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Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 19]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

Section 401.11 of this chapter is amended by amending the fourth sentence of subsection 3(b) of the Federal Crop Insurance Policy shown in § 401.11 to read as follows: "Any insured may change the amount of insurance per acre for any insured crop which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election or change by the applicable termination date for indebtedness (shown in the individual crop endorsement) preceding the beginning of the crop year for which the election or change is to become effective."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8581; Filed, Sept. 7, 1961; 8:56 a.m.]

[Amdt. 16]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended in the following respect:

1. Section 5 of the Federal Crop Insurance Policy shown in § 401.11 of this chapter is amended effective beginning with the 1962 crop year as follows:

§ 401.11 The policy.

* * * * *
5. *Minimum premium.* If in any year a premium is earned under the contract (a)

on one crop and the net premium totals less than \$10.00 the amount shall be increased to \$10.00 or (b) on more than one crop and the net premium for such crops totals less than \$20.00 the amount shall be increased to \$20.00.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8582; Filed, Sept. 7, 1961; 8:56 a.m.]

[Amdt. 15]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

Subsection 21(c) of the Federal Crop Insurance Policy shown in § 401.11 of this chapter is amended effective beginning with the 1962 crop year as follows:

(c) "County actuarial table" means the forms and related material which are approved by the Corporation, which are on file for public inspection in the county office, and which show the guaranteed production, amounts of insurance per acre, premium rates, and related information with respect to insurance on a crop in the county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8583; Filed, Sept. 7, 1961; 8:56 a.m.]

[Amdt. 17]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as

amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

The corn endorsement, published in § 401.20 of this chapter, is amended effective beginning with the 1962 crop year to read as follows:

§ 401.20 The corn endorsement.

The provisions of the corn endorsement for the 1962 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to insect infestation, plant disease, wildlife, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable causes of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The crop insured under this endorsement shall be only corn normally regarded as field corn planted for harvest as grain as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the corn is (a) thick planted for the production of silage or fodder, (b) planted for the development of hybrid seed other than the final cross or (c) planted for the production of silage or fodder and so designated on the acreage report as acreage to which insurance will not attach for the crop year.

3. *Insurance period.* For each crop year of the contract, insurance attaches on any insured acreage at the time of planting and as to any such acreage shall cease on final adjustment of a loss, or upon harvest, or December 10 (October 31 in North Dakota), whichever first occurs: *Provided,* That insurance as to insured acreage on which sample rows of corn are allowed to remain in accordance with section 4 of this endorsement shall cease at the same time that insurance ceases as provided in this section on insured acreage from which corn is harvested for silage, fodder or wet storage.

4. *Acreage to be harvested for silage, fodder or wet storage.* Notwithstanding section 8(a) of the policy, where the crop has been damaged and a loss on an insurance unit is probable the corn crop on any insured acreage may be harvested for silage, fodder or for the purpose of wet storage: *Provided,* That not less than 10 days prior to harvest the insured gives notice in writing to the Corporation at the county office of his intention to harvest in order that the Corporation may inspect the acreage and appraise the production of such corn before it is harvested. If such notice has been given and the Corporation has not made an inspection prior to harvest, the insured shall leave unharvested a number of rows of corn as determined by the Corporation to be an adequate representative sample for use of the Corporation in appraising the production from such acreage. Failure to furnish such notice and leave sample rows will have the consequences as provided in section 5 below. The insured may harvest undamaged corn from insured acreage for silage, fodder or for the purpose of wet storage without the consent of or without giving notice to the Corporation.

5. *Claims for loss.* (a) In lieu of the last sentence of section 11(c) of the policy and subject to the provisions of section 6

of this endorsement where applicable in North Dakota, the total production to be counted for an insurance unit shall be determined by the Corporation and shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of the insured crop which is appraised by the Corporation and planted to dry edible beans, flax, grain sorghum, or soybeans in the current crop year with the consent of the Corporation shall be not less than one-half of the guaranteed production provided for such acreage: *Provided, further*, That the production to be counted for any acreage of corn which is harvested for silage or fodder, or for the purpose of wet storage, or which is abandoned or put to another use without the consent of the Corporation shall be the guaranteed production provided for such acreage, except that where the insured has complied with the provisions of section 4 of this endorsement, the total production to be counted from any acreage of corn which is appraised by the Corporation and harvested for silage or fodder, or for the purpose of wet storage, shall be the total of such appraisal but not to exceed the guaranteed production for that acreage.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any corn which does not grade No. 3 or better, and in addition does not grade No. 4 or better on the basis of test weight only but otherwise grades No. 3 or better (as determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not by drying and proper handling be made to meet these requirements shall be determined by (1) dividing the value per bushel of the damaged corn as appraised by the Corporation by the local market price per bushel at the time the loss is adjusted, for corn grading No. 2, and (2) multiplying the resulting ratio thus obtained by the number of bushels of such damaged corn.

6. *Special provision applicable to North Dakota.* In North Dakota in any case where the actual quantity of corn harvested for silage from insured acreage in compliance with the notice and sample row provisions of section 4 of this endorsement is one ton or more of silage per acre, or the appraised production on a silage basis of any unharvested corn or of any corn harvested for purposes other than silage from any insured acreage is one ton or more of silage per acre, as determined by the Corporation, the production of corn to be counted from such acreage shall not be less than two bushels per acre.

7. *Meaning of terms.* For the purposes of insurance on corn, the terms: (a) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for silage, fodder or any other purpose.

(b) "Wet storage" means any production of corn harvested and stored as high moisture corn for the purpose of maintaining it in such condition.

8. *Cancellation, termination for indebtedness, and discount dates.* (a) For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the January 31 immediately following the calendar end of the insurance period for any crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8584; Filed, Sept. 7, 1961;
8:56 a.m.]

[Amdt. 20]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year as follows:

The headnote and that portion of § 401.23 preceding section 1 of the grain sorghum endorsement is amended beginning with the 1962 crop year to read as follows:

§ 401.23 The grain sorghum endorsement under which insurance is not limited to the irrigated practice.

The provisions of this grain sorghum endorsement shall not apply in those counties where the guaranteed production and the amount of insurance are shown on the county actuarial table on an irrigated basis only.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8585; Filed, Sept. 7, 1961;
8:57 a.m.]

[Amdt. 18]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

SOYBEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respect:

1. Section 7(b) of the soybean endorsement shown in § 401.29 of this chapter is amended effective beginning with the 1962 crop year to read as follows:

(b) For each crop year of the contract the discount date shall be the January 31 immediately following the calendar end of the insurance period for any crop year. (Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8586; Filed, Sept. 7, 1961;
8:57 a.m.]

[Amdt. 14]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

IRRIGATED GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year for irrigated grain sorghum in the following respects:

The following section is added:

§ 401.35 The irrigated grain sorghum endorsement which provides for a guaranteed production and an amount of insurance on an irrigated basis only.

The provisions of this grain sorghum endorsement (applicable only in those counties where the guaranteed production and the amount of insurance are shown on the county actuarial table on an irrigated basis) for the 1962 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions except drought, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth on the county actuarial table.

2. *Insured crop.* The crop insured under this endorsement shall be only combine type grain sorghum planted for harvest as grain as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the sorghum is (a) a forage sorghum or thick planted sorghum for silage or fodder purposes, (b) planted in rows too close for cultivation, or (c) planted for the development of hybrid seed.

3. *Annual premium.* In lieu of all of section 4 of the policy, the following shall apply: (a) The annual premium for an insured crop shall be earned and payable when the insured crop is planted.

(b) Any amount of premium for an insured crop which is unpaid on the day following the discount date for such crop shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation, or from any loan or payment to the insured under any act of Congress or program administered by the United States Department of Agriculture, unless prohibited by law.

4. *Guaranteed production and the amount of insurance per acre.* The guaranteed production and the amount of insurance per acre are progressive depending upon whether the acreage is (1) First Stage—unharvested, or (2) Second Stage—harvested.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the grain sorghum is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 31 of the calendar year in which the grain sorghum is normally harvested.

6. *Claims for loss.* The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as grain as determined by the Corporation.

