top Secret personnel security clearance, a National Agency Check with favorable results shall be completed, pending the completion of the required Background Investigation. When an Interim Top Secret personnel security clearance has been granted and derogatory information is subsequently developed during the course of the investigation, the Military clearing authority may withdraw the interim clearance, pending the completion of the investigation. Notice of this action shall be furnished to the facility and to the Central Index File through the submission of a Central Index File Card—Personnel (DD Form 264) Such withdrawal will not be construed as a denial or revocation of the clearance and referral of the case to the Director, Office of Industrial Personnel Security Review for processing is not required prior to the completion of the investigation.

(2) Immigrant Aliens—Not authorized.

(c) *Secret personnel security clearance.* (1) U. S. Citizens—National Agency Check.

(2) Immigrant Aliens—Background Investigation.

(d) *Interim Secret personnel security clearance.* (1) U. S. Citizens—When it is determined by a contracting activity that performance of the full investigative requirements prior to granting access to Secret information to an individual will result in crucial delay in the precontract award, contract negotiations, or contract performance, a review of the Personnel Security Questionnaire (DD Form 48) the Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) and the personnel records of the facility and other similar data such as may be locally available in the investigative files of the Military Department concerned or from other local sources, pending the completion of the National Agency Check, is authorized as basis for an Interim Secret personnel security clearance. It is not intended that management be required to furnish personnel records; however, when adequate records are not available, an Interim Secret personnel security clearance shall not be granted. When an Interim Secret personnel security clearance has been granted and derogatory information is subsequently

developed during the course of the investigation, the Military clearing authority may withdraw the interim clearance, pending the completion of the investigation. Notice of this action shall be furnished to the facility, and to the Central Index File through the submission of a Central Index File Card—Personnel (DD Form 264) Such withdrawal will not be construed as a denial or revocation of the clearance and referral of the case to the Director, Office of Industrial Personnel Security Review for processing is not required prior to the completion of the investigation.

(2) Immigrant Aliens—In exceptional cases, the Secretary of the contracting Military Department may authorize the granting of an Interim Secret personnel security clearance, AFTER the completion of a National Agency Check which reveals no derogatory information, and pending the completion of the required Background Investigation. In those cases where the cognizant Military Department is processing a facility security clearance for another Department, and Secretarial authorization is required to clear an immigrant alien, such authorization will be furnished in writing to the cognizant Military Department.

(e) *Confidential personnel security clearance.* (1) U. S. Citizens (Personnel prescribed in § 72.2-107 for facility security clearances) Due to the added responsibility imposed upon these individuals, for clearance of their employees for access to Confidential information, National Agency Check is required.

(2) U. S. Citizens (Other Contractor Employees) Will be cleared by management, after the granting of a facility security clearance and the award of a contract in conformity with the provisions of § 66.18 (a) (3) of this subchapter.

(3) Immigrant Aliens—Background Investigation.

(f) *Interim Confidential Personnel Security Clearance.* (1) U. S. Citizens (Personnel prescribed in § 72.2-107 for facility security clearance) Review of the Personnel Security Questionnaire (DD Form 48) Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) and the personnel records of the facility and other similar data such as may be obtainable from local sources, pending the completion of the National Agency Check. When an Interim Confidential personnel security clearance has been granted and derogatory information is subsequently developed during the course of the investigation, the Military clearing authority may withdraw the interim clearance pending the completion of the investigation. Notice of this action shall be furnished to the facility and to the Central Index File through the submission of a Central Index File Card—Personnel (DD Form 264) Such withdrawal will not be construed as a denial or revocation of the clearance and referral of the case to the Director, Office of Industrial Personnel Security Review for processing is not required prior to the completion of the investigation.

(2) U. S. Citizens (Other contractor employees) Same as paragraph (e) (2)

of this section for Confidential personnel security clearance.

(3) Immigrant Aliens: National Agency Check, pending the completion of the required Background Investigation.

(g) The requirements for clearance of contractor employees for access to Confidential Information—"Modified Handling Authorized" is the same as for Confidential. A personnel security clearance for Confidential Information—"Modified Handling Authorized" is not authorized.

§ 72.2-204 "*Restricted Data,*" additional clearance requirements. (a) Where access to "Restricted Data," as defined in the Atomic Energy Act of 1954, having a security classification of Confidential is required by any contractor employee, other than immigrant alien employees who are already required to have a Background Investigation under the provisions of § 72.2-203 (e) (3), the Military Department which furnishes the information to the facility will accomplish a National Agency Check as defined in § 72.2-208.

(b) Requirements for clearance for access to Top Secret or Secret "Restricted Data" shall be in conformance with § 72.2-203 (a), (b), or (c), as applicable.

(c) An Interim Secret personnel security clearance or security clearance by the contractor for Confidential does not meet this requirement and their use for access to Confidential "Restricted Data" information is not authorized.

§ 72.2-205 *Cryptographic material and information, additional clearance requirements.* Where access to cryptographic material or information is required by a contractor employee, the additional requirements for such clearance, as established in § 72.2-105, will be accomplished by the Military Department which furnishes such cryptographic information to the facility.

§ 72.2-206 *Atomic Energy Commission "Q" clearance, status of.* A "Q" clearance issued by the Atomic Energy Commission shall not be considered by any Military Department as authoritative basis for automatically granting a personnel security clearance. However, after reviewing the report of investigations that were used to establish the "Q" clearance, and having determined that such investigations meet the standards prescribed in § 72.2-203, a Military Department may issue the required personnel security clearance.

§ 72.2-207 *Confidential security clearances for personnel of colleges and universities, special requirements therefor*

(a) In order to grant personnel, other than Immigrant Aliens, of colleges and universities access to Confidential information, the following requirements, in lieu of the requirements in § 72.2-203 (e) must have been completed by the contracting Military Department. Obtain from the college or university:

(1) Verification of citizenship.

(2) Any information, derogatory or otherwise, available to the college or university officials, or indicated in the par-

sonnel records of the college, which will aid the Military Department concerned in reaching a decision.

(3) Personnel Security Questionnaire (DD Form 48) and Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) from the individual concerned.

(b) The contracting Military Department will decide whether to grant the personnel security clearance, using as a basis for such decision the information obtained above and the standard and criteria established by the Industrial Personnel Security Review Regulation. When the clearance is granted, a Letter of Consent (DD Form 560) shall be issued, and a Central Index File Card—Personnel (DD Form 264) shall be accomplished, and the original thereof forwarded to the Central Index File.

(c) When it is necessary to clear additional personnel in connection with the performance of a contract which existed prior to 1 July 1952, the above procedures apply only if so requested by the contractor. When such a contract with a college or university comes up for renewal or extension, the above procedures for the clearance of personnel shall always apply.

§ 72.2-208 *Types of personnel investigations.* The action required for the various categories of investigations are prescribed below:

(a) National Agency Check: (Personnel) A National Agency Check is a check of the agencies indicated below:

(1) Federal Bureau of Investigation (FBI) (Criminal and Subversive Files to be checked in all cases.)

(2) Check of the following activities if the individual has ever served in a military or civilian capacity:

(i) Assistant Chief of Staff, G-2, Department of the Army (G-2)

(ii) Office of Naval Intelligence, Department of the Navy (OND)

(iii) Office of Special Investigations, The Inspector General, Department of the Air Force (OSI)

(3) Civil Service Commission (CSC) if the individual has ever been employed by the U. S. Government.

(4) Bureau of Immigration and Naturalization (INS) if the individual immigrated to the U. S.

(5) House Committee on Un-American Activities (HCUA) to be checked as appropriate.

(6) Other agencies as appropriate.

(b) Background Investigation: A Background Investigation is a thorough and complete investigation in which pertinent facts having a bearing on the integrity, reputation, and loyalty to the United States of the subject are inquired into. It normally covers the period of the individual's life from 1 January 1937 to the date of the investigation or from the date of the subject's eighteenth birthday, whichever is the shorter period. Background Investigations shall be conducted in accordance with the Department of Defense standards on this subject.

(c) The Applicant Fingerprint Card (GPO 16-63416-1) shall be completed for all persons subject to investigation by the Military Departments. Fingerprint

cards are not required for granting of clearances as provided for in § 72.2-207. (The National Defense Fingerprint Cards may also be used until the present supply is exhausted.)

§ 72.2-209 *Denial or revocation of personnel security clearances.* (a) In the event derogatory information is developed by review of records or investigation, the inquiry will be extended as necessary to obtain such additional information as may be required as a basis to determine whether or not to grant the clearance. A Military Department may not deny, except as provided in § 72.2-209 (c), a personnel security clearance to a contractor's employee, but may make a recommendation to deny such clearance when derogatory information is disclosed by an investigation which indicates that a security clearance is not clearly consistent with National security. This recommendation, with a report of all pertinent facts, shall be promptly transmitted to the Director, Office of Industrial Personnel Security Review. A copy of the recommendation shall be promptly transmitted to the Central Index File and to the other two Military Departments.

(b) In the event derogatory information is obtained on individuals who have been granted clearances in accordance with § 72.2-203 (e) (2) or § 72.2-207, an inquiry shall be initiated to obtain such additional information as may be required as a basis to determine whether or not the clearance should be revoked. When the information developed indicates that a revocation appears justified, the Military Department concerned shall address recommendations to the Director, Office of Industrial Personnel Security Review. A copy of the recommendations shall be promptly transmitted to the Central Index File and to the other two Military Departments.

(c) A personnel security clearance ordinarily is revoked only upon the authority of, and under the procedures established by, the Industrial Personnel Security Review Regulation. However, in exceptional cases in which the information available indicates that retention of a security clearance would constitute an immediate threat to the security interests of the United States, the Military Department making such determination may suspend the clearance previously granted pending further investigation and action under the Industrial Personnel Security Review Regulation. When a Military Department suspends a personnel security clearance as constituting an immediate threat to the security interests of the United States, it shall immediately notify the individual concerned, management of the facility which was granted the Letter of Consent for the subject individual, Central Index File, as well as the other two Military Departments. A full report of the case shall be made promptly to the Director, Office of Industrial Personnel Security Review. In the case of interim clearances, withdrawal of such clearances shall not be construed as a denial, suspension, or revocation of the clearance, and referral of the case to the Director, Office of Industrial Personnel Security

Review for processing is not required prior to the completion of the investigation.

(d) In the event a determination is made under the procedures established in the Industrial Personnel Security Review Regulation that a clearance should be granted the individual, the Military Department submitting the case shall grant the clearance, utilizing DD Form 560 or DD Form 561 as appropriate, and shall forward a DD Form 264 to the Central Index File, making reference to the determination and citing the authority for this action under "Remarks," item 15.

§ 72.2-210 *Subcontractor employees.* The procedures established in §§ 72.2-200 to 72.2-210 pertaining to contractor employees are equally applicable to employees of subcontractors, vendors, or suppliers and in turn to each succeeding tier of subcontractors.

UNITED STATES FACILITIES THAT ARE FOREIGN-OWNED, CONTROLLED, OR INFLUENCED

§ 72.2-300 *Application.* Sections 72.2-300 to 72.2-307 establish the criteria for determining whether facilities located within the United States are under foreign ownership, control, or influence in order to examine their eligibility for a facility security clearance. Sections 72.2-300 to 72.2-307 also outline the procedures and practices to be followed in making this determination.

§ 72.2-301 *Eligibility.* Facilities which are determined to be under foreign ownership, control, or influence shall be ineligible for a facility security clearance.

§ 72.2-302 *Criteria.* (a) A facility will be considered to be under foreign ownership, control, or influence when the degree of influence or control from a foreign source is such that the probability exists that the security of classified information may be compromised.

(b) The following factors, applicable to all forms of business organizations, including colleges and universities, will be considered in arriving at this determination:

(1) The distribution of voting rights through stock ownership or control by foreign interests.

(2) The corporate structure of the company, to include such matters as interlocking directorates, holding companies, trust arrangements, proxies, and the like.

(3) The administrative practices of the company, to include such matters as licensing agreements, patent control, inter-corporation collaboration, interchange of trade secrets, cartels, and collaboration between organizations other than corporations.

(4) Control by foreign interests over appointment and tenure of the officers, directors, or principal supervisory management personnel at the facility involved.

(5) The numbers of aliens and non-clearable immigrant aliens employed by the facility.

(6) The foreign owners, officers, directors, or principal supervisory management personnel who, in the conduct of the organization's business, are in a posi-

tion to have access to classified information.

(7) Representatives of the foreign management who may visit the facility in a capacity which may permit them to be in a position to have access to classified information.

(8) Financial backing or support by foreign interests.

(9) Any other factors which may result in the exercise of influence or control, such as agency or partnership relationships, or joint ventures.

§ 72.2-303 *Procedures.* (a) In the processing of a facility security clearance, as required by this part, if any of the factors outlined in § 72.2-302 (b) (1) through (9) are present, and a determination is made by the cognizant Military Department that the foreign ownership, control, or influence as described in § 72.2-302 (a) is not present, the facility may be issued a facility security clearance if otherwise eligible.

(b) If the Cognizant Military Department makes a determination that foreign ownership, control, or influence, as outlined in § 72.2-302, may be present, the case will be referred through established military channels to the Secretary of the Military Department concerned.

(c) The Secretary of the Military Department concerned will cause a review to be made of the case. Based upon the review, the Secretary will make a determination of whether or not the facility is under foreign ownership, control, or influence, as prescribed by § 72.2-302. The authority to make this determination shall not be delegated below the Under Secretary or the Assistant Secretary of the Military Department.

(d) If the determination is made by the Secretary of the Military Department concerned that the facility is under foreign ownership, control, or influence, the facility is ineligible for a facility security clearance as provided in paragraph 2-301.

(e) If a determination is made by the Secretary of the Military Department that the facility is not under foreign ownership, control, or influence, as described in § 72.2-302, the concurrence of the Secretaries of the other two Military Departments shall be obtained prior to the granting of a facility security clearance. Failure to obtain agreement by the Secretaries of the Military Departments shall make the facility ineligible for a facility security clearance.

§ 72.2-304 *Utilization of facilities.* (a) Foreign owned, controlled, or influenced facilities located within the United States determined to be ineligible for a facility security clearance under the procedures established in § 72.2-203 (d) or (e) may be utilized as a source of either material or services. However, if the release of classified information is required, a condition precedent to such utilization is a finding by the Secretary of the Military Department concerned that there is an impelling necessity therefor and that no clearable facility capable of providing the required material or service is available within time limitations considered militarily or oper-

ationally necessary. The authority to make this finding shall not be delegated below the Under Secretary or Assistant Secretary of the Military Department. The word "capable" as used in this subparagraph shall include no consideration of the element of cost.

(b) Where a finding is made, as provided in § 72.2-304 (a) and a release is authorized, this action shall not constitute a facility security clearance nor authorize the disclosure of classified information on a continuing basis, except as it relates to the particular finding, nor shall such release be binding on any other Military Department.

(c) The action by one Military Department, as outlined in § 72.2-304 (a) does not constitute the authorization to release classified information pertaining to any other Military Department. If the classified information to be released pertains to more than one Department authorization from the Secretary of that Military Department is required prior to such disclosure.

§ 72.2-305 *Foreign nationals serving as officers or members of boards of directors.* Corporations, associations, colleges, universities, partnerships, or other entities which have foreign nationals serving as officers or members of the board of directors may be issued a facility security clearance by any Military Department if they are otherwise eligible and are found not to be under foreign ownership, control, or influence, as set forth in § 72.2-302; provided:

(a) The officer or director who is a foreign national does not occupy a position that would enable him to affect adversely the facility's policies or practices in performance of contracts for the Government.

(b) The officer or director who is a foreign national can effectively be denied access to all classified information.

(c) The denial of access of an officer or director will be accomplished by official action of the board of directors, board of regents, or similarly constituted body and will be made a matter of record in the corporate minutes, or other official record. The record shall designate by name the individual(s) being denied access and show information required by paragraphs (a) and (b) of this section. Two copies of such minutes shall be obtained by the cognizant Military Department, one of which will be forwarded to the Central Index File.

(d) In case the organization does not comply with this requirement, it will be ineligible for a facility security clearance.

§ 72.2-306 *Effects of §§ 72.2-300 to 72.2-307 on prior clearances.* The procedures established in §§ 72.2-300 to 72.2-307 will be applicable in those cases where previous security clearances have been granted. Facilities which fail to qualify under the foregoing provisions will have their existing clearances revoked by the cognizant Military Department.

§ 72.2-307 *Appeals.* Actions taken under §§ 72.2-300 to 72.2-307 are not appealable.

SUBPART C—VISITORS

VISITOR CONTROL

§ 72.3-100 *Application.* Section 72.3-100 to 72.3-110 establish criteria for the uniform security control of visitors to Department of Defense contractors' facilities where access, by the visitor, to classified information is involved. Prior approval for the visit must be obtained if he is to have access to classified information. If the visitor will not have access to classified information and can be denied access through escort procedures, the provisions of §§ 72.3-100 to 72.3-110 will not apply, and the matter is to be handled solely between the contractor and the visitor.

§ 72.3-101 *General rules.* (a) It is of the utmost importance that visits requiring access to classified information be held to a minimum.

(b) The following requirements must be satisfied before any request to visit is processed further:

(1) That the intended visit is necessary in the National interests.

(2) That the purpose of the visit cannot be achieved without access to classified information by the visitor.

(c) Approval of the visit constitutes the authority for disclosure of classified information only to the extent cited and according to limitations imposed in the authorization.

§ 72.3-102 *Non-visitor categories.* Persons in the following categories are not regarded as visitors under the terms of §§ 72.3-100 to 72.3-110, and are not subject to the security control measures prescribed herein for visitors.

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

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

(c) When authorized by the prime contractor, representatives of prospective subcontractors, vendors, or suppliers.

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

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

(f) Authorized representatives of certain Federal Departments or Agencies which have executed and which have in effect an agreement with the Department of Defense to permit certain of their representatives designated by name to visit Department of Defense contractors' facilities for agreed purposes. Visits by these representatives of other Departments or Agencies shall be governed by the terms of the respective agreements.

§ 72.3-102-1 *Notification to contractors regarding non-visitor category visits.*

(a) The prime and/or subcontractor shall be responsible for notifying the other, on a contractor-to-contractor basis, furnishing the following information for the individuals outlined in § 72.3-102 (b) or (c)

(1) Purpose of the visit in connection with the performance of the contract.

