Pages 7723–7750

FEDERAL REGISTER

VOLUME 26 NUMBER 159

Washington, Friday, August 18, 1961

Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment for 1961–62 Fiscal Period

On August 2, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6937) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1961–62 fiscal period under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.214 **Expenses and rate of assessment for the 1961–62 fiscal period.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1961, and ending June 30, 1962, both dates inclusive, will amount to $35,201.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight and one-half mills ($0.0085) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable pears from the beginning of such periods; and (2) the current fiscal period began on July 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable pears beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

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

Dated: August 15, 1961.

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

[F.R. Doc. 61–7940; Filed, Aug. 17, 1961; 8:48 a.m.]

[Area No. 3]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER July 25, 1961 (26 F.R. 6625). This regulatory program became effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 3 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.236 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and this part, during the fiscal period ending May 31, 1962, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (25 F.R. 7092).

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

Dated: August 15, 1961.

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

[F.R. Doc. 61–7941; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 101—GENERAL PROVISIONS

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

PART 112—LABELS AND SAMPLES

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 123—RULES OF PRACTICE

Miscellaneous Amendments

On May 3, 1961, a notice of proposed amendment to the regulations relating to viruses, serums, toxins, and analogous products; organisms and vectors (9 CFR Parts 101, 102, 103, 112, 114, and 123) issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158), was published in the FEDERAL REGISTER (26 F.R. 3813). The notice afforded interested parties the opportunity of submitting written data, views, or arguments in connection with the proposal.

After consideration of all relevant matters presented by interested persons, including the proposal, the regulations are hereby amended to read as follows:

The proposed amendment to the regulations as published in the FEDERAL REGISTER of May 3, 1961 (26 F.R. 3813; F.R. Doc. 61–4042), is hereby adopted with the following changes:

1. Delete the first sentence of § 103.1 and substitute therefor the following sentence: "Except as otherwise pro-

vided in this section experimental biological products, which are neither composed of nor prepared with organisms or antigens used in biologicals already licensed, shall not be prepared in the production facilities of a licensed establishment."

2. Paragraph (b) of § 103.2 is changed.

3. The first sentence of paragraph (e) of § 103.2 is changed by inserting the word "general" after the word "proposed."

4. Section 103.3 is changed by substituting a comma for the period at the end of the section and adding "provided the plan is later documented and submitted to the Division."

5. The first sentence of paragraph (a) of § 112.6 is changed by deleting the phrase "containing recommendations for individual administration," and inserting therefor "accompanied by recommendations for administration to individual animals,".

6. Immediately preceding the signature, insert a note.

The adopted regulations read as follows:

§ 101.1 [Amendment]

1. Amend § 101.1(s) to read as follows:

(s) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

2. Amend § 102.26 by adding a new sentence "Such person shall reside or operate a business establishment within the United States" at the end thereof, and as thus amended § 102.26 shall read as follows:

§ 102.26 Import permits required.

Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Secretary. Such person shall reside or operate a business establishment within the United States.

§ 102.27 [Amendment]

3. Amend § 102.27(b) to read as follows:

(b) A permit shall not be issued unless the actual manufacturer agrees in writing that each biological product to be imported for sale will be prepared, tested, and labeled in accordance with the regulations contained in this subchapter applicable to that particular product. A biological product to be imported, for which no specific regulations have been issued, shall be prepared, tested, and labeled in a manner acceptable to the Director so as to carry out the purposes of the Act.

4. Amend § 102.27(d) to read as follows:

(d) Each application for a permit shall be accompanied by: (1) Information regarding all claims to be made on labels and advertising matter used in connection with or related to the biological products to be imported; and (2) mounted copies of these labels and circulars as provided in Part 112 of this subchapter. A permit shall not be issued for the importation of any biological product unless written assurance is furnished that the product will not be advertised so as to mislead or deceive the purchaser, and the package or container in which the same is intended to be sold, bartered, exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the applicable requirements of the regulations in Part 112 of this subchapter are met.

5. Amend § 102.27 by adding two new paragraphs (e) and (f) to read as follows:

(e) Each application for a permit shall be accompanied by three or more copies of an outline of production processes; these methods shall be in accordance with the applicable provisions of Part 114 of this subchapter.

(f) Each application for a permit shall be accompanied by at least three copies of blueprints of the facilities used for preparation and testing all biological products listed on the application, and three copies of the sanitation procedures conducted to prevent contamination of these biological products. Such facilities and sanitation procedures therein shall be in accordance with requirements of Part 108 of this subchapter. Blueprints need not accompany an application for a permit to import biological products produced in facilities for which satisfactory plans are on file with the Division if the application designates the facilities used for preparation and testing of such products.

6. Add a new Part 103 to read as follows:

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

Sec.

AUTHORITY: §§ 103.1 to 103.3 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 103.1 Preparation of experimental products.

Except as otherwise provided in this section, experimental biological products which are neither composed of nor prepared with organisms or antigens used in biologicals already licensed, shall not be prepared in the production facilities of a licensed establishment. Upon application therefor, the Director may authorize the preparation of experimental products on the premises of a licensed establishment if he determines that such preparation will not result in contamination of the licensed products. Each request for permission to prepare an experimental biological product on licensed premises shall indicate the nature of the unlicensed product, designate facilities to be used, and specify precautions which will be taken to prevent contamination of licensed products. Such requests shall be submitted through the Inspector in Charge. Research facilities that are entirely separate and apart from facilities used for the preparation of licensed biological products will not be considered a part of the licensed premises for purposes of this section.

§ 103.2 Distribution of unlicensed and experimental products.

Except as provided in this section, no person shall ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any unlicensed biological product for experimental treatment of domestic animals. For the convenience of license applicants and to permit and encourage important research projects, a person may be authorized by the Director to ship unlicensed biological products from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, for the purpose of evaluating experimental products by treating limited numbers of domestic animals, if the Director determines that the conditions under which the experiment is to be conducted are adequate to prevent spread of disease and approves the procedures set forth in the request for such authorization. Requests for authorization to ship unlicensed biological products for experimental field studies shall be accompanied by the following:

(a) One copy of permit or letter of permission from the proper State authorities of each State involved;

(b) Two copies of a tentative list of the names of the proposed recipients and quantity of experimental product that is to be shipped to each individual. In the event of subsequent changes, additional information shall be furnished when such facts are known;

(c) Two copies of a description of the product, recommendations for use, and results of preliminary research work;

(d) Three copies of labels or label sketches which show the name or identification of the product and bear a statement, "Notice! For Experimental Use Only—Not For Sale," or equivalent. The U.S. Veterinary License legend shall not appear on such labels; and

(e) Two copies of a proposed general plan covering the methods and procedures for evaluating the product and for maintaining records of the quantities of experimental product prepared, shipped and used. At the conclusion of field studies, results shall be obtained, summarized, and submitted to the Division.

§ 103.3 Evaluation of experimental products.

For the convenience and guidance of license applicants and to expedite final consideration of license applications, the proposed plan for evaluating the unlicensed product may be furnished in writing or may be orally submitted in conference with Division personnel for comment and suggestions; provided the plan is later documented and submitted to the Division.

§ 112.1 [Amendment]

7. Amend § 112.1(a) to read as follows:

(a) Each immediate or true container of biological products prepared at a licensed establishment or imported by a permittee, in compliance with the regulations for the purpose of sale, barter, exchange, or commercial distribution, and found not to be worthless, contaminated, dangerous, or harmful, shall be labeled and packaged as provided in this part, before it is removed from the licensed establishment or presented for importation.

§ 112.2 [Amendment]

8. Amend § 112.2(a)(10) by deleting the phrase "except as provided in subparagraph (13) of this paragraph." As thus amended subparagraph (10) of paragraph (a) shall read as follows:

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the immediate or true container of such product;

9. Amend § 112.2(a)(12) by adding at the end thereof the phrase "except that the label affixed to the immediate or true container is exempt from this requirement provided this statement appears on a box or carton label containing such immediate or true container;" As thus amended subparagraph (12) of paragraph (a) shall read as follows:

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains _____ as a preservative," or an equivalent statement indicating the antibiotic added, except that the label affixed to the immediate or true container is exempt from this requirement provided this statement appears on a box or carton label containing such immediate or true container;

10. Amend § 112.2(a)(13) to read as follows:

(13) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, the label of such desiccated biological product is exempt from the provisions of subparagraph (9) of this paragraph; and

11. Amend § 112.3 to read as follows:

§ 112.3 Diluent labels.

Except as provided by the Director, each immediate or true container of diluent packaged with desiccated biological products, in accordance with the requirements in § 112.6, shall bear a label that includes the following:

(a) Name or statement indicating the nature of the contents;

(b) True name of the biological product with which the diluent is packaged, except as provided in paragraph (g) of this section;

(c) Quantity of contents in cubic centimeters;

(d) A serial number by which the diluent can be identified with the manufacturer's records of preparation;

(e) Name and address of the licensee;

(f) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container, additional information as follows:

(1) In the case of a multiple dose container, a warning that all of the product should be used at the time the container is first opened;

(2) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered; and

(g) When the firm packages all desiccated biological products with the same diluent, or two or more types of diluent are used, and the licensees' methods of identification and storage ensure that all products are packaged with the correct type of diluent, labels affixed to immediate or true containers of diluent are exempt from the provisions of paragraph (b) of this section.

§ 112.5 [Redesignated]

12. Redesignate § 112.4 as § 112.5.

13. Add a new § 112.4 to read as follows:

§ 112.4 Reference to distributors and permittees.

(a) *Distributors.* The name and address of a distributor of a biological product (who is not the licensed producer of such product) shall not be placed on the labels or containers of such product in such a manner as to indicate that he is the producer of such product or operating under the license number shown on the label. The name and address of such distributor may be placed on labels or containers if the term "distributor," or "distributors," or "distributed by," or an equivalent term, is prominently placed in connection therewith: *Provided,* The terms are not so used as to be false or misleading. Reference to such distributor shall be by name and address only.

(b) *Permittees.* The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such a manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and U.S. Veterinary Permit number only.

14. Add a new § 112.6 to read as follows:

§ 112.6 Packaging desiccated products.

(a) Each immediate or true container of a desiccated biological product, produced by a licensee or presented for importation by a permittee, accompanied by recommendations for administration, to individual animals, shall be packaged with an accompanying container of sterile diluent in a box or carton labeled in accordance with the applicable labeling provisions of the regulations in this part: *Provided,* That desiccated biological products prepared at licensed establishments may be exported without accompanying diluent if the true containers of such products bear labels prominently superimposed with the words "Export" or "For Export Only" or are printed in a foreign language, and such labels or accompanying circulars give adequate instructions for reconstituting the product prior to use.

(b) Only one multiple dose "immediate" or "true" container of a desiccated biological product and its accompanying container of diluent shall be packaged in an appropriately labeled box or carton.

(c) Several single dose containers of desiccated products and accompanying containers of diluent may be marketed in a single appropriately labeled box or carton.

§ 114.7 [Amendment]

15. Amend § 114.7(c) by deleting the phrase "not in excess of 100,000 cc." As thus amended paragraph (c) shall read as follows:

(c) Safety tests shall be made by injecting subdurally laboratory animals with a representative sample of rabies vaccine. Each batch completed for marketing shall be tested by thus injecting each of not less than two rabbits with not less than 0.2 cc. and each of not less than five mice with 0.03 cc. for each 20,000 cc. or fraction thereof. The test animals shall be held under observation for at least 14 days.

16. Amend § 114.7(d) by deleting the phrase "not in excess of 100,000 cc." As thus amended paragraph (d) shall read as follows:

(d) Each batch of completed vaccine shall be tested by the licensee for protective value. Each batch to be marketed shall show a protective titer of at least 1,000 m.l.d. when tested on suitable mice against the permitted standard challenge virus.

17. Add a new § 114.13 to read as follows:

§ 114.13 Observation of tests.

Tests of biological products, with a critical period occurring on Saturday, Sunday, or a holiday, shall be observed on these nonwork days by a competent employee of the licensee who is satisfactory to the Inspector in Charge. The results of these observations shall be recorded on test reports. Tests need not be so observed during noncritical periods occurring on nonwork days, if such observations serve no purpose for interpreting test results. A critical period is that time or day when certain specified reactions must occur in test animals to properly evaluate the test results.

§ 123.1 [Amendment]

18. Amend paragraph (j) of § 123.1 to read as follows:

(j) *Permittee.* A person who resides in the United States, or operates a business establishment within the United States, to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(37 Stat. 832–833; 21 U.S.C. 151–158)

NOTE: The record keeping and/or reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 14th day of August 1961.

M. R. CLARKSON,
Acting Administrator.

[F.R. Doc. 61–7930; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation

On June 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5688) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1693 from Riverhead, N.Y., to St. Johns, Quebec, Canada, excluding the portion over Canadian Territory.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR 600) is amended by adding the following section:

§ 600.1693 VOR Federal airway No. 1693 (Riverhead, N.Y., to St. Johns, Quebec, Canada).

From the Riverhead, N.Y., VORTAC via the INT of the Riverhead VOR 293° and the Poughkeepsie, N.Y., VOR 169° radials; to the Poughkeepsie VOR; thence 10-mile wide airway via the Cambridge, N.Y., VOR; Burlington, Vt., VOR; to the St. Johns, Quebec, Ontario, VOR, excluding the portion over Canadian Territory.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7916; Filed, Aug. 17, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8261 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hernia Control, Inc., et al.

