

Dated, August 7, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6652; Filed, Aug. 11, 1959; 8:49 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of onions grown in the area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.88, inclusive, of the said marketing agreement and order. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop onions as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth 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 section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) 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, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) since substantial quantities of onions may be handled as early as the effective time hereof, this section should be operative not later than such time so as to maximize the benefits derivable from such regulation.

§ 1017.304 Limitation of shipments.

During the period from August 17, 1959, through June 30, 1960, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) **Minimum size requirements.**—(1) **Yellow varieties.** 2-inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(2) **All other varieties.** (i) 1½ inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(ii) Onions 1 to 2 inches in diameter, when packed separately.

(iii) Onions not more than 1 inch in diameter, when packed separately.

(b) **Special purpose shipments.** The minimum size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

- (1) Planting.
- (2) Livestock feed.
- (3) Charity.
- (4) Export.

(c) **Minimum quantity exception.** Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over one ton of onions.

(d) **Inspection.** For the purpose of operation under this part, and unless exempted from inspection by the provision of this section, no handler shall handle onions of any variety unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, pursuant to § 1017.60.

(e) **Definitions.** The term "diameter," as used in this section, shall have the same meaning and the tolerances for size shall be the same as in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title). The terms "medium" and "jumbo" or "large" shall have the following meaning:

(1) "Medium" means and relates to onions that are within a diameter range of 1½ inches to 3⅜ inches, provided that in the case of onions of the yellow variety, "medium" means and relates to onions that are within a diameter range of 2 inches to 3⅜ inches; and

(2) "Jumbo" or "large" each means and relates to onions that are 3 inches or larger in diameter.

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

Dated, August 6, 1959, to become effective August 17, 1959.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6629; Filed, Aug. 11, 1959; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Park Naturalist

Section 24.144 is added as set out below:

§ 24.144 Park Naturalist, GS-452-0 (all grades).

(a) **Educational requirement.** (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in (a) botany, zoology, geology, natural history, or closely related subject-matter fields of natural history, such as ecology and wildlife management, or in (b) forestry, conservation, or science education, where the training has included at least 24 semester hours in botany, zoology, or geology.

(ii) Course-work in an accredited college or university with major study in botany, zoology, geology, natural history, forestry, conservation, science education, or closely related subject-matter fields of natural history such as ecology and wildlife management, where the training has included at least 24 semester hours of botany, zoology, or geology and has been supplemented by enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in zoology, botany, or geology as enumerated above, it gives the applicant a technical and professional knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(b) **Duties.** Park Naturalists perform scientific and professional work in connection with the study and interpretation of the faunal, floral, geological, and other natural history features of national parks or similar areas. Most of this work is directly concerned with some phase of research or with the study, management, protection, and the interpretation of these natural history features. This involves the application of a specific and detailed knowledge of the scientific implications of these features, especially in setting up interpretative natural history programs and in the carrying out of these programs. Some of the work involves an intensive scientific study of various natural history features, a technical interpretation of the facts observed, and the preparation and publication of scientific reports or articles showing the results of the study.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of the natural sciences, and of the scientific principles, concepts, and facts which underlie these sciences, and scientific training in one or more of the fields of natural history, such as zoology, botany, and geology. The knowledges and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories, adequate facilities for scientific field study and thoroughly trained instructors, where the school is equipped to give expert guidance and can evaluate the student's progress competently.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6640; Filed, Aug. 11, 1959;
8:48 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.410]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective as of the beginning of the first pay period following September 5, 1959:

1. Paragraph (a) is amended by the deletion of the following:

Budapest, Hungary.
Moscow, U.S.S.R.
Prague, Czechoslovakia.

2. Paragraph (b) is amended by the deletion of the following:

Warsaw, Poland.

3. Paragraph (b) is amended by the addition of the following:

Budapest, Hungary.
Moscow, U.S.S.R.

4. Paragraph (c) is amended by the addition of the following:

Prague, Czechoslovakia.
Warsaw, Poland.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O., 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

JULY 29, 1959.

[F.R. Doc. 59-6626; Filed, Aug. 11, 1959;
8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

§ 101.1 [Amendment]

Subparagraph (3) *Travel restrictions* of paragraph (f) *Citizens of the Philippine Islands* of § 101.1 *Presumption of lawful admission* is revoked.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Section 206.1 is amended to read as follows:

§ 206.1 Automatic revocation.

The approval of a petition made under sections 204, 205, or 214 (c) of the Act and in accordance with Parts 204, 205, or 214 of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) *Sections 204 and 214(c).* As to a petition approved under section 204 or 214(c) of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a) (27) (F) (i) of the Act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a) (1) (A) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(3) The beneficiary is an alien seeking classification as a nonimmigrant under section 101(a) (15) (H) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(4) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(b) *Section 205.* As to a petition approved under section 205 of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a) (27) (A) of the Act and is not issued a visa under the classification approved within two years of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a) (2), (3), or (4) of the Act and is not issued a visa under the classification approved within three years of the date on which the petition was approved or during the

quota year in which such three-year period expired.