7. *Meaning of terms.* For purposes of insurance on grain sorghum the term:

(a) "Harvest" means combining or the mechanical severance from the land of matured grain sorghum for threshing where the grain sorghum crop has not been destroyed.

8. *Cancellation, termination for indebtedness, and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the December 31 of the calendar year in which the grain sorghum crop is normally harvested.

9. *Irrigated acreage.* Section 22(b) of the Policy shall not be applicable with respect to grain sorghum insurance provided under this endorsement.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 31, 1961.

[SEAL] EARL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8587; Filed, Sept. 7, 1961; 8:57 a.m.]

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

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes

grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 15, 1961 (26 F.R. 7550). This regulatory program is 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 proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 957.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and this part, for its maintenance and functioning during the fiscal period June 1, 1961, through May 31, 1962, will amount to \$30,000.00.

(b) The rate of assessment to be paid by each handler shall be seventy cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, 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. 98, as amended, and this part.

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

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

Dated: September 1, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8567; Filed, Sept. 7, 1961; 8:53 a.m.]

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 A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as direct additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.90 (21 CFR 121.90) is amended by adding thereto the following items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS¹

Product	Specified uses or restrictions	Effective date of statute extended to—
Agaric, white; Polyporus officinalis Fries		Jan. 1, 1963.
Alkanet root and root extract; Alkanna tinctoria Tausch		Do.
Aloe and aloe extract; Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill., and A. spicata Baker.		Do.
Aloe, cape; Aloe ferox Mill., and its hybrids with A. africana Mill., and A. spicata Baker.		Do.
Aloin; Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill., and A. spicata Baker.		Do.
Althea (marshmallow) flowers and root, Althea officinalis L.		Do.
Amyris (West Indian sandalwood) oil, Amyris balsamifera L.		Do.
Angola weed; Roccella fuciformis Ach.		Do.
Annatto extract and seed; Bixa orellana L.		Do.
"Araucaria" oil; Callitropsis araucaroides Compt.		Do.
Arnica flower extract; Arnica Montana L.		Do.
Artemisia (wormwood); Artemisia spp.		Do.
Balsam fir oil and balsam fir oleoresin; Abies balsamea (L.) Mill.	Thujone free	Do.
Beechwood creosote; Fagus spp.		Do.
Benzoin gum (resin); Styrax benzoin Dryand., S. paralleloneurus Perkins, S. tonkinensis (Pierre) Craib ex Hartwich, or other spp. of the Section Anthostyrax of the genus Styrax.		Do.
Birch tar oil, refined (rectified) (sweet); Betula pendula Roth and related Betula spp.		Do.
Blackberry, bark, extract; Rubus, Section Eubatus		Do.
Blessed thistle (holly thistle) herb, herb extract, herb extract solid, and herb oil; Cnicus benedictus L.		Do.
Borage; Borago officinalis L.		Do.
Boronia, absolute; Boronia megastigma Nees		Do.
Buchu leaves oil; Barosma betulina Bartl., B. crenulata (L.) Hook., and B. serratifolia Willd.		Do.

¹ Progress report for the list of items included under this heading required by Jan. 1, 1962.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS¹—Con.

Product	Specified uses or restrictions	Effective date of statute extended to—
Sassafras bark, extract (alcohol and water percolate); Sassafras albidum (Nutt.) Nees.	Safrole free	Jan. 1, 1963.
Sassafras leaves; Sassafras albidum (Nutt.) Nees.	do.	Do.
Shakeroot, Canadian (Canada wild ginger), oil; Asarum canadense L.	do.	Do.
Sourwood leaves; Oxydendrum arboreum (L.) DC.	do.	Do.
Spikenard, American, root; Aralia racemosa L.	do.	Do.
Spruce, oil; Picea spp.	do.	Do.
Stargrass (starwort); Aletris farinosa L.	do.	Do.
Storax (styrax) extract and gum; Liquidambar orientalis Mill. or L. styraciflua L.	do.	Do.
Tagetes (marigold) extract and oil; Tagetes patula L., T. erecta L., or T. glandulifera Schrank.	do.	Do.
Tansy flowers and oil; Tanacetum vulgare L.	Thujone free	Do.
Tansy flowers extract and extract, solid; Tanacetum vulgare L.	do.	Do.
Tolu balsam extract and gum; Myroxylon balsamum (L.) Harms.	do.	Do.
Tormentilla root; Potentilla tormentilla Neck.	do.	Do.
Turpentine gum and turpentine, steam distilled; Pinus palustris Mill and other Pinus spp.	do.	Do.
Valerian root, root extract, and root oil; Valeriana officinalis L.	do.	Do.
Veronica; Veronica officinalis L.	do.	Do.
Verbain, blue; Verbena hastata L.	do.	Do.
Vetiver and vetiver extract and oil; Vetiveria zizanioides Stapf.	do.	Do.
Walnut hull, extract; walnut leaves, extract; walnut husks; and walnuts, green; Juglans spp.	do.	Do.
Wintergreen extract and oil; Gaultheria procumbens L.	do.	Do.
Wintersbark; Drimys winteri Forst.	do.	Do.
Witch-hazel; Hamamelis virginiana L.	do.	Do.
Woodruff, sweet, herb; Asperula odorata L.	do.	Do.
Wormseed oil; Chenopodium ambrosioides L. var. anthelminticum (L.) Gray.	do.	Do.
Yarrow herb; Achillea millefolium L.	do.	Do.
Yerba santa and yerba santa fluidextract; Eriodictyon californicum (Hook. et Arn.) Torr.	do.	Do.
Yucca brevifolia extract; Yucca brevifolia Engelm.	do.	Do.
Yucca mohavensis root extract; Yucca mohavensis Sarg.	do.	Do.

¹Progress report for the list of items included under this heading required by Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature. (Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 30, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.
[F.R. Doc. 61-8503; Filed, Sept. 7, 1961; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended

(40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER on April 29, 1961 (26 F.R. 3713), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., on or before June 29, 1961, and thus participate in the preparation of amendments to Part 10, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, hunting methods, shooting hours, and bag limits for migratory game birds for the 1961-62 hunting seasons.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Bureau of Sport Fisheries and Wildlife, State game departments, and other sources, and of comments received from the public, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed for the 1961-62 seasons on waterfowl, coots, gallinules, and lesser sandhill (little brown) cranes. The State game departments were also invited to submit recommendations for

hunting seasons in their respective States on the applicable species; such hunting seasons to conform to the shooting hours, season lengths, and bag limits, and to fall within a framework of opening and closing dates, as established by this Department.

Open seasons are also being prescribed for the hunting of rails and gallinules and Wilson's snipe in Michigan and Wisconsin and for gallinules in all States in the Pacific Flyway, since such action was delayed until a later date at the time the 1961-62 seasons for these species in other States were prescribed and published in the FEDERAL REGISTER (26 F.R. 7057-7060) on August 5, 1961.

Also, the allowable import limits for migratory birds taken in foreign countries as published in the FEDERAL REGISTER (26 F.R. 7807) on August 22, 1961, are being amended to allow the importation of red-billed pigeons and to increase the import limit on band-tailed pigeons.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now being prescribed, and consideration having been given to all other relevant matters presented, it has been determined that Part 10 shall be amended as set forth below.

The taking of migratory game birds is presently prohibited. The following amendments will permit the taking of designated species of such birds within specified periods of time beginning as early as October 1, as has been the case in past years. The hunting public has over the years become accustomed to an October 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), if hunting is to be permitted on October 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act are hereby invoked and these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 10.7 is amended to read as follows:

§ 10.7 Imports from Canada, Mexico, or other foreign country.

* * * * *

(a) The numbers of such birds permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, shall be limited as follows:

species (geese, brant, or Wilson's snipe) will start at sunrise.

¹ Ducks: In the States of Alabama and Louisiana, the daily bag limit is 3 ducks and the possession limit is 6 ducks. In the States of Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, the daily bag limit is 2 ducks and the possession limit is 4 ducks. In all States in the Flyway, the daily bag or possession limit may not include more than 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open season is prescribed on canvasback and redhead ducks.

² Geese: In all States in the Flyway, the daily bag or possession limit may not include, in the alternative, more than (a) 2 Canada geese or subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or subspecies and 1 white-fronted goose.