Subpart—Advertising falsely or misleadingly: §13.15 *Business status, advantages, or connections:* § 13.15–278 *Time in business;* § 13.170 *Qualities or properties of product or service:* §13.170–22 *Corrective, orthopedic, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hernia Control, Inc., et al., Boston, Mass., Docket 8261, July 25, 1961]

In the Matter of Hernia Control, Inc., a Corporation, and Robert A. Sykes and Ann H. Sykes, Individually and as Officers of Said Corporation

Consent order requiring Boston, Mass., distributors to cease misrepresenting the effectiveness of their "Muscle-Spension" devices in the control of ruptures and hernias, and their time in business, in advertisements in newspapers and by means of brochures, circulars, match covers, and other media.

The order to cease and desist is as follows:

It is ordered, That the respondents Hernia Control, Inc., a corporation, and its officers, and Robert A. Sykes and Ann H. Sykes, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices known as "Muscle-Spension", or any device of substantially similar construction or design, whether sold under said name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) Said devices are not trusses;

(b) Said devices will cure ruptures or hernias;

(c) Said devices will prevent the development or enlargement of ruptures or hernias;

(d) Said devices will be of value in holding or retaining a rupture or hernia unless limited to reducible ruptures or hernias;

(e) Said devices will free the wearer thereof of the problems of reducible rupture or hernia;

(f) Said devices will retain ruptures under all conditions of activity or strain;

(g) The use of said devices will provide an adequate remedy for ruptures or hernia without surgery;

(h) Respondents, or any of them, have been in the business of rupture control since 1916, or misrepresenting the period of time that they, or any of them, have been in such business.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said devices in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited by Paragraph 1 of this order.

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

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

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7919; Filed, Aug. 17, 1961; 8:45 a.m.]

[Docket 8180 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Parliament T.V. Tube Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–270 *Size and extent;* § 13.15–278 *Time in business;* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Parliament T.V. Tube Sales, Inc., et al., Chicago, Ill., Docket 8180, July 25, 1961]

In the Matter of Parliament T.V. Tube Sales, Inc., a Corporation, and David Becker, Mort Posen, and Jack N. Friedman, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors of rebuilt television picture tubes containing used parts, to cease representing falsely through statements on tags and labels, price lists, and other media, that all parts in their tubes were "brand new", and that they had given "Eight years of dependable service" and were the "World's largest independent picture tube distributor"; and to cease failing to disclose clearly when tubes were rebuilt containing a used part.

The order to cease and desist is as follows:

It is ordered, That respondents Parliament T.V. Tube Sales, Inc., a corporation, and its officers, and David Becker, Mort Posen, and Jack N. Friedman, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale and sale of rebuilt television picture tubes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said television picture tubes are new.

2. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices and in advertising, that said tubes are rebuilt containing a used part.

3. Placing any means or instrumentalities in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

4. Representing, directly or indirectly:

(a) That the corporate respondent has been in existence, or that corporate respondent or the individual respondents have been in business for any period or length of time that is not in accordance with the facts.

(b) That respondents are the world's largest television picture tube distributors.

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

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

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7920; Filed, Aug. 17, 1961; 8:45 a.m.]

[Docket 8169 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Smith-Fisher Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Frank Fisher, Individually, Owosso, Mich., Docket 8169, July 25, 1961]

In the Matter of Smith-Fisher Corporation, a Corporation, and Jack D. Smith and Frank Fisher, Individually and as Officers of Said Corporation

Consent order requiring an individual in Owosso, Mich., to cease misrepresenting in advertisements in trade journals, newspapers, circulars, etc., the effectiveness, comparative qualities, guarantee, and other relevant facts concerning their "Super Atom" electrical fence charger used to prevent cattle from straying.

By separate consent order, this matter was disposed of Mar. 30, 1961 (26 F.R. 5254, June 13, 1961), as to the corporate manufacturer and one officer.

The order to cease and desist is as follows:

It is ordered, That respondent Frank Fisher, an individual, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a fence charger known as Super Atom Charger, or any other charger of substantially the same construction or operation, do forthwith cease and desist from representing directly or indirectly:

1. Said product is effective in confining farm animals in an enclosure under all climatic or fencing conditions without the use of insulators.

2. Said product is twenty times, or any other number of times, more short resistant than other fence chargers.

3. Green grass, brush, rain or ice will not cause a short in the operation of said product.

4. Said product will effectively or safely charge more than 10 miles of fence with insulators or will effectively or safely charge any stated number of miles of fence without insulators.

5. Said product has a mechanism that adjusts it to the various climatic conditions under which it will be operated.

6. Said product is guaranteed unless the nature and extent of the guarantee and the manner in which respondent will perform thereunder are clearly set forth.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Frank Fisher as an officer of Smith-Fisher Corporation.

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

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

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7921; Filed, Aug. 17, 1961; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Chapter IV—Bureau of Labor Management Reports, Department of Labor

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 405—EMPLOYER REPORTS

PART 406—LABOR RELATIONS CONSULTANT REPORTS

PART 407—PUBLICATION OF LABOR AND MANAGEMENT REPORTS

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

PART 415—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT—FISCAL YEARS ENDING PRIOR TO DECEMBER 15, 1959

Public Records; Copies and Inspections

The purpose of this amendment of Title 29 of the Code of Federal Regulations is to provide a uniform rule for inspecting and obtaining copies of the several types of public records maintained by the Department of Labor.

Because this amendment is a rule of agency practice, no provision is made for public participation in its formulation. It shall be effective on and after September 17, 1961.

Accordingly, pursuant to the authorities cited in parentheses following the sections affected, Parts 2, 402, 403, 405, 406, 407, 408, and 415 of Title 29 of the Code of Federal Regulations are hereby amended as hereinbelow provided.

1. The centerhead preceding § 2.4 is hereby revised to read as follows: "Public Records".

2. Section 2.4 is hereby revised to read as follows:

§ 2.4 Copies and inspections.

(a) The papers and documents described in subparagraphs (1), (2), and (3) of this paragraph, may be examined or inspected by any person during regular business hours on any regular workday (Monday through Friday of each week, official Federal holidays excepted). Facsimile copies of such records and documents will also be furnished upon request. Except for copies duplicated for distribution for no fee, a fee of 25 cents will be charged for each facsimile page reproduction in a maximum size of 10½" x 15½". Such postal fees in excess of domestic first class postal rates as are necessary for transmittal of copies will be added to the per-page fee specified unless stamps or stamped envelopes are furnished with the request. The

Bureaus of the Department having custody of records covered by this section, the types of records that are open to public examination and inspection, and the addresses at which records may be examined and inspected or copies purchased, are as follows:

(1) *Bureau of Labor Statistics.* Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department pursuant to section 211(a) of the Labor-Management Relations Act of 1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated and published or reported by the Bureau of Labor Statistics pursuant to the provisions of Title 29, Chapter 1 of the United States Code. Requests to inspect such documents will be denied with respect to any specific information submitted to the Department in confidence.

Address—
United States Department of Labor,
Bureau of Labor Statistics,
14th Street and Constitution Avenue NW.,
Washington 25, D.C.

(2) *Bureau of Labor Standards.* Copies of the descriptions of welfare or pension benefit plans, amendents or modifications thereto, and entire or individual pages of annual reports thereon, filed with the Bureau pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act of 1959 (72 Stat. 1002; 29 U.S.C. 307);

Address—
United States Department of Labor,
Bureau of Labor Standards,
Welfare and Pension Reports Division,
Public Documents Room—Mather Building, 916 G Street NW.,
Washington 25, D.C.

(3) *Bureau of Labor-Management Reports.* Data and information contained in any report or other document filed with the Bureau pursuant to sections 201, 202, 203, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (Parts 402, 403, 405, 408, and 415 of this title) (73 Stat. 524–528, 530; 29 U.S.C. 431–433, 461)

Address—
United States Department of Labor,
Bureau of Labor-Management Reports,
14th Street and Constitution Avenue NW.,
Washington 25, D.C.

(b) Upon request of the Governor of a State for copies of any reports or documents available under paragraph (a)(3) of this section or for information and data contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Bureau of Labor-Management Reports shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies or information and data, or;

(2) Require the person who filed such reports or documents, to furnish such copies or information and data directly to the State agency thus designated.

(c) Section 2.9, governing withdrawal of originals and copies of Departmental records, shall not apply to the examination, inspection or furnishing of copies of reports and documents as provided by paragraph (a) of this section.

(61 Stat. 156, 72 Stat. 1002, 73 Stat. 529, 530; 29 U.S.C. 181, 307, 438, 461)

§ 2.11 [Amendment]

3. Paragraph (b) of § 2.11 is hereby revoked.

(61 Stat. 156; 29 U.S.C. 181)

4. The provisions in § 402.12 are hereby deleted and the following cross reference is substituted in their place:

§ 402.12 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

5. The provisions in § 403.10 are hereby deleted and the following cross reference is substituted in their place:

§ 403.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

6. The provisions in § 405.10 are hereby deleted and the following cross reference is substituted in their place:

§ 405.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

7. The provisions in § 406.8 are hereby deleted and the following cross reference is substituted in their place:

§ 406.8 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C 438)

8. Part 407 of Title 29 of the Code of Federal Regulations is hereby revoked.

(Sec. 208, 301, 73 Stat. 529, 530; 29 U.S.C. 438, 461)

9. The provisions in § 408.9 are hereby deleted and the following cross reference is substituted in their place:

§ 408.9 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 301.73 Stat. 530; 29 U.S.C. 461)

10. The provisions in § 415.7 are hereby deleted and the following cross reference is substituted in their place:

§ 415.7 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7932; Filed, Aug. 17, 1961; 8:47 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

PART 785—HOURS WORKED

PART 791—JOINT EMPLOYMENT RELATIONSHIP UNDER FAIR LABOR STANDARDS ACT OF 1938

Miscellaneous Amendments

For the purpose of conforming certain parts of the Code of Federal Regulations established pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30), and pursuant to authority contained in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6, of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R., 3290), I hereby amend Parts 526, 548, 785, and 791 as hereinbelow set out.

In view of the fact that these amendments are necessary to conform outstanding regulations and interpretations to the terms of the amendatory statute I find that notice and public procedure thereon are unnecessary. They shall become effective September 3, 1961, the effective date of the Fair Labor Standards Amendments of 1961.

1. The quotation of subsection 7(a) of the Fair Labor Standards Act of 1938 is deleted from § 526.1 so that this section as amended will read as follows:

§ 526.1 Statutory provisions.

The provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, providing a seasonal industry exemption from the overtime pay requirements of the Act, are as follows:

SECTION 7. *Maximum hours.*

* * * * *

(b) No employer shall be deemed to have violated subsection (a) of this section [which prohibits persons from being employed for more than specified numbers of hours without proper overtime compensation] by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed.

* * * * *

(3) For a period or periods of not more than 14 workweeks in the aggregate in any calendar year in an industry found by the Secretary of Labor to be of a seasonal nature, and if such employee receives compensation for employment in excess of 12 hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

2. The references to forty hours in the introductory paragraph and paragraph (h) of § 548.2 are changed to refer to section 7(a) of the Act so that these paragraphs as amended shall read as follows:

§ 548.2 General conditions.

The requirements of section 7 of the Act with respect to the payment of overtime compensation to an employee for a workweek longer than the applicable number of hours established in section 7(a) of the Act, will be met under the provisions of section 7(f)(3) of the Act by payments which satisfy all the following standards:

* * * * *

(h) The number of hours for which the employee is paid not less than one and one-half times such established basic rate equals or exceeds the number of hours worked by him in any workweek in excess of the maximum workweek applicable to such employees under subsection 7(a) of the Act.

3. The references to "$1.00 an hour" and to "40 hours" in § 548.3(e) are changed to refer to "the rates required by section 6(a) and (b) of the Act" and to "the number of hours applicable under section 7(a) of the Act" so that this paragraph as amended shall read as follows:

§ 548.3 Authorized basic rates.

* * * * *

(e) The rate or rates (not less than the rates required by section 6(a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 30 cents a week on the average for all overtime weeks (in excess of the number of hours applicable under section 7(a) of the Act) in the period for which such additional payments are made.

4. The quotation from section 7 of the Fair Labor Standards Act of 1938 in § 548.100(b) is changed to conform to the amendments to section 7 effected by the Fair Labor Standards Amendments of 1961, and the reference to a workweek of forty hours in the language preceding the quotation is deleted, so that § 548.100(b) as amended will read as follows:

§ 548.100 Introductory statement.

* * * * *

(b) Section 7(f) of the Fair Labor Standards Act provides that an employer will comply with the overtime requirements of the Act if—

* * * pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by him in such workweek in excess of the maximum workweek applicable to such employee under such subsection [7(a)]—

* * * * *

(3) is computed at a rate not less than one and one-half times the rate established by such agreement or understanding as the basic rate to be used in computing overtime compensation thereunder: *Provided*, That the rate so established shall be authorized by regulation by the Secretary of Labor as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time; and if (i) the employee's average hourly earnings for the workweek exclusive of payments described in paragraphs (1) through (7) of subsection (d) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

5. In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.302(b)(1) is amended to refer specifically to an employee covered by the 40 hour provision of section 7 of the Act. As amended example 2 shall read as follows:

§ 548.302 Average earnings for period other than a workweek.

