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Washington, Tuesday, November 10, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3035

ARMISTICE DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS November 11, 1953, marks the thirty-fifth anniversary of the signing of the Armistice which ended the bitter hostilities of World War I and served as a beacon of hope to all humanity that peace would prevail on the earth; and

WHEREAS the sons of the heroes of Chateau-Thierry, Saint Mihiel, and the Argonne had scarcely come of age when they were called upon to meet new aggressors at Omaha Beach, Anzio, Iwo Jima, Heartbreak Ridge, and elsewhere, and to give their lives, many of them, before new armistices could still the fighting and give renewed opportunity for establishing a true peace; and

WHEREAS the Congress, by a concurrent resolution of June 4, 1926 (44 Stat. 1982), requested the President to issue a proclamation calling for the observance each year of the anniversary of the signing of the Armistice on November 11, 1918, and, by an act approved May 13, 1938 (52 Stat. 351), made November 11 of each year a legal holiday, and provided that the day should be dedicated to the cause of world peace and should be known as Armistice Day; and

WHEREAS it is a wise custom to rededicate ourselves each year at this time to the prevention of armed conflict among nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite and urge the people of the Nation to devote themselves anew on Wednesday, November 11, 1953, to the task of promoting with fervor and zeal a permanent peace among all the peoples of the earth. I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fifth day of November in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
Acting Secretary of State.

[F. R. Doc. 53-9574; Filed, Nov. 9, 1953; 10:44 a. m.]

EXECUTIVE ORDER 10501

SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

WHEREAS it is essential that the citizens of the United States be informed concerning the activities of their government; and

WHEREAS the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

WHEREAS it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows

SECTION 1. *Classification Categories.* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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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.

CODIFICATION GUIDE—Con.

expressly provided by statute. These categories are defined as follows:

(a) *Top Secret.* Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Secret.* Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) *Confidential.* Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SEC. 2. *Limitation of Authority to Classify.* The authority to classify defense information or material under this order shall be limited in the departments and agencies of the executive branch as hereinafter specified. Departments and agencies subject to the specified limitations shall be designated by the President:

(a) In those departments and agencies having no direct responsibility for national defense there shall be no authority for original classification of information or material under this order.

(b) In those departments and agencies having partial but not primary responsibility for matters pertaining to national defense the authority for original classification of information or material under this order shall be exercised only by the head of the department or agency, without delegation.

(c) In those departments and agencies not affected by the provisions of subsection (a) and (b), above, the authority for original classification of information or material under this order shall be exercised only by responsible officers or employees, who shall be specifically designated for this purpose. Heads of such departments and agencies shall limit the delegation of authority to classify as severely as is consistent with the orderly and expeditious transaction of Government business.

SEC. 3. *Classification.* Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) *Documents in General.* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically Connected Documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple Classification.* A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmittal Letters.* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information Originated by a Foreign Government or Organization.* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

SEC. 4. *Declassification, Downgrading, or Upgrading.* Heads of departments or agencies originating classified material shall designate persons to be responsible for continuing review of such classified material for the purpose of declassifying or downgrading it whenever national defense considerations permit, and for receiving requests for such review from all sources. Formal procedures shall be established to provide specific means for prompt review of classified material and its declassification or downgrading in order to preserve the effectiveness and integrity of the classification system and to eliminate accumulation of classified material which no longer requires protection in the defense interest. The following special rules shall be observed with respect to changes of classification of defense material:

(a) *Automatic Changes.* To the fullest extent practicable, the classifying authority shall indicate on the material (except telegrams) at the time of original classification that after a specified event or date, or upon removal of classified enclosures, the material will be downgraded or declassified.

(b) *Non-Automatic Changes.* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material Officially Transferred.* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material Not Officially Transferred.* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to de-

classify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Classified Telegrams.* Such telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified, or disseminated, except in accordance with special regulations issued by the head of the originating department or agency. Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting department or agency.

(f) *Downgrading.* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading.* If the recipient of unclassified material believes that it should be classified, or if the recipient of classified material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the material or upgrade the classification after obtaining the consent of the appropriate classifying authority.

(h) *Notification of Change in Classification.* The reviewing official taking action to declassify, downgrade, or upgrade classified material shall notify all addressees to whom the material was originally transmitted.

SEC. 5. *Marking of Classified Material.* After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Bound Documents.* The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(b) *Unbound Documents.* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(c) *Charts, Maps, and Drawings.* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(d) *Photographs, Films and Recordings.* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(e) *Products or Substances.* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(f) *Reproductions.* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(g) *Unclassified Material.* Normally, unclassified material shall not be marked or stamped *Unclassified* unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(h) *Change or Removal of Classification.* Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. *Automatic* change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4 (a) hereof.

(i) *Material Furnished Persons not in the Executive Branch of the Government.* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

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

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

SEC. 6. *Custody and Safekeeping.* The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following physical or mechanical means shall be taken to protect it:

(a) *Storage of Top Secret Material.* Top Secret defense material shall be protected in storage by the most secure facilities possible. Normally it will be stored in a safe or a safe-type steel file container having a three-position, dial-type, combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire, or tampering. The head of a department or agency may approve other storage facilities for this material which offer comparable or better protection, such as an alarmed area, a vault, a secure vault-type room, or an area under close surveillance of an armed guard.

(b) *Secret and Confidential Material.* These categories of defense material may be stored in a manner authorized for Top Secret material, or in metal file cabinets equipped with steel lockbar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the department or agency.

(c) *Other Classified Material.* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(d) *Changes of Lock Combinations.* Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(e) *Custodian's Responsibilities.* Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(f) *Telephone Conversations.* Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and

Confidential material over certain military communications circuits.