³ Louisiana: For the lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Dec. 1-Dec. 30. For these lands and waters, the daily bag limit is 2 ducks and the possession limit is 4 ducks. No change in other bag and possession limits.

⁴ Mississippi: For the lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season for taking ducks and coots is Nov. 10-Nov. 29. For these lands and waters, the daily bag limit is 3 ducks and the possession limit is 6 ducks. No change in other bag and possession limits.

⁵ Ohio: For Pymatuning Reservoir in Ashtabula County, and 1/4 mile in any direction from said reservoir, the season for taking ducks, coots, and geese is Oct. 21-Dec. 9. For these lands and waters, the daily bag limit is 2 geese and the possession limit is 4 geese. No change in other bag or possession limits.

⁶ Wisconsin: Only in the Counties of Dodge, Fond du Lac, and those portions of Juneau, Monroe, and Wood Counties bounded by roads starting at the junction of Highways 173 and 80 south of Babcock in Wood County; thence south and west along Highway 173 to the junction with Highways 14 and 16 east of Tomah in Monroe County; thence south and east along Highways 14 and 16 to the junction with Highway 80 at New Lisbon in Juneau County; thence north along Highway 80 through Needah to the point of beginning, the combined limit of Canada geese will be limited to a total of 12,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 12,000 Canada geese have been killed in this area, the season therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

⁷ Illinois: In the Counties of Alexander, Jackson, Union, and Williamson only, the combined limit of Canada geese will be limited to a total of 20,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 20,000 Canada geese have been killed in these four Counties, the season therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

⁸ NOTE: Check State regulations for additional State restrictions.

(e) Central Flyway States.

	Ducks	Coots	Geese (except Ross's geese)
Daily bag limit...	(2)	6	3 5
Possession limit...	(2)	6	3 5
Shooting hours ¹ ...	Sunrise until sunset (standard time) on all species.		
Seasons in:			
Colorado ³	Nov. 22-Dec. 21		Nov. 10-Jan. 8.
Kansas.....	Oct. 28-Nov. 26		Oct. 7-Dec. 5.
Montana (east of continental divide) ^{3 4}	Oct. 13-Nov. 11		Oct. 1-Nov. 29.
Nebraska.....	Oct. 28-Dec. 6		Do.
New Mexico ⁴	Oct. 13-Oct. 25		Nov. 10-Jan. 8.
North Dakota.....	Dec. 15-Dec. 28		Oct. 7-Dec. 5.
Oklahoma.....	Oct. 14-Nov. 12		Oct. 14-Dec. 12.
South Dakota ⁴	Nov. 1-Nov. 30		Oct. 7-Dec. 5.
Texas ⁵	Oct. 18-Nov. 26		Nov. 3-Jan. 1.
Wyoming ³	Nov. 18-Dec. 17		Oct. 20-Dec. 18.

¹ Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from sunrise until sunset. *Provided*, That if

the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at sunrise.

² Ducks: In the States of Colorado, Kansas, Montana, New Mexico, North Dakota, Oklahoma, and Texas, the daily bag limit is 3 ducks and the possession limit is 6 ducks. In the States of Nebraska, South Dakota, and Wyoming, the daily bag limit is 2 ducks and the possession limit is 4 ducks. In all States in the Flyway, the daily bag or possession limit may not include more than 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit of America and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open

season is prescribed on canvasback and redhead ducks in any State, nor on black-bellied tree ducks in Texas.

³ Geese: In all States in the Flyway, the daily bag or possession limit may not include, in the alternative, more than (a) 1 white-fronted goose; (b) 1 white-fronted goose and 1 Canada goose or subspecies; or (c) 2 Canada geese or subspecies. *Provided*, That no open season is prescribed on snow and blue geese in all of Wyoming and in Beaverhead, Gallatin, and Madison Counties in Montana, nor on Canada geese in Larimer County, Colorado; and that the daily bag or possession limit may not include more than 1 Canada goose or subspecies in Moffat County, Colorado.

⁴ NOTE: Check State regulations for additional State restrictions.

(f) Pacific Flyway States.

	Ducks	Coots and Gallinules (singly or aggregate)	Geese (except Ross's geese)	Brant
Daily bag limit.....	(2) (3)	25	4 6	3
Possession limit.....	(2) (3)	25	4 6	3
Shooting hours ¹	One-half hour before sunrise until sunset (standard time) on all species.			
Seasons in:				
Arizona ^{4 5}	Oct. 7-Nov. 5		Oct. 25-Jan. 7	Closed season.
California ^{4 5 7 8}	Oct. 14-Nov. 20		Oct. 14-Nov. 20	} Dec. 2-Jan. 30.
Idaho ^{3 4 5}	Oct. 9-Jan. 7		Dec. 9-Jan. 7	
Montana (west of continental divide) ⁵	Oct. 14-Dec. 27		Oct. 14-Dec. 27	Closed season.
Nevada ^{4 5 6}	Oct. 22-Dec. 20		Oct. 22-Dec. 20	Do.
Oregon ^{3 4}	Oct. 21-Dec. 24		Nov. 11-Jan. 7	Do.
Utah ⁴	Oct. 21-Jan. 3		Oct. 21-Jan. 3	Dec. 2-Jan. 30.
Washington ^{3 4}	Oct. 14-Dec. 27		Oct. 14-Dec. 27	Closed season.
do.....	do		do	Dec. 3-Jan. 31.

¹ Shooting hours: On the opening day of the season for ducks and coots (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset. *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

² Ducks: In the States of Arizona, Oregon, and Washington, the daily bag limit is 4 ducks and the possession limit is 8 ducks. In the States of California, Idaho, Nevada, and Utah, the daily bag and possession limit is 5 ducks. In that portion of the State of Montana lying west of the continental divide, the daily bag or possession limit may not include more than 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open season is prescribed on canvasback and redhead ducks.

³ Ducks: In the Washington Counties of Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kitchikan, Lincoln, Spokane, Walla Walla, Whitman, and Yakima; in the Idaho Counties of Ada, Blaine, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, and Washington; and in the Oregon Counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, in addition to other bag and possession limits on ducks, 2 additional mallard ducks are allowed in the daily bag limit and 4 additional mallard ducks are allowed in the possession limit.

⁴ Geese: In Washington, the daily bag limit is 3 geese and the possession limit is 6 geese. In all States in the Flyway, the daily bag limit may not include more than 3 geese of the dark species; *Provided*, That, in Nevada, the daily bag or possession limit may not include more than 2 geese of the dark species; and in Mohave and Yuma Counties, Arizona; in California Fish and Game District No. 22; in the entire State of Utah; and in Clark County, Nevada, the daily bag or possession limit may not include more than 1 Canada goose or subspecies; and in Bear Lake, Bonneville, and Caribou Counties, Idaho, the daily bag or possession limit may not include more than 2 Canada geese or subspecies.

⁵ Geese: In Clark County, Nevada; in Mohave and Yuma Counties, Arizona; and in California Fish and Game District No. 22, the season for taking Canada geese and their subspecies will close at sunset December 31, 1961. No open season is prescribed on snow geese in the Idaho Counties of Clark, Fremont, Madison, and Teton.

⁶ Nevada: In that portion of the State lying south and east of a line beginning at a point where Highway 91 intersects the Arizona-Nevada State line; thence following Highway 91 to Las Vegas; thence following Highway 95 to its intersection with the California-Nevada State line, the open season for the taking of ducks, coots, and gallinules is Oct. 7-Nov. 5 and Dec. 1-Jan. 7; for the taking of geese Oct. 25-Jan. 7. In this area, the daily bag limit is 4 ducks and the possession limit is 8 ducks; and the daily bag and possession limits on geese may not include more than 1 Canada goose or subspecies. No change in other bag and possession limits.