* * * * *

Example 2. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, is paid a fixed amount of money for the completion of each job. Each job takes 2 or 3 days to complete. Under the employment agreement, the employee is entitled to time and one-half an authorized basic rate for all hours worked in excess of forty in the workweek. The authorized basic rate is the employee's average hourly earnings for each job. Suppose he completes two jobs in a particular workweek and all his overtime hours are on job #2. The employee's average hourly earnings on job #2 may be used to compute his overtime pay.

* * * * *

6. In view of the higher minimum wages now required by the Fair Labor Standards Act, the example under § 548.303(b) is amended to refer to an employee who receives wage rates above the new minimum rates. As amended this example shall read as follows:

§ 548.303 Average earnings for each type of work.

* * * * *

Example. An employee who is paid on a weekly basis with overtime after forty hours works six 8-hour days in a workweek under an agreement or understanding reached pursuant to this subsection. He performs three different types of piecework each at a different rate of pay. The basic rates to be used for computing overtime in this situation would be arrived at by dividing the earnings for each type of work by the number of hours during which that type of work was performed. There would thus be three different basic rates, one for each type of work. Since the overtime hours used in this illustration occur on the sixth day, the types of work performed on the sixth day would determine the basic rate or rates on which overtime would be computed that week. Thus, if the average hourly earnings for the three types of work are respectively $1.50 an hour in Type A, $1.60 an hour in type B, and $1.80 an hour in type C, and on the sixth day the employee works on type B, his overtime premium for the sixth day would be one-half the basic rate of $1.60 an hour, multiplied by the 8 hours worked on that day.

7. Paragraphs (a), (c), (f), and (g) of § 548.305 are amended as hereinbelow set out. The references in paragraph (a) to "$1.00" and to "40 hours" are changed to refer to "the rates required by section 6 (a) and (b) of the Act" and to "the number of hours applicable under section 7(a) of the Act." In view of the fact that all employees now covered by the Fair Labor Standards Act are not covered by the same overtime provisions the examples under paragraphs (c) and (f) are amended to refer specifically to employees covered by the forty hour provision of section 7 of the Act. The reference to "less than $1.00 an hour" in paragraph (g) is changed to refer to "special minimum rates authorized by wage orders issued pursuant to the Act."

§ 548.305 Excluding certain additions to wages.

(a) Section 548.3(e) authorizes as established basic rates: "The rate or rates (not less than the rates required by section 6 (a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 30 cents a week on the average for all overtime weeks (in excess of the number of hours applicable under section 7(a) of the Act) in the period for which such additional payments are made."

* * * * *

(c) The exclusion of one or more additional payments under § 548.3(e) must not affect the overtime compensation of the employee by more than 30 cents a week on the average for the overtime weeks.

Example. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, is paid a cost-of-living bonus of $260 each calendar quarter, or $20 per week. The employee works overtime in only 2 weeks in the 13-week period, and in each of these over-time weeks he works 50 hours. He is therefore entitled to $2 as overtime compensation on the bonus for each week in which overtime was worked (i.e., $20 bonus divided by 50 hours equals 40 cents an hour; 10 overtime hours, times one-half, times 40 cents an hour, equals $2 per week). Since the overtime on the bonus is more than 30 cents on the average for the 2 overtime weeks, this cost-of-living bonus would not be excluded from the overtime computation under § 548.3(e).

* * * * *

(f) In order to determine whether the exclusion of a bonus or other incidental payment would affect the total compensation of the employee by not more than 30 cents a week on the average, a comparison is made between his total compensation computed under the employment agreement and his total compensation computed in accordance with the applicable overtime provisions of the Act.

Example. An employee, who normally would come within the forty hours provision of section 7(a) of the Act, is paid at piece rates and at one and one-half times the applicable piece rates for work performed during hours in excess of forty in the workweek. The employee is also paid a bonus, which when apportioned over the bonus period, amounts to $2 a week. He never works more

than fifty hours a week. The piece rates could be established as basic rates under the employment agreement and no additional overtime compensation paid on the bonus. The employee's total compensation computed in accordance with the applicable overtime provision of the Act, section 7(f)(1)[15], would be affected by not more than 20 cents in any week by not paying overtime compensation on the bonus.[16]

(g) Section 548.3(e) is not applicable to employees employed at subminimum wage rates under learner certificates, or special certificates for handicapped workers, or in the case of employees in Puerto Rico or the Virgin Islands employed at special minimum rates authorized by wage orders issued pursuant to the Act.

8. In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.500 is amended to refer specificially to an employee covered by the forty hour provision of section 7 of the Act. As amended this example shall read as follows:

§ 548.500 Methods of computation.

* * * * *

Example 2. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, has a basic rate which is his monthly salary divided by the number of regular hours of work in the month.[24] If the salary is intended to cover straight-time compensation for a forty hour week he would be entitled to overtime for every hour after forty computed on the basis of one and one-half times the established basic rate, in addition to his monthly salary. If the salary is intended to cover a workweek shorter than forty hours, such as thirty-five hours, he would be entitled to additional straight time at the basic rate for the hours between thirty-five and forty and also to overtime at one and one-half times that rate for all hours worked in excess of forty in a week.

9. The references in § 548.501 to forty hours are changed to refer to section 7(a) of the Act. As amended this section shall read as follows:

§ 548.501 Overtime hours based on nonstatutory standards.

Many employees are paid daily overtime pay or Saturday overtime pay or overtime pay on a basis other than the statutory standard of overtime pay required by section 7(a) of the Act. In these cases, the number of hours for which an employee is paid at least one and one-half times an established basic rate must equal or exceed the number of hours worked in excess of the applicable number of hours establishd in section 7(a) of the Act in the workweek. However, only overtime hours under the employment agreement which also qualify as overtime hours under section 7(a) (5), (6), or (7) of the Act[25] may be offset against the hours of work in excess of the applicable number of hours established in section 7(a) of the Act.

10. Section 785.1 is amended to refer to the new minimum wage and maximum hour provisions contained in the Fair Labor Standards Amendments of 1961. As amended this section shall read as follows:

§ 785.1 Introductory statement.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage. Section 7 of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions. A list of such offices is contained in § 785.51.

11. The reference to "40 hours" in § 785.5 is amended to refer to "a specified number of hours per week." As amended this section shall read as follows:

§ 785.5 General requirements of section 6 and 7 of the Fair Labor Standards Act.

Section 6 requires the payment of a minimum wage by an employer to his employees who are subject to the Act. Section 7 prohibits their employment for more than a specified number of hours per week without proper overtime compensation.

12. Paragraphs (a) and (b) of § 785.49 are amended to incorporate the new bases of coverage contained in the Fair Labor Standards Amendments of 1961. As amended these paragraphs shall read as follows:

§ 785.49 Applicable provisions of the Fair Labor Standards Act.

(a) *Section 6.* Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage.

(b) *Section 7.* Section 7(a) of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours.

13. The references to "40 hours" a week in footnote 5 under § 791.2(a) are changed to refer to "the number of hours specified in section 7(a)." As amended this footnote shall read as follows:

§ 791.2 Joint employment.

* * * * *

[5] Both the statutory language (section 3(d) defining "employer" to include anyone acting directly or indirectly in the interest of an employer in relation to an employee) and the Congressional purpose as expressed in section 2 of the Act, require that employees generally should be paid overtime for working more than the number of hours specified in section 7(a), irrespective of the number of employers they have. Of course, an employer should not be held responsible for an employee's action in seeking, independently, additional part-time employment. But where two or more employers stand in the position of "joint employers" and permit or require the employee to work more than the number of hours specified in section 7(a), both the letter and the spirit of the statute require payment of overtime.

(Sec. 7, 52 Stat. 1063; 29 U.S.C. 207; Sec. 6, Pub. Law 87-30)

Signed at Washington, D.C., this 14th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-7933; Filed, Aug. 17, 1961; 8:47 a.m.]

[15] Section 7(f)(1) of the act provides that overtime compensation may be paid at one and one-half times the applicable piece rate but extra overtime compensation must be properly computed and paid on additional pay required to be included in computing the regular rate.

[16] Bonus of $2 divided by fifty hours equals 4 cents an hour. Half of this hourly rate multiplied by ten overtime hours equals 20 cents.

[24] See § 548.301.

[25] See § 778.5 (a) through (f) of this chapter.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

EXFOLIATED HYDROBIOTITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, and other relevant material, has concluded that the following food additive regulation should issue with respect to exfoliated hydrobiotite as an inert bulking agent in pullet replacement feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.222 Exfoliated hydrobiotite.

The food additive exfoliated hydrobiotite, a thermally expanded magnesium-aluminum-iron silicate, may be safely used in animal feeds when incorporated therein in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 98 percent of exfoliated hydrobiotite having a bulk density of 6 to 7 pounds per cubic foot.

(b) It is used or intended for use in poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting calorie intake in pullet replacement feeds.

(c) To assure safe use of the additive in animal feed, the label of the additive container or that of any intermediate premix shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, exfoliated hydrobiotite, or in lieu thereof the proposed common name "verxite," followed by "exfoliated hydrobiotite" in parentheses.

(2) A statement of the concentration of the additive contained in any intermediate premix.

(3) Adequate mixing directions to provide a final feed containing the proper concentration of the additive, whether or not intermediate premixes are also used.

(4) Adequate use directions to provide a finished feed labeled as provided in paragraph (d) of this section.

(5) A statement that the additive is to be used in pullet replacement feed only.

(d) To assure safe use of the additive, the label of the finished feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, exfoliated hydrobiotite, or in lieu thereof, the proposed common name "verxite," followed by "exfoliated hydrobiotite" in parentheses, either of which to be followed by the statement "a nonnutritive bulking agent."

(2) A statement that the feed is to be used only as pullet replacement feed.

(3) A statement of the concentration of the additive contained therein.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1961.

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

[F.R. Doc. 61-7926; Filed, Aug. 17, 1961; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 378) filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, and other relevant material, has concluded that the following amendment to § 121.1030 should issue with respect to the food additive polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) in sugar-type confection coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1030(c) (21 CFR 121.1030; 26 F.R. 4739, 6240) is amended by adding thereto the following new subparagraph (6), reading as follows:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(6) To impart greater opacity to sugar-type confection coatings whereby the maximum amount of the additive does not exceed 0.2 percent of the weight of the finished sugar coating.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1961.

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

[F.R. Doc. 61-7927; Filed, Aug. 17, 1961; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Order Changing Name of Potassium Penicillin 152 to Phenethicillin Potassium

Pursuant to a notice published in the FEDERAL REGISTER of June 3, 1961 (26 F.R. 4950), one objection was received which, while in reference to another penicillin compound, pointed up the possibility of confusion if the name "phenethicillin" were adopted as proposed. Based on this and other relevant material, which has come to his attention since publication of the proposed order, the Commissioner of Food and Drugs has concluded that the name of the drug should be "phenethicillin potassium." Therefore, the following amendments are ordered, pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357):

The name "potassium penicillin 152" is changed to read "phenethicillin potassium" wherever it occurs in Parts 141a, 146, and 146a of this chapter:

Section 141a.100, section heading.
Section 141a.100(a), formula.
Section 141a.100(c), paragraph heading and formula.
Section 141a.101, section heading.
Section 141a.101(a), last sentence.
Section 141a.102(a), section heading.
Section 146.1(c)(1)(i), second sentence.
Section 146a.16, section heading.
Section 146a.16(a), introduction to paragraph, first and second sentences.
Section 146a.16(d)(1), second sentence.
Section 146a.17, section heading.
Section 146a.17(a), first and fourth sentences.
Section 146a.17(b), first sentence.
Section 146a.17(c), introduction to paragraph.
Section 146a.17(c)(1)(iv).
Section 146a.17(c)(3) (two places).
Section 146a.17(d)(1) (two places).
Section 146a.17(d)(2)(ii) (two places).
Section 146a.17(d)(3)(ii).
Section 146a.18, section heading.
Section 146a.18(a), first and third sentences.

Section 146a.18(b), first sentence.
Section 146a.18(c), introduction to paragraph.
Section 146a.18(c)(1)(iv).
Section 146a.18(c)(3) (two places).
Section 146a.18(d)(1) (two places).
Section 146a.18(d)(2)(ii) (two places).
Section 146a.18(d)(3)(ii).
Section 146a.18(e).

Any lots of these drugs certified prior to the effective date of this order and which do not have the required nomenclature change may be marketed without the name "phenethicillin potassium" up to the expiration date of the drugs.

Further notice for the filing of comments in this matter is deemed unnecessary, since the addition of the salt to the name "phenethicillin" is in accord with accepted practice where there is a possibility that another salt of the same drug may be developed.

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

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: August 14, 1961.

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

[F.R. Doc. 61-7928; Filed, Aug. 17, 1961; 8:46 a.m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of July 1, 1961 (26 F.R. 5920), with regard to miscellaneous amendments of tests and methods of assay for bacitracin, chloramphenicol, and streptomycin, and certification of streptomycin and chloramphenicol. Accordingly, the amendments promulgated by that order become effective as of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 11, 1961.