(g) *Loss or Subjection to Compromise.* Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

SEC. 7. *Accountability and Dissemination.* Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability Procedures.* Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination Outside the Executive Branch.* Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information Originating in Another Department or Agency.* Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U. S. C. sec. 403, classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SEC. 8. *Transmission.* For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for Transmission.* Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting Top Secret Material.* The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret Material.* Secret material shall be transmitted within the continental United States by one of the means established for Top Secret material, by an authorized courier, by United States registered mail, or by protected commercial express, air or surface. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy, or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. Secret material may, however, be transmitted between United States Government and/or Canadian Government installations in continental United States, Canada, and Alaska by United States and Canadian registered mail with registered mail receipt. In an emergency, Secret material may also be transmitted over military communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) *Transmitting Confidential Material.* Confidential defense material shall be transmitted within the United States by one of the means established for higher classifications, by registered mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States, Confidential defense material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an Agency.* Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SEC. 9. *Disposal and Destruction.* Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 U. S. C. 366–380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of Destruction.* Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) *Records of Destruction.* Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SEC. 10. *Orientation and Inspection.* To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

SEC. 11. *Interpretation of Regulations by the Attorney General.* The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SEC. 12. *Statutory Requirements.* Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

SEC. 13. *"Restricted Data" as Defined in the Atomic Energy Act.* Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 1, 1946, as amended. "Restricted Data" as defined by the said act shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1946, as amended, and the regulations of the Atomic Energy Commission.

SEC. 14. *Combat Operations.* The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SEC. 15. *Exceptional Cases.* When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

SEC. 16. *Review to Insure That Information is Not Improperly Withheld Hereunder.* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

SEC. 17. *Review to Insure Safeguarding of Classified Defense Information.* The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SEC. 18. *Review Within Departments and Agencies.* The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

SEC. 19. *Revocation of Executive Order No. 10290.* Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

SEC. 20. *Effective Date.* This order shall become effective on December 15, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 5, 1953.

[F. R. Doc. 53-9553; Filed, Nov. 9, 1953; 9:55 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 2]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.302 *Navel Orange Regulation 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeing on November 5, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 8, 1953, and ending at 12:01 a. m., P. s. t., November 15, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: 50 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

[Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of November 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Nov. 8, 1953, to 12:01 a. m., P. s. t., Nov. 15, 1953]

NAVEL ORANGES

Prorate District No. 4

Handler	Prorate base (percent)
Total	100.0000
Placentia Cooperative Orange Association	28.8477
Richgrove-Jasmine Citrus Association	17.4229
B. & L. Citrus Distributors	5.0424
Edison Citrus Co., Inc	43.6043
Kim, Charles	2.5503
Toy, Chin	2.5324

[F. R. Doc. 53-9522; Filed, Nov. 6, 1953; 3:16 p. m.]

[959.309, Amdt. 1]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, and (3) this amendment relieves restriction on the handling of Irish potatoes grown in the aforesaid production area.

Order as amended. The provisions of § 959.309 (b) (1) (FEDERAL REGISTER, August 29, and October 22, 1953, 18 F. R. 5163, 6697) are hereby amended to read as follows:

(1) During the period November 6, 1953, to June 30, 1954, both dates inclusive, no handler shall ship potatoes which do not meet the requirements of the U. S. No. 2, or better grade, and which are less than 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of November 1953 to become effective November 6, 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-9505; Filed, Nov. 9, 1953; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 17]

PART 60—AIR TRAFFIC RULES

CRUISING ALTITUDES WITHIN CONTROL ZONES AND CONTROL AREAS (VFR)

In § 60.32 and the note thereto, the Civil Aeronautics Board authorized the Administrator of Civil Aeronautics to specify "odd and even" thousand foot altitudes for aircraft operated in level cruising flight at 3,000 feet or more above the surface within control zones and control areas. Since the effective date of that section, such altitudes have been published in the CAA Flight Information Manual and shown on appropriate Radio Facility Charts for the information and guidance of all pilots.

The following rules merely adopt the existing odd and even altitudes specified in the Flight Information Manual and the appropriate Radio Facility Charts as regulations of the Administrator. These rules are being made effective without alteration of the altitudes and without delay in order to provide a uniform and uninterrupted standard for the safety of aircraft engaged in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedures Act would be impracticable and unnecessary.

A new § 60.32–1 is adopted to read:

§ 60.32–1 *Odd or even altitudes on civil airways (CAA rules which apply to § 60.32 (a)).* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, within the boundaries of a civil airway, it shall be flown at the following altitudes:

(a) Red or green airway—Eastbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(b) Amber or blue airway—Northbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(c) Even numbered VOR airway—Eastbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(d) Odd numbered VOR airway—Northbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(e) Exceptions to the rules stated in paragraphs (a) through (d) of this section are:

(1) Where a color airway coincides with a VOR airway, the color airway shall take preference, and the odd or even altitude rule for the appropriate color airway shall apply.

(2) (i) Where no color airway is involved and an even and odd VOR airway coincide, the even numbered VOR airway shall take preference, and the odd or even altitude rule for the even numbered VOR airway shall apply.

NOTE: The odd or even altitude rule applicable to an airway is determined by the direction of the airway between its two terminal points, without regard to the direction of any segment or portion of the airway. Example: A green airway has one terminal point in California and the other in New York, but in Ohio a portion between fixes runs due north and south. In this case, the odd or even altitude rule for a flight eastbound or westbound applies to the entire flight along the airway.

(ii) "Odd or even" altitude indicators for the airways are also shown on Radio Facility Charts.

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

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

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

[F. R. Doc. 53-9480; Filed, Nov. 9, 1953; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 20]

PART 600—DESIGNATION OF CIVIL AIRWAYS

BLUE CIVIL AIRWAY 28

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.628 is amended to read:

§ 600.628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* From the Charleston, S. C., radio range station via the intersection of the northwest course of the Charleston, S. C., radio range and the southeast course of the Columbia, S. C., radio range; Columbia, S. C., radio range station; the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C. radio range and the northeast course of the Knoxville, Tenn., radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., November 17, 1953.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-9478; Filed, Nov. 9, 1953; 8:45 a. m.]