(2) Date of arrival.

(3) Current clearance status.

(b) Individuals falling within the non-visitor category outlined in § 72.3-102 (c) (d) and (e) should furnish notification to the contractor prior to the visit, including purpose of visit, date of arrival and current clearance status.

(c) The prime contractor shall determine from his cognizant security office whether the prospective subcontractors, vendors, or suppliers have been granted appropriate facility security clearances prior to granting access to classified information. Following verification of the facility clearance, individual visits will be processed, on a contractor-to-contractor basis, as outlined in § 72.3-102.1 (a)

(d) In all cases, the visitor falling within the above categories shall properly identify himself upon arrival at the facility prior to the disclosure of any classified information to him by management of the facility being visited.

§ 72.3-103 *Visitor categories.* Persons in the following categories are regarded as visitors, and visits by them to contractors' facilities involving access to classified information shall be controlled in accordance with the provisions of §§ 72.3-100 to 72.3-110.

(a) United States citizens and immigrant alien employees of Department of Defense contractors or subcontractors not described in § 72.3-102 (a) (b), and (c)

(b) Military personnel and civilian employees of the Department of Defense not directly and officially concerned in the performance of the contract (except foreign nationals)

(c) Those individuals, except immigrant aliens and foreign nationals, who are not employees of the contractor nor of the Government but whose admittance is considered necessary by the contractor.

(d) United States citizens and immigrant aliens not included in paragraphs (a) (b) and (c) of this section.

(e) Foreign nationals. (See definitions, § 72.1-214)

(f) Representatives of Federal Agencies other than those referred to in paragraph (b) of this section and not included in § 72.3-102 (f)

§ 72.3-104 *Procedures for obtaining approval for visit—(a) Employees of Department of Defense contractors.* (1) A contractor who desires to visit a facility of another contractor, or desires to have one of his employees make such a visit, except those referred to in § 72.3-102 (a) (b) or (c) which visit involves access to classified information, shall address a request in writing, as outlined in § 72.3-105, to the facility to be visited. The request shall be processed in the following manner. Management shall

obtain verification in writing of the need for the visit from the procurement activity concerned or its designated representative. The request shall then be processed through the security office of the cognizant Military Department at the requester's facility and the security office of the cognizant Military Department of the facility to be visited. In exceptional cases where the special situation dictates, Military Departments may consider a visit request in this category when the information required in § 72.3-105 is furnished by telephone or other rapid means of communication, provided the request and/or approval is confirmed later in writing as specified.

(2) The security office of the cognizant Military Department of a facility to be visited may approve or disapprove a request to visit where access to classified information pertaining to its own contracts is involved, except in those cases in which this authority is specifically retained by a higher echelon within the Military Department concerned. In each case where the visit involves access to the classified information of another Military Department, the approval of that Military Department shall be obtained prior to the visit. If the request to visit is approved, the security office of the cognizant Military Department of the facility to be visited shall notify management of the facility to be visited. Final decision to admit or refuse admittance of a visitor, when approved by the security office, is at the discretion of the management of the facility to be visited. If the visit is approved, the security office of the cognizant Military Department of the facility to be visited shall also notify management of the requesting facility through the security office of the cognizant Military Department of that facility. Any limitations or restrictions to be placed upon the visitor shall be made known to the facility to be visited, and to the visitor at the time the visit is approved. If the request to visit is disapproved, the security office of the cognizant Military Department at the facility to be visited shall so notify management of the requesting facility, through the security office of the Military Department having security cognizance at that facility.

(b) (1) Military personnel and civilian employees of the Department of Defense not directly and officially concerned in the performance of the contract (except foreign nationals).

(2) Military Departments having responsibility for the classified information that will be involved are responsible for notifying in writing the security office of the cognizant Military Department, which shall inform the contractor of impending official visits to be made by individuals in these categories. The notification to the security office shall include: The purpose of the visit, the approximate date of the visit, and the individual's security clearance status, together with any limitations or restrictions imposed. The Military Departments, in exceptional cases for personnel in this category, may furnish the required information by telephone or other rapid means of communication, provided

it is confirmed later in writing as specified.

(c) Those individuals, except immigrant aliens and foreign nationals, who are not employees of the contractor nor of the Government, but whose admittance is considered necessary to the performance of the contract by the contractor.

(1) This category may include, but is not necessarily limited to, individuals servicing or installing machine tools or other manufacturing equipment, servicing or installing structures or structural equipment, or safety, health or underwriting inspectors, or officials of labor organizations whom the contractor has agreed to admit under the specific terms of a bargaining or other agreement.

(2) When a contractor has an essential need for the services of an individual that clearly fall within this category of visitor, he shall request, in writing, of the appropriate security office of the cognizant Military Department authorization for entry of the individual. This request shall contain all elements of information concerning the individual, as specified in § 72.3-105, plus a complete justification of the requested action by the contractor.

(3) (i) Upon receipt of such a request by the security office of the cognizant Military Department, a check shall be made to insure that all required elements of information referred to in § 72.3-105 have been furnished. If the application is complete, it shall be forwarded to the designated approving agency within the contracting Military Department. That agency will evaluate the request and determine on an individual case basis whether to authorize entry for a "one-time" visit, whether to authorize entry for a definite period of time, or whether to deny the request entirely, and shall so advise the security office of the cognizant Military Department.

(ii) Notification of approved visits shall include any limitations and restrictions to be placed on the visitor. The security office of the cognizant Military Department shall notify the contractor of the decision in the matter.

(d) *Other United States citizens and immigrant aliens.* (See § 72.3-103 (d))

(1) All individuals in this category desiring approval of a proposed visit should address requests in writing, as specified in § 72.3-105, to the facility to be visited. When the facility desires to approve such a request, the contractor concerned shall determine whether the proposed visit will involve access to classified information and, if so, will advise the security office of the cognizant Military Department.

(2) The security office of the cognizant Military Department shall determine whether the visitor satisfies established clearance requirements and whether the visit is necessary in the furtherance of a governmental activity related to the performance of its contract and is necessary in the National interests. Authorization for a specific visit shall be granted only by the designated approving agency, within the contracting Military Department. For

contracts other than its own, the cognizant Military Department shall obtain authorization of the Military Department concerned for the specific visit.

(3) The security office, upon approval or disapproval of the request, shall so advise the contractor. Notification of approved visits shall include any limitations and restrictions to be placed on the visitor.

(e) *Foreign nationals.* (1) Individuals in this category shall not be permitted access to classified information in the hands of Department of Defense contractors unless specifically authorized in writing by the appropriate agency of the Military Department concerned.

(2) Foreign nationals, their governments or other activities sponsoring visits, should address the requests containing the information indicated in § 72.3-105 to their respective diplomatic representatives in the United States for transmittal to the appropriate agency within the Military Department concerned. The letter of transmittal should contain a statement approving the proposed visit on behalf of the government concerned.

(3) The provision of subparagraph (2) of this paragraph does not apply to foreign nationals sponsored by a United States Government activity (including the Military Departments) which are covered by separate Military Departmental instructions on this subject.

(4) Upon approval of the request, the appropriate agency of the contracting Military Department shall notify management of the facility to be visited and obtain their consent for said visit through the security office of the cognizant Military Department. When such consent has been obtained, the cognizant security office shall inform the appropriate agency of the contracting Military Department, who in turn shall advise the requester.

§ 72.3-105 *Visit requests.* Requests for approval to visit specified in § 72.3-104 (a), (d) and (e) shall be made in writing sufficiently in advance to permit appropriate action and authorization for the visit. Such requests shall show the verification of the procurement activity concerned, as prescribed in § 72.3-104 (a) (1) and shall include the following information:

(a) Name in full, rank, title, position.
(b) Nationality of visitor (immigrant aliens shall furnish alien registration number) date and place of birth.

(c) Employer or sponsor with address (street, city and State)

(d) Name and location of facility to be visited.

(e) Date, time, and duration of visit.

(f) Purpose of visit, in detail.

(g) Security clearance status of visitor and name of clearing agency (if any previously granted)

§ 72.3-106 *Action by the security office in considering a visit request.* In considering requests for visits, the Military Department approving a visit shall be governed by the following (in addition to other pertinent sections of this part)

(a) The security clearance of the visitor shall be ascertained and an evalu-

ation shall be made to determine if the visit is clearly consistent with the interest of National security.

(b) Persons cooperating in Department of Defense work and having a legitimate Government interest therein, may be shown such classified information as may be considered necessary and desirable upon proper authorization.

(c) Approval of requests to visit is subject to the convenience and the discretion of the facility to be visited.

(d) With the approval of the facility to be visited, interested Military Departments may authorize recurring visits for a period not to exceed six months, in connection with the purpose for which the original authorization is granted. This authorization for recurring visits may be extended for additional periods of time, not to exceed six months, so long as it relates to the purpose for which the original authorization was made.

§ 72.3-107 *Investigative requirements.* The following requirements are prerequisite to approval of visits to contractors' facilities which will involve access to classified information or restricted areas:

(a) For individuals specified in § 72.3-103 (a)—Investigation and clearance as prescribed in §§ 72.2-200 to 72.2-210.

(b) For individuals specified in § 72.3-103 (b)—Investigation and clearance as prescribed for Military personnel and civilian employees of the Department of Defense by the Military Department concerned.

(c) For United States citizens specified in §§ 72.3-103 (c) and (d) and 72.3-104 (c)—Background Investigation with satisfactory results when Top Secret information is involved. National Agency Check with satisfactory results when Secret, Confidential, or Confidential—"Modified Handling Authorized" information is involved.

(d) For immigrant aliens not included in paragraphs (a) and (b) of this section—Background Investigation with satisfactory results.

In emergency situations, so as to avoid crucial delays in the fulfillment of contractual obligations, the investigative requirements for a personnel security clearance of a lesser degree (interim) as prescribed in §§ 72.2-200 to 72.2-210, are authorized. Satisfactory completion of the investigative requirements established in paragraphs (c) and (d) of this section shall not be evidenced by issuance of a Letter of Consent or other form of "clearance." Results of the investigation shall be recorded promptly in the Central Index File through the submission of the Central Index File Card—Personnel (DD Form 264) explaining the reason for the submission under item 15, "Remarks."

§ 72.3-108 *Inter-department coordination by the cognizant Military Department.* Requests for visits to a facility, which involve access to classified information of interest to more than one Department, or which are in an area where classified work for another Military Department is being performed, shall be coordinated with the other Military Departments concerned by the security

office of the cognizant Military Department. Approval of the Military Department concerned must be obtained prior to granting access to the classified information involved in its contracts.

§ 72.3-109 *Identification and control of visitors.*—(a) *Identification.* Approved visitors shall be responsible for the presentation of adequate identification at the time of the visit. The security office of the cognizant Military Department and/or the contractor shall not permit access to classified information until they are satisfied as to the identity of the visitor.

(b) *Control of visitors.* (1) The appropriate security office of the cognizant Military Department and Department of Defense contractors shall place such restrictions on the movement of visitors entering facilities as will insure adequate security of classified information in the possession, custody, or control of the facility.

(2) Visitors shall be accompanied during their stay by responsible persons designated by the security officer of the facility. These escorts shall be informed as to the necessary limitations or restrictions placed on the visitors.

(3) Visitors shall be prohibited from taking photographs unless specifically authorized in writing by the Military Department whose classified contract will be involved through the representative of the cognizant Military Department.

(4) Classified material shall not be released to the visitor to take outside the facility unless the visitor has received written approval from the contracting Military Department. Such written authority shall include all precautions for safeguarding the information concerned.

§ 72.3-110 *"Restricted Data"* Visits which will involve access to "Restricted Data," as defined by the Atomic Energy Act of 1954, in the hands of Department of Defense contractors, shall be processed as prescribed in this Part, unless the Department of Defense contractor is also an Atomic Energy Commission contractor, in which case the approval of the Atomic Energy Commission is required for access to "Restricted Data" involved in the Atomic Energy Commission contract.

SUBPART D—CENTRAL INDEX FILE

CENTRAL INDEX FILE RECORDS

§ 72.4-100 *Application.* The Central Index Personnel and Facility Security Clearance File, referred to in this part as the Central Index File, is an agency which functions under the administrative supervision of the Department of the Army. It acts as the central file for information pertaining to facility and contractor personnel security clearance actions. Information from this File is available for official use to departments, offices, and agencies of the Department of Defense upon request.

§ 72.4-101 *Processing of security clearance records.* (a) When the cognizant Military Department has occasion to initiate a facility security clearance (interim or otherwise) the facts shall be reported promptly in each case on DD

Form 265, Central Index File Card—Facility. The original of the completed form shall be forwarded to the Central Index File, Department of Defense, Washington 25, D. C., as follows:

(1) When the cognizant Military Department initiates a facility security clearance, an abbreviated (pending) DD Form 265 shall be forwarded promptly to the Central Index File. This report will indicate the facility with specific street address, the Military Department and activity instituting action, the category of clearance sought, and the date action was instituted.

(2) When the cognizant Military Department grants an interim facility security clearance, a DD Form 265 shall be completed and forwarded promptly to the Central Index File. Care will be exercised to insure that the form reflects the fact that the clearance granted is interim in nature.

(3) When the cognizant Military Department grants a completed facility security clearance, a DD Form 265 shall be completed and forwarded promptly to the Central Index File to indicate the completed status of the clearance.

(4) When there is a significant change in the facts pertaining to a facility (such as change of name, address, ownership, or management) the new information shall be reported by completing and forwarding a new Central Index File Card—Facility (DD Form 265) to the Central Index File. The Military Department having security cognizance for the facility shall forward the new DD Form 265 as expeditiously as possible in each case to the Central Index File. In such instances, item 11, of the DD Form 265 shall indicate the reason for submission of the new card.

(5) When an inactive facility security clearance is processed to an active status, the security office of the cognizant Military Department taking the action shall complete and forward to the Central Index File a new Central Index File Card—Facility (DD Form 265) based on the verified or corrected information. See paragraph (f) of this section.

(b) When contractor personnel are cleared for access to classified information by the security office of one of the Military Departments, the facts pertaining thereto shall be recorded on DD Form 264, Central Index File Card—Personnel. The original of the form shall be forwarded promptly to the Central Index File, Department of Defense, Washington 25, D. C. Any change in the status of a contractor personnel clearance shall be reported on a new DD Form 264 (not by letter) which shall indicate the reason for submission in item 15, "Remarks."

(c) In addition to the records to be forwarded as indicated in paragraphs (a) and (b) of this section, the original copies of the following records pertaining to each facility shall also be forwarded by the cognizant Military Department to the Central Index File as expeditiously as possible in each case:

(1) Department of Defense Security Agreement (DD Form 441) and, where applicable, the Appendage (DD Form 441-1)

(2) Actions by Boards of Directors as prescribed by §§ 72.2-103 and 72.2-107.

(3) Facility Security Clearance Survey (DD Form 374)

(d) When a security clearance action is reported to the Central Index File, the interim, pending, or completed nature of the action shall be clearly indicated. When a DD Form 264 or 265 supersedes one previously submitted to the Central Index File, this shall be clearly indicated on the new card.

(e) Central Index File Card—Personnel (DD Form 264) shall be accomplished and forwarded when personnel of a college or university are cleared by one of the Military Departments for the Confidential category.

(f) Facility security clearances listed in the Central Index File are separated into two groups. The first group consists of facility security clearances that are complete and valid by current standards. The clearances in this grouping are called "Active" clearances. Those facility security clearances issued prior to November 1, 1950, those which are incomplete or defective with regard to either the Department of Defense Security Agreement or Security Survey, or those which have changes in ownership or management as described in § 72.2-210 (b) are placed in an "Inactive" grouping. This is an administrative separation of the files for purpose of verification and correction and does not constitute revocation of any clearance. The "Consolidated Listing of Security Clearance Actions for Department of Defense Contractors' Facilities" published by the Central Index File lists facility security clearances, according to "Active" or "Inactive" grouping. The "Inactive" listing indicates in what particular the clearance is regarded as incomplete or defective. If a facility is engaged in classified work, or has classified information in its possession, and its facility security clearance is listed as "Inactive," the cognizant Military Department shall take prompt action to process it to "Active" standards. Other "Inactive" facility security clearances need not be processed to "Active" standards until, and unless, the facility becomes engaged in classified work or is granted access to classified information. Before a facility with an "Inactive" facility security clearance can be granted access to classified information in connection with a new contract, action shall be initiated to process the clearance to "Active" standards. In processing an "Inactive" facility security clearance to an "Active" status, the following specific action shall be taken by the cognizant Military Department.

(1) The Central Index File Request (DD Form 555) will be used to secure the details pertaining to the clearance from the Central Index File.

(2) The name and address of the facility shall be verified or corrected.

(3) The names and positions of the company officials and key employees cleared in connection with the original facility security clearance shall be verified as still in the position and appropriately cleared.

(4) If different individuals appear in any of these positions, they must be ap-

propriately cleared, or their clearance verified.

(5) It shall be verified that a Security Agreement (DD Form 441) has been executed and the original copy thereof has been forwarded to the Central Index File. If the Consolidated Listing indicates no record of a DD Form 441 for the facility, a copy will be obtained and forwarded to the Central Index File. If the facility has not executed the Security Agreement (DD Form 441), one shall be executed with the facility and the original copy shall be forwarded to the Central Index File. A Facility Security Clearance Survey, using DD Form 374, shall be conducted, and the original completed copy of the form will be forwarded to the Central Index File. The cognizant Military Department shall complete and forward to the Central Index File a new Central Index File Card—Facility (DD Form 265) based on the verified or corrected information. A new Letter of Notification (DD Form 562) based on the verified or corrected information shall be forwarded to the facility. This new Letter of Notification shall supersede and replace all others held by the facility.

(g) An interim facility security clearance will be carried in the "Active" section of the Central Index File for a period of twelve months. After that period has elapsed, the Central Index File will query the originating activity of the cognizant Military Department as to the status of the interim clearance. If a reply is not received within thirty (30) days giving valid and cogent reasons why the interim clearance has not been processed to final status, unless a request is received to retain the clearance in the interim status, the interim clearance shall be dropped from the records of the Central Index File. The Central Index File shall advise the cognizant Military activity of the action taken and request that it take administrative action to terminate the clearance. The cognizant Military Department will notify the facility and advise the Central Index File when the clearance has been terminated.