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

[F.R. Doc. 61-7929; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 516—LITIGATION

A new Part 516 is hereby prescribed, to read as follows:

Sec.
516.1 General.
516.2 Defense of legal proceedings.
516.3 Release of information in connection with litigation.
516.4 Department of the Army personnel as witnesses in civil proceedings.
516.5 Military personnel as witnesses before foreign tribunals.

AUTHORITY: §§ 516.1 to 516.5 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: AR 27-5, Jan. 14, 1960, and C1, June 15, 1960.

§ 516.1 General.

(a) *Scope.* The regulations of this part set forth basic policies and procedures applicable to legal proceedings in civil courts or administrative tribunals of interest to the Department of the Army.

(b) *Litigation responsibility of The Judge Advocate General.* The Judge Advocate General is the legal advisor of the Secretary of the Army and of all officers and agencies of the Department of the Army (10 U.S.C. 3037(c)(1)) and is responsible for the initiation, administration, supervision, and coordination of measures for the protection of the Government in litigation and other legal proceedings which arise out of the operations of the Department of the Army or are otherwise of interest to it.

(c) *Representation of Department of the Army.* Among personnel of the Department of the Army, only The Judge Advocate General, and officers and civilian employees designated by him, are authorized to represent the Department of the Army and its agencies before Federal, State, and foreign courts, administrative tribunals and regulatory bodies and to maintain liaison with other governmental agencies regarding litigation and other legal proceedings.

(d) *Appearance of military personnel as counsel.* No officer or enlisted person on active duty will appear as counsel before any civil court, administrative tribunal, regulatory body, or governmental agency, without first obtaining permission in writing of The Judge Advocate General or the major overseas command judge advocate, except:

(1) Where required as an incident of a mission assigned by The Judge Advocate General; or

(2) Where the individual is a party to the action; or

(3) Where designated to prosecute petty offenses on military reservations in accordance with AR 632-380 (administrative regulations regarding the prosecution of petty officers on military reservations).

(e) *Service of civil process.* (1) There is no Federal statute providing for service of civil process by military personnel in their official capacity. Military personnel, however, may assist civil officials in the service of process as provided in this part.

(2) Where a State has reserved the right to serve process within lands ceded for a military reservation, civil officers will be permitted, upon proper application, to enter upon the reservation for the purpose of serving civil process.

Commanders will assist the civil officers by making the individual requested to be served available for service, subject to reasonable limitations.

(3) Where Army personnel are stationed outside the jurisdiction of the civil court issuing the process, commanders will bring the matter to the attention of the individual requested to be served and determine whether he wishes to accept service voluntarily in accordance with the laws of the jurisdiction issuing the process. Judge advocates will advise individuals as to the legal effect of voluntary acceptance of service. Any military person serving process upon an individual wishing to accept service can act only in his individual capacity.

§ 516.2 Defense of legal proceedings.

(a) *Defense by Department of Justice.* The Department of Justice is responsible for the defense of actions against the United States, its officials or employees, and its agencies including nonappropriated fund activities, in all courts within the United States or abroad. The representation of individuals is limited to actions brought against them in connection with their official duties and not based on acts or omissions which are private in character. A proceeding against an individual which in legal effect is against the Government or an action against an individual for damages for an alleged tortious act within the scope of his employment, the outcome of which may have a bearing on the availability of an effective defense to a suit against the United States based on the same incident, will normally be defended by the Department of Justice.

(b) *Request for Government representation.* The Judge Advocate General has the duty of maintaining liaison for the Department of the Army with all Government agencies with regard to legal matters. Requests for Government representation of individuals in legal proceedings arising out of performance of their official duties, will be made to the Department of Justice only by The Judge Advocate General or his representative, except:

(1) Where time for response in a case is limited, the local commanding officer, judge advocate, or legal officer, may communicate with the local United States Attorney requesting temporary legal representation for the individual sued, pending a decision upon a formal request for representation by The Judge Advocate General of the Department of Justice.

(2) When an individual is charged with a traffic violation under circumstances which may render the United States liable to suit under the Federal Tort Claims Act, the local commanding officer, judge advocate, or legal officer may make arrangements for representation by the local United States Attorney. The Judge Advocate General will be promptly advised of any arrangements so made.

(c) *Request for employment of private counsel.* Requests that private counsel be employed to defend or advise contractors in legal proceedings of interest to the Department of the Army, or officials or employees of the Department of the Army in legal proceedings arising out of the performance of their official duties, will be submitted to The Judge Advocate General. Every such request will be accompanied by a statement of the facts justifying the request and the recommendations of the contracting officer or the individual's commander, as appropriate. Persons who employ private counsel for these purposes without receiving specific authorization from The Judge Advocate General, may be individually responsible for any expenses thus incurred.

(d) *Legal proceedings overseas.* (1) In event of a suit against the United States or a nonappropriated fund activity, or against an official or employee of the United States arising out of the performance of official duties, the report of commencement of proceedings will include a recommendation of a local attorney to defend the suit. The counsel recommended should be selected from the list of qualified counsel maintained at the United States Embassy or Consulate in the country or city in which the action has been initiated.

(2) If immediate court representation is required beyond feasible handling by the local staff judge advocate, local counsel may be obtained, preferably from the list of qualified counsel referred to in subparagraph (1) of this paragraph. Such employment will be made contingent on subsequent confirmation by the Department of Justice. If the case falls within its responsibility, the Department of Justice will employ the attorney previously selected or pay him for the services performed in the event he is not retained generally.

(3) A local attorney should be retained under the foregoing emergency authorization only after the local court has denied a request for a stay to permit communication with The Judge Advocate General. Any steps which could be construed as a waiver of sovereign immunity of the United States, its officials or employees acting officially in its behalf, and of nonappropriated fund activities, from suit in a foreign court, should be avoided. Accordingly, any appearance by counsel prior to further instructions of The Judge Advocate General should be limited to the local equivalent of a special appearance on this jurisdictional point or the procuring of a stay of proceedings, provided this would not constitute a general appearance.

(4) Requests by persons subject to the Uniform Code of Military Justice for employment of counsel to represent them in legal proceedings in foreign countries which fall within the provisions of the act of 24 July 1956 (70 Stat. 630; 50 U.S.C. 751–755), will be processed under AR 633–55 (regulations providing for counsel and payment of expenses when Army personnel are tried by foreign tribunals).

(e) *Legal proceedings against Government contractors*—(1) *Policy.* The Department of the Army has an interest in legal proceedings against Government contractors involving cost-plus-a-fixed-fee contracts or contracts under which the contractor might be entitled to reimbursement from the Government for expenditures based on the proceedings.

(2) *Representation by Department of Justice.* The Judge Advocate General will request the Department of Justice to defend such proceedings. The Department of Justice will not defend, however, in the following instances:

(i) Where the special interests of the Government appear to be in conflict with those of the contractor, as in the case of an informer's suit;

(ii) Fair Labor Standards Act suits, except under extraordinary circumstances where defense by private counsel will not adequately protect the interests of the United States.

(iii) Where the contractor carries a liability insurance policy which provides that litigation will be handled by attorneys employed by the insurer. The Department of Justice may participate, however, in cases in which judgment is sought in an amount in excess of the insurance coverage. In these latter cases, United States Attorneys normally do not participate actively in the defense and avoid taking any position which might jeopardize the contractor's rights under the policies.

(3) *Procedure.* (i) Upon receipt of a report of the commencement of a legal proceeding against such a contractor, The Judge Advocate General will communicate directly with the contracting officer or head of the field agency concerned and confirm whether the Government has an interest in the proceeding. If such interest exists, The Judge Advocate General will also advise whether a United States Attorney will defend, or, in the event the services of a United States Attorney are not available, whether the employment of private counsel is authorized. A copy of the communication will be sent to the chief of the technical service concerned.

(ii) The contracting officer or head of the field agency will thereupon advise the contractor as follows:

(*a*) Whether Government counsel will defend the suit or whether employment of private counsel is authorized;

(*b*) That representation by Government counsel or authorization to employ private counsel does not mean that any resulting judgment, the costs of the action, or fees for private counsel, are reimbursable items under the contract; but that such questions and the matter of reasonableness of attorneys' fees are reserved for later determination; and

(*c*) That the selection of private counsel, when authorized, is subject to the approval of The Judge Advocate General.

(4) *Conduct of litigation*—(i) *Participation of private counsel.* Where the contractor is represented by a United States Attorney, there is no objection to the participation of private counsel employed by the contractor, provided that it is understood that the United States Attorney has complete control of the litigation. Fees for the services of private counsel in such cases will not be reimbursable except under unusual circumstances and then only if approved by The Judge Advocate General. The Department of Justice does not charge the contractor or the Department of the Army for any expenses incident to services performed by a United States Attorney.

(ii) *Relationship.* As the ultimate responsibility for the defense of the legal proceeding is that of the contractor, every effort is made by the Department of Justice to maintain an attorney-client relationship with the contractor.

(iii) *Compromises.* Decision as to the compromise of an action is primarily for determination by the contractor. Aspects of the matter relating to reimbursement under the contract are ordinarily for determination by the contracting officer. Where the approval of the Department of the Army of a compromise settlement is desired, the contracting officer will forward the compromise proposal with his views and those of the United States Attorney, if one is participating in the case, to the head of the technical service concerned, who shall forward the same with his views to The Judge Advocate General.

(iv) *Appeals.* United States Attorneys are required to seek the advice of the Department of Justice as to whether appeals will be taken from adverse decisions in these cases. Aside from the question of reimbursement for expenses involved, the contractor has the right to appeal by private counsel. After receiving the views of the contracting officer and the head of the technical service concerned, The Judge Advocate General will determine the position of the Department of the Army and inform the Department of Justice accordingly.

(v) *Attorneys' fees.* Questions as to reimbursability of attorneys' fees and their reasonableness are primarily for determination by the contracting officer. Inquiry may be made of The Judge Advocate General as to the reasonableness of such fees. Similar inquiry may be made of a United States Attorney, provided his advice is treated as confidential and not revealed without his consent to the contractor or his counsel.

§ 516.3 Release of information in connection with litigation.

(a) *Scope.* This section deals with the release of information from the De-

partment of the Army for use in pending or prospective litigation. It includes:

(1) Requests or subpoenas duces tecum calling for information from, access to, or copies of records of the Department of the Army; and

(2) Requests for statements from, or interviews with, military or civilian personnel of the Department of the Army with respect to information obtained in the course of their official duties.

(b) *Definitions*—(1) *Safeguarded information.* The term is used in this section to mean information the release of which is governed by § 518.2(d) of this subchapter, or paragraph 2c, AR 345–15 (Administrative regulations governing the custody, use, and preservation of Department of the Army official information which requires protection in the public interest).

(2) *Private litigation.* The term is used in this section to mean litigation in which the United States has no legal interest, either direct or indirect, but in which a Department of the Army witness is requested to furnish a statement in an official capacity or a record of the Department of the Army is requested.

(c) *Records of Department of the Army*—(1) *Preservation.* In order to preserve the integrity of records of the Department of the Army, originals of books, records, papers, or documents will not be furnished to any person or agency for use as evidence in public or private legal proceedings. Exceptions may be granted only by custodians of the records involved. Properly authenticated copies of Government records may be admitted in evidence in lieu of originals under 28 U.S.C. 1733.

(2) *Authentication of copies.* Copies of Department of the Army records, approved for release under paragraphs (e) and (f) of this section, will be authenticated for introduction in evidence under 28 U.S.C. 1733, by a DA Form 4. After the custodian has executed his certificate, the preparing agency will forward the form, accompanied by the copy of the record, to The Adjutant General, or in the case of class II installations or field agencies of a technical service, to the head of the technical service concerned, for authentication by the Secretary of the Army.

(d) *Determination by The Judge Advocate General.* The Judge Advocate General will coordinate within Headquarters, Department of the Army, all requests or subpoenas duces tecum calling for release of information forwarded to him under the provisions of this section and thereafter he will determine whether the information should be released. Release may be authorized regardless of the fact that the information is to be used in litigation by parties whose interests are adverse to those of the United States.

(e) *Requests for safeguarded information.* Requests or subpoenas duces tecum calling for safeguarded information will be handled as follows:

(1) *State officials or private parties.* Request or subpoenas duces tecum from state officials or parties in private litigation calling for those military personnel records which are safeguarded in nature will be forwarded by expeditious means to The Adjutant General. However, requests or subpoenas received by The Adjutant General involving novel or difficult questions of law will be referred to The Judge Advocate General.

(2) *Other requests.* All other requests or subpoenas calling for safeguarded information will be forwarded by expeditious means to The Judge Advocate General.

(3) *Accompanying information.* In forwarding requests or subpoenas under this paragraph such of the following data as is appropriate will be furnished:

(i) Parties to the proceeding.

(ii) Nature of the proceeding.

(iii) Court or tribunal issuing subpoena or party making request.

(iv) Date and place of service.

(v) Name, grade or position, and organization of person served.

(vi) Date, time, and place designated in request or subpoena for production of information.

(vii) Place where requested record is maintained or stored.

(viii) If time permits of submission by mail and the papers are not too voluminous, a copy of each paper involved, otherwise a statement of the nature thereof.