[Amdt. 20]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

BLUE CIVIL AIRWAY 28

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.628 is amended by changing the caption to read: "*Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.).*"

2. Section 601.4628 is amended by changing the caption to read: "*Blue Civil Airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).*"

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

This amendment shall become effective 0001 e. s. t. November 17, 1953.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-9479; Filed, Nov. 9, 1953; 8:46 a. m.]

[Amdt. 64]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Antioch, California, area (D–264), published on July 16, 1949, in 14 F. R. 4288, amended on October 14, 1950, in 15 F. R. 6908, and on December 13, 1952, in 17 F. R. 11256, is further amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

2. In § 608.14, the Boullion Mountains, California, area (D–344), published on August 23, 1951, in 16 F. R. 8448, is amended by changing the "Using Agency" column to read: "CG, Marine Barracks, Camp Pendleton, California".

3. In § 608.14, the Chocolate Mountains, California, area (D–304), published on March 17, 1950, in 15 F. R. 1510, amended on December 13, 1952, in 17 F. R. 11256, and on June 12, 1953, in 18 F. R. 3364, is further amended by changing the "Using Agency" column to read: "COM, 11th Naval District, San Diego, California".

4. In § 608.14, a Cuddeback Dry Lake, California, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CUDDEBACK DRY LAKE (D–447) (Los Angeles Chart).	N. boundary: lat. 35°25'00" N.; S. boundary: lat. 35°15'56" N.; E. boundary: long. 117°16'52" W.; W. boundary: long. 117°26'00" W.	Surface to unlimited.	Daylight hours.	George AFB, Victorville, Calif.

5. In § 608.14, the Trona, California, area (D–277), published on November 3, 1949, in 14 F. R. 6676, and amended on May 10, 1951, in 16 F. R. 4311, is further amended by changing the "Using Agency" column to read: "NOTS, Inyokern, California".

6. In § 608.14, the Vernalis, California, area (D–280), published on January 24, 1952, in 17 F. R. 716, is amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District and Ames Aeronautical Laboratory, San Francisco, California".

7. In § 608.36, the Black Rock Desert, Nevada, area (D–266), published on July 16, 1949, in 14 F. R. 4293, and amended on December 13, 1952, in 17 F. R. 11256, is further amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

8. In § 608.36, the Fallon, Nevada, areas (D–267, D–268, D–269, D–270), published on May 20, 1952, in 17 F. R. 4558, amended on July 16, 1952, in 17 F. R. 6428, and on February 28, 1953, in 18 F. R. 1155, are further amended by changing the "Using Agency" column for each of the four areas to read: "COMNABS, 12th Naval District".

9. In § 608.36, the Sahwave Mountains, Nevada, area (D–430), published on February 17, 1953, in 18 F. R. 931, is amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

10. In § 608.41, the Long Shoal Point, North Carolina, area (D–128), published on January 24, 1952, in 17 F. R. 716, is amended by changing the "Using Agency" column to read: "COMAIRLANT, Norfolk, Virginia".

11. In § 608.55, the Admiralty Inlet, Washington, area (D–231), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

12. In § 608.55, the Juan de Fuca, Washington, area (D–236), published on January 19, 1951, in 16 F. R. 496, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

13. In § 608.55, the Queets, Washington, area (D–239), published on July 14, 1949, in 14 F. R. 3886, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

14. In § 608.55, the Rosario Strait, Washington, area (D–232), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

15. In § 608.55, the Waldron Island, Washington, area (D–234), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

16. In § 608.55, the Whidbey Island, Washington, area (D–233), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

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

This amendment shall become effective on November 10, 1953.

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

[F. R. Doc. 53-9477; Filed, Nov. 9, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-178]

PART 37—WOOL STOCK INDUSTRY

RESCISSION OF PART

Whereas, on August 22, 1931, the Commission promulgated trade practice rules for the Wool Stock Industry, codified in the Code of Federal Regulations (Title 16, Part 37); and whereas said rules contain provisions which do not accurately reflect existing requirements of law, and proceedings for the revision thereof do not appear to be warranted in the public interest:

It is ordered, That the said rules (16 CFR Part 37) be and the same are hereby rescinded.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Issued: November 4, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-9487; Filed, Nov. 9, 1953; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[6536]

PART 163—OPERATIONS

REGULAR CREDITS

NOVEMBER 4, 1953.

Resolved that, pursuant to § 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11) and

§ 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), § 163.13 of the rules and regulations for insurance of accounts (24 CFR 163.13) is hereby amended, effective November 10, 1953, by inserting the following provision after the first sentence thereof: "If, upon the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of any insured institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account will equal 5 percent of all insured accounts, and the funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account, exclusive of the funds so earmarked, equals 5 percent of all insured accounts: *Provided*, That the date of compliance with this section for each such insured institution shall be not later than the close of the semi-annual period following the twentieth anniversary date of its insurance of accounts."

So that the section, as amended, shall read as follows:

§ 163.13 *Regular credits.* Each insured institution shall thereafter credit to its Federal insurance reserve, during each of its fiscal years, an amount equal to at least three-tenths of 1 percent of all insured accounts outstanding at the beginning of such fiscal year; and shall build up the Federal insurance reserve to an amount equal to at least 2½ percent of all insured accounts within thirteen years from the effective date of insurance and to an amount equal to at least 5 percent of all insured accounts within twenty years from such date: *Provided*, That credits to the Federal insurance reserve need not be made whenever such insurance reserve account equals or exceeds the minimum amounts required by this section. If, upon the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of any insured institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account will equal 5 percent of all insured accounts, and the funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account, exclusive of the funds so earmarked, equals 5 percent of all insured accounts: *Provided*, That the date of compliance with this section for each such insured institution shall be not later that the close of the semi-annual period following the twentieth anniversary date of its insurance of accounts. If for any reason, the Federal insurance reserve account of any institution which has been insured for at least twenty years is thereafter reduced to less that 5 percent of all insured accounts, such institution shall transfer to its Federal insurance reserve account, for each dividend period, at least 25 percent of its net operating income before the declaration of dividends or the payment of interest on savings, until its Federal insurance reserve account is again equal to at least 5 percent of all insured accounts.