⁷ California: In that portion of the State (known as the Tule Lake Area) adjacent to the State of Oregon and included within boundary lines beginning at a point on the State Line Road between Oregon and California approximately 1/4 mile east of its intersection with Highway 97; thence south along the west side of Indian Tom Lake on the Lairds Landing Road approximately 1 1/4 miles; thence east approximately 1 mile; thence south and east approximately 5 1/2 miles to the intersection of the Lairds Landing Road and the Portfield Ranch Road; thence south and east on the Lairds Landing Road approximately 1 1/4 miles; thence north and east to Lairds Landing; thence east and north along the Chalk Banks Road to the northwest corner of Section 30, T. 47 N., R. 3 E.; thence east across Sheepy Ridge on the section line common to sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, approximately 6 miles; thence due east approximately 0.1 mile across Section 30, T. 47 N., R. 4 E., to the Hill Road along the west side of T. 4; thence south along the Hill Road approximately 6 miles to its intersection with the north boundary of the Lava Beds National Monument; thence east along the north boundary of the Lava Beds National Monument approximately 9 1/2 miles to the northeast corner of the Lava Beds National Monument; thence 150 yards east to the west perimeter road of the Panhandle area; thence south and east along the west Panhandle Road approximately 4 miles to the south end of the Panhandle; thence approximately 2 miles north and east along the Panhandle Perimeter Road to its intersection with the Great Northern Railway; thence approximately 1/4 mile north on the Panhandle Perimeter Road to its intersection with the Modoc National Forest boundary; thence along the Modoc National Forest boundary approximately 2.3 miles; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east 1/2 mile; thence north and east approximately 0.8 mile to the intersection of the Modoc National Forest boundary and the old Alturas-Malin County road near the center of the north line of Section 8, T. 46 N., R. 6 E.; thence north and west along the old Alturas-Malin County road to its intersection with the California-Oregon line in Section 14, T. 48 N., R. 5 E.; thence west along the State line to Highway 97; thence south approximately 1/4 mile to the point of beginning, the open season for the taking of ducks, coots, gallinules, and geese is Oct. 21-Jan. 3. In this area, the daily bag limit is 4 ducks and the possession limit is 8 ducks. No change in other bag and possession limits.

In those portions of San Bernardino, Riverside, and Imperial Counties, lying east of a line beginning at a point where Highway 95 intersects the California-Nevada State line; thence south following Highway 95 to Blythe; thence south following the paved and graded road from Blythe through Ripley, Palo Verde, and Ogby to its intersection with Highway 80; thence east on Highway 80 to its intersection with the California-Arizona State line, the open season for the taking of ducks, coots, and gallinules is Oct. 7-Nov. 5 and Dec. 1-Jan. 7; for taking geese Oct. 25-Jan. 7. In this area, the daily bag limit is 4 ducks and the possession limit is 8 ducks. No change in other bag and possession limits except as limited by footnotes 4 and 5.

⁸ NOTE: Check State regulations for additional State restrictions.

4. Paragraph (b) of § 10.52 is amended to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

(b) *Seasons and limits on waterfowl, coots, and Wilson's snipe in Puerto Rico and the Virgin Islands.*

	Ducks	Coots	Wilson's Snipe
Daily bag limit.	2	6	8
Possession limit.	3	6	8
Season dates	Dec. 15-Feb. 2		Jan. 3-Feb. 2
Shooting hours ¹	Sunrise until sunset (standard time) on all species.		

¹ Shooting hours: On the opening day of the season for ducks and coots shooting hours are from 12 o'clock noon until sunset.

² The daily bag or possession limits may not include more than 1 hooded merganser and 2 wood ducks. No open season is prescribed on canvasback and redhead ducks.

5. Section 10.53 is revised to read as follows:

§ 10.53 Seasons and limits on lesser sandhill (little brown) cranes.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limits on the species of cranes designated in this section, are prescribed as follows:

(a) An open season for the taking of lesser sandhill (little brown) cranes of 30 consecutive days between Saturday, November 4, 1961, and Sunday, December 3, 1961, is prescribed in the New Mexico Counties of Lea, Chaves, Eddy, Curry, Roosevelt, and Quay and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following Highway 277 to its junction with Highway 87 at San Angelo, Tom Green County; thence northwesterly following Highway 87 to the point of its intersection with the Texas-New Mexico State line in Dallam County. The daily bag and possession limit is 2 lesser sandhill (little brown) cranes. Daily shooting hours are from sunrise until sunset (standard time).

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E. O. 10250, 16 F.R. 5385, 3 CFR, 1949-1953 Comp., p. 757)

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 1, 1961.

[F.R. Doc. 61-8517; Filed, Sept. 7, 1961; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Charles Sheldon Antelope Range,
Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Public hunting of upland game on the Charles Sheldon Antelope Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Sage Grouse, Chukar Partridge, Hungarian Partridge, Quail (all species) and Cottontail Rabbits.

(b) Open season: Sage Grouse—September 16 through 18, 1961. Chukar and Hungarian Partridge, Quail and Cottontail Rabbits—September 16 through November 26, 1961. Shooting hours—sunrise to sunset.

(c) Daily bag limits: Sage Grouse—4; Chukar and Hungarian Partridge—8; Quail—10; Cottontail Rabbits—10.

(d) Methods of hunting:

(1) Weapons—shotguns only, not to exceed 10 gauge, may be used for taking upland game birds. Rabbits may be taken with shotguns or 22 cal. rifles.

(2) Dogs: Dogs, not to exceed two in number may be used for hunting upland game.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping: Camping will be permitted at designated areas.

(3) A Federal permit is not required to enter the public hunting area, but during the Sage Grouse season, September 16 through September 18, hunters will be required to report at such checking stations as will be established, when entering and leaving the area.

(4) The provisions of this special regulation are effective to November 27, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.

[F.R. Doc. 61-8539; Filed, Sept. 7, 1961; 8:46 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge,
Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Pathfinder National Wildlife Refuge,

Wyoming, is permitted only on the area designated by signs as open to hunting. This open area, comprising 46,341 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Antelope.

(b) Open season: From one hour before sunrise to one hour after sunset, September 9 through September 17, 1961, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 13; and September 15 through September 30, 1961, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 16.

(c) Daily bag limits: 1 antelope of either sex.

(d) Methods of hunting:

(1) *Firearms.* A rifle having not less than $\frac{23}{100}$ -inch bore, with cartridge not less than 2 inches over-all measurement, and containing a soft point bullet (hollow point and other expanding bullets approved).

(2) *Guides.* Persons may employ guides while hunting on the area, subject to the restrictions of State law or regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Attaching carcass coupon to game animal killed: When any animal is killed under a permit or license issued by the Wyoming Game and Fish Commission, it shall be the duty of the holder thereof to detach, sign and date the proper tag or coupon, and to attach the said tag or coupon to the carcass of the animal so killed before leaving the site of the kill and the same shall remain on the animal so killed at all times until the meat is ready for processing, except that in the transportation of said carcass the tag or coupon may be removed to prevent its loss, but, in such case, the tag or coupon must at all times be in the possession of a person accompanying the carcass.

(3) Use of vehicles and lights in hunting limited: It is unlawful to hunt or kill game animals from or with use of any flying machine, motor boat, automobile, or any vehicle. Use of artificial lights, car headlights, or spotlights prohibited by law.

(4) A Federal permit is not required to enter the public hunting area.

(5) The provisions of this special regulation are effective to October 1, 1961.

JOHN C. GATLIN,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 29, 1961.

[F.R. Doc. 61-8540; Filed, Sept. 7, 1961; 8:46 a.m.]

PART 32—HUNTING**San Andres National Wildlife Refuge,
New Mexico**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; big game;
for individual wildlife refuge areas.****NEW MEXICO****SAN ANDRES NATIONAL WILDLIFE REFUGE**

Public hunting of big game on the San Andres National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (either sex).

(b) Open season: December 9 and 10, 1961.

(c) Daily bag limit: 1.

(d) Methods of hunting:

(1) Weapons: Rifles or shotguns are permitted but no semiautomatic loading rifle capable of holding more than six rounds in magazine and chamber combined; no gun or rifle capable of discharging more than once with a single pull or function of its trigger; no M-1 carbine; and no shotgun smaller than 20 gauge or larger than 10 gauge or capable of holding more than three shells in magazine and chamber combined and using other than slugs may be used.

(2) No hard-pointed or full metal case bullets are permitted.

(3) No cartridge with bullets less than 70 grains in weight or with rated impact energy at muzzle of less than 1,000 foot-pounds is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the late afternoon of December 8th. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Camping will be permitted only at those places designated by the officers in charge of the hunt. Entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m., December 10th.