(ix) Complete analysis of the problem and recommendations of the forwarding agency.

(4) *Compliance.* No request or subpoena calling for safeguarded information will be complied with unless specifically authorized by The Judge Advocate General, or unless an exception is made under the regulations of this part (see subparagraph (1) of this paragraph re military personnel records and paragraph (f)(5)(i) of this section re accident reports).

(5) *Policy.* It is the policy of the Department of the Army to process and act upon all requests fairly, completely and expeditiously. Delay will not be permitted even though requests appear to be minor in nature, for in many cases important personal or property rights are involved. Accordingly, all commanders will insure that requests for records or records of information are acted upon in the following manner:

(i) Expeditiously; all measures will be taken to insure that action is taken on requests on a timely basis.

(ii) Responsively; every reasonable attempt will be made to analyze the request properly. If it is not clear, prompt action will be taken to secure a clarification from the requesting party. This action is frequently necessary because the requesting party is not familiar with military procedures.

(iii) Completely; if it appears that a request must be denied in whole or in part because of limitations imposed by existing regulations upon the release of safeguarded information, a thorough and discerning inquiry will be made to ascertain if that inquiry can be satisfied from the contents of any other record which might not be safeguarded.

(iv) In order to expedite the disposition of requests, questions as to legality of the release of information should be referred initially to the Staff Judge Advocate or the legal officer of the unit or installation.

(f) *Requests for nonsafeguarded information.* Requests or subpoenas duces tecum not calling for safeguarded information will be handled as follows:

(1) *Department of Justice.* Requests by the Department of Justice will be referred to The Judge Advocate General.

(2) *United States Attorneys.* Requests by United States Attorneys directed to field agencies will be complied with without reference to higher authority unless Department of the Army guidance is required. In such event the request will be forwarded to The Judge Advocate General. Where the field agency complies with the request without seeking guidance, two copies of each record or statement furnished will be forwarded to The Judge Advocate General. Requests by United States Attorneys directed to Headquarters, Department of the Army agencies for information from or copies of military personnel records will be directed to The Adjutant General. All other requests will be forwarded to The Judge Advocate General.

(3) *Government contractors.* Requests by Department of the Army cost-plus-a-fixed-fee contractors will be complied with unless, in the opinion of the contracting officer, release would not be compatible with the best interests of the Government. In the latter event the request, with the comments and recommendations of the contracting officer, will be forwarded to The Judge Advocate General.

(4) *Injured Government employees.* Requests by injured Government employees or former employees entitled to compensation under the Federal Employees' Compensation Act (39 Stat. 742; 5 U.S.C. 751) for information to be used in prosecuting a damage action under the act will normally be granted. A community of interest exists between the Government and the plaintiff in such an action, as the amount recovered reduces pro tanto compensation payable to the employee under the act.

(5) *Parties to private litigation (paragraph (b)(2) of this section).* (i) Requests by parties to private litigation for nonsafeguarded portions of safeguarded accident reports and military police traffic incident reports normally will be granted. The local staff judge advocate is authorized to take action upon such requests and he will be guided by the following procedures:

(*a*) All factual material normally will be released (e.g., statements of witnesses, photographs, measurements, and descriptions of physical items of evidence).

(*b*) Opinions and conclusions may be released as an exception to the general rule if they cannot be extracted without destroying the continuity of the report or if they are part of the narrative portion of a report which does not contain the statements of the witnesses. However, the staff judge advocate will consult the local provost marshal or other agency which prepared the report before a decision is made on the question of the release of any opinions or conclusions.

(ii) Where permission is granted to interview military or civilian personnel

in connection with private litigation, arrangements will be made, if practicable, for participation by counsel representing all parties in interest or by such counsel as desire to be present. A judge advocate or civilian attorney of the Department of the Army will be present as the legal representative of the Department of the Army during the interview. If a question is propounded during the interview which seeks safeguarded information, the Department of the Army legal representative will prohibit the person being interviewed from answering, and, if in his opinion such action is essential to avoid release of safeguarded information, terminate the interview. A report of the matter will be forwarded to The Judge Advocate General. Any statement furnished by personnel will be prepared under the supervision of the Department of the Army legal representative who will furnish a signed copy thereof to each party in interest, the person interviewed, and The Judge Advocate General.

(g) *Response to subpoena duces tecum.* If a person served with a subpoena duces tecum fails to receive requested authorization or other instructions prior to the time fixed for his appearance in court, he should communicate with counsel responsible for issuing the subpoena, state that he can produce the desired records only if authorized, and request a postponement pending receipt of authorization. In the event postponement is refused, he should appear in court, submit a copy of the regulations of this part and state that records of the Department of the Army can be produced only if authorized by the Secretary of the Army or by The Judge Advocate General under the provisions of the regulations of this part, that the witness has requested but has not received authorization or other instructions, and that in the absence of specific authorization he must temporarily and respectfully decline to produce the desired record.

§ 516.4 Department of the Army personnel as witnesses in civil proceedings.

(a) *Scope.* This section deals with the appearance of military and civilian personnel of the Department of the Army as witnesses before civil courts and administrative tribunals pursuant to the request of counsel, subpoena (including subpoena duces tecum), or other court order, to testify with respect to information obtained in the course of their official duties. It is applicable to retired personnel of the Regular Army in so far as they may be called upon to testify as witnesses in cases involving the United States as a party or with respect to information obtained in the course of official duties.

(b) *Definition.* "Safeguarded information" as used in this section means information the release of which is governed by § 518.2(d) of this subchapter, or paragraph 2c, AR 345–15 (Administrative regulations governing the custody, use, and preservation of Department of the Army official information which requires protection in the public interest).

(c) *Procedure upon receipt of request or subpoena.* Any person requested to appear as a witness or receiving a subpoena will immediately report that fact to his commanding officer and to either the staff judge advocate of the general court-martial jurisdiction to which he is assigned, or to the staff judge advocate of the appropriate continental Army or the Military District of Washington, or in the case of a requested witness who is stationed or employed at a class II installation or field agency of a technical service, to the judge advocate or legal adviser of the installation or agency.

(d) *Action by judge advocate.* The judge advocate, or legal adviser, will ascertain whether the testimony of the witness involves safeguarded information.

(1) If the testimony of a requested witness involves safeguarded information, the judge advocate, or legal adviser, will transmit the matter by the most expeditious means practicable to The Judge Advocate General for decision, furnishing the following information:

(i) Parties to the proceeding.

(ii) Nature of the proceeding.

(iii) Court or tribunal issuing the subpoena, or party making the request.

(iv) Date and place of service.

(v) Name, grade or position, and organization of person served.

(vi) Time and place designated for appearance.

(vii) Nature of testimony to be elicited.

(viii) Complete analysis of the problem and recommendations as to compliance.

No testimony involving safeguarded information will be given without the specific approval of The Judge Advocate General. Such approval may be granted regardless of the fact that the witness may be called to testify on behalf of parties whose interests are adverse to those of the United States.

(2) If the testimony of a requested witness does not involve safeguarded information, and he is stationed in the continental United States, the judge advocate, or legal adviser, will ordinarily recommend to the commanding officer of the witness that he be permitted to appear in court, unless his absence would be burdensome to the Department of the Army. However, military or civilian personnel of the Department of the Army will not appear as expert witnesses in litigation in which the United States has no legal interest either direct or indirect, without the specific approval of The Judge Advocate General.

(3) If a witness stationed outside the continental United States is requested to appear before a tribunal within the continental United States, the judge advocate or legal adviser will immediately inform the major oversea command judge advocate concerned, who will submit the matter, with his recommendations, to The Judge Advocate General. Permission to appear in such cases will be granted only under the most extraordinary circumstances.

(e) *Travel of witnesses*—(1) *Witnesses for the United States*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel as witnesses for the United States are normally made by the Department of Justice through The Judge Advocate General. Instructions with respect to travel orders are issued in such cases by The Adjutant General. A United States Attorney may make arrangements for attendance of a witness who is stationed at an installation within his district by direct communication with the appropriate commander. Such request will serve as a basis for the issuance of proper travel orders by the local commander. However, a request for a witness involving travel outside the judicial district in which he is stationed will be referred to The Judge Advocate General.

(ii) *Status of witness.* If authorized to appear as a witness for the United States, a military person will be placed on temporary duty. The status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel orders.* The travel orders will direct the individual to proceed to the location of the court, reporting to the United States Attorney or Marshal upon arrival, and upon release by the United States Attorney to return to the proper station.

(iv) *Travel expenses.* Travel expenses and per diem are paid by the Department of the Army. In appropriate cases reimbursement is secured from the Department of Justice. Advance payment of per diem allowances in an amount prescribed by current regulations for each of the first 5 days of his absence from his station will be made to any enlisted person required as a witness for the United States. If his services as a witness are required for more than 5 days in any case not arising out of Army activities, the United States Marshal will make additional advances of per diem for each day beginning with his sixth day of absence from his station.

(2) *Witnesses for State or District of Columbia*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel authorized to appear as witnesses for a State or the District of Columbia will normally be made by the requesting agency with the commanding officer of the witness.

(ii) *Status of witness.* If authorized to appear as a witness for a State or the District of Columbia, a military person may attend in a duty status. The status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel expenses.* The State or District of Columbia and the person sought as a witness will be informed that all arrangements for payment of travel and subsistence expenses, other than such monetary allowances for subsistence as may be normally furnished to enlisted personnel in a leave status, will be made directly between the State or District of Columbia and the prospective witness. Travel and subsistence expenses of a witness for a state or the District of Columbia will not be borne

by the United States. An oversea commander may in his discretion, operations of the Department of the Army permitting, authorize the prospective witness to use, in travel outside the United States, military transport or military aircraft on a space-available basis without cost to the State or District of Columbia.

(3) *Witnesses for private individual, corporation, or agency*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel authorized to appear as witnesses for a private individual, corporation, or agency will normally be made by the requesting party with the commanding officer of the witness.

(ii) *Status of witness.* If authorized to appear as a witness for a private individual, corporation or agency, and the testimony to be given relates to his official duties, to information obtained in his official capacity, or to the activities of the Department of the Army, a military person may attend in a duty status. If authorized to appear as a witness but his testimony does not relate to his official duties, official capacity, or activities of the Department of the Army, a military person may be placed in the status of ordinary leave. In either event, the status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel expenses.* Arrangements for payment of travel and subsistence expenses of the witness, other than such monetary allowances for subsistence as may normally be furnished to the enlisted personnel in a leave status, are solely a matter between the witness and the party seeking his appearance. Witnesses ordinarily should be advised to require advance payment of fees.

(f) *Depositions*—(1) *Policy.* The testimony of an officer, enlisted person, or civilian employee of the Department of the Army may be taken at his station by deposition for use on behalf of the United States, a State, the District of Columbia, or any individual, corporation, organization, or agency.

(2) *Procedure.* (i) Any request or notice for the taking of a deposition within the United States will be submitted to the staff judge advocate of the general court-martial jurisdiction to which the deponent is assigned, the staff judge advocate of the appropriate continental Army or Military District of Washington, U.S. Army, or to the judge advocate or legal adviser of a class II installation or field agency of a technical service. Any request or notice for the taking of a deposition outside the United States will be submitted directly to the judge advocate of the major oversea command.

(ii) The judge advocate or legal adviser will make appropriate arrangements for taking of the deposition. He will inquire into the nature of the expected testimony, and if it appears that the deponent may be called to testify with respect to safeguarded information, he will report the matter to The Judge Advocate General and defer the taking of the deposition until instructions are received.

(iii) If the nature and extent of the interrogation cannot be determined prior to the taking of the deposition, the staff judge advocate or legal adviser will arrange for the presence of a legal representative. If during the interrogation, a question is asked or a line of inquiry is pursued, the responses to which would disclose safeguarded information, the designated representative will prohibit the deponent from answering and report the matter to the judge advocate or legal adviser for reference to The Judge Advocate General.

(3) *Designation of officer to take deposition.* In view of the possible application of 10 U.S.C. 3544 to commissioned officers on the active list of the Regular Army, only Reserve officers should be designated for the purpose of taking a deposition for use in a civil court.

§ 516.5 Military personnel as witness before foreign tribunals.

Commanders exercising general court-martial jurisdiction over military personnel whose presence is requested by foreign governments as witnesses before foreign tribunals:

(a) Are authorized to order their attendance in a temporary duty status with full entitlement to travel and per diem allowances, provided it is determined that the United States Government has a real and substantial interest in the trial in question. Where the United States is bound by a treaty or other international agreement to insure the attendance of such personnel, generally a real and substantial interest will be presumed to exist.

(b) May authorize personnel to attend in an ordinary leave status where it has been determined that the United States Government does not have a real or substantial interest in the trial in question. The requested witness should be advised that travel allowances or per diem will not be paid by the United States and that reimbursement for travel and other expenses incident to his attendance is a matter between him and the requesting agency.