Resolved further that, as this amendment operates to relieve a restriction, it is found that it is not necessary to issue such regulation with notice and public procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act, and that the effective date limitation of section 4 (c) of said act is not applicable.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-9502; Filed, Nov. 9, 1953; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

DIVISION ORDERS

Section 180.88 (a) is hereby amended to read as follows:

§ 180.88 *Division orders.* (a) The Superintendent may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipe line or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved, by the Superintendent, showing that the lessee has a regularly approved leased in effect, and the conditions under which the oil may be run: *Provided*, That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order. Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(Sec. 3. 34 Stat. 543)

NOVEMBER 4, 1953.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 53-9482; Filed, Nov. 9, 1953; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 709—PEARL BUTTON AND BUCKLE DIVISION OF THE BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

The minimum wage order for the Pearl Button and Buckle Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, as recommended by Special Industry Committee No. 12 for Puerto Rico was approved and made final pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) and published in the FEDERAL REGISTER on August 18, 1953 (18 F. R. 4889).

This wage order is hereby revised as set forth below.

1. Redesignate § 709.1 *Wage rates* as paragraph (e) of § 709.1.

2. Delete all of § 709.2.

3. Redesignate § 709.3 as subparagraph (5) of § 709.3 (b), as follows.

§ 709.3 * * *
(b) * * *

(5) *Definition of the pearl button and buckle division of the button, buckle, and jewelry industry in Puerto Rico.* The manufacture of buttons and buckles from ocean pearl or other natural shell.

Signed at Washington, D. C., this 9th day of November 1953.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 53-9578; Filed, Nov. 9, 1953; 11:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 595—FOREIGN PURCHASES

PART 596—CONTRACT CLAUSES AND FORMS

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

1. Section 590.602 is amended by adding a new paragraph (d) as follows:

§ 590.602 *Execution of contracts; requirements.* * * *

(d) *Contracts with partnerships.* Contracts entered into with partnerships will be executed in the partnership name and will enumerate the names of all the partners. The partnership contract need be signed by only one partner, provided the authority of the particular partner to effectively bind the partnership has been established. The Contracting Officer need not require that partnerships execute a certificate of attestation substantially in the form included in DD Form 351-2 provided he obtains other evidence which satisfactorily shows that the partner is empowered to bind the partnership.

2. In § 590.604-1 (a), subparagraph (2) (ii) is amended to read as follows:

§ 590.604–1 *Personal or professional services*—(a) *Contracts for employment of experts or consultants.* * * *

(2) *Approval required.* * * *

(ii) Contracts which provide for performance of personal services by experts or consultants, or organizations thereof, contemplating supervision by Government personnel of the contractor, and not requiring the contractor, as an integral part of the contract, to furnish an end item or product. Each contract for stenographic reporting services or for personal services of experts and consultants negotiated under the above or any other authority and each supplemental agreement or change order making a material change in such contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and the contract or request for award thereof, supplemental agreement, or change order will be forwarded by the Head of the Procuring Activity involved to the Assistant Chief of Staff, G–4, Department of the Army, Attention: Chief, Purchases Branch, for approval by the Secretary. The request for approval will refer specifically to the above-quoted statutory authorities and will furnish a complete statement of facts supporting the determinations required by statute to be made by the Secretary. The request for approval will also include the information required by § 590.605, if applicable, and will contain a statement as to availability of funds and a reference to the Project Account Number, Appropriation Symbol, and the statutory authority under which appropriated. The request for approval shall also contain a statement or be accompanied by a certificate personally signed by the Head of the Procuring Activity, his Deputy, or his Chief of Staff reading substantially as follows:

The employment of _____
(Name of contractor)
will not be in excess of the civilian personnel authorization established by the Department of the Army for the _____.
(Procuring activity)

* * * * *

3. Subpart C of Part 595 is revoked.

4. A new Subpart E is added to Part 595 as follows:

SUBPART E—DUTY AND CUSTOMS

Sec.

AUTHORITY: §§ 595.501 to 595.503 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161.

SUBPART E—DUTY AND CUSTOMS

§ 595.501 *Customs duties on foreign purchases.* Duty must ordinarily be paid in connection with the importation of supplies purchased outside of the United States, except that the importation of "emergency purchases of war material abroad" by a Department is exempt from duty (act of June 30, 1914, 38 Stat. 399; 34 U. S. C. 568); section 12, Armed Services Procurement Act of 1947 (62 Stat. 26; 5 U. S. C. 219b, 626e). Where the importation of supplies is subject to customs duties, a Department is exempt from any requirements of a customs bond.

§ 595.502 *Emergency purchases of war material abroad.*

§ 595.502–1 *General.* This subpart furnishes guidance as to what constitutes "emergency purchases of war material abroad," prescribes the conditions under which duty free entry certificates may be issued in connection with the importation of such purchases and sets forth the form of certificate to be utilized. The procedures to be followed in the issuance of such certificates shall be as prescribed by the respective Departments.

§ 595.502–2 *War materials.* As used in this subpart, the term "war material" includes the following:

(a) Weapons, munitions, aircraft, vessels or boats;

(b) Agricultural, industrial, or other supplies used in the prosecution of war or for the national defense;

(c) Supplies, including components or equipment, necessary for the manufacture, production, processing, repair, servicing, or operation of the supplies set forth in paragraphs (a) and (b) of this section.

§ 595.502–3 *Emergency purchases.* As used in this subpart, the term "emergency purchases" includes the following:

(a) War material purchased by any Department in time of war or a national emergency, including any war material received in exchange for anything of value obtained under reciprocal aid or other statutory authority;

(b) War material purchased because of a shortage of domestic supply, pursuant to a decision that the supplies are necessary for the adequate maintenance of the Armed Services;

(c) Captured enemy war material;

(d) Materials requisitioned by United States Forces abroad;

(e) Materials rebuilt from other materials owned by, captured by, or turned over to United States Forces;

(f) War materials procured for the use of United States Forces abroad or United States vessels in foreign waters.