(3) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(4) The conservation officer in charge may restrict the number of hunters entering any one area. If required by

the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

(5) A Federal permit is not required to enter the public hunting area, but special deer season tags are required of all hunters. Tags will be available at licensed vendors in hunting area.

(6) The provisions of this special regulation are effective to December 11, 1961.

JOHN C. GATLIN,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

AUGUST 29, 1961.

[F.R. Doc. 61-8541; Filed, Sept. 7, 1961;
8:46 a.m.]

PART 32—HUNTING**Necedah National Wildlife Refuge,
Wisconsin**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game;
for individual wildlife refuge areas.****WISCONSIN****NECEDAH NATIONAL WILDLIFE REFUGE**

Public hunting of big game on the Necedah National Wildlife Refuge, Wisconsin, is permissible only on the areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres and 98 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer only, during the season specified below. The hunting of big game species as may be otherwise authorized by Wisconsin State regulations is prohibited.

(b) Open season: Early bow season, September 23 through November 14, 1961; gun season, November 18 through November 26, 1961; late bow season, December 2 through December 31, 1961. Hunting hours: from one-half hour before sunrise to sunset each day.

(c) Daily bag limits: Bow seasons, one deer of any age or sex; gun season, one deer, bucks, with antlers not less than three inches in length, only.

(d) Methods of hunting:

(1) Weapons: It is unlawful to hunt deer with any .22 rim-fire rifle or any .410 bore shotgun or any shotgun or musket charge other than single ball or slug. Bows used must have a pull of not less than 30 pounds. Arrows used must have well-sharpened metal broad head blades not less than seven-eighths of an inch long and not more than one and one-half inches in width.

(2) Blinds: May be constructed of dead materials only, no live trees or shrubs may be cut.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No camping or fires allowed on the refuge.

(3) Vehicular travel on dikes, trails or fire lanes marked "Vehicles Prohibited" is not permissible. Fire lanes must not be blocked by parked vehicles.

(4) A Federal permit is not required to enter the public hunting area.

(5) The provisions of this special regulation are effective September 23 through December 31, 1961.

W. A. ELKINS,
*Acting Regional Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 1, 1961.

[F.R. Doc. 61-8542; Filed, Sept. 7, 1961;
8:46 a.m.]

PART 33—SPORT FISHING**McKay Creek National Wildlife
Refuge, Oregon; Correction**

AUGUST 29, 1961.

In Federal Register Document 61-3594, appearing on page 3429 of the issue for April 21, 1961, the following changes should be made because of extreme drought conditions creating demands upon the reservoir water supply for irrigation to the extent fish life is endangered:

(b) Open season: Fishing is permitted from April 22, 1961, through October 1, 1961, for all species.

(c) Daily creel limits: Trout—30 per day, 60 in possession. Other creel limits for minor species are as prescribed by State regulation.

RICHARD E. GRIFFITH,
*Acting Regional Director, Bureau
of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-8543; Filed, Sept. 7, 1961;
8:46 a.m.]

**Title 13—BUSINESS CREDIT
AND ASSISTANCE****Chapter I—Small Business
Administration****PART 105—STANDARDS OF
CONDUCT**

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- Sec.
105.4-3 Assistance by the administration to businesses.
Owned by or employing officers or employees of the Federal Government.
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- 105.6 Information and data.
- 105.7 Duty to report irregularities.
- 105.8 General standard of conduct.
- 105.9 Penalties.
- 105.10 Ad hoc committee.

AUTHORITY: §§ 105.1 to 105.10 issued under Public Law 85-536, sec. 5, 72 Stat. 385.

§ 105.1 Purpose and scope.

This part prescribes standards of conduct for all employees of the Small Business Administration relating to possible conflicts between their official duties or the public interest and private interests and between their personal opinions and Government policy. Public office and public employment are public trusts. Strict observance by all employees of the following principles is essential for the functions of the Small Business Administration to be performed efficiently without bias or favoritism.

§ 105.2 Definitions.

As used in this part, the following terms shall mean:

- (a) "Administration" shall mean the Small Business Administration.
- (b) "Administrator" shall mean the Administrator of the Small Business Administration.
- (c) "Employee" shall mean an employee of the Small Business Administration, regardless of his or her grade, status, tenure or place of employment, including employees on leave with pay or on leave without pay other than extended military leave.
- (d) "Department" shall mean any department, agency, independent establishment or wholly owned corporation of the United States Government.

§ 105.3 Conflicts of interests between private interests of third parties and the United States Government.

Although the function of the Administration is to aid, assist, counsel and protect small business concerns, such aid and assistance is to be rendered only within the authorization granted by law. Under no circumstances shall employees, in cases of conflicts between their private interests or the private interests of third parties and the interests of the Government, derogate from their total and complete loyalty to the interests of the United States Government. The regulations set forth in this section and in §§ 105.3-1 through 105.3-4 are in addition to and not in lieu of the regulations set forth in § 105.4 and in §§ 105.4-1 through 105.4-6.

§ 105.3-1 Former employees.

(a) Employees shall not, within two years after leaving employment with the Administration, prosecute or act as counsel, attorney, or agent for prosecuting any claim against the United States Government which involves any subject matter directly connected with which the employee was employed or performed duty, or which claim existed in any Department during the employee's employment with the Administration. 5 U.S.C. 99 and 18 U.S.C. 284 make such activity unlawful.

(b) Employees who occupied positions or engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended, are disqualified from accepting any employment with any business concern which has been given assistance by the Administration, for a period of two years following the date of such assistance. In this connection:

(1) All clerical employees do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended;

(2) All nonclerical employees of the Office of Information, Office of Personnel and Office of Organization and Management, do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended;

(3) All employees of the Administration other than those specified in subparagraphs (1) and (2) of this paragraph occupy positions or are engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended: *Provided, however*, That the Administrator or his designee may determine with respect to individual employees, after consideration of their position and duties, that they do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended.

§ 105.3-2 Claims against or business with the United States Government.

(a) No employee shall act as agent or attorney in claims against the United States Government or aid or assist in prosecuting such claims or receive any share or interest in such claims. 18 U.S.C. 283 makes this activity a criminal offense.

(b) No employee shall participate in any business transaction with the Administration, directly or indirectly, as an agent, representative or attorney.

(c) No employee who has an interest in any firm shall act as an officer or agent of the United States Government for the transaction of business with such business entity. 18 U.S.C. 434 makes such activity a criminal offense.

(d) No employee shall recommend or suggest the use of any non-governmental intermediary (individual, firm, corporation, or other entity), offering any service as consultant, agent, representative, attorney, expediter, or "specialist", for the purpose of assisting in any negotiations, transactions, or other business with the Administration or with any other Government department or agency.

§ 105.3-3 Gratuities or compensation from non-Government sources.

(a) No employee shall accept any present, decoration or other thing from any foreign Government except as authorized by Act of Congress or otherwise authorized by law.

(b) No employee shall receive any salary in connection with his services as an employee of the Administration from any source other than the United States Government except as may be authorized by law. 18 U.S.C. 1914 provides criminal penalties for doing so.

(c) No employee shall accept any gratuity or favor of any nature whatsoever, directly or indirectly, from any person, firm, corporation, or other entity, which has or is doing business or proposes to do business with the Administration.

(d) No employee shall ask for, accept, or receive any bribe for the purpose of influencing his official actions. 18 U.S.C. 202 makes such activity a criminal offense.

(e) No employee shall solicit or receive a bribe of any kind to support or influence decisions for the hiring of any person as an employee in the United States Government. 18 U.S.C. 215 makes such activity a criminal offense.

(f) No employee shall under color or pretense of his office, commit or attempt to commit an act of extortion. 18 U.S.C. 872 makes such an act a criminal offense.

§ 105.3-4 Preferential treatment to private interests.

No employee in the conduct of official business shall afford preferential treatment to any person, firm, corporation or other entity.

§ 105.4 Conflicts between personal or pecuniary interests of employees and the Government.