(3) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary's journey to the United States commences.

(4) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce, or annulment before the beneficiary's journey to the United States commences.

(5) As to a child beneficiary, the beneficiary marries or reaches the 21st anniversary of his birth before the beneficiary's journey to the United States commences. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purpose of section 203(a) (4) of the Act until the expiration of three years from the date of its approval or during the quota year in which such three-year period expired.

(6) The petitioner files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(c) *Revalidation.* Any petition approved under section 204 or 205 of the Act, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director, in his discretion, retroactively as of the date of the initial approval.

(d) *Notice.* When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.2 is amended to read as follows:

§ 211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa shall be presented by each immigrant except an immigrant who (a) is the parent, spouse or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (c) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (d) is a first-preference quota immi-

grant, or (e) is a member of the Armed Forces of the United States, or (f) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

PART 223—REENTRY PERMITS

1. Section 223.2 is amended to read as follows:

§ 223.2 Form.

Reentry permits shall be issued on Form I-132 and shall indicate whether they are issued under section 223(a) (1) or (2) of the Act and the period of their validity.

§ 223.3 [Amendment]

2. The first sentence of § 223.3 *Extensions* is amended to read as follows: "An application for extension of a reentry permit shall be submitted to the office having jurisdiction over the applicant's place of residence in the United States or to the immigration officer stationed abroad having jurisdiction over the place where the applicant is temporarily sojourning prior to the expiration of the period of validity of the reentry permit."

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

§ 235.1 [Amendment]

1. The second sentence of § 235.1 *General qualifications* is amended by deleting the word "Hawaii."

2. Section 235.6 is amended to read as follows:

§ 235.6 Referral to special inquiry officer.

(a) *Notice.* If, in accordance with the provisions of section 235(b) of the Act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice to Alien Detained for Hearing by Special Inquiry Officer (Form I-122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

(b) *Certification for mental condition; medical appeal.* An alien certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act shall be advised by the examining immigration officer that he may appeal to a board of medical officers of the United States Public Health Service pursuant to section 234 of the Act. If such an appeal is taken, the district director shall arrange for the convening of the medical board.

3. Section 235.7 is amended to read as follows:

§ 235.7 Referral of certain cases to district director.

If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with section 213 of the Act, or by the exercise of

section 211, section 212(d) (3) or (4), or section 212(c) of the Act, he may in lieu of detaining the alien for hearing in accordance with section 235(b) and section 236 of the Act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the district director's decision. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 211, section 212(d) (3) or (4), or section 212(c) of the Act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 235a is revoked.

PART 236—EXCLUSION OF ALIENS

§ 236.2 [Amendment]

Paragraph (d) *Certification for mental condition; medical appeal* of § 236.2 *Hearing* is revoked and paragraph (e) *Record* of that section is redesignated as paragraph (d).

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.3 [Amendment]

1. The first sentence of paragraph (a) *Authority* of § 242.3 *Special Inquiry Officers* is amended by deleting the words "to authorize preexamination as provided by Part 235a of this chapter."

§ 242.21 [Amendment]

2. The first sentence of paragraph (a) *Non-appealable cases* of § 242.21 *Appeals* is amended by deleting the words "or preexamination" and "or eligible for preexamination pursuant to Part 235a of this chapter."

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amendment]

The third sentence of § 245.1 *Application* is revoked.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 251.1 [Amendment]

1. The first and last sentences of paragraph (a) of § 251.1 *Arrival manifests and lists* are amended to read as follows:

(a) *Presentation.* The master or agent of every vessel arriving in the United States from a foreign port, from an outlying possession of the United States, or from Guam, Puerto Rico, or

the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I-418 in accordance with the instructions contained thereon. * * * The master or agent of every aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest on Customs Form 7507 of all crewmen on board, except that a manifest shall not be required of an aircraft arriving in a State of the United States directly from Canada on a flight originating in that country.

2. Paragraph (b) *Additional documents* of § 251.1 is amended by deleting the word "Hawaii."

PART 252—LANDING OF ALIEN CREWMEN

§ 252.1 [Amendment]

Paragraph (b) of § 252.1 *Examination of crewmen* is amended to read as follows:

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I-151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British crewmen serving on vessels plying solely between Canada and the United States; or (3) Canadian or British citizen crewmen of aircraft arriving in a State of the United States directly from Canada on flights originating in that country.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 is amended by deleting the following forms and references thereto:

Form No.	Title and description
FS-256a	Immigrant Visa and Alien Registration.
I-63	Application for Preexamination.

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions, relate to agency procedure and management.

Dated: August 6, 1959.

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

[F.R. Doc. 59-6637; Filed, Aug. 11, 1959; 8:47 a.m.]