§ 595.502–4 *Conditions under which duty free entry certificates may be issued.* The issuance of duty free entry certificates in appropriate situations will result in important savings for military appropriations. At the same time, any procedure established for the issuance of such certificates must recognize that anything other than a careful selection of the proper situations where such certificates are to be issued may fail to save funds and may result in unanticipated advantages to contractors, especially in situations involving fixed-price contracts. Considerations which are pertinent to the selection of those cases where such certificates should be issued include the savings to be accomplished by the issuance of the certificate; the administrative burden and cost of processing the certificate; and the degree of supervision which can be exercised by the Government over the supplies or materials to be imported to verify that the full benefit of the certificate inures to the Government. The latter consideration is particularly significant in the case of fixed-price contracts since title to the importation does not generally vest in the Government until delivery of the end product. Subject to the foregoing considerations, a duty-free entry certificate may be issued in accordance with Department procedures when an "emergency purchase of war material" is made under the following circumstances:

(a) Direct purchases abroad regardless of whether title passes at point of origin or at destination in the United States, providing the contract states that the final price is exclusive of duty.

(b) Purchases abroad by a Government prime contractor under a cost-reimbursement type contract or by a cost-reimbursement type subcontractor (where no fixed-price prime or fixed-price subcontract intervenes between the purchaser and the Government), regardless of whether title passes at point of origin or at destination in the United States. If a fixed-price prime or fixed-price subcontract intervenes, the criteria stated in paragraph (c) of this section should be followed.

(c) Purchases abroad by a fixed-price contractor, fixed-price subcontractor, or cost-type subcontractor where a fixed-price prime or fixed-price subcontract intervenes, provided (1) the fixed-price prime and, where applicable, fixed-price subcontract prices are, or are amended to be, exclusive of duty; (2) the prime contractor and, where applicable, the subcontractors concerned certify that the supplies so purchased are to be delivered to the Government or incorporated in Government owned property or in an end product to be furnished to the Government, and that duty will be paid if such supplies or any portion thereof are utilized for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and (3) such procurement abroad is authorized by the terms of the prime contract, the applicable subcontract, or by the Contracting Officer.

§ 595.502–5 *Duty free entry certificate.* The duty free entry certificate referred to in this subpart will be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto, and will be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (Indicate Army, Navy, or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (34 U. S. C. 568) or

Section 12 of the Act of February 19, 1948 (5 U. S. C. 219b, 626e).

(Name)

(Title), who has been designated to execute free entry certificates for the above-named Department

---
(Grade) (Organization)

§ 595.503 *Customs duties and drawbacks.* Whenever any Department purchases supplies with respect to which there might arise a claim to a refund or drawback of customs duties paid thereon (to the extent such drawback is authorized pursuant to the Tariff Act of 1930, 19 U. S. C., Chapter 4), the price to be paid shall ordinarily include the customs, duties, and accordingly the supplier will have no claim to a drawback. On the other hand, when the price to be paid for any such purpose does not include the customs duties, then the supplier will have the right to claim any drawback with respect to duties paid by the supplier provided (a) he has reserved such right in connection with such sale or consignment and (b) he produces evidence that such reservation was made with the knowledge and consent of the exporter.

5. Section 596.103–8 is amended as follows:

§ 596.103–8 *Assignment of claims.* * * *

(d) *Acknowledgment of notice of assignment.* Contracting Officers will acknowledge notices of assignment filed by assignees in accordance with § 596.103–8 (c). In cases where a notice of assignment of monies due under a definitive contract, which supersedes a letter contract, is received pursuant to the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended, such notice should be acknowledged regardless of the fact that a notice of assignment of monies due under the letter contract had been previously acknowledged. The two notices of assignment should be considered as one and filed accordingly.

(e) *Assignor's statement.* Where direct payment is made to an assignee, the contractor will furnish on each voucher, invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(f) *Information to be furnished to assignees.* Contracting Officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

6. In § 596.531–1, item 6, *Disputes*, is rescinded and the following substituted therefor:

§ 596.531–1 *Sample of form.* * * *

6. *Disputes.* (See ASPR 7–103.12.)

* * * * *

7. In § 602.805 (h) a new subparagraph (3) is added as follows:

§ 602.805 *General.* * * *

(h) * * *

(3) When a purchase order or contract does not exceed $5,000, jigs, patterns, fixtures, gages and other manufacturing aids which are furnished to a contractor from stocks to aid in the performance of work may, at the option of the Contracting Officer, be accounted for as a suspense item in the Military Account from which shipped, provided that the total cost thereof does not exceed $1,000. Accounting for such property under Appendix B, Part 413 of this title, is not required.

[Proc. Cir. 27, October 27, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

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

[F. R. Doc. 53–9496; Filed, Nov. 9, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 64 (OPR–4, Amdt. 2)]

OPR–4—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE TO DECOMMISSION SHIPS TO BE WITHDRAWN FROM OPERATION AND PLACED IN A RESERVE FLEET

GENERAL AGENTS' DUTIES; BOOKS AND LOG BOOKS

Effective upon publication of this Amendment 2 in the FEDERAL REGISTER, paragraph (n) of section 3 *General Agents' duties* contained in NSA Order 64 (OPR–4) published in the FEDERAL REGISTER issue of April 22, 1952 (17 F. R. 3553) is amended to read as follows:

(n) *Books and log books.* Merchant Marine library books shall be removed by the Merchant Marine Library Association. All log books and bell books shall be listed in a covering letter and forwarded to the District Property and Supply Officer, Maritime Administration, 45 Broadway, New York 4, New York. Copies of the covering letter shall in each case be sent to the Chief, Division of Office Services, Office of Property and Supply, Maritime Administration, Washington 25, D. C. and to the cognizant Coast Director who shall check each list to ensure completeness of submissions.

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114)

Approved: November 2, 1953.