The interest of the Government must remain paramount and take precedence over the personal pecuniary interests of all employees. The employee does not function as an individual but merely as a representative or arm of the United States Government. An employee whose individual pecuniary interests conflict with and take precedence over the interests of the United States Government is unable to honorably discharge his responsibilities. The regulations of this section and of §§ 105.4-1 through 105.4-6 are in addition to and not in lieu of the regulations set forth in § 105.3 and in §§ 105.3-1 through 105.3-4.

§ 105.4-1 Purchase and holding of securities of small business investment companies.

(a) For the purposes of this section employees are considered to have suffi-

cient interest in the purchases by and holdings of their spouses or by other members of their household so that such purchases or holdings are subject to the terms of this section.

(b) No employee shall purchase or otherwise acquire or own or hold, directly or indirectly, any interest in or securities issued by a small business investment company licensed by the Small Business Administration under the provisions of the Small Business Investment Act of 1958, as amended.

(c) No employee shall own stock or have an interest in a concern or organization which owns stock or other interest in a small business investment company, described in paragraph (b) of this section, when:

(1) Such employee, spouse or any member of his or her household, participates in the management of or participates directly or indirectly, in the selection of investments for or by such concern or organization; or

(2) Such employee, spouse or member of his or her household, owns 1 percent or more of the stock of, or interest in, such concern or organization; or

(3) The concern or organization invests more than 10 percent of its assets in any one or several small business investment companies;

Provided, however, That investment by an employee, his or her spouse, or any member of his or her household in a diversified open-end management investment company as defined by section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a-5) shall be exempt from the restrictions contained in subparagraphs (2) and (3) of this paragraph.

(d) Any employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities of licensed small business investment companies shall report the existence and nature of such trust or estate to the Director of Personnel. The transactions of such trust or estate shall be subject to the provisions of this regulation, except in situations where the employee is solely a beneficiary and has no power to control, and does not in fact control or advise with respect to the investments of the trust or estate, and except to the extent that the Administrator shall otherwise direct in view of the circumstances of the particular case.

(e) All employees at the time of their entrance on duty, shall sign and deliver to their Office Director, a certification in the following form:

I certify that I have read the regulation of the Small Business Administration concerning the conduct of employees of the SBA with respect to the purchase and holding of securities issued by licensed small business investment companies and that, as such employee, I do not own or hold, directly or indirectly, any securities of such a licensed small business investment company.

§ 105.4-2 Interest in firms receiving SBA assistance.

No employee, his or her spouse, nor members of his or her immediate household shall purchase or otherwise acquire or own any interest, as a stockholder or otherwise, in any firm receiving assistance from the Small Business Adminis-

tration regardless of whether the concern is a publicly held corporation.

§ 105.4-3 Assistance by the Administration to businesses owned by or employing officers or employees of the Federal Government.

Except upon prior approval by the Administrator, no assistance, other than disaster loans, shall be furnished to a business enterprise when:

(a) An employee of the Administration, an appointed consultant, or a member of a Small Business Advisory Council; or

(b) An officer of the rank of major or lieutenant commander or its equivalent, or higher, in the Armed Services of the United States, or employee in Grade GS-13 or its equivalent, or higher, in any other department in the executive branch of the Federal Government, is the sole proprietor, partner, officer or director thereof, or is a stockholder with a ten or more percent interest therein.

§ 105.4-4 Use of Federal equipment, property and supplies.

(a) No employee shall use any Government vehicle for other than official purposes. 5 U.S.C. 78(c) (2) makes employees guilty of such activity subject to suspension from duty or summary removal from employment.

(b) No employee shall use official penalty mail for personal business. 39 U.S.C. 4152, 4153 prohibits such use.

(c) No employee shall use Federal property of any kind for other than officially approved activities. Employees also have a positive responsibility to protect and conserve all Federal property including equipment and supplies, which is entrusted or issued to them.

§ 105.4-5 Conversion, distortion of records.

(a) No employee shall embezzle or convert to his own use money or property of another coming into his possession, or public monies of any kind or intentionally make false or fictitious entries in accounts or records which he is charged to keep. 18 U.S.C. 643, 654, 2073 make these activities a criminal offense.

(b) No employee who has custody of any map, book, document, paper or thing filed in a public office shall remove, mutilate, obliterate, falsify or destroy the same. 18 U.S.C. 2071(b) makes these acts criminal offenses.

§ 105.4-6 Employees engaged in outside employment.

Except upon prior written approval of the Director of Personnel, no employee shall engage in any outside employment, business or vocation.

§ 105.5 Conflicts between personal opinions of employees and Government policy.

In the conduct of all official business, personal opinions of every Government employee must necessarily be completely subordinated to established Government policy. Every act of an employee in the discharge of official duties and responsibilities may become an act of the United States Government.

§ 105.5-1 Political activity, influence or coercion of or by employees.

(a) No employee shall use his official authority or influence to coerce the political action of any person or body nor may any employee take any active part in political management or political campaigns. 5 U.S.C. 633(2) 6, 118k makes such activity unlawful.

(b) No employee shall use his official authority to interfere with or affect the nomination or election of any candidate for president, vice president, presidential elector, United States Senate or Congressman. 18 U.S.C. 595 makes such activity a criminal offense.

§ 105.5-2 Subversiveness and communism.

(a) No employee shall advocate the overthrow of our constitutional form of government by force or violence or knowingly be a member of an organization which so advocates nor shall any person convicted of such conduct be employed by the Administration for at least 5 years after such conviction. 5 U.S.C. 118p, 118r; 18 U.S.C. 2385 provide penalties for such actions.

(b) No employee shall conceal or fail to disclose that he is a member of a registered Communist organization, Communist action organization, Communist front organization, or Communist infiltrated organization, nor shall any employee with knowledge that such organization is registered as such contribute funds or services to such organization. 50 U.S.C. 784 makes such concealment or contribution unlawful.

§ 105.5-3 Striking against the Government.

No employee shall assert the right to strike against the United States Government or knowingly be a member of an organization of Government employees asserting such right. 5 U.S.C. 118p, 118r also make such employee subject to fine and imprisonment.

§ 105.5-4 Discrimination in Government service.

No employee shall discriminate against or in favor of any employee or any applicant for employment in the Federal Government because of race, color, religion, national origin, political opinions, marital status, or physical handicaps, nor shall any employee make any inquiries concerning the race, political affiliation or religious beliefs of any employee or any applicant for employment.

§ 105.6 Information and data.

(a) No employee shall communicate to any other person whom the employee knows or has reason to believe to be an agent or representative of any foreign government or an official or member of any Communist organization any information classified by the President or the Administrator as affecting the security of the United States Government. 50 U.S.C. 783 makes such act a criminal offense and provides heavy penalties therefor.

(b) No employee shall divulge or disclose any official information not authorized by law relating to trade secrets, processes, operations, style of work or

apparatus or identity, confidential statistical data, amount or source of income, profits, losses of any person or firm. 18 U.S.C. 1905 and 26 U.S.C. 4047 (a), 7213(b) make such activity a criminal offense.

(c) Additional regulations concerning disclosure of information are to be found in Part 102 of this chapter (Administration's rules and regulations).

§ 105.7 Duty to report irregularities.

Each employee shall immediately report to the Director, Office of Personnel, any apparent or suspected irregularities coming to his attention in connection with the performance by this Administration of any of its activities.

§ 105.8 General standard of conduct.

Each employee shall conduct himself in such manner that the work of the Administration is effectively accomplished and must also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or the clientele of the Administration, and shall be expected to meet all just financial obligations.

§ 105.9 Penalties.

Any employee guilty of violating any of the above provisions may be subject to suspension or dismissal from employment with the Administration, in addition to other penalties provided by law.

§ 105.10 Ad Hoc Committee.

A Committee composed of the General Counsel, the Assistant Administrator for Management and the Assistant Administrator for Information, is created for the purpose of advising and aiding the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interest. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

Effective date: August 31, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-8565; Filed, Sept. 7, 1961;
8:52 a.m.]

Title 25—INDIANS

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

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Delinquent Bills

There was published in the FEDERAL REGISTER on July 7, 1961 (26 F.R. 6085), a notice of intention to amend § 233.21 of Title 25, Code of Federal Regulations to provide for a more realistic reconnection charge in those cases where the Project has discontinued electrical service until the consumer has paid all bills due.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective on the 30th day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 1, 1961.