(h) A pending facility security clearance action will be carried in the "Active" section of the Central Index File for a period of twelve months. After that period has elapsed, the Central Index File will query the originating activity of the cognizant Military Department as to the status of action or active interest in the pending clearance. If there is a reply that the clearance is no longer of interest, or if there is no reply for a period of thirty (30) days, the pending clearance action shall be dropped from the records of the Central Index File. The cognizant Military Department shall advise the Central Index File whenever a pending clearance action is terminated by submission of a DD Form 265.

(i) All actions of the Industrial Personnel Security Boards and the Boards established by the Industrial Personnel Security Review Regulation pertaining to security clearances, denials, revocations and suspensions shall be reported promptly in the Central Index File. Clearances, revocations, denials, or suspensions issued by security offices of the Military Departments shall be reported

to the Central Index File on DD Form 264 or 265, as appropriate. The "Remarks" section of the DD Form 264, item 15, or item 11 of DD Form 265 shall indicate the authority for such actions.

(j) Records to be forwarded to the Central Index File will be handled as expeditiously and as accurately as possible. These records shall be forwarded when the clearance action is initiated or accomplished and shall not be held until a group of records have been accumulated. To facilitate processing into the Central Index File, DD Forms 265, 374, and 441 pertaining to the same facility will be forwarded stapled together when practicable. DD Form 264 shall be submitted as a separate group or item.

(k) Records arriving at the Central Index File prepared in an incorrect or incomplete manner or otherwise not in accordance with the provisions of this regulation shall be returned by the Central Index File to the originating office for correction.

§ 72.4-102 *Use of information.* (a) Activities of the Military Departments shall make full use of the Central Index File in order to avoid duplication of investigation and clearance actions. Information may be secured from the Central Index File for official use by submission of DD Form 555, "Central Index File Request," by personal contact, or by telephone inquiry, whichever is applicable to the situation.

(b) Caution shall be exercised in examining information received from the Central Index File to insure that the clearances reflected therein are based upon investigative standards prescribed by this part.

(c) Certain information from the Central Index File is published on a regular basis and furnished to addressees selected by the Military Departments. The Consolidated Listing contains official information as to cleared facilities, clearances pending, and revocations or denials of clearances as of the date indicated therein. The compilation also indicates those facility security clearances considered "active" and those considered "inactive."

(d) The Consolidated Listing shall not be used as the basis for establishing the current status of a facility security clearance, as changes are reflected daily through reports received by the Central Index File. The latest information in connection with the security status of a facility shall be obtained either from the Central Index File or the security office of the cognizant Military Department before classified information is released to a facility. The Central Index File shall not furnish security clearance information pertaining to a contractor or his personnel directly to that contractor or his personnel. Other procedures exist and are described elsewhere in this regulation which serve to notify a contractor of his facility and personnel clearance status.

SUBPART E—INDUSTRIAL SECURITY EDUCATION INDUSTRIAL SECURITY EDUCATION PROGRAM

§ 72.5-100 *Application.* The purpose of §§ 72.5-100 to 72.5-107 is to describe the Department of Defense Industrial Security

Education Program and to outline its scope and operation. This program was designed to acquaint industrial management and employees with the principles of industrial security, to alert them to the dangers of espionage and sabotage, and to suggest preventive measures which industry may adopt to avoid such dangers.

§ 72.5-101 *Responsibility.* The Assistant Secretary of Defense (Manpower and Personnel) is responsible for the Industrial Security Education Program, which consists of the preparation and distribution of informative and technical guidance materials to be furnished to industry. The scope of the education program may be expanded to include such media as the Assistant Secretary of Defense (Manpower and Personnel) considers suitable.

§ 72.5-102 *Preparation of material.* The staff of the Industrial Security Division, Office of the Assistant Secretary of Defense (Manpower and Personnel), in consultation with representatives of the Military Departments, prepares appropriate material for dissemination in execution of this program. Suggestions from the field representatives of the Military Departments and from industry are solicited. Technical advice and assistance of the agencies of the Department of Defense and the services of the design and art facilities of the Military Departments are made available for this program as requested by the Assistant Secretary of Defense (Manpower and Personnel)

§ 72.5-103 *Funding.* Funds for this program will be included in the annual budgets of the Military Departments in accordance with the Assistant Secretary of Defense (Comptroller) instructions.

§ 72.5-104 *Material available—(a) Wall posters and leaflets.* Wall posters and associated leaflets are issued periodically. Each issue calls attention to some particular phase of industrial security. The leaflets, expanding the theme of the poster, are designed for distribution to the individual employee.

(b) *Cartoons and editorials.* Cartoons and editorials following the theme of the posters are prepared for periodic distribution directly to the editors of company and trade publications.

(c) *Technical guidance material.* Technical guidance material is published from time to time. Copies of such publications, when issued, are furnished to the Military Departments for limited distribution to industry. Industrial facilities may purchase additional copies of such publications directly from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Advice of new publications is made available to all concerned.

(d) *Industrial security letter.* An industrial security letter for the purpose of informing industry of Department of Defense developments relating to industrial security is issued from time to time.

§ 72.5-105 *Distribution of material.* Industrial facilities and activities of the Military Departments may be placed on

the mailing list to receive wall posters, leaflets, cartoons, editorials, or the security letter, free of charge, by writing directly to the Industrial Security Division, Office of the Assistant Secretary of Defense (Manpower and Personnel), The Pentagon, Washington 25, D. C.

§ 72.5-106 *Implementation of the program.* The representative of the cognizant Military Department shall recommend to management that they use the Industrial Security Education Program materials at their facilities and also will advise and assist management in the most effective exploitation of the material.

§ 72.5-107 *Review of the program.* In order to make this program more effective, the representative of the cognizant Military Department, after consultation with industrial management, will make recommendations on any suggested changes, modifications, or constructive criticism through appropriate Military channels to the Industrial Security Division, Office of the Assistant Secretary of Defense (Manpower and Personnel)

SUBPART F—INDUSTRIAL SECURITY FORMS PRESCRIBED FORMS

§ 72.6-100 *Application.* The purpose of §§ 72.6-100 to 72.6-116 is to describe the forms prescribed for use in industrial security matters. A copy of each form is included, and references are made to other portions of the regulation in which the forms are discussed.

§ 72.6-101 *Personnel Security Questionnaire (DD Form 48)* (a) This form, submitted in five (5) signed copies, is used to obtain personal data from a United States citizen being considered for a personnel security clearance by a Military Department. The form is prepared jointly by management and the individual being considered for the clearance. Review of the completed form and the Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) is prerequisite to granting a security clearance by the Military Department concerned in addition to any investigative requirement.

(b) The first sentence of the Instructions on subject form, dated 1 August 1954, shall be disregarded. The decision of the Department of Defense has been not to require the execution of this form by contractor employees when the contractor is considering granting them access to Confidential information. No requirement for the use of this form has been incorporated in the "Industrial Security Manual for Safeguarding Classified Information" (DD 441 Attachment) Activities of the Military Department shall not require the submission of this form and its companion, DD Form 48-1, Certificate of Nonaffiliation with Certain Organizations, except where the individual concerned is being processed for clearance by the Government.

(c) References to the form and its use are: §§ 72.2-201 to 72.2-203, 72.2-207, and 72.6-101-1.

§ 72.6-101-1 *Certificate of Nonaffiliation With Certain Organizations (DD*

Form 48-1 (a) This form is prepared by the individual being considered for clearance by the Military Department. A signed copy of this form shall be attached to each copy of the Personnel Security Questionnaire (DD Form 48) or Immigrant Alien Questionnaire (DD Form 49) executed by the individual concerned.

(b) Failure to submit this form with DD Forms 48 and 49 or failure to execute this form is construed as noncompliance with the requirements established for the granting of a security clearance. Such an individual is ineligible for a security clearance.

(c) References to the form and its use are: §§ 72.1-112, 72.2-201 to 72.2-203, 72.2-207, 72.6-101, and 72.6-102.

§ 72.6-102 *Immigrant Alien Questionnaire (DD Form 49)* (a) This form, submitted in five (5) signed copies, is used to obtain personal data from an immigrant alien being considered for a personnel security clearance. The form is prepared jointly by management and the individual being considered for the clearance. Review of the completed form and the Certificate of Nonaffiliation with Certain Organizations (DD Form 48-1) by the Military Department concerned is prerequisite to granting a security clearance, in addition to any investigative requirements. Item 29b relates to living relatives and living relatives of spouse known to be living outside the United States.

(b) References to the form and its use are: §§ 72.1-112, 72.2-201, 72.2-202, and 72.6-101-1.

§ 72.6-103 *Applicant fingerprint card.* (a) This form is completed for all personnel being considered for a personnel security clearance by a Military Department. The National Defense Program Fingerprint Cards may also be used until present supplies are exhausted. Completion of this form is prerequisite to granting a security clearance. Care should be exercised to insure that fingerprints are authentic, legible, and complete, as forms which do not meet prescribed standards will be returned for re-execution which will result in clearance delays.

(b) References to the form and its use are: § 72.2-208.

NOTE. Government Printing Office catalogue number for this form is as follows: J114. Form APP. FPT.

§ 72.6-104 *Security Requirements Check List (DD Form 254) and (Appendage DD Form 254-1)* (a) The Security Requirements Check List (DD Form 254) and Appendage (DD Form 254-1) will be used by the contracting activities of the Military Departments to indicate the security classification to be assigned to various elements (information, documents, material, actions, etc.) of contracts and subcontracts. It is intended that these forms will eliminate the concept that a security classification assigned to a classified contract or task applies equally to all phases of such contract or task, and that their elimination will prevent the impairment of production schedules which might otherwise be caused by unnecessary clearance and safeguarding requirements. Copies of

these forms will be completed and physically attached to appropriate copies of the contract and subcontract documents by the responsible activity.

(b) References to the form and its use are: § 72.2-109.

§ 72.6-105 *Central Index File Card—Personnel (DD Form 264)* (a) The Central Index File Card—Personnel (DD Form 264) shall be used by all activities of the Military Departments to report contractor personnel security clearance actions to the Central Index File. In all cases, the original of the form shall be forwarded to the Central Index File. When the personnel security clearance action being reported is interim in nature, the DD Form 264 shall clearly indicate that fact. Activities of the Military Departments submitting this form should forward them to the Central Index File immediately upon their completion. Illegible, incomplete, or incorrectly executed forms will be returned to the originating activity for correction. Originating activities shall furnish a copy of the completed form to that activity of the cognizant Military Department which has been designated to exercise security cognizance of the facility. Letters of transmittal are not required with the submission of DD Form 264.

(b) References to the form and its use are: §§ 72.1-112, 72.1-305, 72.2-201-1, 72.2-202, 72.2-203, 72.2-207, 72.2-209, 72.3-107, 72.4-101.

§ 72.6-106 *Central Index File Card—Facility (DD Form 265)* (a) The Central Index File Card—Facility (DD Form 265) shall be used by the cognizant Military Department to report facility security clearance actions to the Central Index File. In all cases, the original of the form shall be forwarded to the Central Index File. When the facility security clearance action being reported is pending or interim in nature, the DD Form 265 shall clearly indicate that fact. Military activities submitting this form to the Central Index File should forward them immediately upon completion. This form shall be submitted unclassified to the Central Index File. Illegible, incomplete, or incorrectly executed forms will be returned to the originating activity for correction. Letters of transmittal are not required with the submission of DD Form 265.

(b) References to the form and its use are: §§ 72.1-301, 72.1-305, 72.2-102, 72.2-107, 72.2-108, 72.2-110, 72.2-111, 72.2-201-1, and 72.4-101.

§ 72.6-107 *Facility Security Clearance Survey (DD Form 374)* (a) The purpose of this survey is to examine a facility for evidence of foreign affiliation, and to determine if the facility is capable of properly safeguarding classified information. This survey shall be completed by the cognizant Military Department as a prerequisite to granting the facility security clearance. The cognizant Military Department shall furnish the original of the completed form to the Central Index File. This form and its related survey should not be confused with the DD Form 395 and its related

survey (see Armed Forces Industrial Defense Regulation)

(b) References to the form and its use are: §§ 72.1-305, 72.2-103, 72.2-109, 72.2-110, and 72.4-101.

§ 72.6-108 *Department of Defense Security Agreement (DD Form 441) and Appendage (DD Form 441-1)* (a) This form is prescribed for use by the cognizant Military Department in obtaining the formal agreement of management of a facility to abide by the Department of Defense "Industrial Security Manual for Safeguarding Classified Information" (DD Form 441 Attachment) Once executed, a DD Form 441 continues in effect until terminated by one of the parties thereto, as provided for in Section IV, "Termination," of the form. As long as the DD Form 441 is in effect, the facility shall not be required to execute another form unless the situation described in paragraph 2-108 arises. Execution of the DD Form 441 is prerequisite to a facility security clearance. The cognizant Military Department shall furnish the original of the DD Form 441 to the Central Index File. An Appendage (DD Form 441-1) to be used when management desires to indicate multiple plant coverage with one Security Agreement is included herewith. The Appendage may be reproduced locally.

NOTE. The primary objective of DD Forms 441 and 441-1, as well as the Department of Defense "Industrial Security Manual for Safeguarding Classified Information" (Part 66 of this subchapter), is administrative in nature, rather than for the purpose of obtaining information, and, therefore, these forms and the attachment thereto have been exempted from clearance by the Bureau of the Budget under the Federal Reports Act of 1942.

(b) References to the form and its use are: §§ 72.1-208, 72.1-305, 72.2-103, 72.2-108 to 72.2-110, and 72.4-101.

§ 72.6-109 *Central Index File Request (DD Form 555)* (a) The Central Index File Request (DD Form 555) is prescribed for use by activities of the Department of Defense in requesting from the Central Index File information concerning the security clearance status of contractor personnel and facilities. Users of this form shall insure that the individual or facility about whom or which information is requested is correctly identified.

(b) The format of this form is designed for use with window envelopes. Return address must be placed in lower left hand corner of form. Letters of transmittal are not required. Classification is unnecessary.

(c) References to this form and its use are: §§ 72.4-101 and 72.4-102.

§ 72.6-110 *Letter of Consent for United States Citizens (DD Form 560)* (a) The Letter of Consent for United States Citizens (DD Form 560) is prescribed for use by Military Departments to notify a facility that certain of its employees are authorized to have access to classified information of the category indicated. Letters of Consent are not issued to individuals, and will not be duplicated or released to an individual. If an interim clearance is granted, this fact will be clearly reflected on the form.

In cases in which an interim clearance is granted and derogatory information is subsequently developed during the course of the investigation, the Military clearing authority may withdraw the interim clearance pending the completion of the investigation (see § 72.2-203 (b) (d) and (f)). Notice of such action shall be furnished to the facility and to the Central Index File. This form may be reproduced locally. Approved letterheads shall be used to indicate the office issuing the form.

(b) References to the form and its use are: §§ 72.1-305, 72.2-103, 72.2-111, 72.2-201-1, 72.2-202, 72.2-207, and 72.2-209.

§ 72.6-111 *Letter of Consent for Immigrant Aliens (DD Form 561)* (a) The Letter of Consent for Immigrant Aliens (DD Form 561) is prescribed for use by Military Departments to notify a facility that certain immigrant alien employees of the facility are authorized to have access to classified information of the category indicated. Letters of Consent are not issued to individuals and will not be duplicated or released to an individual. If an interim clearance is granted, this fact will be clearly reflected on the form. In cases in which an interim clearance is granted and derogatory information is subsequently developed during the course of the investigation, the Military clearing authority may withdraw the interim clearance pending the completion of the investigation (see § 72.2-203 (b) (d) and (f)). Notice of such action shall be furnished to the facility and to the Central Index File. This form may be reproduced locally. Approved letterheads shall be used to indicate the office issuing the form.

(b) References to the form and its use are: §§ 72.1-112, 72.1-305, 72.2-103, 72.2-111, 72.2-201-1, 72.2-202, and 72.2-209.

§ 72.6-112 *Letter of Notification of Facility Security Clearance (DD Form 562)* (a) The Letter of Notification of Facility Security Clearance (DD Form 562) is prescribed for use by a cognizant Military Department to notify a facility that it has been granted a facility security clearance. Letters of Notification will not be duplicated, and the fact that a facility security clearance has been granted may not be used for promotional or advertising purposes. This form may be reproduced locally. Approved letterheads shall be used to indicate the office issuing the form.

(b) References to the form and its use are: §§ 72.1-305, 72.2-102, 72.2-103, 72.2-110, 72.2-111, and 72.4-101.

§ 72.6-113 *Contract Award Security Report (DD Form 696)*. (a) The purpose of this survey is to facilitate the development of adequate security measures for the safeguarding of classified information to be furnished to, or that may be developed by, the contractor or subcontractor in the course of a particular classified contract. Items 1 through 8 of this survey shall be completed by the contracting Military Department prior

to granting physical custody of classified information to a facility of a prime or subcontractor in connection with a specific classified contract. If a prior survey has not been made or does not cover the areas of performance, the contracting Department shall conduct a survey of the area(s) within which the classified information furnished to, or developed by, the facility is to be housed. The conduct of the "on-the-premise" portion of this survey shall be conducted in conjunction with, and a copy of the completed form shall be furnished to, the security office of the cognizant Military Department.

(b) References to the form and its use are: §§ 72.2-109 and 72.2-210.

§ 72.6-114 *Certificate of United States Citizenship (DD Form 729)* (a) The Certificate of United States Citizenship (DD Form 729) is designed to provide a ready means for establishing the United States citizenship of employees of Department of Defense contractors and other individuals who are being considered for clearance for access to classified information in the possession of Department of Defense contractors.

(b) This form may be used by activities of the Department of Defense and by Department of Defense contractors. Contractors may obtain copies of this form from the security office of the cognizant Military Department, or they may be reproduced locally. Local reproduction of the form is authorized.

(c) The use of this form does not relieve the clearing authority of his responsibility for making a further determination of the United States citizenship wherever there is any reason to question the applicant's statements.