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7934; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart B—Burial Benefits

DEATH WHILE TRAVELING UNDER PRIOR AUTHORIZATION OR WHILE HOSPITALIZED BY VETERANS ADMINISTRATION

In § 3.1605, paragraph (b) is amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

* * * * *

(b) *Transportation.* Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 F.R. 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial allowance will be provided by the Veterans Administration where death occurs:

(1) Within a State (38 U.S.C. 101 (20)) or the Canal Zone while the veteran is hospitalized by the Veterans Administration and the body is buried in a State or the Canal Zone; or

(2) While hospitalized within but burial is to be outside of a State or the Canal Zone, except that cost of transportation of the body will be authorized only from place of death to port of embarkation, or to border limits of United States where burial is in Canada or Mexico.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 18, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-7939; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-953]

PART 1—PRACTICE AND PROCEDURE

FCC To Request Antenna Information From Nonbroadcast Applicants Concerning Compliance With FAA Rules

JULY 27, 1961.

The Federal Communications will seek information from nonbroadcast applicants for radio station authorizations involving construction or alteration of antenna structures as to whether notice has been filed with the Federal Aviation Agency in accordance with the Federal Aviation Agency Part 626 rules concerning proposed antenna structures.

Such information will be requested only for applications which were filed on or after July 15, 1961, the date when Part 626 became effective. Further, in accordance with prior public notices, applications which show on their face that the antenna structure will not exceed 20 feet in height, need not be accompanied by FAA Part 626 information. Most other applications, however, including common carrier services (but excluding such categories as broadcasting and class B, C and D citizens, ship, aircraft, mobiles, etc.) should furnish such information.

In essence the information to be furnished to the FCC is relatively simple; namely, whether notice under Part 626 of the FAA rules has been filed and, if so, at which FAA office, and the filing date; or if no notice has been filed, that there has been an analysis and deter-

mination that FAA Part 626 does not require notification.

Applicants who do not submit this information at the time of filing their applications will be requested to furnish it.

This is another interim step being taken to implement recent FCC–FAA discussions concerning coordinated FCC–FAA handling of antenna power construction procedures.

The interim procedure for the broadcast services is still under study and will be announced at a future date.

Adopted: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7949; Filed, Aug. 17, 1961; 8:49 a.m.]

[FCC 61–1031]

PART 1—PRACTICE AND PROCEDURE

Local Notice of Filing and Designation for Hearing of Broadcast Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1961;

The Commission having under the consideration the provisions of §§ 1.359 and 1.362 of its rules relating to the giving of local notice of the filing of broadcast applications, or major amendments thereto, and the designation for hearing of such applications;

It appearing that, in the case of renewal applications, members of the public are informed of their rights to submit facts for Commission consideration; and

It further appearing that in the case of designation of renewals for hearing, members of the public are informed of their rights to appear and present evidence; and

It further appearing that in the aforementioned situations members of the public must write to the Commission to set forth specific facts which they wish to call to the Commission's attention in passing on a renewal application, or to set forth the specific facts concerning evidence which they wish to give at the renewal hearing; and

It further appearing that the present rules do not clearly specify the final date by which members of the public must write to inform the Commission about the aforesaid specific facts and that such final date should be clearly specified; and

It further appearing that it is desirable to amend the portion of the rules pertaining to local notice of the designation of renewals for hearing by a clarifying change of language relating to members of the public who desire to give evidence at the hearing; and

It further appearing that the word "filed" appearing in the rules relating to the giving of local notice of the filing of broadcast applications, or major amendments thereto, and the designation for hearing of renewal applications should be clarified as to its meaning; and

It further appearing that there is a slight duplication in a portion of the rules pertaining to local notice of filing of renewal applications and that this duplication should be eliminated or clarified; and

It further appearing that it would be in the public interest to amend the rules to effectuate changes in the rules pertaining to local notice requirements in order to clarify the aforementioned portions of the rules referred to above; and

It further appearing that these amendments to the rules are procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the promulgation of these amendments to the rules is contained in sections 4(i), 303(r) and 311 of the Communications Act of 1934, as amended;

It is ordered, That effective August 21, 1961, §§ 1.359 and 1.362 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 1.359(f), subparagraphs (3) and (9) are amended and two notes are added to subparagraph (9) as follows:

§ 1.359 Pre-grant procedures.

* * * * *

(f) * * *

(3) The date when the application or amendment was tendered for filing with the Commission.

* * * * *

(9) In the case of an application for renewal of license, as follows:

The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communications Commission on _____. Members of the public who desire to bring to the Commission's attention facts concerning the operation of the station should write to the Federal Communications Commission, Washington 25, D.C., not later than _____. Letters should set forth in detail the specific facts which the writer wishes the Commission to consider in passing on this application.

NOTE 1: In the required statement in subparagraph (9) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to submit facts should write to the Commission, the date 30 days after the date upon which the application was tendered for filing.

NOTE 2: The first sentence of the required statement in subparagraph (9) of this paragraph shall satisfy the requirement of subparagraph (3) of this paragraph in the case of an application for renewal of license.

2. Section 1.362(f) is amended to read as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

* * * * *

(f) When an application for renewal of license is designated for hearing, the notice shall contain the following additional statements:

(1) Immediately preceding the listing of the issues in the hearing: "The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communication Commission on _____. After considering this application, the Commission has determined that it is necessary to hold a hearing to decide the following questions:"

(2) Immediately following the listing of the issues in the hearing: "The hearing will be held at _____, commencing at ____, on _____, 19__. Members of the public who desire to give evidence concerning the foregoing issues should write to the Federal Communications Commission, Washington 25, D.C., not later than _____. Letters should set forth in detail the specific facts concerning which the writer wishes to give evidence. If the Commission believes that the evidence is legally competent, material, and relevant to the issues, it will contact the person in question."

NOTE: In subparagraph (2) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to give evidence should write to the Commission, the date 30 days after the date of release of the Commission's order specifying the time and place of the commencement of the hearing.

[F.R. Doc. 61–7950; Filed, Aug. 17, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order 557]

REVIEW COMMITTEE FOR MISCELLANEOUS INDUSTRY IN THE VIRGIN ISLANDS

Appointment; Convention; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1933 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), I hereby appoint a review committee to recommend the minimum rate or rates to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), in lieu of those provided for under paragraph (A) of proviso (1), to employees in the miscellaneous industry in the Virgin Islands who are engaged in commerce or in the production of goods for commerce and who are engaged in that industry which is defined as including the manufacture of all products and other activities except those included in the definitions of the alcoholic beverages and industrial alcohol industry, the banking, real estate, accounting, and insurance industry, the bay rum and other toilet preparations industry, the fruit and vegetable packing, farm products assembling, and meat packing industry, the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry, the shipping, marine transportation, and ship and boat building industry, the air transportation industry and the wholesale distribution, trucking, construction, communications, and public utilities industry, as those industries are defined in paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of 29 CFR 694.1.

The membership of the committee shall be identical with that of Special Industry Committee No. 7 for the Virgin Islands appointed by Administrative Order No. 552 published in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6128). The names of the members will be published in the FEDERAL REGISTER at a later date.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and the Fair Labor Standards Amendments of 1961 (sec. 5(c)(3), Pub. Law 87–30), I hereby:

(1) Convene the review committee for the miscellaneous industry in the Virgin Islands as defined above;

(2) Refer to it the question of the minimum rate or rates of wages to be fixed for that industry;

(3) Give notice of its hearing which shall be at the times and places indicated in Administrative Order No. 552 published in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6128), for the hearing of Special Industry Committee No. 7 for the Virgin Islands. The hearings are consolidated because the interested persons involved in the proceedings of both the special industry committee and the review committee are likely to be substantially the same and the questions referred to both committees are similar. The review committee shall investigate conditions in the miscellaneous industry in the Virgin Islands and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act. The committee shall recommend to the Administrator the highest minimum wage rates for the miscellaneous industry in the Virgin Islands which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of this report may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as it is completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for the review committee shall be governed by Part 512 of Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER on May 27, 1961 (26 F.R. 4636), and amended on June 17, 1961 (26 F.R. 5421). The regulations contained in 29 CFR Part 512 apply the wage order procedure set out in 29 CFR Part 511, which was amended by regulations published in the FEDERAL REGISTER on July 20, 1961 (26 F.R. 6513), except insofar as special provisions are contained in 29 CFR Part 512 and the Fair Labor Standards Amendments of 1961 dealing with the initiation of proceedings of the review committee and the effective date and reviewability of its recommendations.

As a prerequisite to participation in the hearing of the review committee, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than September 15, 1961.

Signed at Washington, D.C., this 14th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7951; Filed, Aug. 17, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 547) has been filed by Johnson & Johnson, New Brunswick, New Jersey, proposing the issuance of a regulation to provide for the safe use of cotton, viscose rayon, and mixtures of both treated with polyoxyethylene sorbitan monolaurate, sodium bisulfite, sodium

oleate, and titanium dioxide as packing in contact with food.

Dated: August 11, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7925; Filed, Aug. 17, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14241; FCC 61-1007, Corrected]

DEINTERMIXTURE OF HARTFORD, CONNECTICUT

Notice of Proposed Rule Making

1. In a separate Notice of Proposed Rule Making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We accordingly propose herein to place all commercial channel assignments at Hartford in the UHF band, by replacing VHF Channel 3 with Channel 76.

3. Comments are invited as to whether, if we decide to remove Channel 3 from commercial use at Hartford, it would best serve the public interest to:

(a) Reserve Channel 3 for non-commercial, educational use at Hartford or elsewhere in Connecticut;

(b) Reassign Channel 3 to Providence, R.I., for commercial use; [1]

(c) Reassign Channel 3 to Providence, R.I., and reserve it for noncommercial educational use there; or

(d) Delete Channel 3 from Hartford and defer decision on possible alternative uses of this channel pending further developments which would give clearer indication of how Channel 3 might best be utilized.

4. Channel 76, here proposed for assignment to Hartford in lieu of Channel 3, can be made available without shifting any UHF channel on which there is an outstanding authorization. Its assignment to Hartford would, however, require its deletion from Concord, New Hampshire, as well as the deletion of Channel 61 from Easthampton, Massachusetts, and the deletion of Channel 83, now reserved for noncommercial educational use at Poughkeepsie, New York. We find it desirable in the public interest to defer consideration of steps to replace the channels thus deleted until decision in Docket No. 14229 with regard to the most desirable means of making UHF channels available for future commercial and noncommercial stations.

5. While the assignment of Channel 76 to Hartford under the foregoing approach would avoid dislocation of existing UHF stations, the Commission will consider such counterproposals as interested parties may wish to submit for the assignment of a different UHF channel to Hartford for commercial use there in lieu of Channel 3.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7948; Filed, Aug. 17, 1961; 8:49 a.m.]

[1] Pursuant to our Report and Order adopted July 6, 1961 (FCC 61-869) in Docket 13375, the pleadings therein relating to counterproposals to reassign Channel 3 from Hartford to Providence will be considered in the instant proceeding. It should be noted that owing to air space problems there may be considerable difficulty in finding an acceptable transmitter site for a Channel 3 station assigned to Providence.

Notices

DEPARTMENT OF STATE

International Cooperation Administration

ASSISTANT DIRECTOR FOR ADMINISTRATION

Delegation of Authority

By virtue of the authority vested in me by the Mutual Security Act of 1954, as amended, Executive Order No. 10893, Department of State Delegation of Authority No. 85–10, State Department Redelegation of Authority No. 85–10A and other appropriate authorities, I hereby delegate authority to, and otherwise authorize the Assistant Director for Administration to:

1. Exercise the authority and to perform the functions conferred upon the Deputy Director for Management by Delegation of Authority from the Director dated September 28, 1960 (25 F.R. 9927);

2. Exercise the authority delegated to the Deputy Director for Management to prescribe regulations relating to travel as set forth in Delegation of Authority from the Director dated January 16, 1957 (22 F.R. 649);

3. Exercise the authority delegated by me to the Director, Office of Personnel Administration dated July 10, 1961;

4. Exercise the authority and perform the functions conferred upon the Deputy Director for Operations in Delegation of Authority, from the Director dated September 28, 1960 (25 F.R. 9927) to sign and issue Project Implementation Orders-Participants (PIO/P), and Project Implementation Orders-Technical Services (PIO/T);

5. Sign and approve grants and grants-in-aid of technical cooperation, other than to foreign governments or organizations or agencies of foreign governments.

The Assistant Director for Administration shall exercise the authority and perform the functions formerly vested in the Deputy Director for Management, and the Deputy Director for Operations insofar as they relate to the Office of Contract Relations and the Office of Participant Training, and as presently vested in the Director, Office of Personnel Administration, and as set forth in various internal delegations of authority, Manual Orders, Policy Directives, Notices and other issuances such as airgrams, cables, memoranda, etc. The authorities delegated herein to the Assistant Director for Administration may be exercised by a person serving as such Assistant Director in an acting capacity.

The authorities and functions of the Offices and staffs transferred to the Office of the Assistant Director for Administration by ICA/W Notice dated July 31, 1961, shall continue to be exercised in accordance with existing delegations until modified, revoked or superseded by the Assistant Director for Administration. In addition, the Assistant Director for Administration may delegate, and may authorize successive redelegations of, the authorities herein delegated and may reassign such offices, functions, and staff as he may deem appropriate.

To the extent delegated herein, authorities and functions heretofore delegated to the Deputy Director for Operations, and the Deputy Director for Management, are hereby revoked. This delegation does not derogate from or affect the exercise of the authorities and functions delegated by me to the Deputy Director for Operations on March 30, 1961 (26 F.R. 3117).