[SEAL] C. H. MCGUIRE,
Director, Office of National Shipping Authority and Government Aid.

[F. R. Doc. 53–9495; Filed, Nov. 9, 1953; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

HARMLESS LIVE CREATURES; VALUABLE MAIL RECEIVED FROM DEAD LETTER OR DEAD PARCEL POST BRANCHES

1. In § 35.25 *Harmless live creatures* amend paragraph (b) to read as follows:

(b) Live creatures described in paragraph (a) of this section, except soft crabs, shall be properly prepared for mailing so as to withstand handling inside of sacks or pouches, if size of parcel permits, during period from November 1 to March 31, of each year. Such parcels weighing over 8 ounces will be dispatched as outside matter from April 1 to October 31 but parcels weighing 8 ounces or less shall be sacked or pouched all year.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 43.38 *Valuable mail received from dead letter or dead parcel post branches* amend paragraph (e) to read as follows:

(e) *When received registered from a dead letter or dead parcel post branch.* When dead matter is received under registered cover from a dead letter or dead parcel post branch for possible delivery, it shall be handled in the Inquiry Section or some other section or by a specific employee designated by the postmaster. In any event, the registry section shall not be allowed to open and dispose of such registered matter. If the proper address is supplied, the matter shall be re-registered to the rightful owner under the local registry number and the person to whom delivered charged with the 5 cent dead letter fee plus the minimum registry fee. The registry number shall be entered on the form which accompanies the dead mail and the form filed by the delivering office. Such matter received under registered cover must also be sent under registered cover when forwarded or returned.

(R. S. 161, 396, 3936, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 406)

[SEAL] ROSS RIZLEY,
Solicitor.

[F. R. Doc. 53–9488; Filed, Nov. 9, 1953; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular No. 1862]

PART 259—DISPOSAL OF MATERIALS

SALES

Sections 259.11 and 259.12 (f) and (g) are amended to read as follows:

§ 259.11 *Bond.* In all sales in which payment in full is not made in advance, a bond of not less than 15 percent of the contract price of materials sold in the public-land States, or 25 percent of the contract price of materials sold in Alaska, must be furnished by the purchaser. In any sale the signing officer, in his discretion, may require a bond in excess of that amount. Bonds hereunder shall be executed on Form 4–057. The bond must be that of a corporate surety shown on an approved list issued by the Treasury Department, or a cash bond. United States bonds, or cash, may be furnished in lieu of a surety bond, if accompanied by a proper personal bond and power of attorney authorizing the Secretary, in case of default, to collect, sell, assign, or transfer the said bonds without notice, at public or private sale, free from any equity of redemption, and without appraisement or valuation.

§ 259.12 *Payment.* * * *

(f) In any sale of materials in the public-land States for which payment in installments is permitted, the purchaser shall make an initial payment equivalent to two installments as follows: One installment prior to the approval of the contract and the second installment within six months thereafter, or prior to the commencement of operations thereunder, whichever is earlier. The first installment shall be retained by the Government as additional security for the full and faithful performance of the contract, and shall be applied in whole or in part toward the final installment thereunder. On the basis of his initial payment, the purchaser may sever or extract materials under the contract of a value not to exceed one-half of such initial payment. The remaining installments shall become due and payable without prior notice whenever the value of the materials severed or extracted under the contract shall equal the sum of the payments made by the purchaser (exclusive of one-half of the initial payments, as provided in this paragraph).

(g) In any sale of materials in Alaska for which payment in installments is permitted, the purchaser shall make payment of one installment prior to the approval of the contract. The purchaser may sever or extract materials under the contract of a value not to exceed such payment. The remaining installments shall become due and payable without prior notice whenever the value of the materials severed or extracted under the contract shall equal the sum of the payments made by the purchaser.

(Sec. 1, 61 Stat. 681; 43 U. S. C. 1185)

FRED G. AANDAHL,
Acting Secretary of the Interior.

NOVEMBER 4, 1953.

[F. R. Doc. 53–9483; Filed, Nov. 9, 1953; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 686]

SHOE MANUFACTURING AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE RATE

On April 9, 1953, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 428, as amended by Administrative Orders Nos. 430, 431 and 432, dated April 27, 1953, May 5, 1953, and May 18, 1953, respectively, appointed Special Industry Committee No. 14 for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in a number of industries specified and defined in the order, including the Shoe Manufacturing and Allied Industries in Puerto Rico (hereinafter called the Industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wages for the Shoe Manufacturing and Allied Industries in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Shoe Manufacturing and Allied Industries in Puerto Rico, as defined in Administrative Order No. 428, the Committee filed with the Administrator a report containing the recommendation, that a minimum wage rate of 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Shoe Manufacturing and Allied Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on August 1, 1953 (18 F. R. 4524–4527) and circulated to all interested parties, a public hearing upon the Committee's recommendation was held before Hearing Examiner E. West Parkinson, as Presiding Officer on September 3, 1953, in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and after giving due consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate of 40 cents an hour in the Shoe Manufacturing and Allied Industries in Puerto Rico was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Shoe Manufacturing and Allied Industries in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the Wage Order for the Shoe Manufacturing and Allied Industries in Puerto Rico, which is contained in 29 CFR, 1952 Supp., Part 686, as follows:

Delete § 686.2 and substitute the following:

§ 686.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Shoe Manufacturing and Allied Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

Within fifteen days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Signed at Washington, D. C., this 4th day of November 1953.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 53–9485; Filed, Nov. 9, 1953; 8:47 a. m.]