§ 72.6-115 *Industrial Personnel Security Board Record Card—Personnel (DD Form 798)* (a) The Industrial Personnel Security Board Record—Personnel (DD Form 798) shall be used by the Central Index File for the purpose of recording appropriate data regarding cases of personnel referred to the Industrial Personnel Security Boards or cases coming under the Industrial Personnel Security Review Regulation.

(b) The Central Index File is authorized to use this form.

§ 72.6-116 *Industrial Personnel Security Board Record Card—Facility (DD Form 799)* (a) The Industrial Personnel Security Board Record Card—Facility (DD Form 799) shall be used by the Central Index File for the purpose of recording appropriate data regarding cases of facilities referred to the Industrial Personnel Security Boards or cases coming under the Industrial Personnel Security Review Regulations.

(b) The Central Index File is authorized to use this form.

CARTER L. BURGESS,
Assistant Secretary of Defense
(Manpower, Personnel and Reserve)

SEPTEMBER 9, 1955.

[F. R. Doc. 55-7485; Filed, Sept. 14, 1955; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53892]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE LAWS

SEPTEMBER 7, 1955.

Upon the written recommendation of the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361) of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165 (T. D. 53854), I hereby waive compliance with sections 289, 292, 316, and 883, title 46, United States Code, to the extent necessary to permit any dredge, tug, scow, barge, or other vessel of Canadian registry or flag, whether or not Canadian-built, to be employed in dredging, towing, the transportation of merchandise or passengers, or any combination of such activities, in spoil disposal operations or channel excavations for power purposes and in connection with the construction of the Iroquois Control Dam as a part of the St. Lawrence Power Project in territorial waters of the United States within the general areas (1) between points opposite Prescott, Ontario, and Doran Island and (2) between points opposite the powerhouse structure and the eastern end of Cornwall Island.

The order of November 15, 1954, published as T. D. 53668, which waived compliance with the provisions of section 292 to the extent necessary to permit any Canadian-built dredge to be employed in dredging operations on the United States side of the international boundary in connection with the St. Lawrence Seaway Project or the St. Lawrence Power Project without being documented as a vessel of the United States, is hereby revoked.

(64 Stat. 1120; 46 U. S. C. prec. sec. 1)

This order shall be effective September 7, 1955.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-7487; Filed, Sept. 14, 1955; 8:57 a. m.]

[T. D. 53893]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

PART 6—AIR COMMERCE REGULATIONS

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 21—CARTAGE AND LIGHTERAGE

MISCELLANEOUS AMENDMENTS

Outward manifests; aircraft; transportation in bond and merchandise in

transit; verification of lading of bonded merchandise for exportation; cartage and lighterage; Customs Regulations amended.

Sections 4.63, 4.75 (b) 6.8 (c) 8.30 (a) and 8.33 (a), Part 18, and §§ 21.8 (a) and 21.9, Customs Regulations, relating to outward manifests, aircraft, entries for warehouse and rewarehouse, transportation in bond and merchandise in transit, and cartage or lighterage, amended.

New provisions are being added to the Customs Regulations to require outward manifests to identify merchandise being exported from bond with the customs entries or withdrawals under which the goods are laden on the exporting carrier, thereby providing a simple and effective basis, in conjunction with certain checks or verifications, for permitting customs officers to execute certificates of lading for exportation on customs Form 7512, and also providing a single record of such export transactions for accounting and auditing purposes. A new section relating to verification of the lading of bonded merchandise for exportation is also being added.

The Bureau, with the concurrence of the Bureau of the Budget, has approved a suggestion that customs Forms 7502-A (Warehouse or Rewarehouse Permit) and 7512 (Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit) be revised to permit the use of the former as a transfer record in lieu of cartage or lighterage tickets for merchandise which is moved to bonded warehouses under entries for warehouse or rewarehouse, and the use of the latter as a transfer record for merchandise which is to be transported in bond to another port or exported from bond. Appropriate changes are being made in the Customs Regulations to set forth the use to be made of these forms in lieu of cartage or lighterage tickets.

It is also desirable to make specific provision for the use of importing carriers' tally slips by customs officers in the transfer of merchandise by bonded cartmen or lightermen and to authorize the use of bills of lading as parts of outward manifests.

Therefore, the Customs Regulations are hereby amended as follows:

1. Section 4.63 is amended by redesignating paragraph (b) as paragraph (d), and inserting the following new paragraphs (b) and (c)

(b) The list of cargo may be shown on bills of lading attached to the manifest, provided the manifest is completely executed on customs Form 1374, except for particulars as to cargo; and provided also that the bills of lading are securely attached to that form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form, such as "Cargo as per bills of lading attached" and that there is shown on the face of each bill the information required by customs Form 1374 for the cargo covered by that bill.

(c) For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the outward manifest or bill of lading attached to the manifest and

made a part thereof in accordance with paragraph (b) of this section shall clearly show for such shipment the number, date, and class of such customs entry or withdrawal (i. e., T. & E., Wd. T. & E., I. E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation.

2. T. D. 51846 (4) shall be inserted as a marginal reference to new paragraph (b) of § 4.63. *Ø*

3. Section 4.75 (b) is amended by inserting the following at the end thereof: "See § 4.63 (b) as to the preparation of outward manifests."

(R. S. 161, 251, sec. 624, 46 Stat. 759, R. S. 4197, as amended; 5 U. S. C. 22, 19 U. S. C. 63, 1624, 46 U. S. C. 91)

4. Section 6.8 (c) is amended by adding the following sentence after the first sentence: "For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the outward manifest or the airway bill or consignment note attached to the manifest and made a part thereof shall clearly show for such shipment the number, date, and class of such customs entry or withdrawal (i. e. T. & E., Wd. T. & E., I. E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation."

(R. S. 251, secs. 624, 644, 46 Stat. 759, 761, sec. 7, 44 Stat. 572, as amended; 19 U. S. C. 63, 1624, 1644, 49 U. S. C. 177)

5. Section 8.30 (a) is amended by adding the following sentence: "The collector may require an extra copy or copies of customs Form 7502-A (Warehouse or Rewarehouse Permit) to be furnished for use in connection with the delivery of the merchandise to the bonded warehouse designated on the entry."

(Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624)

6. Section 8.33 (a) is amended by inserting the following sentence after the second sentence: "The collector may require an extra copy or copies of customs Form 7502-A (Warehouse or Rewarehouse Permit) to be furnished for use in connection with the delivery of the merchandise to the bonded warehouse designated on the entry."

(Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624)

7. Section 18.2 (a) is amended to read:

(a) All merchandise delivered to a bonded carrier for transportation in bond shall be receipted for by an agent of the carrier, and the merchandise shall be laden on the conveyance under the supervision of a customs officer, unless the transporting conveyance is not to be sealed with customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon.

(Secs. 551, 624, 46 Stat. 742, as amended, 759; 19 U. S. C. 1551, 1624)

8. New § 18.7 is added to read:

18.7 *Lading for exportation, verification of.* (a) When merchandise (in-

cluding baggage) covered by an entry or withdrawal for transportation and exportation is delivered to the exporting carrier at the port of destination, the delivering carrier's copy of the in-bond manifest shall be promptly delivered to the customs lading officer.

(b) The collector shall require only such supervision of the lading for exportation of merchandise covered by an entry or withdrawal for exportation or for transportation and exportation as is reasonably necessary to satisfy him that the merchandise has been laden on the exporting conveyance.

(c) Whenever the circumstances warrant, and occasionally in any event, collectors shall request the Customs Agency Service to check export entries and withdrawals against the records of the exporting carriers. Such check or verification shall include an examination of the carrier's records of claims and settlement of export freight charges, and any other records which may relate to the transaction.

(Secs. 553, 557, 46 Stat. 742, as amended, 744, as amended, sec. 22, 67 Stat. 520; 19 U. S. C. 1553, 1557, 1646a)

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

9. Section 18.8 (b) (3) is amended to read as follows:

(3) In the case of unauthorized delivery directly to the consignee or other person of merchandise subject to duty, an amount equal to one and one-quarter times the estimated duty thereon, or, if the duties cannot be estimated promptly, an amount equal to 70 per centum of the value shown on the manifest.

(Secs. 551, 624, 46 Stat. 742, as amended, 759; 19 U. S. C. 1551, 1624)

10. Section 18.11 (h) is amended by inserting the following sentence after the first sentence: "However, the collector at such port may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the bonded common carrier named in the entry."

(Secs. 484, 552, 624, 46 Stat. 722, as amended, 742, 759; 19 U. S. C. 1484, 1552, 1624)

11. Section 18.16 (a) is amended by inserting the following sentence after the second sentence: "However, the collector at such port may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the bonded common carrier named in the withdrawal document."

(Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624)

12. Section 18.19 is amended:

a. By adding the following sentence at the end of paragraph (a) "However, the collector may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the carrier named in the withdrawal document."

b. And by adding the following sentence at the end of paragraph (b) (1) "However, the collector may require an extra copy or copies to be furnished for use in connection with the delivery of the

merchandise to the bonded common carrier named in the withdrawal document." (Secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U. S. C. 1557, 1624)

13. Section 18.20 (a) is amended by adding the following sentence: "However, the collector may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the bonded common carrier or other carrier named in the entry."

(Secs. 553, 624, 46 Stat. 742, as amended, 759; 19 U. S. C. 1553, 1624)

14. Section 18.25 is amended:

a. By adding the following sentence to paragraph (a) "However, the collector may require an extra copy or copies to be furnished for use in connection with the delivery of the merchandise to the carrier named in the entry."

b. And by amending the first sentence of paragraph (d) to read: "If the merchandise is exported in the importing vessel without landing, a representative of the exporting carrier who has knowledge of the facts shall certify that the merchandise entered for exportation was not discharged during the carrier's stay in port."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

15. Section 21.8 (a) is amended by deleting "customs Form 7506" in the first sentence and substituting therefor "customs Form 7502-A, 7506, or 7512."

(Secs. 565, 624, 46 Stat. 747, 759; 19 U. S. C. 1565, 1624)

16. Section 21.9 is amended as follows:

a. Paragraph (a) is amended by deleting "and countersign the ticket" at the end of the first sentence and substituting therefor "or copy of warehouse or rewarehouse permit, customs Form 7502-A, used in lieu of a ticket, and countersign such ticket or copy of the permit."

b. Paragraph (b) is amended to read:

(b) The cartman or lighterman shall countersign the ticket, receipts, extra copy of warehouse or rewarehouse permit, or the copy of the entry or withdrawal document, used in lieu of a cartage or lighterage ticket for goods carted or lightered, customs Form 6043-A, 6043-C, 7502-A, 7506, or 7512, in the space provided as a receipt for the goods, noting any bad order or discrepancy. When available, the importing carrier's tally slip for the merchandise shall be attached to the cartage or lighterage ticket, customs Form 6043-A, or the copy of customs Form 7502-A, 7506, or 7512 used in lieu of a cartage or lighterage ticket, which accompanies the merchandise while it is being so carted or lightered in bond, for the use of customs officers only at destination.

(Secs. 565, 624, 46 Stat. 747, 759; 19 U. S. C. 1565, 1624)

Except where with improvised changes customs Form 7512 is already being used under the procedure above authorized, the amendments concerning the use of customs Forms 7502-A and 7512 in lieu of cartage of lighterage tickets shall be effective as soon as those forms, revised

to conform to the changed procedure, have been printed and are available for use. Collectors, however, in any case shall allow a reasonable time for the use of present stocks of those forms.

The amendment concerning the furnishing of tally slips shall be effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: September 8, 1955.

DAVID W KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7488; Filed, Sept. 14, 1955;
8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1930]

PART 70—MINERAL LANDS; COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 55-7360, appearing in the issue for Tuesday, September 13, 1955, on page 6706, make the following changes:

1. Section 70.26 should be changed to § 70.28.

2. In line 1 of § 70.28 (b) the word "removal" should read "renewal"

3. In line 3 of § 70.28 (b) the word "returned" should read "retained"

[Circular 1933]

PART 102—AGRICULTURAL ENTRIES ON MINERAL LANDS

STATUTORY AUTHORITY

Sections 102.6 (a) and 102.19 (a) are amended to read as follows:

§ 102.6 *Statutory authority.* (a) Section 1 of the act of June 22, 1910 (36 Stat. 583; 30 U. S. C. 83) provides that from and after its passage, the unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert land law, selection under section 4 of the act approved August 18, 1894, known as the Carey Act (28 Stat. 422; 43 U. S. C. 641), and to withdrawal under the act approved June 17, 1902 (32 Stat. 388; 43 U. S. C. 372 et seq.), known as the Reclamation Act, whenever such entries, selections, or withdrawals shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same; and that all homestead entries made thereunder shall be subject to the conditions, as to residence and cultivation, of entries provided for under the act approved February 19, 1909 (35 Stat. 639; 43 U. S. C. 218) entitled "An act to provide for an enlarged homestead."

The act of February 19, 1909, was amended by the act of June 6, 1912 (37 Stat. 123; 43 U. S. C. 164, 169, 218)

§ 102.19 *Statutory authority.* (a) Section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121), authorizes the appropriation, location, selection, entry, or purchase under the nonmineral land laws of the United States, if otherwise available, of lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for such deposits, whenever such lands are sought with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn, classified, or reported as valuable, together with the right to prospect for, mine, and remove the same. Any form of appropriation under the proper applicable nonmineral land laws is authorized, with a reservation of the minerals as specified, to the same extent as if no withdrawal or classification had been made.

(R. S. 2478; 43 U. S. C. 1201. Interpret or apply sec. 1, 36 Stat. 583, sec. 1, 38 Stat. 509, as amended, 69 Stat. 138; 30 U. S. C. 83, 121)

DOUGLAS MCKAY,
Secretary of the Interior

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7465; Filed, Sept. 14, 1955;
8:51 a. m.]

[Circular 1934]

PART 232—DESERT LAND ENTRIES

MISCELLANEOUS AMENDMENTS

Sections 232.5, 232.6, 232.9, and 232.16 are amended to read as follows:

§ 232.5 *Quantity of lands that may be entered.* An entry of lands under the act of March 3, 1877, is limited to 320 acres, subject to the following additional limitations:

(a) An entry of lands within an irrigation district which the Secretary of the Interior or his delegate has approved under the act of August 11, 1916 (39 Stat. 506; 43 U. S. C. 621-630), is limited to 160 acres.

(b) An entryman may have a desert-land entry for such a quantity of land as, taken together with all land acquired and claimed by him under the other agricultural land laws since August 30, 1890, does not exceed 320 acres in the aggregate, or 480 acres if he shall have made an enlarged homestead entry of 320 acres (acts of August 30, 1890; 26 Stat. 391, 43 U. S. C. 212; and of February 27, 1917; 39 Stat. 946; 43 U. S. C. 330)

§ 232.6 *Second and additional entries.* A person's right of entry under the desert-land law is exhausted either by filing an allowable application and withdrawing it prior to its allowance or by making an entry or by taking an assignment of an entry, in whole or in part, except under the conditions described in paragraphs (a) and (b) of this section.

(a) Under the act of September 5, 1914 (38 Stat. 712; 43 U. S. C. 182); if a person, otherwise duly qualified to make a desert-land entry, has previously filed an

allowable application, or made such entry or entries and through no fault of his own has lost, forfeited, or abandoned the same, such person may make another entry. In such case, however, it must be shown that the prior application, entry, or entries were made in good faith, and were lost, forfeited, or abandoned because of matters beyond the applicant's control, and that the applicant has not speculated in his right, nor committed a fraud or attempted fraud in connection with such prior entry or entries. As the assignment of an entry involves no loss, forfeiture, or abandonment thereof, but carries a benefit to the assignor, it is held to exhaust his right of entry under the desert-land law. Hence, no person who has assigned such entry, in whole or in part, will be permitted to make another entry or to take one or any part thereof by assignment except where paragraph (b) of this section applies.

(b) The act of June 16, 1955 (69 Stat. 138) authorizes any person, who prior to June 16, 1955, made a valid desert-land entry on lands subject to the acts of June 22, 1910 (36 Stat. 583; 30 U. S. C. 83-85) or of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121-123) if otherwise qualified, to enter as a personal privilege, not assignable, an additional tract of desert land, providing such additional tract shall not, together with the original entry, exceed 320 acres. Applicants and entrymen under the act of June 16, 1955, are subject to, and must comply with all the regulations of this part, including the acreage limitations of § 232.5.

§ 232.9 *Application for desert-land entry.*² (a) A person who desires to make entry under the desert-land laws must file with the manager of the proper land office an application, in duplicate, showing that he is a citizen of the United States, or has declared his intention to become such citizen; that he is 21 years of age or over; and that he is a bona fide resident of the State in which the land sought to be entered is located, except in the State of Nevada, where the qualification as to citizenship is that of the United States only (41 Stat. 1086; 43 U. S. C. 323, 325). He must also state that, when § 232.6 (a) and (b) do not apply, he has not previously exercised the right of entry under the desert-land laws by filing an allowable application and withdrawing it prior to its allowance or by making an entry or by having taken one by assignment; that he has personally examined every legal subdivision of the land sought to be entered; that he has not, since August 30, 1890, acquired title, under any of the agricultural land laws, to lands which, together with the land applied for, will exceed in the aggregate 320 acres, or 480 acres in case he has made an enlarged homestead for 320 acres; and that he intends to reclaim the lands applied for by conducting water thereon within 4 years from the date of his application. The application must contain a descrip-

² 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

tion of the land by legal subdivisions, section, township, and range. If the application is made for lands, withdrawn or classified as coal lands or for lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, sodium, sulphur, oil, gas, or asphaltic minerals, or valuable therefor, the applicant also must state in his application that the same is made in accordance with and subject to the act of June 22, 1910 (36 Stat. 583; 30 U. S. C. 83-85), or the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121-123) as the case may be.

(b) The application will be considered as a petition for the classification of the land as provided in Part 296 of this chapter.