This delegation of authority is effective immediately.

HENRY R. LABOUISSE,
Director, International Cooperation Administration.

AUGUST 9, 1961.

[F.R. Doc. 61–7935; Filed, Aug. 17, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 62–4]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 011697, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the general mining laws only.

The applicant desires the land so that an exchange may be accomplished to consolidate national forest land in Ochoco National Forest for administrative purposes under the Act of March 20, 1922, as amended (16 U.S.C. 485; 74 Stat. 205).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay Street, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

OCHOCO NATIONAL FOREST

T. 13 S., R. 20 E.,
Sec. 35: E½E½SE¼;
Sec. 36: W½SW¼, N½SE¼.
T. 13 S., R. 24 E.,
Sec. 17: SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 18: NE¼NE¼.
T. 14 S., R. 17 E.,
Sec. 2: Lot 1, SE¼NE¼, E½SE¼;
Sec. 3: SW¼NW¼;
Sec. 6: Lots 5, 6, SW¼NE¼, SE¼NW¼;
Sec. 10: NE¼NW¼, NW¼SW¼.
T. 14 S., R. 18 E.,
Sec. 8: SE¼.
T. 14 S., R. 20 E.,
Sec. 2: Lots 1, 2, SE¼NE¼, SE¼;
Sec. 11: N½NE¼;
Sec. 14: NE¼, N½SE¼;
Sec. 24: SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 14 S., R. 21 E.,
Sec. 19: Lot 4, E½SW¼, SE¼;
Sec. 20: SW¼SW¼;
Sec. 26: SE¼SW¼;
Sec. 30: Lots 1, 3, 4, N½NE¼, SW¼NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 31: SE¼NE¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 32: SE¼NE¼, W½W½, SW¼SE¼, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 4: All;
Sec. 10: N½NW¼.
T. 15 S., R. 21 E.,
Sec. 5: Lots 1, 2, 3, 4, S½N½, N½S½.

Total area, 4,872.05 acres.

TOM D. CONKLIN,
Acting State Director.

[F.R. Doc. 61–7923; Filed, Aug. 17, 1961; 8:45 a.m.]

[No. 62–3]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 11, 1961.

In F.R. Doc. 61–7311, appearing at pages 6997 and 6998 of the issue for Thursday, August 3, 1961, line 7 appearing at page 6998 which presently reads "T. 37 S., R. 12 W. (unsurveyed)", is corrected to read "T. 37 S., R. 13 W. (unsurveyed)".

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61–7922; Filed, Aug. 17, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS, NEW MEXICO, AND WYOMING

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12

U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arkansas, New Mexico, and Wyoming a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Cross. Mississippi.
Greene.

NEW MEXICO

Lea.

WYOMING

Johnson. Sheridan.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7924; Filed, Aug. 17, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–189]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR–65 authorizing American-Standard to construct an Argonaut-type nuclear reactor designated to operate at a thermal power of 15 kilowatts on its site in Mountain View, California. Notice of the proposed action was published in the FEDERAL REGISTER on July 27, 1961, 26 F.R. 6747.

Dated at Germantown, Md., this 14th day of August 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–7910; Filed, Aug. 17, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12244]

CAPITOL AIRWAYS, INC.; TARIFF INVESTIGATION

Notice of Hearing

In the matter of a tariff filed by Capitol Airways, Inc., proposing military charters between Honolulu and Travis Air Force Base.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 1002 thereof, that a hearing in the above-entitled proceeding is assigned to be held on September 6, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William F. Cusick.

Dated at Washington, D.C., August 14, 1961.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 61–7942; Filed, Aug. 17, 1961; 8:49 a.m.]

[Docket 10946; Order No. E–17298]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Joint Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of August 1961.

In Order E–15618, dated August 5, 1960, the Board approved the above-designated agreement adopted by Joint Conference 1–2–3 of the International Air Transport Association (IATA), promulgated in IATA Memorandum JT123/FRCS–Rates 574, naming a specific commodity rate for Item 6001, from Bombay to New York. The Board limited its approval of the agreement to one year through August 10, 1961, subject to the right of the parties to the agreement to refile at that time for further approval by the Board.

By letter of July 17, 1961, the Secretary of Traffic Conference 1 of IATA, acting on behalf of the United States flag carriers, refiled the above-described agreement under section 412(a) of the Federal Aviation Act of 1958 (the Act) for the purpose of obtaining approval by the Board of its continued effectiveness beyond August 10, 1961.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the continued effectiveness of the above-designated agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Approval of Agreement C.A.B. 12179, which incorporates IATA Memorandum JT123/FRCS-Rates 574, is extended for the full period of the intended effectiveness of the agreement.

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such comments filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–7943; Filed, Aug. 17, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–KC–49]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a microwave radio antenna structure near Anchor, Illinois, at latitude 40°31′43″ north, longitude 88°29′57″ west. The overall height of the structure would be 1,118 feet above mean sea level (303 feet above ground).

No objections were made in response to the circularization. The Agency study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61–7913; Filed, Aug. 17, 1961; 8:45 a.m.]

[OE Docket No. 61–KC–51]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to

interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a microwave radio antenna structure in Champaign, Illinois, at latitude 40°07'36" north, longitude 88°15'13" west. The overall height of the structure would be 1,058 feet above mean sea level (303 feet above ground).

No objections were made in response to the circularization. The Agency's study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7914; Filed, Aug. 17, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-22]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Power Authority of the State of New York proposes to construct a radio antenna structure near Baldwinsville, New York, at latitude 43°06'40" north, longitude 76°21'41" west. The overall height of the structure would be 890 feet above mean sea level (250 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 3 miles northeast of the Anthonson Airport, Memphis, New York, and would exceed the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 46 feet. However, the Agency study disclosed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7915; Filed, Aug. 17, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-1028]

STATEMENT OF DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Authority To Issue Orders; Record of Action Taken

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of August 1961.

The Commission has had under consideration the desirability of making certain changes in section 0.242 of its Statement of Delegations of Authority.

The purpose of this order is to amend present section 0.242 to provide that all actions taken by the Chief of the Broadcast Bureau pursuant to authority delegated in section 0.241 will be maintained for public inspection in the Broadcast Bureau.

The Commission is of the view that the amendment of present section 0.242 as above will best conduce to the proper dispatch of its business.

It appearing that the amendments adopted herein pertain to Commission organization and procedure, in compliance with the provisions of section 4 of the Administrative Procedure Act, the Commission is adopting this amendment without notice and public procedure.

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and other information;

It is ordered, That effective August 15, 1961, the Commission's Statement of Organization, Delegations of Authority and Other Information is amended as set forth below.

Released: August 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 0.242 is amended to read as follows:

SEC. 0.242 *Authority to issue orders; record of actions taken.* In matters pertaining to the authority delegated in section 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All minutes of all actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241 shall be maintained for public inspection in the Broadcast Bureau. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

[F.R. Doc. 61-7944; Filed, Aug. 17, 1961; 8:49 a.m.]

[Docket No. 14247]

DAVID A. GENTRY

Order To Show Cause

In the matter of David A. Gentry, 1654 Lincoln Street, Berkeley 3, California; order to show cause why there should not be revoked the license for Radio Station 12W3205 in the Citizens Radio Service; Docket No. 14247.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on December 23, 1960, alleging: (1) Non-compliance with § 19.61(a) of the Commission's rules by the inter-communication with other Citizens radio stations other than when necessary for the exchange of substantive messages related to the business or personal affairs of the persons concerned; (2) Non-compliance with § 19.61 (f) of the Commission's rules by the exchange of communications with another Citizens radio station for a period in excess of five consecutive minutes; (3) Non-compliance with § 19.62 of the Commission's rules by the failure to identify properly the transmissions of his radio station;

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 25, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 370158), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, David A. Gentry, on January 26, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 9th day of August 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7945; Filed, Aug. 17, 1961; 8:49 a.m.]

[Canadian List 162]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 26, 1961.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		570 kilocycles				
New	Maguse River, Northwest Territory.	1	ND	U	III	Delete assignment.
		620 kilocycles				
Do	Grand Falls, Newfoundland.	10	DA-1	U	III	EIO 7-15-62.
		630 kilocycles				
CKAR (PO: 590 kc 1 kw DA-1).	Huntsville, Ontario	1	DA-N	U	III	Do.
		710 kilocycles				
CKVM (PO: 710 kc 1 kw DA-N).	Ville Marie, Province of Quebec.	10 kw D/1 kw N	DA-N	U	II	Do.
		790 kilocycles				
CFCW	Camrose, Alberta	10	DA-2	U	III	Now in operation with increased power.
CFCW (change in daytime power).	Camrose, Alberta	10	DA-2	U	III	EIO 7-15-62.
		1070 kilocycles				
New	Vancouver, British Columbia.	10	DA-2	U	II	Delete assignment.
		1250 kilocycles				
CKOM	Saskatoon, Saskatchewan.	10	DA-N	U	III	Now in operation with increased power.
		1340 kilocycles				
New	Stettler, Alberta	1 D/0.25 N	ND	U	IV	EIO 7-15-62.
		1370 kilocycles				
Do	Abbotsford, British Columbia.	1	DA-1	U	III	Delete assignment.
		1490 kilocycles				
Do	Tatamagouche, Nova Scotia.	0.25	ND	U	IV	EIO 7-15-62.
		1540 kilocycles				
Do	Toronto, Ontario	50	DA-D	D	II	Do.
		1600 kilocycles				
Do	Ducan, British Columbia.	1	DA-1	U	III	Delete assignment.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7946; Filed, Aug. 17, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9547, etc.]

UNITED GAS PIPE LINE CO.

Order Granting Continuance

AUGUST 11, 1961.

On July 17, 1961, pursuant to Commission order issued herein, the hearing was begun in which United Gas Pipe Line Company (United) tendered its exhibits and other evidence as to the dockets consolidated in these proceedings. The hearing recessed for a series of informal conferences. Thereafter on July 19, 1961, upon resumption of the hearing, United read into the record its proposal for disposition of these proceedings as well as the proceedings in two later dockets which had not been consolidated herewith.

The Commission Staff joined by most of the parties present, requested that the hearing be recessed to November 28, 1961, for it and the parties to study and evaluate United's aforementioned proposal, for holding informal conferences to receive the responses of the parties to United's proposal to ascertain areas of settlement as to any or all of the issues involved, to analyze and study the evidence submitted by United, to prepare cross-examination of United's case, and for the introduction of the direct cases of the Commission Staff and interveners.

On July 21, 1961, the presiding examiner hearing those five consolidated proceedings certified to the Commission his ruling that the hearing be continued until November 28, 1961.

The Commission finds: Inasmuch as the requested continuance exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission and good cause having been shown, the postponement to November 28, 1961, granted by the presiding examiner's ruling, should be approved.

The Commission orders: The ruling of the presiding examiner made on the record in these proceedings on July 19, 1961, granting a continuance herein to November 28, 1961, is hereby approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7918; Filed, Aug. 17, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37308: *Substituted service—Rail carrier service for motor carrier service.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 71), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central states, middlewest, southwestern, Rocky Mountain and Pacific territories, on the one hand, and points in central states, middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37307: *Passenger fares in the United States.* Filed by A. J. Winkler, Agent (No. A–10), for interested rail carriers. Involving basic coach fares for the transportation of persons, between points in the United States.

Grounds forrelief: Maintenance of through one factor fares in excess of lower combinations of intermediate fares, due to joint fares reflecting increased factors.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–7931; Filed, Aug. 17, 1961; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 23,1961, reading in part as follows:

I hereby determine the damage in the various areas of the State of West Virginia adversely affected by floods beginning on or about July 19, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 23, 1961:

The counties of:

Fayette.	Nicholas.
Jackson.	Putnam.
Kanawha.	Roane.

Dated: August 9, 1961.

EDWARD MCDERMOTT, *Acting Director.*

[F.R. Doc. 61–7911; Filed, Aug. 17, 1961; 8:45 a.m.]

THOMAS R. REID

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Ford Motor Co.
Beech Aircraft Co.
P. Lorrilard Co.
Mohasco Ind.
General Telephone and Electronics Co.
Massachusetts Growth Trust Fund.

This amends statement published February 11, 1961 (26 F.R. 1235).

THOMAS R. REID.

AUGUST 1, 1961.

[F.R. Doc. 61–7912; Filed, Aug. 17, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–5470]

BROADCAST INTERNATIONAL, INC.

Notice and Order for Hearing

AUGUST 14, 1961.

I. Broadcast International, Inc. (issuer), a New York corporation located at 3 West 57th Street, New York, N.Y., filed with the Commission on June 2, 1961, a notification on Form 1–A and offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission, on June 29, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on September 27, 1961, at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York 7, New York, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with, in that the issuer:

1. Fails to disclose in the notification a material transaction with respect to the stock held by the controlling person of the issuer;

2. Falsely names as an officer of the issuer a person who was not an officer at all times of the filing.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices.

2. The failure to disclose that customers listed as current active accounts had ceased to deal with the issuer.

3. The overstatement of the number of programs which could be produced by the issuer with the proceeds of the offering.

4. The statement that Broadcast Planning represented 150 television stations.

C. Whether the offering and sale of the issuer's securities would violate section 17(a) of the Securities Act of 1933.

III. *It is further ordered,* That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Broadcast International, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before September 25, 1961, a written request relative thereto

as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

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

[F.R. Doc. 61-7936; Filed, Aug. 17, 1961; 8:48 a.m.]