Section 233.21 is amended to read as follows:

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the twentieth day following the date of issue. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of \$5.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

[F.R. Doc. 61-8537; Filed, Sept. 7, 1961;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-54]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Taking Official Notice of Facts

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of September 1961.

A notice of proposed rule making amending § 302.24 of the rules of practice in Economic Proceedings was published in the FEDERAL REGISTER on July 14, 1961 (26 F.R. 6306), and circulated to the industry as PDR-5. The proposed amendment prescribed appropriate procedures for the taking of official notice of basic facts contained in certain specified categories of documents in order to eliminate the need to negotiate voluntary stipulations covering such evidentiary material.

While written comments were submitted by three air carriers and two civic bodies, no objections to the Proposed Rule have been received. Furthermore, all of the comments embody only minor suggestions for the inclusion of additional categories of documents, in § 302.24(m) (i), which would be officially noticed in every formal hearing. The categories enumerated in that provision were designed to encompass all documents which experience has shown are frequently referred to in economic hearings and are only rarely challenged for alleged inaccuracy. In response to the

comments, the Board believes it desirable to amend such categories by adding thereto (as items 36-39, inclusive), the Airman's Guide, Thomas' Register of American Manufacturers, the Plant and Product Directory of the 500 Largest U.S. Industrial Corporations and the Receipts and Classes of Post Offices.

Finally, the Board has decided, on its own initiative, to further amend such categories by including therein (as item 40) the Quarterly Report on Federal Aid to Highways and (as items 41-42, inclusive), the standard provisions historically contained in mail rate stipulations covering air carrier reports to the Post Office Department and all orders of the Postmaster General designating mail schedules.

Interested persons have been afforded an opportunity to participate in the formulation of this amendment, and due consideration has been given to all relevant matter presented. In consideration of the foregoing, the Civil Aeronautics Board hereby amends the rules of practice in Economic Proceedings (14 CFR Part 302) effective October 7, 1961, by adding a new paragraph (m) to read as follows:

§ 302.24 Hearings.

(m) *Official notice of facts contained in certain documents.* (1) Without limiting, in any manner or to any extent, the discretionary powers of the Board and its examiners to notice other matters or documents properly the subject of official notice, facts contained in any document within the categories enumerated in this subdivision are officially noticed in all formal economic proceedings except those subject to Subpart B of this part. Each such category shall include any document antedating final Board decision in the proceeding where such notice is taken. The matters officially noticed under the provisions of this paragraph are:

1. Official Guide of the Airways for each month prior to and including April 1943; Universal Airline Schedules for each month from May 1943 to September 1944, inclusive; American Aviation Air Traffic Guide for each month from October 1944 to August 1948, inclusive; and Official Airline Guide.
2. Official Guide of the Railways and Russell's Official National Motor Coach Guide.
3. Book of Official CAB Airline Route Maps and Airport to Airport Mileages published by Air Transport Association of America.
4. Shuler Guide and Official Airline Guide Quick Reference Edition.
5. All schedules and amendments thereof, and all tariffs and amendments thereof, of all carriers, on file with the Board.
6. Air carrier operating certificates or applications thereof, of all carriers, together with any requests for amendment thereof.
7. Monthly reports, Forms 2380 and 2780, for each month through December 1946, and monthly and quarterly reports, Forms 41 and 41(a) (including monthly and annual reports required to be filed by all carriers in connection therewith), filed with the Board.
8. Recurrent Reports of Mileage and Traffic Data of all Domestic Airline Carriers from 1945 and all similar reports issued by the Civil Aeronautics Board.
9. Certificated Air Carrier Traffic Statistics from 1955; prepared by the Office of Carrier

Accounts and Statistics, Civil Aeronautics Board, and all such other similar compilations of statistics issued by the Civil Aeronautics Board.

10. Recurrent Reports of Financial Data of all Domestic Airline Carriers from 1947 through the quarter ended September 30, 1953; issued by the Civil Aeronautics Board, and all such other similar recurrent reports issued by the Civil Aeronautics Board.

11. Certificated Air Carrier Financial Data from the quarter ended December 31, 1953; prepared by the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, and all such other similar compilations of data issued by the Civil Aeronautics Board.

12. Annual Airline Statistics, Domestic Carriers, fiscal years 1936-1941; Annual Airline Statistics, Domestic Carriers, calendar years of 1938-1947; prepared by the Economic Bureau, Civil Aeronautics Board; and all such other similar compilations of statistics issued by the Civil Aeronautics Board.

13. Quarterly Report of Air Carrier Operating Factors, for the quarter ended September 30, 1953; prepared by the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, and all such other reports for quarterly periods as may be made available to the public by the Civil Aeronautics Board.

14. Passenger, mail, express, and freight data submitted to the Board on Form 2787 or on punch cards submitted in lieu of such forms, by all carriers for any months subsequent to March 1955.

15. Airline Traffic Surveys, compiled by the Civil Aeronautics Board, from September 1946, and any other such surveys made available to the public.

16. The publication Competition Among Domestic Air Carriers, March 1-14, 1955, compiled by the Civil Aeronautics Board and published by the Air Transport Association of America, and any other compilations of similar data made available to the public.

17. Service Mail Pay and Subsidy for United States Certificated Air Carriers, from 1955, published by the Civil Aeronautics Board, and any supplemental data and subsequent issues published.

18. Airport Activity Statistics of Certificated Air Carriers, from December 31, 1955; compiled by the Civil Aeronautics Board, and published by Air Transport Association of America, and any subsequent issues thereof published.

19. Enplaned Airline Traffic, by community, by year, 1948-1951; Air Commerce Traffic Pattern, fiscal years 1953-1955 and calendar years 1952-1955, published by the Civil Aeronautics Administration, U.S. Department of Commerce, and any subsequent editions thereof published by the Federal Aviation Agency.

20. Population Volumes I and II of the Eighteenth (1960) Census of the United States, issued by the Census Bureau, Department of Commerce; and similar publications of the Census Bureau relating to the Seventeenth (1950) Census.

21. The Rand McNally Commercial Atlas and Marketing Guide, from 1958, and the Rand McNally Road Atlas, United States, Canada, and Mexico, from 1956.

22. Survey of Buying Power, from 1955, published by Sales Management Magazine.

23. Volumes II and III of the Census of Manufacturers, 1954, issued by the Bureau of Census of the U.S. Department of Commerce; and similar publications of the Bureau of the Census relating to the 1947 and 1958 Census of Manufacturers.

24. Volumes II, IV, and VI of the Census of Business, 1954, issued by the Bureau of the Census of the U.S. Department of Commerce; and similar publications of the Bureau of the Census relating to the 1948 and 1958 Census of Business.

25. Federal Airways Air Traffic Activity, from 1953-1956 (fiscal year) issued by the Civil Aeronautics Administration, U.S. De-

partment of Commerce, and subsequent editions thereof issued by the Federal Aviation Agency.

26. National Airport Plan, from 1956, Civil Aeronautics Administration, U.S. Department of Commerce and subsequent editions thereof issued by the Federal Aviation Agency.

27. Record of Airport Facilities, Form ACA-29A, issued by the Civil Aeronautics Administration, U.S. Department of Commerce and by the Federal Aviation Agency.

28. International Section, Airline Traffic Surveys prepared by the Civil Aeronautics Board from March and September 1952, and any such surveys issued or otherwise made available to the parties by the Civil Aeronautics Board or published privately.

29. The ABC World Airways Guide. Thomas Skinner and Co., Ltd., from June 1950.

30. ICAO Statistical Summary, Preliminary Issue and Nos. 1 through 14, and Digest of Statistics, Nos. 15 through 71, prepared by the International Civil Aviation Organization, Montreal, Canada, with all changes and additions.

31. Foreign-Commerce Yearbook, from 1951, U.S. Department of Commerce, office of International Trade.

32. Statistical Abstract of the United States, from 1953, U.S. Department of Commerce, Bureau of Census.

33. Yearbook of International Trade Statistics, from 1956.

34. Annual Reports of the Immigration and Naturalization Service, U.S. Department of Justice, from fiscal year ended June 30, 1945.