§ 232.16 *Qualifications of assignees.* (a) The act of March 28, 1908, also provides that no person may take a desert-land entry by assignment unless he is qualified to enter the tract so assigned to him. Therefore, if a person is not at least 21 years of age and, excepting Nevada, a resident citizen of the State wherein the land involved is located; or if he is not a citizen of the United States, or a person who has declared his intention to become a citizen thereof; or, if he has made a desert-land entry in his own right and is not entitled under § 232.6 to make a second or an additional entry, he cannot take such an entry by assignment. The language of the act indicates that the taking of an entry by assignment is equivalent to the making of an entry, and this being so, no person is allowed to take more than one entry by assignment, unless it be done as the exercise of a right of second or additional entry.

(b) A person who has the right to make a second or additional desert-land entry may exercise that right by taking an assignment of a desert-land entry, or part of such entry, if he is otherwise qualified to make a desert-land entry for the particular tract assigned.

(c) The act of March 28, 1908, also provides that no assignment to or for the benefit of any corporation shall be authorized or recognized.

(69 Stat. 138 and R. S. 2478; 43 U. S. C. 1201)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7466; Filed, Sept. 14, 1955; 8:51 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1213]

[Anchorage 024518]

[Misc. 33331]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 407 OF JUNE 16, 1948. RESERVING PORTIONS OF RELEASED LANDS PENDING CLASSIFICATION AND OTHER PUBLIC PURPOSES

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

1. Public Land Order No. 487 of June 16, 1948, which temporarily withdrew the following-described land from settlement, location, sale or entry, for classification and examination, and in aid of proposed legislation, which was partially revoked by Public Land Orders No. 558, 653, 751, 778, 800, 812, 820, 839, 977, 1006, and 1020, is hereby revoked in its entirety:

KENAI-KASLOF AREA
SEWARD MERIDIAN

- T. 5 N., Rs. 8 and 9 W.,
- T. 4 N., R. 10 W., unsurveyed,
Secs. 4 to 9, incl.,
Sec. 18.
- T. 5 N., R. 10 W.
- T. 6 N., R. 10 W.,
Secs. 30 and 31.
- T. 2 N., R. 11 W., unsurveyed,
Secs. 4 to 8, incl.
- T. 3 N., R. 11 W.,
Sec. 3, unsurveyed;
Secs. 4 to 9, incl.,
Sec. 10, unsurveyed;
Secs. 16 to 21, incl.,
Secs. 28 to 33, incl.
- T. 4 N., R. 11 W., partly unsurveyed
- T. 5 N., R. 11 W.
- T. 6 N., R. 11 W.,
Secs. 22 to 36, incl.
- T. 2 N., R. 12 W.,
Sec. 1, unsurveyed;
Secs. 2, 3, 4, 9 and 10;
Secs. 11 and 12, unsurveyed.
- Tps. 3, 4 and 5 N., R. 12 W.
- T. 6 N., R. 12 W.,
Secs. 2 and 3;
Secs. 11 to 14, incl.,
Secs. 23 to 26, incl.,
Secs. 35 and 36.

The areas described aggregate 160,974 acres, including public and non-public lands.

2. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for recreational purposes:

SEWARD MERIDIAN

- T. 5 N., R. 10 W.,
Sec. 15, lots 2, 3, 4, 6, 7, 8, 9, 10, 11;
Sec. 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 33, lots 9, 10, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 34, lots 8, 9.

The areas described aggregate 568.68 acres.

3. The status of the following-described lands shall not be changed until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (68 Stat. 747; 43 U. S. C. 279-284) as amended, or providing for the disposal of the lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364s et seq.), or the Recreation Act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869) as amended:

SEWARD MERIDIAN

- T. 5 N., R. 9 W.,
Sec. 11, lots 1 through 16;
Sec. 12, lots 1 through 12.
- T. 5 N., R. 10 W.,
Sec. 31, lots 5, 8, 9, 12, 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 5 N., R. 11 W.,
Sec. 3, lots 1, 2, 3, 4;
Sec. 4, lots 1, 2;
Sec. 19, lots 7, 8, 9, 11, 13, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 30, lots 5 to 9 incl., 11 to 15 incl.,
Sec. 31, lots 3, 4, 5, 7 to 10 incl.
- T. 6 N., R. 11 W.,
Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 4 N., R. 12 W.,
Sec. 1, lots 1 to 4 incl., 6;
Sec. 12, lots 5 to 18 incl., 20, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$,
Sec. 13, lots 5 to 12 incl., 15 to 17 incl., 21,
E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, lots 4 to 8 incl., 11, 16 to 19 incl.,
Sec. 25, lots 5, 6, 9 to 13, 16 to 22 incl.,
E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 6 N., R. 12 W.,
Sec. 3, lots 4 to 7 incl., 9 to 13 incl.,
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 11, lots 3, 6;
Sec. 14, lots 5 to 11 incl., 13 to 15 incl.,
E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 23, lots 5, 6, 7, 9, 10, 12 to 18 incl.,
E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 25, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 26, lots 5, 8, 9 to 20 incl., E $\frac{1}{2}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 1,676.11 acres of public lands.

4. This order shall not otherwise become effective to change the status of the remaining lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to settlement, application, petition and selection as follows:

For a period of 91 days commencing at the date and on the hour hereinafter specified, the following-described public lands released from withdrawal by paragraph 1 of this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject (1) to application as indicated, and to the indicated form of appropriation only by qualified veterans of World War II, the Korean Conflict and by other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747-43 U. S. C. 279-284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph:

(a) At 10:00 a. m. on the 35th day after the date of this order, to application under the homestead laws only.

HOMESTEAD SELECTION UNIT OPENING No. 1

KENAI AREA

Seward Meridian

- T. 5 N., E. 10 W.,
Unit No.,
54—Sec. 18, lot 12;
Sec. 19, lots 4, 5, 6, 8.
- T. 4 N., R. 11 W.,

Unit No..

- 1—Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- 3—Sec. 10, SE $\frac{1}{4}$.
- 5—Sec. 11, NE $\frac{1}{4}$.
- 7—Sec. 2, SW $\frac{1}{4}$.
- 9—Sec. 3, SW $\frac{1}{4}$.
- 11—Sec. 3, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- 13—Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- 15—Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 5 N., R. 11 W.,
17—Sec. 35, SW $\frac{1}{4}$,
19—Sec. 34, SW $\frac{1}{4}$,
21—Sec. 34, NE $\frac{1}{4}$,
23—Sec. 35, NE $\frac{1}{4}$,
25—Sec. 25, SW $\frac{1}{4}$,
27—Sec. 26, SW $\frac{1}{4}$,
29—Sec. 27, SW $\frac{1}{4}$,
31—Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
32—Sec. 28, NE $\frac{1}{4}$,
34—Sec. 27, NE $\frac{1}{4}$,
36—Sec. 26, NE $\frac{1}{4}$,
38—Sec. 24, lot 9, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
40—Sec. 23, SW $\frac{1}{4}$,
42—Sec. 22, SW $\frac{1}{4}$,
45—Sec. 21, NE $\frac{1}{4}$,
47—Sec. 22, NE $\frac{1}{4}$,
49—Sec. 24, lot 3, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
51—Sec. 13, lot 1, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 4,327.35 acres of public lands embraced in 27 units.

(b) At 10:00 a. m. on the 63d day after the date of this order, to application under the homestead laws only.

HOMESTEAD SELECTION UNIT OPENING No. 2

KENAI AREA

Seward Meridian

- T. 4 N., R. 11 W.,
Unit No.,
2—Sec. 11, SE $\frac{1}{4}$,
4—Sec. 10, NE $\frac{1}{4}$,
6—Sec. 2, SE $\frac{1}{4}$,
8—Sec. 3, SE $\frac{1}{4}$,
10—Sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$, unsurveyed.
12—Sec. 3, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$,
14—Sec. 2, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 5 N., R. 11 W.,
16—Sec. 35, SE $\frac{1}{4}$,
18—Sec. 34, SE $\frac{1}{4}$,
20—Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$,
22—Sec. 35, NW $\frac{1}{4}$,
24—Sec. 25, lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$,
26—Sec. 26, SE $\frac{1}{4}$,
28—Sec. 27, SE $\frac{1}{4}$,
30—Sec. 28, SE $\frac{1}{4}$,
33—Sec. 27, NW $\frac{1}{4}$,
35—Sec. 26, NW $\frac{1}{4}$,
37—Sec. 25, S $\frac{1}{2}$ N $\frac{1}{2}$,
39—Sec. 23, SE $\frac{1}{4}$,
41—Sec. 22, SE $\frac{1}{4}$,
43—Sec. 21, SE $\frac{1}{4}$,
44—Sec. 20, NW $\frac{1}{4}$,
46—Sec. 22, NW $\frac{1}{4}$,
48—Sec. 14, lot 11; Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$,
50—Sec. 13, SW $\frac{1}{4}$,
52—Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$
SE $\frac{1}{4}$,
53—Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 7, lot 14 (T. 5 N., R. 10 W.).

The areas described aggregate 4,543.54 acres of public lands embraced in 27 units.

(c) At 10:00 a. m. on the 91st day after the date of this order, to settlement under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended:

The unsurveyed public lands released from withdrawal by paragraph 1 of this order, and not otherwise rewithdrawn or restored.

(d) At 10:00 a. m. on the 91st day after the date of this order, to application under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809-48 U. S. C. 461) or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

The surveyed public lands released from withdrawal by paragraph 1 of this order and not otherwise restored by paragraphs 4 (a) or 4 (b), or described in paragraph 3.

5. All applications received under either paragraph 4 (a), 4 (b) or 4 (d) of this order, at or before 10:00 a. m. of the day specified in either of such paragraphs thereunder, shall be treated as though simultaneously filed at that time. All applications filed under such paragraphs after 10:00 a. m. of the day specified in either of such paragraphs for the filing of applications thereunder, shall be considered in the order of filing.

6. Any of the lands described in paragraphs 4 (a) 4 (b) or 4 (d) of this order then remaining unappropriated, shall become subject to such application, petition, selection, or other form of appropriation by the public generally as may be authorized by the public-land laws, including the mineral-leasing laws, as follows:

(a) As to the lands described in paragraph 4 (a), at 10:00 a. m. on the 126th day after the date of this order.

(b) As to the lands described in paragraph 4 (b) at 10:00 a. m. on the 154th day after the date of this order.

(c) As to the lands described in paragraph 4 (d) at 10:00 a. m. on the 182nd day after the date of this order.

All applications filed either at or before 10:00 a. m. of such 126th, 154th, or 182nd day, including applications under the mineral-leasing laws, shall be treated as though simultaneously filed at the hour specified on such day. All applications, including applications under the mineral-leasing laws, filed under this paragraph after such 126th, 154th, or 182nd day, shall be considered in the order of filing. Mining locations made prior to such 126th, 154th, or 182nd day, as the case may be, shall be invalid.

7. Commencing at 10:00 a. m. on the 182nd day after the date of this order, any of the unsurveyed lands described in paragraph 4 (c) not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally, including leasing under the mineral-leasing laws, in accordance with appropriate laws and regulations. All applications, including applications under the mineral-leasing laws, filed either at or before 10:00 a. m. of such 182nd day, shall be treated as though simultaneously filed at the hour specified on such 182nd day. All applications, including applications under the mineral-leasing laws, filed under this paragraph after such 182nd day shall be considered in the order of filing. Mining locations made prior to such 182nd day shall be invalid.

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

9. Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage,

Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the Alaska Home Site Act of May 26, 1934, and the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in §§ 64.6 to 64.10 inclusive, and Part 257 of that title.

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

ORME LEWIS,
Acting Secretary of the Interior.

SEPTEMBER 9, 1955.

[F. R. Doc. 55-7464; Filed, Sept. 14, 1955;
8:50 a. m.]

(Comptroller) the making of guarantees as to the payment of notes and other legal instruments required by the Federal Housing Commissioner of mortgagors holding property covered by a mortgage insured under said Title VIII of the National Housing Act, as so amended, and guarantees and indemnities of the Armed Services Housing Mortgage Insurance Fund against loss.

5. Issue instructions for the guidance of the military departments in the development of housing projects under said Title IV of the Housing Amendments of 1955 and said Title VIII of the National Housing Act as so amended and, in connection therewith, the use of the authority conferred by said Section 505 of Public Law 155, 82d Congress, including the terms and conditions of contracts with builders.

6. Perform, or subdelegate the authority to perform, such functions under said Title IV of the Housing Amendments of 1955, said Title VIII of the National Housing Act as so amended, and said Section 505 of Public Law 155, 82d Congress, as are not otherwise specifically delegated to the Secretaries of the military departments.

The Secretaries of the military departments (or their respective designees) are hereby designated and delegated the authority, subject to guidance and control (including approvals under the preceding paragraph by the Assistant Secretary of Defense (Properties and Installations), to:

1. Initiate requests to the Assistant Secretary of Defense (Properties and Installations) for approval of specific housing projects.

2. Certify the absence of an intention to substantially curtail personnel assigned to military installations.

3. Determine that, for safety, security, or other essential military requirements, certain personnel must reside in public quarters.

4. Determine, after consultation with the Federal Housing Commissioner, that adequate housing is not available at reasonable rentals within reasonable commuting distance of a military installation.

5. Certify the existence of need for proposed housing.

6. Procure, by negotiation or otherwise, the services of architects and engineers, or organizations thereof.

7. Designate sites or parts thereof for family housing to be furnished from prefabricated houses or housing components.

8. Advance or pay to the Federal Housing Administration its Appraisal and Eligibility Statement fees.

9. Issue invitations for and receive competitive bids for housing; determine, after consultation with the Federal Housing Commissioner, the eligible builders; determine, in accordance with instructions from the Assistant Secretary of Defense (Properties and Installations), the terms and conditions necessary to protect the interests of the United States that are to be included in contracts with builders; enter into such contracts with builders.

10. Acquire the capital stock of builders or mortgagors; exercise rights as

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF CALCIUM CYANIDE

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

A petition has been filed by the American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, for establishment of a tolerance for residues of calcium cyanide at 25 parts per million, determined as hydrocyanic acid, in wheat, barley, rye, rice, and corn.

Methods for determining residues of hydrocyanic acid are published in Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, sections 22.53 and 22.54, page 354 (1950)

Dated: September 8, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7463; Filed, Sept. 14, 1955;
8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS ET AL.)

DELEGATION OF AUTHORITY FOR DEVELOPMENT OF FAMILY HOUSING UNDER TITLE IV OF HOUSING AMENDMENTS OF 1955

Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of Reorganization Plan No. 6 of 1953, the authority conferred upon the Secretary of Defense by Title IV of the Housing Amendments of 1955 (Public Law 345, 84th Congress), Title VIII of the National Housing Act as amended by said Title IV of the Housing Amendments of 1955, and, insofar as it relates to housing constructed under said Title IV of the National Housing Act as so amended, section 505

of Public Law 155, 82d Congress, is hereby delegated as set forth below.

The Assistant Secretary of Defense (Properties and Installations) is designated and delegated the authority to:

1. Approve for development specific housing projects initiated by the military departments.

2. Approve the acquisition of land, installation of outside utilities, and site preparation under the authority of said Section 505 of Public Law 155, 82d Congress, for housing projects to be constructed under said Title VIII of the National Housing Act as so amended.

3. Approve the acquisition of housing projects for which mortgages have been insured under Title VIII of the National Housing Act as in effect prior to the enactment of said Housing Amendments of 1955.

4. Approve, subject to the concurrence of the Assistant Secretary of Defense

holder of such stock; dissolve such corporation; guarantee payment of notes and other legal instruments required of mortgagors by the Federal Housing Commissioner; guarantee and indemnify the Armed Services Housing Mortgage Insurance Fund against loss in cases where so required.

11. Acquire by purchase, donation, condemnation or otherwise unimproved land and secure an independent appraisal and, on the basis thereof, determine the fair market value thereof.

12. Similarly acquire, with the approval of the Federal Housing Commissioner, existing Title VIII housing and determine the fair market value thereof; assume, or purchase subject to, a mortgage thereon.

13. Maintain and operate housing that is acquired and assign quarters therein.

14. Expend funds as authorized by said Section 505 of Public Law 155, 82d Congress, for the acquisition of land, installation of outside utilities, and site preparation for housing projects constructed under said Title VIII of the National Housing Act as so amended, and consult with the Federal Housing Commissioner in connection therewith.

REUBEN B. ROBERTSON, Jr.,
Deputy Secretary of Defense.

[F. R. Doc. 55-7489; Filed, Sept. 14, 1955;
8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 65]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 42

SEPTEMBER 9, 1955.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15) the following described lands which were classified by Document No. 50, Arizona Small Tract Classification No. 36, dated May 26, 1955 (20 F. R. 3883) are hereby opened to lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,

Sec. 13, N $\frac{1}{2}$.

T. 1 N., R. 8 E.,

Secs. 17 and 18: All.

The lands described comprise 320 small tracts and contain a total of 1,597.40 acres.

2. The lands are located approximately 16 miles east of Mesa and 32 miles east of Phoenix near the junction of Arizona State Highway 88 (Apache Trail) and U. S. Highway 60-70. The climate is arid with an average annual precipitation of about 9 inches. The elevation is approximately 1,700 feet above sea level. The temperature varies from a high of about 115° F in summer to a low of about 25° F in winter. The soil is sandy and supports a fair vegetative cover including paloverde, mesquite, creosote, ocotillo, various species of cacti including saguaro and cholla, and a few annual weeds and grasses. Culinary

water is not available from any known source but can be developed probably from wells at a depth of about 300 feet. Electric power is available from transmission lines located about one-half mile to the south.

3. (a) The individual tracts are all approximately 5 acres in size and rectangular in shape. In the N $\frac{1}{2}$ of said Section 13, the longer dimension will be north and south and in said Sections 17 and 18, the longer dimension will be east and west.

(b) The appraised price of all tracts is \$200 per tract.

(c) The advance three year rental for a residence tract is \$30. The advance three year rental for a business tract is \$60. However, if the gross business exceeds \$2,000 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

(d) Rights-of-way 33 feet in width for streets, roads and public utilities will be reserved on all section lines and 1 quarter, sixteenth and sixty-fourth subdivision lines.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either, (a) construct the improvements specified in paragraph 5, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

5. To maintain their rights under their leases, lessees will be required to either, (a) construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation and construction requirements of local ordinances and must, in addition meet the following standards:

The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

6. (a) Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

(b) The applications must be accompanied by a filing fee of \$10 plus the advance rental specified above. Failure to transmit these payments with the ap-

plication will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

7. All valid applications filed prior to 3:45 p. m. May 26, 1955, will be granted the preference right provided by 43 CFR 257.5 (a) All valid applications from persons entitled to veterans' preference filed after 3:45 p. m. May 26, 1955, and prior to 10 a. m. October 15, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10 a. m. October 15, 1955, will be considered in the order of filing. All valid applications from all other persons filed after 3:45 p. m. May 26, 1955, and prior to 10 a. m. January 14, 1956, will be considered as simultaneously filed at that time. All valid applications filed after 10 a. m. January 14, 1956, will be considered in the order of filing.

8. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands and Minerals
Staff Officer

[F. R. Doc. 55-7467; Filed, Sept. 14, 1955;
8:51 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 9, 1955.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 019680 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws.

The applicant desires the withdrawal of these lands for campgrounds, picnic areas, summer camps and administrative sites.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent, to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Roughlock Picnic Ground

T. 5 N., R. 1 E.,

Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area 120 acres.

Timon Campground

T. 4 N., R. 1 E.,

Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area 40 acres.

Bozelder Organization Camp

T. 3 N., R. 5 E.,
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.
Total area 120 acres.

Boy Scout Summer Camp

T. 3 N., R. 5 E.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$.
Total area 120 acres.

Dalton Dam Picnic Ground

T. 3 N., R. 5 E.,
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 40 acres.

Deer Creek Picnic Ground

T. 2 N., R. 5 E.,
Sec. 27, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 20 acres.

Headwaters Picnic Ground

T. 2 N., R. 2 E.,
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 70 acres.

Black Fox Campground

T. 2 N., R. 2 E.,
Sec. 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Total area 80 acres.

Deerdale Campground

T. 2 N., R. 2 E.,
Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 40 acres.

Roubaux Lake Picnic Ground

T. 3 N., R. 4 E.,
Sec. 20, SE $\frac{1}{4}$,
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$.
Total area 240 acres.

Steamboat Rock Picnic Ground

T. 2 N., R. 5 E.,
Sec. 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Total area 40 acres.

Strawberry Hill Picnic Ground

T. 4 N., R. 4 E.,
Sec. 18, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.
Total area 80 acres.

Bob Marshall Organization Camp and Bismark Lake

T. 3 S., R. 5 E.,
Sec. 22, N $\frac{1}{2}$.
Total area 320 acres.

Rochford Administrative Site

T. 2 N., R. 3 E.,
Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$,
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Total area 65 acres.

R. D. NIELSON,
State Supervisor

[F. R. Doc. 55-7468; Filed, Sept. 14, 1955;
8:51 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 9, 1955.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 020355, for the withdrawal of the lands described below,

from location and entry under the general mining laws.

The applicant desires for recreation areas, administrative sites and roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN
BEAVERHEAD NATIONAL FOREST
Foolhen Administrative Site

Unsurveyed T. 1 S., R. 13 W.,
In what probably will be when surveyed:
Sec. 11, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
40 acres.

Argenta Administrative Site

T. 6 S., R. 11 W.,
Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
40 acres.

Steel Creek Recreation Area

T. 3 S., R. 14 W.,
Sec. 4: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
40 acres.

Mussigbrod Recreation Area

T. 1 N., R. 16 W.,
Sec. 32: Lots 1, 4, 5, 6.
91.22 acres.

Pintlar Recreation Area

T. 1 N., R. 15 W.,
Sec. 14: W $\frac{1}{2}$ W $\frac{1}{2}$ Lot 1, Lot 2;
Sec. 15: Lots 1, 2.
99.05 acres.

Miner Lake Recreation Area

T. 6 S., R. 16 W.,
Sec. 9: Lots 1, 2, 3, 4, 5;
Sec. 16: Lots 1, 2.
221.11 acres.

Van Houten Lake Recreation Area

T. 7 S., R. 15 W.,
Sec. 7: Lot 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8: Lot 4.
123.50 acres.

Canyon Recreation Area

T. 9 S., R. 3 W.,
Sec. 18: NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$.
15 acres.

Balanced Rock Recreation Area

T. 4 S., R. 3 W.,
Sec. 18: E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
40 acres.

Mill Creek Recreation Area

T. 4 S., R. 4 W.,
Sec. 23: N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.
120 acres.

East Creek Recreation Area

T. 14 S., R. 9 W.,
Sec. 35: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 15 S., R. 9 W.,
Sec. 2: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
100 acres.

West Fork Recreation Area

T. 11 S., R. 1 E.,
Sec. 10: Lot 6.
21.16 acres.

Lodgepole Recreation Area

T. 2 S., R. 12 W.,
Sec. 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
10 acres.

Willow Recreation Area

T. 2 S., R. 12 W.,
Sec. 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$.
20 acres.

Twin Lakes Recreation Area

T. 5 S., R. 17 W., Unsuryeyed
Sec. 8, 9, 16, and 17, a tract of land described by metes and bounds as follows: Beginning at a granite boulder 72 feet north of the Twin Lake road, 8' x 4 $\frac{1}{2}$ ' x 2' above ground marked X near the top, from which Spotted Fawn Mountain FSM bears S. 86° W. and Squaw Mountain R1 bears S. 23° W., thence S. 15° W. 13.52 chs., thence N. 78° W. 45.45 chs., thence N. 12° E. 30.03 chs., thence S. 73° E. 18.76 chs., thence S. 12° W. 4.55 chs., thence S. 78° E. 28.03 chs., thence S. 15° W. 12.04 chs. more or less to the place of beginning and containing 120.25 acres.

HELENA NATIONAL FOREST

MacDonald Pass (U. S. Highway 10N)
Roadside Zone

A strip of land 400 feet in width being 200 feet on each side of U. S. Highway No. 10N as now constructed, and situated within the following described subdivisions or so much of said 400 foot strip as may be situated within said subdivisions comprising in all approximately 260 acres:

T. 10 N., R. 5 W.,
Sec. 29: Lots 6, 7, 8, 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 31: Lots 2, 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 9 N., R. 6 W.,
Sec. 1: Lot 4;
Sec. 2: Lots 3, 6, 7, 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 10 N., R. 6 W.,
Sec. 36: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Porcupine Campground

T. 10 N., R. 5 W.,
Sec. 29: All those portions of lots 6, 7, 8, and 9 lying to the south of U. S. Highway No. 10 within the loop or switch back which said highway forms in crossing Spring Creek and not included within the said heretofore described MacDonald Pass Roadside Zone. Approximate area 25 acres.

MacDonald Pass Campground

T. 9 N., R. 6 W.,
Sec. 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 6, NE $\frac{1}{4}$ Lot 7.
Area 37.75 acres.

Cromwell Dixon Campground

T. 9 N., R. 6 W.,
Sec. 2: SW $\frac{1}{4}$ SE $\frac{1}{4}$.
40 acres.

[Classification Order 457]

CALIFORNIA

SMALL TRACT CLASSIFICATION

SEPTEMBER 7, 1955.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a) the tracts of public land in Kern County described below, for lease and sale for home-site purposes only.

MT. DIABLO BASE AND MERIDIAN

T. 25 S., R. 33 E.,
Sec. 16, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$.

The lands comprise 120 small tracts and contain a total of 300 acres.

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

3. The topography of the area ranges from rolling to steep. A paved road passes within a few feet of the northeast corner of the section. Schools and community services can be had at nearby Kernville.

Vegetation is open brush of ceanothus and blue oak with a scattering of digger pine and an understory of cheatgrass and bush buckwheat.

The soil is a grayish brown loam, rocky and bestrewn with boulders which increase as the land steepens.

4. The lands will be leased and sold in square tracts of 2 $\frac{1}{2}$ acres each, approximately 330 x 330 feet in size, and described as aliquot of the section. The tracts will be subject to all existing rights-of-way, and to rights-of-way 33 feet in width along the boundary of each tract for access roads and public utilities. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the 2 $\frac{1}{2}$ -acre tracts is \$150. The advance rental is \$30. Therefore, an additional payment for advance rental in the amount of \$15 is due and payable to the Manager, Land Office, Los Angeles, from individuals having statutory preference, before leases can be issued. Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neigh-

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

OCALA NATIONAL FOREST

TALLAHASSEE MERIDIAN

Florida Highway No. 40 (Daytona Highway)

T. 15 S., R. 25 E.,
Sec. 20, NE $\frac{1}{4}$,
Sec. 21, N $\frac{1}{2}$,
Sec. 22, N $\frac{1}{2}$,
Sec. 23, N $\frac{1}{2}$,
Sec. 24, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 15 S., R. 25 $\frac{1}{2}$ E.,
Sec. 24, N $\frac{1}{2}$.

T. 15 S., R. 26 E.,
Sec. 19, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ of lots 5, 6, 7, and 8

Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 21, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ lot 1, N $\frac{1}{2}$ lots 2 and 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 15 S., R. 27 E.,

Sec. 20, lots 2 and 3;

Sec. 28, lots 2 and 3;

Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$.

Florida Highway No. 314 (Salt Springs Highway)

T. 14 S., R. 24 E.,

Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 12, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$,

Sec. 14, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 14 S., R. 25 E.,

Sec. 5, S $\frac{1}{2}$ lots 3 and 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, lots 1 and 2;

Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,

Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.

T. 13 S., R. 25 E.,

Sec. 33, SW $\frac{1}{4}$.

Florida Highway No. 316 (Ft. McCoy-Salt Springs Highway)

T. 13 S., R. 24 E.,

Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$,

Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$.

T. 13 S., R. 25 E.,

Sec. 12, lots 5, 10 and 11;

Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$.

Florida Highway No. 19 (Altoona to Palatka Highway)

T. 14 S., R. 26 E.,

Sec. 24, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$,

Sec. 25, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$,

Sec. 36, E $\frac{1}{2}$ lot 1.

T. 15 S., R. 26 E.,

Sec. 25, lot 1.

T. 15 S., R. 27 E.,

Sec. 30, SW $\frac{1}{4}$, lots 3 and 4;

Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 16 S., R. 27 E.,

Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 6, E $\frac{1}{2}$ E $\frac{1}{2}$,

Sec. 17, SW $\frac{1}{4}$,

Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 30, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$,

Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.

C. R. DREXILLUS,
Supervisor
Eastern States Office.

[F. R. Doc. 55-7470; Filed, Sept. 14, 1955; 8:52 a. m.]

Beaver Creek Campground

T. 8 N., R. 1 W.,
Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Area 30 acres.

Gile Reservoir Campground

T. 9 N., R. 4 E.
An irregular tract of land situated in Lot 4 and HES No. 145 in Section 27 and in Lots 2, 3, 4, 5 HES No. 145 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, more particularly described by metes and bounds as follows: Beginning at a point on the north line of Section 34 12.00 chs. East of the northwest corner thereof, thence N. 70°00' E. 22.50 chs., thence East 11.50 chs., thence South 37.50 chs., thence West 33.00 chs., thence North 30.00 chs., more or less to the place of beginning and containing 115.34 acres more or less.

Lincoln Gulch Campground

T. 13 N., R. 9 W.,
Sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
20 acres.

Lone Point Campground

T. 14 N., R. 10 W.,
Sec. 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
80 acres.

Arrastra Creek Campground

T. 14 N., R. 10 W.,
Sec. 30: N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
20 acres.

Granite Butte Lookout Site

T. 13 N., R. 7 W.,
Sec. 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
10 acres.

Silver King Lookout Site

Unsurveyed T. 16 N., R. 7 W.,
Sec. 29: What will be when surveyed SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 30: What will be when surveyed SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
40 acres.

R. D. NIELSON,
State Supervisor

[F. R. Doc. 55-7469; Filed, Sept. 14, 1955; 8:52 a. m.]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 9, 1955.

The Department of Agriculture has filed an application, Serial No. BLM-040523, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws.

The applicant desires the land for protection of roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

bors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, cement slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 1516 Post Office Building, Los Angeles, California, application form 4-776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The application must be accompanied by a filing fee of \$10 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to September 2, 1955, will be granted the preference right provided by 43 CFR 257.5 (a) provided such applications are made to conform to the provisions of the order as to the size of tract and type of use. All valid applications from persons entitled to veterans' preference filed after September 2, 1955, and prior to 9:30 a. m., October 8, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after September 2, 1955, and prior to 9:30 a. m., January 7, 1956, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 1512 Post Office Building, Los Angeles 12, California.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group, Los Angeles.

SEPTEMBER 7, 1955.

[F. R. Doc. 55-7471; Filed, Sept. 14, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9309]

CITIES SERVICE GAS PRODUCING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Cities Service Gas Producing Company (Applicant) on August 18, 1955, tendered

for filing a proposed change in presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes in-

creased rates and charges, is contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective Date ¹
Notice of change dated Aug. 4, 1955.	Cities Service Gas Co.-----	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1.	Sept. 10, 1955

¹ The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 10, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: September 8, 1955.

Issued: September 9, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7472; Filed, Sept. 14, 1955; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1685]

REXALL DRUG CO.

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September 1955.

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Capital Stock, \$2.50 Par Value, of

Rexall Drug Company, a security listed and registered on the New York, Los Angeles, and Boston Stock Exchanges.

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

Notice is hereby given that, upon request of any interested person received prior to September 23, 1955 the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7477; Filed, Sept. 14, 1955; 8:54 a. m.]

[File No. 7-1637]

REXALL DRUG CO.

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

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Capital Stock, \$2.50 Par Value, of Rexall Drug Company, a security listed and registered on the New York, Los Angeles, and Boston Stock Exchanges.

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

Notice is hereby given that, upon request of any interested person received prior to September 23, 1955 the Com-

mission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7476; Filed, Sept. 14, 1955;
8:54 a. m.]

[File No. 50-46]

WEST PENN ELECTRIC CO. AND POTOMAC
EDISON CO.

ORDER GRANTING EXEMPTION WITH RESPECT
TO DISSOLUTION OF NON-UTILITY SUB-
SIDIARIES OF REGISTERED HOLDING COM-
PANIES

SEPTEMBER 9, 1955.

The West Penn Electric Company ("West Penn") a registered holding company, and its subsidiary, The Potomac Edison Company ("Potomac Edison") a registered holding company and a public-utility company, have filed a joint application with this Commission pursuant to Rule U-100 (a) of the Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935 ("Act") with respect to the following described transactions:

West Penn owns all of the outstanding capital stock of Blue Ridge Lines, Inc. ("Blue Ridge") consisting of 50 shares of the par value of \$100 per share, and Potomac Edison owns all of the outstanding capital stock of The Blue Ridge Transportation Company ("Transportation") consisting of 1,000 shares of common stock of the par value of \$100 per share, and all of the outstanding capital stock of White Star Lines, Inc. ("White Star") consisting of 2,100 shares of the par value of \$100 per share.

Blue Ridge, Transportation and White Star, none of which is a public-utility company under the Act, propose to dissolve by filing appropriate certificates, articles or decrees of dissolution in the respective States of their incorporation. In connection with its dissolution, each of said companies will distribute to its sole stockholders all of its assets, subject to its liabilities, and there will be surrendered by said stockholders for cancellation the certificates for the outstanding common stock of said companies.

The assets of Blue Ridge, Transportation and White Star consist solely of cash, government securities, and accounts receivable; such companies are now inactive and have no business other than that related to the winding up of their affairs; and there appears to be no need for their continued existence.

It appearing to the Commission that the dissolution of Blue Ridge, Trans-

portation and White Star is, or may be, subject to the provisions of Rules U-42, U-43 and U-46; it also appearing that the dissolution of Blue Ridge, Transportation and White Star will not be detrimental to the public interest or the interests of investors and consumers, and the Commission finding that it is not necessary or appropriate in the public interest or the interests of investors or consumers that the dissolution of Blue Ridge, Transportation or White Star be subject to the requirements of Rules U-42, U-43 and U-46:

It is ordered, Pursuant to the provisions of Rule U-100 (a) that the dissolution of Blue Ridge, Transportation and White Star be, and the same hereby is, exempted from the provisions of Rules U-42, U-43 and U-46.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7479; Filed, Sept. 14, 1955;
8:54 a. m.]

[File No. 7-1688]

W R. GRACE & Co.

NOTICE OF APPLICATION FOR UNLISTED
TRADING PRIVILEGES, AND OF OPPOR-
TUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September 1955.

The Boston Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$1 Par Value of the W R. Grace & Company, a security listed and registered on the New York Stock Exchange.

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

Notice is hereby given that, upon request of any interested person received prior to September 21, 1955 the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7475; Filed, Sept. 14, 1955;
8:54 a. m.]

[File Nos. 54-139, 59-12]

ELECTRIC POWER & LIGHT CORP., ET AL.

ORDER AMENDING PREVIOUS ORDER WITH
RESPECT TO FEES

SEPTEMBER 9, 1955.

In the matter of Electric Power & Light Corporation, File No. 54-139; Electric Bond and Share Company, Electric Power & Light Corporation, et al, respondents, File No. 59-12.

The Commission having on April 21, 1952, issued its Findings, Opinion, and Order upon certain applications for the allowance of fees and expenses incurred in connection with the reorganization of Electric Power & Light Corporation pursuant to the provisions of the Public Utility Holding Company Act of 1935; and

The Commission having in its Findings, Opinion and Order, among other things, denied an application by Drexel & Co. for allowance of a fee in the amount of \$100,000 for services rendered in said reorganization to Electric Bond and Share Company, and having approved the payment to Drexel & Co. of a fee in the amount of \$50,000 for said services; and

The United States District Court for the Southern District of New York having on February 17, 1953, over the objections of Drexel & Co., entered an order enforcing the Commission's order of April 21, 1952; and

Drexel & Co. having appealed to the United States Court of Appeals for the Second Circuit, contesting, among other things, the allowances to it in the amount of \$50,000 rather than the \$100,000 requested; and

The Court of Appeals having reversed the order of the District Court with respect to the fee payable by Electric Bond and Share Company to Drexel & Co, upon the ground that the Commission was without jurisdiction to pass upon the matter; and

The United States Supreme Court having granted certiorari and having reversed the order of the Court of Appeals, holding that the Commission had jurisdiction over such matter, and having remanded the case to the Court of Appeals; and

Electric Bond and Share Company having at all time been willing to pay to Drexel & Co. for their services the full amount of \$100,000 requested; and

The Commission and Drexel & Co. having entered into a stipulation, dated June 1, 1955, that the matter should be settled through the payment to Drexel & Co. by Electric Bond and Share Company of a fee in the amount of \$80,000; said stipulation having been filed in the Court of Appeals; request having been made of the Court of Appeals for an order directing the District Court to modify its order of February 17, 1953, in accordance with the stipulation and to remand the two proceedings to the Commission for the entry of an appropriate order in accordance therewith; and

The Court of Appeals having on or about June 9, 1955 entered an order to that effect, remanding the case to the District Court; and

The District Court having on August 4, 1955 entered a similar order and having remanded the case to the Commission:

It is ordered, in accordance with said stipulation, that the Commission's Findings, Opinion and Order of April 21, 1952, be and the same hereby are amended so as to permit the payment to Drexel & Co. by Electric Bond and Share Company of the sum of \$80,000 in full settlement and satisfaction of the claim of Drexel & Co. for services in connection with the above-mentioned reorganization of Electric Power & Light Corporation.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7478; Filed, Sept. 14, 1955;
8:54 a. m.]