[File No. 24NY-5411]

HOWE PLASTICS & CHEMICAL COMPANIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 14, 1961.

I. Howe Plastics & Chemical Companies, Inc., a New York corporation organized on March 21, 1958, with offices at 4077 Park Avenue, Bronx 57, New York, filed a notification on Form 1-A and an offering circular on March 29, 1961, relating to a proposed offering of an undetermined number of shares of common stock, $.01 par value, for the purpose of obtaining an exemption from registration pursuant to Regulation A under section 3(b) of the Securities Act of 1933. The price of the shares is to be determined by the market price immediately prior to the commencement of the offering.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly in that:

The financial statements are false and misleading because

(a) The issuer failed to include financial statements of the period after December 30, 1960 which would have reflected a significant decline in sales;

(b) The issuer has materially overstated the value of its fixed assets.

B. The offering would be made in violation of section 17(a) of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

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

[F.R. Doc. 61-7937; Filed, Aug. 17, 1961; 8:48 a.m.]

[File No. 812-1423]

VIRGINIA CAPITAL CORP.

Notice of Filing of Application Regarding Investment Arrangement by Registered Company and Affiliates

AUGUST 11, 1961.

Notice is hereby given that Virginia Capital Corporation ("Virginia Capital"), a Virginia corporation, and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") which company is also a small business investment company licensed as such under the Small Business Investment Act of 1959 ("SBIA") has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 of the general rules and regulations thereunder ("Rules") for an order granting said application in respect of a proposed arrangement for the purchase of securities by Virginia Capital on a basis which will not be different from or less advantageous than that of certain affiliated persons of Virginia Capital who will also purchase some of such securities.

The application states that Virginia Capital plans to purchase from Dataflo, Inc. ("Dataflo") 50,000 shares of common stock at $1 per share of a total issue of 225,000 shares. The organizers of Dataflo, none of whom are in any way affiliated with Virginia Capital, are purchasing 100,000 shares of this stock. Of the remaining 75,000 shares to be issued, up to 40,000 shares are expected to be purchased at $1 per share by persons who may be deemed affiliates of Virginia Capital, including Arthur S. Brinkley, Jr., vice president, treasurer and director of Virginia Capital, W. Gibson Harris, secretary, director and counsel for Virginia Capital, Eugene B. Sydnor, Jr. and Robert H. Haskins, directors of Virginia Capital and several of the partners of J. C. Wheat & Co. or corporations in which they have interests. None of these purchases represent more than 5,000 shares. The application further states that the terms and conditions on which Virginia Capital proposes to purchase the 50,000 shares of stock are not different from, nor are they less advantageous to Virginia Capital than those under which the affiliated persons are purchasing shares of stock and that the proposed purchases of stock by affiliated persons are not in any way conditioned upon the proposed purchase by Virginia Capital.

Dataflo is a Virginia Corporation organized in April of 1961 for the purpose of printing and distributing business forms. Dataflo has leased premises in Richmond, Virginia, to be used as its plant and offices. The organizers of Dataflo are: Mr. Jake Peacock, who will serve as president; Mr. Owen W. Matthews, who will serve as director and assistant secretary; Mr. Emmett M. Avery, Jr., who will serve as vice president and director; Mr. John F. Habig, who will serve as director; Fred Pollard, Esq., who will serve as secretary, director and counsel; and Mr. Kenneth W. Sledd. Of the 100,000 shares which the organizers have agreed to buy, Mr. Peacock will purchase 73,500. In addition, the organizers are purchasing warrants, expiring July 31, 1967, to buy a total of 17,500 shares of stock of Dataflo at $2.00 per share, for which they will pay $0.10 per warrant right.

J. C. Wheat & Co. will be paid a commission of $0.10 per share on all shares taken by those other than Virginia Capital and by the organizers. The partners of J. C. Wheat own approximately 70 percent of the stock of Southeastern Investment Company ("Southeastern"). Southeastern in turn owns 19 percent of the outstanding shares of Virginia Capital. Mr. James C. Wheat, Jr., the senior partner of J. C. Wheat & Co., is chairman of the board of directors of Virginia Capital and a member of its executive committee and is also president and a director of Southeastern.

As part of its agreement to purchase 50,000 shares of Dataflo, Virginia Capital required that three persons named by it be appointed to Dataflo's board of directors, and, in accordance with this provision, Messrs. Brinkley, Sydnor, and Haskins have been elected directors of Dataflo.

Section 17(d) of the Act and Rule 17d-1 taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Since affiliated persons of Virginia Capital will participate in the financing of Dafaflo in the manner noted above, the arrangement is subject to the provisions of section 17(d) and Rule 17d-1.

Notice is further given that any interested person may, not later than August 29, 1961, at 5:30 p.m., d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request

that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–7938; Filed, Aug. 17, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

PROCLAMATIONS:
3424 ... 7031

EXECUTIVE ORDERS:
920 ... 7548
1262 ... 7344
1510 ... 7344
4342 ... 7219
5125 ... 7219
5364 ... 6852
8411 ... 7219
8864 ... 7548
10450 ... 6967
10530 ... 7571
10773 ... 7571
10841 ... 7315
10902 ... 7571
10952 ... 7571
10955 ... 6967
10956 ... 7315
10957 ... 7541
10958 ... 7571

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Reorganization Plan 6, 1949 ... 7315
Reorganization Plan 5, 1950 ... 7315
Reorganization Plan 21, 1950 ... 7315
Reroganization Plan 1, 1958 ... 7571
Reorganization Plan 6, 1961 ... 7541
Reorganization Plan 7, 1961 ... 7315

5 CFR

6 ... 7183, 7247, 7319, 7542, 7572
30 ... 7005
89 ... 7572
350 ... 7005

PROPOSED RULES:
89 ... 7144

6 CFR

331 ... 7121
333 ... 6915
421 ... 7007, 7008, 7078, 7247, 7248, 7252, 7317, 7319, 7542, 7572
430 ... 7255
443 ... 7256
474 ... 7183

7 CFR

210 ... 7258
319 ... 6968, 6969
354 ... 6833
701 ... 6881
706 ... 7319
711 ... 7693
717 ... 7258, 7693
718 ... 7259
719 ... 7259, 7324
722 ... 6892
723 ... 7122, 7693
725 ... 7693
728 ... 6892, 7261, 7694
775 ... 7573
811 ... 6969
906 ... 6833, 7573
911 ... 6834
921 ... 7573
922 ... 7032, 7326
933 ... 7077
934 ... 6834
938 ... 6834
939 ... 7725
940 ... 7186
943 ... 6835
946 ... 6836
949 ... 6837
951 ... 7573
953 ... 6836, 7032, 7077, 7327, 7542
958 ... 7008, 7725
963 ... 6837
969 ... 7694
986 ... 7573
990 ... 6846
1024 ... 6847
1030 ... 7186
1067 ... 7695
1068 ... 7077

PROPOSED RULES:
46 ... 7282
51 ... 6936
52 ... 6937
319 ... 7134
813 ... 7351
900—1071 ... 7347
901 ... 7653
902 ... 6854
904 ... 7587
909 ... 7282
915 ... 7673
927 ... 7587
935 ... 7096, 7673
939 ... 6937
941 ... 7134
957 ... 7550
990 ... 7587
992 ... 7017
993 ... 7096
1008 ... 6937, 7588
1013 ... 7096, 7673
1019 ... 7587
1026 ... 6984
1027 ... 7590
1030 ... 7706

9 CFR

77 ... 6831
101 ... 7725
102 ... 7725
103 ... 7725
112 ... 7725
114 ... 7725
123 ... 7725

10 CFR

PROPOSED RULES:
20 ... 7142
40 ... 7143
95 ... 7357

12 CFR

545 ... 7051

14 CFR

40 ... 7009
41 ... 7009
42 ... 7009
43 ... 7122
507 ... 6971, 7009, 7010, 7033, 7078, 7695
514 ... 7261
571 ... 7123
600 ... 6847, 6916, 6971, 6972, 7033, 7327, 7328, 7574–7575, 7696, 7728
601 ... 6847, 6848, 6916, 6971, 6972, 7033, 7035, 7078, 7262, 7328–7330, 7542–7544, 7574–7576
602 ... 6916, 7079, 7575, 7576
608 ... 7033, 7187, 7330, 7544
609 ... 6972, 7036, 7045
610 ... 6977

PROPOSED RULES:
40 ... 7223
41 ... 7223
42 ... 7223
202 ... 7061
205 ... 6855
231 ... 6855
290 ... 6994
377 ... 6994
507 ... 7016, 7299, 7300
600 ... 6857–6861, 6940, 7149, 7300, 7551, 7552, 7607, 7608
601 ... 6859–6861, 6940–6942, 7149, 7300, 7301, 7552, 7606–7608, 7707, 7708
602 ... 6861
608 ... 7301, 7302, 7707–7709

16 CFR

13 ... 6915, 6981, 7010, 7011, 7052, 7053, 7085–7087, 7205, 7331, 7577 7578, 7696, 7697, 7728, 7729
56 ... 7012

PROPOSED RULES:
301 ... 7224

17 CFR

200 ... 6917, 7545
201 ... 7546
210 ... 7123
240 ... 7053

PROPOSED RULES:
240 ... 7224
275 ... 7552

19 CFR

8 ... 6982

20 CFR

403 ... 7054
404 ... 7054

21 CFR

3 ... 7014
8 ... 7544, 7578
15 ... 7578
120 ... 6917, 7126, 7127, 7580
121 ... 6831, 6917–6919, 6970, 7087, 7088, 7127, 7263, 7332, 7544, 7580, 7581, 7698, 7732, 7733
141a ... 7332, 7733
141b ... 7734
141d ... 7734
141e ... 7734
146 ... 7733
146a ... 7733
146b ... 7734
146d ... 7734
191 ... 7333

PROPOSED RULES:
15 ... 7223
120 ... 7017, 7134
121 ... 7017, 7061, 7223, 7299, 7606, 7740.

22 CFR

22 ... 6970

24 CFR

200–908 ... 7377
221 ... 6919
222 ... 6919
232 ... 6919

24 CFR—Continued

Page

237 6920
241 6920
242 6921
252 6922
254 6923
261 6923
263 6923
264 6923
268 6923
269 6923
298 6924
299 6928
1500 7341
1520 7341
1530 7341
1600 7341

25 CFR

91 7093

26 CFR

1 7263
44 7545
240 7264
301 6970

29 CFR

2 7729
101 7546
102 7546
402 7729
403 7729
405 7729
406 7729
407 7729
408 7729
415 7729
524 7265
526 7730
545 7265
548 7730
681 7265
785 7730
791 7730
1202 7581

PROPOSED RULES:

406 7141
511—791 6939, 7062
520 7018
522 7355
545 7282
601 7706
608 7706
609 7706
611 7706
687 7706
689 7706
694 7740
699 7706

32 CFR

137 6929
516 7734
621 7014
713 7205
803 7208
804 7208
823 7210
837 7210
856 7212
862 7212
875 7212
887 7213, 7547
889 7212
1712 6848

33 CFR

203 6982
204 7015
208 6982
303 7215

37 CFR

1 6983
2 7215

PROPOSED RULES:

1 7550
3 7550

38 CFR

3 7219, 7266, 7698, 7738

39 CFR

14 7581
17 7216
23 7581
41 7056, 7341, 7581
46 7056
48 7056
51 7216
56 7056
61 7056, 7341
132 7216
152 7581
168 7216

PROPOSED RULES:

45 7221

41 CFR

2–1 7548
9–7 7582
9–15 7582
18–7 7015
50–202 7698, 7699

PROPOSED RULES:

50–202 7110, 7352, 7355, 7550

42 CFR

71 7057
73 7341

43 CFR

PROPOSED RULES:

161 6853

PUBLIC LAND ORDERS:

103 7094
353 7219
439 7219
574 7219
975 7219
1001 7094
1075 7219
1087 6852
1140 7219
1380 7219
1387 7219
1389 7219
1516 7219
1530 7219
1618 7219
1694 7219
1895 7219
1971 7219
2216 7094
2247 7267
2446 7094
2448 6852
2449 6852
2450 7015
2451 7094
2452 7219
2453 7343

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

2454 7344
2455 7548
2456 7548
2457 7549
2458 7700
2459 7700
2460 7701
2461 7703

45 CFR

211 7128

46 CFR

201—360 7704

PROPOSED RULES:

201—360 6942

47 CFR

1 6933, 7130, 7738, 7739
3 7267, 7270, 7272, 7276–7278, 7704
7 6849
8 6849
9 6849, 6934
10 6849
11 6849
16 6849
64 7279

PROPOSED RULES:

2 7150
3 7282, 7288, 7293–7299, 7741
4 7150
15 7153

49 CFR

7 6852
71—78 7342
131 7584
176 7015
190 7132
197 7342

50 CFR

10 7057
25 7060
32 7060, 7094, 7132, 7219, 7220, 7280, 7281, 7344, 7345, 7586, 7704, 7705
256 7060

PROPOSED RULES:

32 7587
33 7587