[29 CFR Part 709]

COSTUME JEWELRY DIVISION OF THE BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On April 9, 1953, pursuant to section 5 of the Fair Labor Standards Act, as amended (hereinafter called the act),

the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 428, as amended by Administrative Orders Nos. 430, 431 and 432 dated April 27, 1953, May 5, 1953, and May 18, 1953, respectively, appointed Special Industry Committee No. 14 for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in a number of industries specified in the order, including the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Costume Jewelry Division, as defined in Administrative Order No. 428, the Committee submitted to the Administrator a report containing the following recommendations: (1) That the Costume Jewelry Division, as defined, should be divided into separate and distinct Divisions of the Button, Buckle, and Jewelry Industry, to be entitled "The Costume Jewelry Hair Ornament Division", and "The Costume Jewelry General Division"; and (2) that a minimum wage rate of 50 cents an hour should be paid in the Costume Jewelry Hair Ornament Division, and a minimum wage rate of 36 cents an hour should be paid in the Costume Jewelry General Division, to employees who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on August 1, 1953 (18 F. R. 4524–4527) and circulated to all interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, on September 1, 1953, in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and after giving due consideration to the provisions of the Act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for the division of the Costume Jewelry Division into separate and distinct divisions to be known as the Costume Jewelry Hair Ornament Division, and the Costume Jewelry General Division of the Button, Buckle, and Jewelry Industry, together with the recommendations of the Committee for a minimum wage rate of 50 cents an hour in the Costume Jewelry Hair Ornament Division and a minimum wage rate of 36 cents an hour in the Costume Jewelry General Division, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the Wage Order for the Button, Buckle, and Jewelry Industry in Puerto Rico, which is contained in 29 CFR Part 709, as follows:

1. In § 709.1 delete in its entirety the note which immediately follows paragraph (e) (minimum wage rate for the pearl button and buckle division) and substitute the following paragraphs:

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry Hair Ornament Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry General Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

2. In § 709.3, delete the note which immediately follows pararaph (b) (5) (definition of the pearl button and buckle division) and add the following subparagraphs:

(6) *Costume Jewelry Hair Ornament Division.* The manufacture from any material (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials) of hair ornaments such as decorative or ornamental combs, clips, and barrettes, and of component parts of such ornaments when the manufacture of such parts is performed in an establishment producing such hair ornaments.

(7) *Costume Jewelry General Division.* The manufacture of jewelry (except rosaries, hair ornaments, metal expansion watch bands and braclets, and metal, glass, plastic and wooden beads) and jewelry findings from any material except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials.

Within fifteen days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should contain supporting reasons for any exceptions.

Signed at Washington, D. C., this 4th day of November 1953.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 53-9484; Filed, Nov. 9, 1953; 8:47 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6482]

PACIFIC GAS & ELECTRIC CO.

ORDER POSTPONING DATE FOR ORAL ARGUMENT

Pacific Gas and Electric Company by petition filed October 30, 1953, requested a postponement of the date for oral reargument in this proceeding from November 10, 1953, as heretofore fixed by our order issued October 6, 1953, to a date subsequent to Commission action on a petition to reopen the record in this proceeding for the receipt of certain documents relating to matters the parties were requested to address themselves to on reargument, which petition Pacific undertakes will be filed and served by it not later than November 16, 1953.

Counsel for Sierra Pacific Power Company by telegram filed November 3, 1953, and Commission's Staff Counsel by a response filed November 3, 1953, have indicated they have no objection to the requested postponement.

The Commission finds: It is appropriate to carry out the provisions of the Federal Power Act to postpone the date for oral reargument in the above-entitled matter as hereinafter ordered.

The Commission orders: The date for oral reargument in the above-entitled matter be and it is hereby postponed from November 10, 1953, at 10 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, at 441 G Street

NW., Washington, D. C., to a date to be fixed by a subsequent order of the Commission.

Adopted: November 4, 1953.

Issued: November 4, 1953.

By the Commission.

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

[F. R. Doc. 53-9486; Filed, Nov. 9, 1953; 8:47 a. m.]

[Docket No. G-2239]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 4, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

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

[F. R. Doc. 53-9425; Filed, Nov. 9, 1953; 8:45 a. m.]

[Project No. 2142]

CENTRAL MAINE POWER CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 4, 1953.

Public notice is hereby given that Central Maine Power Company, of Augusta, Maine, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2142 (to be known as Indian Pond Project) to be located on the Kennebec River in Somerset and Piscataquis Counties, Maine, and consisting of a reservoir with an area of about 3,666 acres at normal pool elevation of 955 feet, U. S. G. S. Datum, formed by raising Indian Pond; a concrete gravity type dam composed of an intake section, a spillway section with roller gates and stanchions, a flashboard section, a log sluice section, a bulkhead section, and flanked on the left bank by an earth dike; a detached earth dike; four penstocks; a powerhouse at the foot of the dam with total generating capacity of 76,600 kilowatts; a tailrace about 1,750 feet long; a log sluice; an access road; a substation adjacent to the powerhouse; a wood pole 115 kv transmission line about 29.6 miles long; a switching substation at the downstream Wyman project; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 17th day of December 1953. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 53-9426; Filed, Nov. 9, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-286]

ACCIDENT OCCURRING AT NEW YORK INTERNATIONAL AIRPORT, JAMAICA, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 119A, which occurred at the New York International Airport, Jamaica, New York, October 19, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, November 18, 1953, at 9:00 a. m., e. s. t., in the Empire Room, Lexington Hotel, Forty-eighth Street and Lexington Avenue, New York, New York.

Dated at Washington, D. C., November 3, 1953.

[SEAL] EVERETT S. BOSWORTH, *Presiding Officer.*

[F. R. Doc. 53-9503; Filed, Nov. 9, 1953; 8:50 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

CREDIT BALANCE

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1946 ed., Supp. V, sec. 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1953, was $684,880,546.80.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 3d day of November 1953.

[SEAL] RAYMOND J. KELLY, *Chairman.*

F. C. SQUIRE, *Member.*

HORACE W. HARPER, *Member.*

By the Railroad Retirement Board.

LAWRENCE GARLAND, *Acting Secretary of the Board.*

[F. R. Doc. 53-9489; Filed, Nov. 9, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28618]

TIRE FABRIC FROM CLEVELAND AND PAINESVILLE, OHIO, TO GADSDEN, ALA.

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

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

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth section order No. 17220.