[File No. 70-3369]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF
INSTALLMENT NOTES BY SUBSIDIARY, AND
ACQUISITION THEREOF BY PARENT

SEPTEMBER 9, 1955.

In the matter of the Columbia Gas System, Inc., and the Keystone Gas Company, Inc., et al., File No. 70-3369.

The Columbia Gas System, Inc. ("Columbia") a registered holding company, and certain of its wholly owned subsidiaries, including The Keystone Gas Company, Inc. ("Keystone") have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b) 9, 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

Keystone will issue and sell and Columbia will purchase at the principal amount thereof, for cash, not to exceed \$175,000 principal amount of unsecured installment promissory notes. The notes will mature in equal annual installments on February 15 of the years 1957 through 1981, and they will bear interest payable semiannually on February 15 and August 15 of each year at the rate of 3 percent per annum, subject to adjustment as of the date of Columbia's next issue of debentures under the Indenture dated as of June 1, 1950, between Columbia and Guaranty Trust Company of New York, Trustee, as from time to time amended and supplemented, to the coupon rate applicable to said issue. The notes may be paid in whole or in part at any time before maturity without penalty or premium.

Of the proceeds accruing from the sale of said notes, Keystone will apply \$125,000 to reimburse its treasury for 1954 construction expenditures not heretofore financed through the sale of long-term securities and the remaining \$50,000 toward financing its 1955 construction program, involving estimated expenditures of \$151,200. The balance required for the 1955 construction program will be obtained from internal sources and future financings.

The issue and sale of said notes by Keystone have been authorized by the

Public Service Commission of New York, in which State the company is organized and doing business.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the transactions described herein that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration as amended be granted and permitted to become effective forthwith to the extent of the transactions described herein:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said joint application-declaration as amended with respect to the transactions specifically described above be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, continued with respect to those transactions proposed in said joint application-declaration as to which the record is still incomplete.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7480; Filed, Sept. 14, 1955;
8:55 a. m.]

[File No. 70-3379]

OHIO EDISON CO.

NOTICE OF FILING WITH RESPECT TO PROPOSED EXCHANGE OF UTILITY ASSETS

SEPTEMBER 9, 1955.

Notice is hereby given that an application-declaration and amendments thereto have been filed with this Commission by Ohio Edison Company ("Ohio Edison") a registered holding company and a public utility company, involving the exchange of certain properties pursuant to an exchange agreement with The Toledo Edison Company ("Toledo"), a nonaffiliated public utility company organized and operating in the State of Ohio. Applicant-declarant has designated sections 9, 10, and 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Ohio Edison proposes to acquire from Toledo (a) certain electric distribution and related facilities located in Erie, Huron, Sandusky and Seneca Counties, Ohio which at December 31, 1954, were serving 3,470 retail customers, (b) certain transmission lines and related facilities located in Erie, Lorain and Sandusky Counties, Ohio including various parcels of real estate owned by Toledo on which facilities are located which are owned by Ohio Edison and a further parcel located in the area which Ohio Edison now serves, together with automobiles, supplies and other personal property owned by Toledo and presently used by Ohio Edison in oper-

ating property of Toledo. The original cost of the properties to be conveyed by Toledo to Ohio Edison is unknown but is in process of determination. The book cost thereof to Toledo as of June 30, 1954, and the depreciation reserve as of that date were approximately \$2,430,000 and \$340,000 respectively.

In exchange for such properties Ohio Edison proposes (a) to transfer to Toledo certain electric distribution and related facilities serving, at December 31, 1954, 2,610 retail customers located in Ottawa and Sandusky Counties, Ohio, and certain steel tower and wood pole transmission lines and related facilities located in Ottawa County, Ohio, and (b) to pay Toledo \$1,460,000 in cash, plus or minus an amount, estimated to be minor, equal to the difference between the net property additions since June 30, 1954 to the properties proposed to be acquired and those proposed to be conveyed. The filing indicates that the cash payment of \$1,460,000 to be made by Ohio Edison to Toledo is an adjustment figure arrived at on the basis of valuing the distribution properties at four times their revenues and the transmission properties at their reproduction cost new depreciated. The original cost of the properties to be conveyed by Ohio Edison is presently unknown but is in process of determination. As of June 30, 1954, the estimated book cost of such properties was \$1,110,000 and the estimated applicable reserve for depreciation was \$200,000.

The exchange agreement provides for appropriate adjustments between the parties on account of customers' deposits, refundable line extension deposits, accounts receivable, unbilled revenues, and taxes relating to the properties to be exchanged.

The filing states that the exchange of properties has been the subject of discussion between Toledo and Ohio Edison and its predecessor for many years, and that the definitive terms of the agreement were finally settled in March 1955 after arm's-length bargaining between the presidents of the respective companies with the assistance of various other officers and representatives of each company.

It is also stated that the properties proposed to be acquired by Ohio Edison are physically interconnected with its remaining properties and have, in fact, been operated by Ohio Edison (or its predecessor) for Toledo since January 1940; that the properties being disposed of by Ohio Edison are physically interconnected or capable of physical interconnection with the remaining properties of Toledo and are nearer to operating headquarters of Toledo than to those of Ohio Edison; and that in the opinion of the respective companies the proposed rearrangement of properties should result in operating economies and improved service.

The transactions proposed by Ohio Edison and Toledo have been approved by the Public Utilities Commission of Ohio. It is represented that the accounting entries by Ohio Edison with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the Uniform System of Accounts of the

Federal Power Commission which system of accounts requires that within six months from the date of acquisition, or disposition of properties the proposed journal entries giving effect to the transactions and reflecting the original cost of the properties must be submitted to that Commission for approval. The filing further indicates that when the original cost and accrued depreciation of the properties proposed to be acquired and disposed of are finally determined, Ohio Edison will eliminate any debit amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, with a contra entry to earned surplus or any credit amount by a contra entry to the depreciation reserve.

It is estimated that the expenses to be incurred by Ohio Edison in connection with the proposed transactions will aggregate \$16,500, consisting of \$750 to Commonwealth Services, Inc., \$3,750 to Middle West Service Company for services as an independent engineer in connection with the certification of the value of the property to be acquired in satisfaction of the applicable requirements of the company's mortgage; \$1,500 to Winthrop, Stimson, Putnam and Roberts, counsel for the company; \$9,500 for company labor and supplies, and \$1,000 for miscellaneous expenses.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may not later than September 27, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date said application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7481; Filed, Sept. 14, 1955;
8:55 a. m.]

[File No. 54-54 et al.]

NORTHERN STATES POWER CO. (DELAWARE)
ET AL.

MEMORANDUM OPINION AND ORDER APPROVING AMENDMENT TO PLAN HERETOFORE APPROVED AND ENFORCED

SEPTEMBER 9, 1955.

In the matter of Northern States Power Company (Delaware), File No. 54-

54; Northern States Power Company (Minnesota), File No. 70-559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-50.

Northern States Power Company, a Delaware corporation ("Delaware") is a registered holding company in the process of liquidation pursuant to a plan (Second Amended Plan, as modified ("Plan")) approved by the Commission (Holding Company Act Release No. 7976, January 30, 1948) under Section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"). The Plan was approved and enforced by order entered September 18, 1948, by the United States District Court for the District of Minnesota, Fourth Division, No. 2673, Civil (80 F Supp. 193) and became effective September 30, 1948. Delaware has filed an application under the Act requesting approval of a proposed amendment to the Plan to designate a date on and after which rights under the Plan shall terminate and become void.

In brief, the Plan provides for the liquidation and dissolution of Delaware. To effectuate the liquidation the Plan provides for the reclassification of the 3,518,889 shares of no par value common stock of Northern States Power Company, a Minnesota corporation ("Minnesota") into 9,527,623 shares of no par value common stock, and the distribution of such stock, constituting substantially all of the assets of Delaware, among the common and preferred stockholders of Delaware, in exchange for the surrender for cancellation of their certificates for stock of Delaware.

Under the Plan the respective holders of record on the effective date thereof became entitled to receive distributions of cash and Minnesota common stock on the following basis:

\$3.50 per share in cash, and 10 shares of Minnesota common stock, for each share of Delaware's 7 percent cumulative preferred stock and all accumulated and unpaid dividends thereon;

\$3 per share in cash, and 9 shares of Minnesota common stock, for each share of Delaware's 6 percent cumulative preferred stock and all accumulated and unpaid dividends thereon;

5/4 shares of Minnesota common stock for each share of Delaware's Class A common stock; and

1/2 share of Minnesota common stock for each share of Delaware's Class B common stock.

The applicant company states that on September 20, 1948, there were approximately 53,022 holders of the two classes of preferred stock and 1,849 holders of Class A common stock of Delaware; and Standard Gas and Electric Company and two other holders owned all of the Class B common stock. The applicant company also states that on May 31, 1955, only 51 holders (approximately 1/10 of 1 percent of the number on the effective date of the Plan) had not exchanged their Delaware stock for Minnesota common stock. The number of shares of Minnesota common stock distributable to them aggregated 2,921 (less than 1/100 of 1 percent of the 9,527,623 1/2 shares distributable under the Plan). Efforts to procure exchanges of stock are to continue, and the company estimates that by September 30, 1956, the number

of such shares distributable will be reduced to 1,000.

The Plan as approved contains no provision limiting the time for or terminating the right of exchanging Delaware stock for Minnesota stock, except as to fractional interests. No fractional shares of Minnesota stock are distributable. In lieu thereof, the Plan provides for, and there have been issued, scrip certificates representing such fractional interests. Such scrip certificates representing fractional interests equal, in the aggregate, to one or more full shares of Minnesota common stock were exchangeable for such shares. Scrip certificates unexchanged on or prior to September 30, 1953, became void. On that date there were outstanding such unexchanged certificates representing 81 shares of Minnesota stock.

In addition to the shares of Minnesota stock above stated as presently distributable under the Plan to holders of unexchanged certificates for Delaware stock, Delaware holds for the account of such holders (or their heirs or assigns) (a) dividends declared upon the shares of Minnesota common stock since September 30, 1948, aggregating \$15,528.80 at April 30, 1955, to which such holders are entitled and (b) cash in banks, aggregating \$14,618.28 at April 30, 1955, for payment of sums evidenced by checks, not presented for payment, issued to cover accumulated dividends on Minnesota stock payable to stockholders who have exchanged their Delaware stock for Minnesota stock.

Delaware also holds cash in banks, aggregating \$65,067.77 at April 30, 1955, representing uncollected dividends, principally on its two series of preferred stock, declared from time to time, from October 15, 1912 to October 20, 1948. Of the total sum of \$65,067.77 only \$2,807.39 is held for the account of persons holding of record on September 30, 1948 certificates for Delaware stock not exchanged under the Plan for shares of Minnesota stock. The number of such uncollected dividend accounts at April 30, 1955, aggregated 4,654, of which more than 88% are for less than \$25, more than 70% are for less than \$10, the average is approximately \$14, and a great number are for \$1.50 and \$1.75.

As at April 30, 1955, Delaware's remaining assets (other than shares of Minnesota common stock held for distribution under the Plan) consisted of cash in the amount of \$213,061.04, of which \$117,846.19 was unappropriated cash and the remainder, \$95,214.85, was funds appropriated to cover the accumulated dividends described above. It is stated that Delaware's assets exceed its liabilities, actual and contingent, including all estimated fees and expenses yet to be paid; that all fees and expenses to and including March 31, 1955, have been paid; and that the remaining fees and expenses to be paid are estimated at not to exceed \$9,500, including attorney's fees of \$4,500.

The proposed amendment (Amendment No. 1) to the Plan provides that: (1) On September 30, 1956 (eight years after the effective date of the Plan) all rights of holders of certificates for stock of Delaware (or their personal

representatives, heirs or assigns) to exchange the same for certificates of common stock of Minnesota, pursuant to the Plan, and to receive the accumulated dividends on the shares of Minnesota stock to which they are entitled, shall terminate and such certificates for Delaware stock shall become void;

(2) On September 30, 1956, all rights to collect moneys representing dividends heretofore declared by Delaware on shares of its stock not collected by the persons entitled thereto shall terminate;

(3) Promptly after September 30, 1956 (a) all shares of common stock of Minnesota held by Delaware for distribution and delivery to holders of Delaware stock pursuant to the Plan, (b) the moneys held by Delaware representing dividends on such shares of Minnesota stock, (c) the moneys held by Delaware representing checks issued by Delaware in payment of dividends on shares of Minnesota common stock and not collected by persons entitled thereto, and (d) the moneys held by Delaware representing dividends declared by it on shares of its stock and not collected by persons entitled thereto, shall (except to the extent required to defray expenses incident to the consummation of the Plan) be delivered by Delaware to Minnesota and become a part of its general corporate funds.

Delaware requests that:

(1) The Commission find the Plan as modified by the proposed amendment ("Revised Plan") necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby.

(2) The Commission, upon approval of the Revised Plan, apply to the United States District Court for the District of Minnesota, Fourth Division, to enforce and carry out the terms and provisions of the Revised Plan.

Notice of the filing of the application for approval of the proposed amendment having been duly given, and no hearing having been requested of or ordered by the Commission; and

The Commission, having examined the application and the documents submitted in support thereof, and it appearing that Delaware has made reasonable and frequent efforts to procure exchanges, through correspondence, personal solicitation by employees of Minnesota throughout its service area, by a service and engineering organization in the State of Illinois and adjacent areas, by a financial expert in New York and elsewhere, and that efforts are to continue; and it further appearing that Delaware on July 25, 1955, mailed to each of the persons (at the address appearing on the books of the company) affected by the proposed amendment, a copy of the notice of filing issued July 14, 1955 (Holding Company Act Release No. 12943) together with a letter urging them to exchange their stock, arrange to claim their accumulated dividends, and present for payment any checks held by them issued in payment of Minnesota and Delaware dividends;

The Commission finds that the Plan as modified by the proposed amendment is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, and that the proposed amendment should be approved;

It is therefore ordered, Pursuant to section 11 (e) of the act, that the Plan, as modified by the proposed amendment be, and it hereby is, approved, subject to (1) the continuance of the reservations of jurisdiction herein not heretofore released, (2) the conditions specified in Rule U-24 of the Rules and Regulations under the Act, and (3) the condition that this order shall not be operative to authorize the consummation of the transactions proposed by the instant amendment to the Plan unless and until the United States District Court for the District of Minnesota, Fourth Division, upon application, shall have entered an order enforcing the Plan as modified by the instant amendment.

It is further ordered and recited, That the transfer and delivery as promptly as practicable after September 30, 1956, by Delaware to Minnesota of (a) all unexchanged shares of Minnesota stock then held by Delaware for distribution under the Plan, (b) all moneys then held by Delaware representing dividends paid by Minnesota on its shares distributable under the Plan, including moneys then held by Delaware represented by unrepresented checks issued by it in payment of dividends on Minnesota shares, (c) all moneys then held by Delaware represented by unrepresented checks issued by it in payment of dividends on shares of its stock, and (d) all other cash and assets (except to the extent required to

defray expenses in connection with the consummation of the Plan) of Delaware, all as hereinbefore in this order authorized and approved, are necessary or appropriate to the integration or simplification of the holding company system of which Delaware and Minnesota are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning of sections 1081, 1083 (a) and 4382 (b) (2) of the Internal Revenue Code of 1954, and jurisdiction is reserved to amend, supplement or modify, upon the application of Delaware, the recitals, itemizations and specifications required by such sections of the Internal Revenue Code of 1954 with respect to the above-described transactions.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7482; Filed, Sept. 14, 1955; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SEPTEMBER 1955 DOMESTIC AND EXPORT SALES LIST

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

SEPTEMBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy Products.....	<p>Domestic prices apply "in store" at location of stocks. Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale.</p> <p>Domestic sales—unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags, 15.15 cents per pound; roller process, U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags 14.49 cents per pound.</p> <p>Domestic sales—restricted use (poultry and animal feed): 11½ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD-14 and Supplements.</p> <p>Export sales—unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 11.75 cents per pound; in bags, 10.50 cents per pound; roller process, U. S. Extra Grade, in barrels and drums, 19 cents per pound; in bags, 9.15 cents per pound.</p> <p>Special export: Competitive bid basis on 5,000,000 pounds spray process in accordance with Announcement LD-7. Offers to be considered daily until sold or program is terminated.</p> <p>Domestic sales—unrestricted use: U. S. Grade A and Higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices.</p> <p>Domestic sales—restricted use: Competitive bid basis in accordance with Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate.</p> <p>Export sales—unrestricted use: U. S. Grade A: Not less than 41 cents per pound; U. S. Grade B: Not less than 39 cents per pound.</p> <p>Export sales—restricted use: Competitive bid basis (1) in accordance with Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) in accordance with Announcement LD-19 and supplements for industrial uses.</p> <p>Special export: Competitive bid basis on 8,000,000 pounds butter in accordance with Announcement LD-7. Offers to be considered daily until sold or program is terminated.</p>
Nonfat dry milk solids (in carloads only): spray, 135,000,000 pounds; roller, 9,000,000 pounds; (includes 4,000,000 pounds of spray in 109-pound bags).	
Salted creamery butter (in carloads only), 161,000,000 pounds.	

See footnotes at end of table.

SEPTEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay, pasture and cover crop seeds (bagged)	All sales are f. o. b. point of production plus any paid in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for quantities above or below basic specifications. On all seeds: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage. Domestic sales: \$95 per 100 pounds. Export sales: Will be offered on a competitive bid basis. Available Portland OSS Commodity Office. Domestic sales: \$85 per 100 pounds. Available Minneapolis and Portland OSS Commodity Offices. Export sales: Will be offered on a competitive bid basis. Available Portland OSS Commodity Office. Domestic sales: \$10 per 100 pounds. Available Portland and Kansas City OSS Commodity Offices. Export sales: Will be offered on a competitive bid basis—Ladak by Kansas City, and Bunko by Portland OSS Commodity Office. Domestic sales: \$18 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago OSS Commodity Offices. Export sales: Will be offered on a competitive bid basis by the Chicago OSS Commodity Office. Domestic sales: \$20 per 100 pounds. Available Portland, Dallas, and Chicago OSS Commodity Offices. Export sales: Will be offered on a competitive bid basis by the Portland OSS Commodity Office. Domestic or export sales: 103 county lean rate, ranging from \$11.65 to \$12.40 plus \$1 per 100 pounds f. o. b. point of production. Available Portland and Chicago OSS Commodity Offices. Domestic or export sales: Offer and acceptance basis, "as is" in the stated quantities and on the designated storage yards subject to the prices, terms, and conditions of Announcement 713-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association, Cooperative, Valdosta, Ga. Domestic or export sales: Offer and acceptance basis, "as is" in the stated quantities and in the designated storage tanks, subject to the prices, terms, and conditions of Announcement 713-21 and Supplements thereto as may be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association, Cooperative, Valdosta, Ga.
Birdsfoot trefoil seed, 1,040 hundredweight	At the processor's plant or warehouse but with any prepaid storage and handling charges for the benefit of the buyer. Sales of grains made under Title I, P. L. 49, may be made on terms and conditions of GR201 and GR232. Other commodities under the announcement indicated. In these counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and subject to bin site at the same price, provided the buyer makes arrangements with the warehouseman for storage documents. Prices for basis specifications will not be reduced through the period ending June 30, 1954. (See 4 62 Stat 1070, as amended 16 U. S. C. 714b Interpret or apply see 407, 63 Stat 1056; 7 U. S. C. 1427 acc 208 63 Stat 901)
Alfalfa seed northern, 47,000 hundredweight	Issued: September 8, 1955 [SEAL]
Alfalfa seed (certified), Ladak, 2,600 hundredweight; Bunko, 24,000 hundredweight	
Tall fescue seed (common), 25,000 hundredweight	
Tall fescue seed (certified), 89,000 hundredweight	
Hay vetch (as available)	
Gum rosin (in galvanized metal drums averaging 617 pounds net)	
Gum turpentine (bulk in tanks)	

At the processor's plant or warehouse but with any prepaid storage and handling charges for the benefit of the buyer.
Sales of grains made under Title I, P. L. 49, may be made on terms and conditions of GR201 and GR232. Other commodities under the announcement indicated.
In these counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and subject to bin site at the same price, provided the buyer makes arrangements with the warehouseman for storage documents.
Prices for basis specifications will not be reduced through the period ending June 30, 1954.
(See 4 62 Stat 1070, as amended 16 U. S. C. 714b Interpret or apply see 407, 63 Stat 1056; 7 U. S. C. 1427 acc 208 63 Stat 901)

Issued: September 8, 1955
[SEAL]
WALTER C BENOER,
Acting Executive Vice President,
Commodity Credit Corporation
[F R Doc 55-7377; Filed, Sept 14, 1955; 8:45 a m]

SEPTEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale												
Rice, milled	Domestic sales: For U. S. No. 2 (4 percent broken), the market price but not less than the minimum price which is the equivalent loan rate for rough rice by varieties adjusted for milling, plus 6 percent, plus 18 cents per hundred weight. Examples of minimum prices of milled rice per hundredweight at mills: <table border="1"> <tr> <td>Head U. S. No. 2 (4 percent broken)</td> <td>U. S. No. 5 (35 percent broken)</td> <td>24 Heads No. 3</td> </tr> <tr> <td>\$11.07</td> <td>\$8.02</td> <td>\$7.00</td> </tr> <tr> <td>0.35</td> <td>7.75</td> <td>0.50</td> </tr> </table> Bluebonnet Zenith	Head U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	24 Heads No. 3	\$11.07	\$8.02	\$7.00	0.35	7.75	0.50			
Head U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	24 Heads No. 3											
\$11.07	\$8.02	\$7.00											
0.35	7.75	0.50											
Rice, broken (as available) (do not include for feed only) Grain sorghums, bulk.	Export sales: At prices announced in the August Export Price List. Prices are below CCC domestic sales prices for all varieties and qualities. Examples of prices of milled rice per hundredweight at mills: <table border="1"> <tr> <td>U. S. No. 2 (4 percent broken)</td> <td>U. S. No. 5 (35 percent broken)</td> <td>24 Heads U. S. No. 3</td> </tr> <tr> <td>\$10.20</td> <td>\$8.10</td> <td>\$4.75</td> </tr> <tr> <td>0.00</td> <td>0.50</td> <td>4.50</td> </tr> <tr> <td>8.75</td> <td>0.50</td> <td>4.50</td> </tr> </table> Bluebonnet Zenith Pearl	U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	24 Heads U. S. No. 3	\$10.20	\$8.10	\$4.75	0.00	0.50	4.50	8.75	0.50	4.50
U. S. No. 2 (4 percent broken)	U. S. No. 5 (35 percent broken)	24 Heads U. S. No. 3											
\$10.20	\$8.10	\$4.75											
0.00	0.50	4.50											
8.75	0.50	4.50											

For other varieties and qualities contact the Dallas OSS Commodity Office.
Domestic or export sales: Competitive bid basis as may be announced by the Dallas OSS Commodity Office.
Domestic sales: The market price, basis in store, but not less than the domestic minimum price. Minimum price, also applicable loan rate for each grade, quality and location plus 10 cents per 100 pounds.
Example of minimum price per hundredweight: Kansas City, No. 2 or better, \$3.41.
Available Dallas and Kansas City OSS Commodity Offices.
Export sales: Competitive bid basis. Available Dallas OSS Commodity Office.
Lined prices on all beans for domestic sale are U. S. No. 1, f. o. b. indicated points of production. Amount of paid in freight to be added as applicable. For other areas adjust by market differentials.
Domestic sales: Market price but not less than \$3.57 per 100 pounds California points of production. Available Portland OSS Commodity Office.
Export sales: Competitive bid basis as may be announced by the Portland OSS Commodity Office.
Domestic sales: Market price but not less than \$3.40 per 100 pounds Denver rate area points of production. For other areas adjust by the 1955 price support differentials. Available Minneapolis, Kansas City, Dallas, and Portland OSS Commodity Offices.
Export sales: Competitive bid basis as may be announced by the Kansas City OSS Commodity Office.
Domestic sales: Market price but not less than \$7.25 per 100 pounds California points of production. Available Portland OSS Commodity Office.
Export sales: Competitive bid basis as may be announced by the Portland OSS Commodity Office.
Domestic sales: Market price but not less than \$7.25 per 100 pounds Available Portland OSS Commodity Office.
Export sales: Competitive bid basis as may be announced by the Portland OSS Commodity Office.
Domestic sales: Market price but not less than \$7.25 per 100 pounds points of production. Denver rate area. For other areas adjust by 1955 support rate differentials. Available Kansas City OSS Commodity Office.
Export sales: Competitive bid basis as may be announced by Kansas City OSS Commodity Office.
Domestic sales: Market price but not less than \$10.35 per 100 pounds California points of production.
Export sales: Competitive bid basis as may be announced by Portland OSS Commodity Office

See footnotes at end of table

NOTICES

Rural Electrification Administration

[Administrative Order 5088]

OREGON

LOAN ANNOUNCEMENT

AUGUST 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oregon 17 T Douglas.....	\$150,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7426; Filed, Sept. 14, 1955;
8:45 a. m.]

[Administrative Order 5089]

WASHINGTON

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 3, 1955.

I hereby amend:

(a) Administrative Order No. 4280, dated June 30, 1953, by reducing the loan of \$50,000 therein made for "Washington 31G Chelan" by \$27,908.86 so that the reduced loan shall be \$22,091.14.

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7427; Filed, Sept. 14, 1955;
8:45 a. m.]

[Administrative Order 5090]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 21R Big Horn.....	\$180,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7428; Filed, Sept. 14, 1955;
8:45 a. m.]

[Administrative Order 5091]

COLORADO

LOAN ANNOUNCEMENT

AUGUST 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 25S Pueblo.....	\$2,280,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7429; Filed, Sept. 14, 1955;
8:45 a. m.]

[Administrative Order 5092]

NEW MEXICO

LOAN ANNOUNCEMENTS

AUGUST 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 19N Colfax.....	\$256,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7430; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5093]

WYOMING

LOAN ANNOUNCEMENT

AUGUST 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 25H Crook.....	\$625,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7431; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5094]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 44C Pennington..	\$3,500,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7432; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5095]

FLORIDA

LOAN ANNOUNCEMENT

AUGUST 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 23S Levy.....	\$420,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7433; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5096]

PENNSYLVANIA

LOAN ANNOUNCEMENT

AUGUST 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 14S Clearfield.....	\$420,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7434; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5097]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 26V Darlington....	\$50,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7435; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5098]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 40M Hampton....	\$266,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7436; Filed, Sept. 14, 1955;
8:46 a. m.]

[Administrative Order 5099]

CERTAIN STATES

AMENDMENT OF LOAN ANNOUNCEMENTS

AUGUST 10, 1955.

Inasmuch as Central Rural Electric Cooperative and New-Mac Electric Co-

operative, Inc., have each transferred certain of their properties and assets to Kamo Electric Cooperative, Inc., and Kamo Electric Cooperative, Inc., has assumed a part of the indebtedness to United States of America, of Central Rural Electric Cooperative and New-Mac Electric Cooperative, Inc., respectively, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 3308, dated June 13, 1951, by changing the project designation appearing therein as "Oklahoma 24R Lincoln" in the amount of \$980,000 to read "Oklahoma 24R Lincoln" in the amount of \$967,500 and "Arkansas 32TP1 Benton (Oklahoma 24R Lincoln)" in the amount of \$12,500; and

(b) Administrative Order No. 3003, dated November 2, 1950, by changing the project designation appearing therein as "Missouri 48N Newton" in the amount of \$840,000 to read "Missouri 48N Newton" in the amount of \$670,322.89 and "Arkansas 32TP2 Benton (Missouri 48N Newton)" in the amount of \$169,677.11.

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7437; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5100]

OHIO

LOAN ANNOUNCEMENT

AUGUST 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Ohio 86R Guernsey----- \$189,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7438; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5101]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Minnesota 61M Freeborn----- \$300,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7439; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5102]

OHIO

LOAN ANNOUNCEMENT

AUGUST 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Ohio 59N Morrow----- \$260,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-7440; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5103]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Texas 100 X Washington----- \$285,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-7441; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5104]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 18 Z Carroll----- \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7442; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5105]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 16, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 51P Hoke----- \$110,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7443; Filed, Sept. 14, 1955; 8:47 a. m.]

[Administrative Order 5106]

FLORIDA

LOAN ANNOUNCEMENT

AUGUST 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Florida 15Y Lafayette----- \$100,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7444; Filed, Sept. 14, 1955; 8:48 a. m.]

[Administrative Order 5107]

UTAH

LOAN ANNOUNCEMENT

AUGUST 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Utah 8 W, K Duchesne----- \$1,750,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7445; Filed, Sept. 14, 1955; 8:48 a. m.]

[Administrative Order 5108]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
South Dakota 32E Charles Mix--- \$103,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-7446; Filed, Sept. 14, 1955; 8:48 a. m.]

[Administrative Order 5109]

OKLAHOMA

LOAN ANNOUNCEMENT

AUGUST 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

NOTICES

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oklahoma 30 W Choctaw----- \$100,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7447; Filed, Sept. 14, 1955;
8:48 a. m.]

[Administrative Order 5110]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 22, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
South Dakota 40K Perkins----- \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7448; Filed, Sept. 14, 1955;
8:48 a. m.]

[Administrative Order 5111]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 23, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Arkansas 28N Conway----- \$249,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7449; Filed, Sept. 14, 1955;
8:48 a. m.]

[Administrative Order 5112]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 95 AB Medina----- \$535,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7450; Filed, Sept. 14, 1955;
8:48 a. m.]

[Administrative Order 5113]

NEW MEXICO

LOAN ANNOUNCEMENT

AUGUST 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
New Mexico 12T Otero----- \$654,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7451; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5114]

LOUISIANA

LOAN ANNOUNCEMENT

AUGUST 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Louisiana 10 W Washington----- \$132,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7452; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5115]

OREGON

LOAN ANNOUNCEMENT

AUGUST 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oregon 29G Morrow----- \$625,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7453; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5116]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 25, 1955.

I hereby amend:

(a) Administrative Order No. 4154, dated April 27, 1953, by rescinding the loan of \$50,000 therein made for "Kentucky 18R Meade"

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7454; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5117]

MISSISSIPPI

AMENDMENT OF LOAN ANNOUNCEMENT

AUGUST 25, 1955.

I hereby amend:

(a) Administrative Order No. 2868, dated June 29, 1950, by reducing the loan of \$250,000 therein made for "Mississippi 56B Alcorn" by \$205,194.30 so that the reduced loan shall be \$44,805.61.

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7455; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5118]

KENTUCKY

LOAN ANNOUNCEMENT

AUGUST 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 38P Fulton----- \$400,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7456; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5119]

MISSISSIPPI

LOAN ANNOUNCEMENT

AUGUST 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Mississippi 40W Smith----- \$685,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7457; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5120]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Indiana 46H Miami----- \$245,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-7458; Filed, Sept. 14, 1955;
8:49 a. m.]

[Administrative Order 5121]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 26Z Fulton----- \$100,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-7459; Filed, Sept. 14, 1955;
8:50 a. m.]

[Administrative Order 5122]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
South Dakota 20F Day----- \$300,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-7460; Filed, Sept. 14, 1955;
8:50 a. m.]

[Administrative Order 5123]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Montana 17M Rosebud----- \$192,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-7461; Filed, Sept. 14, 1955;
8:50 a. m.]

[Administrative Order 5124]

ILLINOIS

LOAN ANNOUNCEMENT

AUGUST 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Illinois 36T Jasper----- \$430,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-7462; Filed, Sept. 14, 1955;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.,
REOPENED DELTA-C & S MAIL RATE
CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over its Latin American route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding previously assigned to be held on September 19, 1955, is hereby postponed to September 26, 1955, at 10 a. m. e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., September 9, 1955.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner

[F. R. Doc. 55-7490; Filed, Sept. 14, 1955;
8:57 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 32]

TRANSFER OF PROPERTY KNOWN AS CLACKAMAS FISH CULTURAL STATION, CLACKAMAS, OREGON

Pursuant to the provisions of Section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated June 14, 1955, that property known as Clackamas Fish Cultural Station, Clackamas, Oregon, and more particularly described in said deed, has been transferred from the United States to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

FRED S. POORMAN,
Acting Commissioner of
Public Buildings Service.

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7512; Filed, Sept. 13, 1955;
2:19 p. m.]

[Wildlife Order 33]

TRANSFER OF PROPERTY KNOWN AS CAMP ADAIR (TRACT C-74-W-ORE-1), OREGON

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated June 27, 1955, that property known as Camp Adair (Tract C-74-W-ORE-1) Oregon, and more particularly described in said deed, has been transferred from the United States to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

FRED S. POORMAN,
Acting Commissioner of
Public Buildings Service.

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7513; Filed, Sept. 13, 1955;
2:19 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31079: *Coal Tar Products from Birmingham, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on toluene (toluol) and xylene (xylol) in tank-car loads from Birmingham, Ala., and group to Atlanta, Ga., and group points.

Grounds for relief: Additional destinations.

Tariff: Supplement 114 to Agent Spaninger's I. C. C. 1295.

FSA No. 31080: *Superphosphate from the South to Lamar Colo., and Ottumwa, Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate, carloads from points in southern territory to Lamar, Colo., and Ottumwa, Iowa.

Grounds for relief. Rates constructed on basis of a short-line distance formula, rail competition and circuitry.

Tariff: Supplement 18 to Agent Spaninger's tariff I. C. C. 1433.

FSA No. 31081. *Cast Iron Pressure Pipe from Lone Star and Bond, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, in carloads from Lone Star and Bond, Tex., to points in Alabama, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee.

NOTICES

Grounds for relief: Rail competition, rates constructed on basis of a short-line distance formula, and circuitry.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. No. 4044.

FSA No. 31082: *Superphosphate from the South to Colorado and Nebraska.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate, carloads from points in southern territory to Dent, Gilcresh, Brush, Sterling, Colo., and North Platte, Nebr.

Grounds for relief: Rates constructed on basis of a short-line distance formula, rail competition, and circuitry.

Tariff: Supplement 18 to Agent Spangier's I. C. C. No. 1433.

FSA No. 31083: *Malt Liquors from Terre Haute, Indiana.* Filed by H. R.

Hinsch, Agent, for interested rail carriers. Rates on malt liquors viz. Ale, Beer, Beer, Tonic, Porter or Stout, in carloads from Terre Haute, Ind., to points in southern territory.

Grounds for relief: Rail competition and circuitry.

Tariff: Supplement 327 to Agent Hinsch's I. C. C. 3636.

FSA No. 31084: *Commodities between Points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads between points in Texas (via interstate routes)

Grounds for relief: Short-line distance formula, circuitry and intrastate competition.

Tariff: Supplement 3 to Agent Brown's tariff I. C. C. No. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31085: *Commodities between Points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads between points in Texas (via interstate routes)

Grounds for relief: To meet Texas intrastate rates without use of such rates as factors from or to points without Texas.

Tariff: Supplement 3 to Agent Brown's tariff I. C. C. No. 865.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-7484; Filed, Sept. 14, 1955;
8:56 a. m.]