Commodities involved: Tire fabric, rayon cord, in bales, boxes or rolls, carloads.

From: Cleveland and Painesville, Ohio.

To: Gadsden, Ala.

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

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

By the Commission.

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

[F. R. Doc. 53-9497; Filed, Nov. 9, 1953; 8:49 a. m.]

[4th Sec. Application 28619]

VARIOUS COMMODITIES BETWEEN POINTS IN SOUTH

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

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

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C No. 1295 and others listed in the application, pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum, agricultural implements, bags and bagging, and other commodities listed in the application, carloads.

Territory: From, to, and between points in Southern territory.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

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

[F. R. Doc. 53-9498; Filed, Nov. 9, 1953; 8:49 a. m.]

[4th Sec. Application 28620]

IRON OR STEEL BILLETS FROM STEELTON, MINN., TO CLEVELAND, OHIO

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

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

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3715 and Duluth, South Shore and Atlantic Railroad Company's tariff I. C. C. No. 3915.

Commodities involved: Billets, iron or steel (other than copper clad), carloads.

From: Steelton, Minn.

To: Cleveland, Ohio.

Grounds for relief: Competition with water carriers.

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

By the Commission.

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

[F. R. Doc. 53-9499; Filed, Nov. 9, 1953; 8:49 a. m.]

[No. 31307]

TENNESSEE INTRASTATE FREIGHT RATES AND CHARGES ON AGRICULTURAL LIMESTONE AND OTHER COMMODITIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C. on the 23d day of October A. D. 1953.

Upon a petition filed by common carriers by railroad operating to, from and between points in the State of Tennessee, an order was entered by the Commission, Division 1, on July 8, 1953, in the above-entitled proceeding, instituting an investigation under section 13 of the Interstate Commerce Act of rates on certain commodities within the State of Tennessee, as more particularly described in said order. The petitioning railroads by petition filed September 25, 1953 request that the order of investigation be amended with respect to rates on agricultural limestone, and (in paragraph 4 of said petition) with respect to rates on all the commodities described in the order, by eliminating the restriction (contained in the first ordering paragraph of the order) upon evidence as to the alleged unlawfulness of the intrastate rates, imposed by the words, "by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte 175, Increased Freight Rates, 1951, supra" and for good cause appearing:

It is ordered, That the said order of July 8, 1953 be, and it is hereby, amended by striking out from the first ordering paragraph the words quoted in the preceding paragraph hereof;

It is further ordered, That a copy of this order be served on the respondents and persons upon whom the original order was served, that notice to the public be given by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C. for public inspection and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

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

[F. R. Doc. 53-9500; Filed, Nov. 9, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-201]

UNITED GAS IMPROVEMENT CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

NOVEMBER 4, 1953.

The Commission on September 18, 1952 having issued its findings and opinion and order approving a plan for the reorganization of the United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiaries pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935; and said order having reserved jurisdiction over the fees and expenses in connection with the plan proceeding; and said plan having since been consummated and carried out in accordance with its terms; and

Applications having been filed requesting the approval and allowance of fees and reimbursement of expenses for services rendered in said proceeding; and

UGI having stated that it is prepared to pay the amounts for fees and expenses for which applications have been filed; and

The Commission having considered the applications on file and the amounts requested, and being of the opinion that the requested allowances hereinafter itemized are reasonable and are for necessary services, and that an order should be entered approving and directing the payment thereof by UGI:

It is ordered, That the applications as filed for allowances for services and reimbursement of expenses, in the following amounts, be, and are hereby approved, and UGI is directed to pay such amounts:

	Fees	Expenses	Total
General counsel for UGI, Morgan, Lewis & Bockius	$75,000.00	$1,815.42	$76,815.42
Local counsel for UGI: Arcus F. Shaffer	100.00	----------	100.00
Hull, Leiby & Metzger	2,225.00	----------	2,225.00
Bickel & Ehrgood	100.00	307.00	407.00
White, Rowlands & Hourigan	1,442.50	54.40	1,496.90
Drexel & Co., financial adviser for UGI	15,000.00	----------	15,000.00
Lybrand, Ross Bros. & Montgomery, accounting services to UGI	24,770.00	----------	24,770.00
Reis & Chandler, Inc., expert for common stockholders committee	3,500.00	70.33	3,570.33
King & Co., accounting services to common stockholders committee	500.00	----------	500.00
Miscellaneous expenses of common stockholders committee	----------	1,153.61	1,153.61
Miscellaneous expenses of UGI (printing, filing and recording fees, travel, etc.)	----------	87,207.03	87,207.03

It is further ordered, That the jurisdiction heretofore reserved with respect to the allowances herein made be, and hereby is, released.

By the Commission.

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

[F. R. Doc. 53-9490; Filed, Nov. 9, 1953; 8:48 a. m.]

[File No. 70-3147]

MONONGAHELA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

NOVEMBER 4, 1953.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a subsidiary company of the West Penn Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Monongahela proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its first mortgage bonds, __ percent Series, due 1983. The net proceeds from the sale of said bonds are to be used for construction of property additions and improvements by Monongahela and its subsidiaries. The bonds are to be issued under an indenture dated as of August 1, 1945, as heretofore supplemented, between Monongahela and City Bank Farmers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof and the interest rate (which shall be a multiple of ⅛ of 1 percent) will be determined by the competitive bidding.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, and the issues of law or fact raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

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

[F. R. Doc. 53-9491; Filed, Nov. 9, 1953; 8:48 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 102-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. LABOR YOUTH LEAGUE, RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, November 30, 1953, at 10:00 a. m., e. s. t., in Hearing Room 111 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., November 4, 1953.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 53-9492; Filed, Nov. 9, 1953; 8:48 a. m.]

[Docket No. 103-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. INTERNATIONAL WORKERS ORDER, INC., RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Tuesday, December 1, 1953, at 10:00 a. m., e. s. t., in Hearing Room 113 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington D. C., November 4, 1953.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 53-9493; Filed, Nov. 9, 1953; 8:48 a. m.]