35. Official Steamship and Airways Guide International. Transportation Guides, Inc., from June 1945.

36. The Airman's Guide, from 1950, issued by the Civil Aeronautics Administration, U.S. Department of Commerce, and any subsequent editions thereto, issued by the Federal Aviation Agency.

37. Plant and Product Directory of the 500 Largest U.S. Industrial Corporations, from 1961, published by Time Inc.

38. Thomas' Register of American Manufacturers, from 1955, published by Thomas Publishing Company.

39. First and Second Class Post Offices, July 1, 1939-July 1, 1946 and Receipts and Classes of Post Offices, from July 1, 1947, issued by the U.S. Post Office Department.

40. Quarterly Report on Federal Aid to Highways, from March 1960, issued by the Bureau of Public Roads of the U.S. Department of Commerce.

41. All forms and reports required by the Post Office Department to be filed by air carriers certificated to transport mail.

42. All orders of the Postmaster General designating schedules for the transportation of mail.

(2) Any fact contained in a document belonging to a category enumerated in subparagraph (1) of this paragraph shall be deemed to have been physically incorporated into and made part of the record in such proceedings. However, such taking of official notice shall be subject to the rights granted to any party or intervener to the proceeding under section 7(d) of the Administrative Procedure Act.

(3) The decisions of the Board and its examiners may officially notice any appropriate matter without regard to whether or not such items are contained in a document belonging to the categories enumerated in subparagraph (1) of this paragraph. However, where the decision rests on official notice of a material fact or facts, it will set forth such

items with sufficient particularity to advise interested persons of the matters which have been noticed.

(Section 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply section 1001, 72 Stat. 788; 49 U.S.C. 1481 and sections 7(d) and 12 of the Administrative Procedure Act, 60 Stat. 244, 241; 5 U.S.C. 1006 and 1011)

NOTE: This is Amendment No. 1 to Part 302 Print, effective September 1, 1961. This reprinted Part 302 appeared in the FEDERAL REGISTER on August 29, 1961, page 8054, and copies will be available in the near future.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-8578; Filed, Sept. 7, 1961;
8:55 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8296 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Leon A. Heisserer and North Central Training Service

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; § 13.15-80 *Government connection*; § 13.70 *Fictitious or misleading guarantees*; § 13.85 *Government approval, action, connection or standards*; § 13.85-15 *Civil Service Commission connections or recognition*; § 13.115 *Jobs and employment service*; § 13.115-20 *Government*; § 13.143 *Opportunities*.

(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, Leon A. Heisserer doing business as North Central Training Service, Council Bluffs, Iowa, Docket 8296, Aug. 10, 1961]

In the Matter of Leon A. Heisserer, Individually and Doing Business as North Central Training Service

Consent order requiring an individual in Council Bluffs, Iowa, to cease using false job-guarantee claims and other misrepresentations on post cards and circulars distributed to prospective purchasers of his correspondence course on preparation for civil service employment as in the order below specified.

The order to cease and desist is as follows:

It is ordered, That Leon A. Heisserer, individually and trading and doing business under the name of North Central Training Service, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or indirectly, that:

1. There are vacancies for any specified United States Civil Service positions

when such vacancies do not exist, or that said vacancies will be filled within a short time.

2. Positions in the United States Civil Service, which are restricted to any group or otherwise restricted or require certain qualifications, are open unless such restrictions are clearly set forth.

3. Completion of respondent's course prepares a person for all of the positions listed in respondent's advertising.

4. Completion of respondent's course of study makes persons eligible for appointments to or assures them of or guarantees them United States Civil Service positions.

5. Respondent, his school, his agents or representatives, or any one of them, have any connection with the United States Civil Service Commission, any agency thereof, or any other agency of the United States Government.

6. Many persons who have completed said course of instruction have received appointments to or been employed by governmental agencies as a result of such course of instruction.

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

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

Issued: August 10, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 61-8558; Filed, Sept. 7, 1961; 8:51 a.m.]

[Docket 8123 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Tyler Pipe & Foundry Co.

Subpart—Discriminating in price under section 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Tyler Pipe & Foundry Company, Tyler, Tex., Docket 8123, Aug. 11, 1961]

Consent order requiring a manufacturer of plumbing specialties and soil pipe at Tyler, Tex., with annual sales in excess of \$18,000,000, to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as making periodic payments of \$1,000 to the American Radiator and Standard Sanitary Corporation for promoting the sale of its products on television programs in the Dallas, Tex., trading area while not making payments available on proportionally equal terms to all the latter's competitors.

The order to cease and desist is as follows:

It is ordered, That respondent, Tyler Pipe & Foundry Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of plumbing specialties, pipe and related products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customers of respondent as compensation or in consideration for any services or facilities furnished by or through such customers in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

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

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

Issued: August 11, 1961.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 61-8559; Filed, Sept. 7, 1961; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 505—SAFEGUARDING DEFENSE INFORMATION

Release of Information by Manufacturers, Colleges, and Universities Holding Army Contracts, and Other Commercial Entities

New §§ 505.30–505.34, under the above heading, are added to Part 505; the sections presently in Part 505 will bear the heading "General Provisions."

Sec.	
505.30	General policy.
505.31	Manufacturers.
505.32	Colleges and universities.
505.33	Other commercial entities.
505.34	Clearance procedures.

AUTHORITY: §§ 505.30 to 505.34 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: AR 360-27, 20 July 1961.

§ 505.30 General policy.

(a) Civilian agencies engaged in production, procurement, research and development, or other activity, under military contract, are responsible for safeguarding classified information concerning such contract and the activities accomplished thereunder from persons

or agencies not authorized to receive such information. In addition to specific security agreements written into contracts awarded by the Army, Department of Defense Security Agreement (DD Form 441), together with the Department of Defense Industrial Security Manual for Safeguarding Classified Information, and the provisions of §§ 505.1–505.15, where applicable, govern.

(b) In case of doubt as to whether the release of information will result in a breach of security, the manufacturer, college, or university is responsible for obtaining proper clearance prior to releasing the information, or making the information available for release. Other commercial entities, which do not hold Army contracts or represent Army contractors, using Army themes in public information or promotion programs are encouraged to submit their materials to the Department of the Army for appropriate review. Clearance procedures are described in § 505.34.

§ 505.31 Manufacturers.

(a) *Applicability*. This section is applicable to manufacturers who receive from the Department of the Army, or any component thereof, any information for precontract negotiations, award of contract, letter of intent, or supplementary agreement, for the production of military equipment, weapons, or supplies, or information relative to research and development projects.

(b) *Release guide*. (1) The following general information relative to contracts may be released to the public by manufacturers subject to the regulations in §§ 505.30–505.34 without further specific clearance by the Department of the Army, provided the release thereof is not prohibited by the terms of the contract itself:

(i) A statement that a contract (or letter of intent) has been received.

(ii) Type of item in general terms (i.e., tanks, trucks, ammunition, clothing, etc.) provided that the designation of the item or equipment itself is not classified.

(iii) In the case of unclassified contracts, releases may include the name of the purchasing office, a brief description of the commodity or service, quantity, and dollar amount of the contract.

(iv) A statement that workers in certain fields are required. The number of additional personnel needed by the plant may be announced.

(v) Subject to restrictions listed in §§ 505.30–505.34, a contractor may advertise for bids from prospective subcontractors for component parts or services in those cases where the subsequent contract itself will be unclassified.

(vi) Information previously officially approved for release.

(2) Contractors will not release to the public information of the following nature concerning Army contracts unless clearance for the release thereof is obtained from the Chief of Information, Department of the Army, as prescribed in § 505.34. The Chief of Information will coordinate such requests with other Department of the Army Staff agencies and, as appropriate, with the Department of Defense.

(i) Production schedules, future planning on production schedules, or rates of delivery.

(ii) Information on sources of supply, quantities and qualities of strategic or critical supplies and movements, assembly or storage of supplies or materiel.

(iii) Information on sabotage attempts or plant security measures.

(iv) Information on research and/or development contracts.

(v) Information, including any photograph, sketch or plan, concerning first models of weapons or equipment, outstanding production achievements, or performance of weapons or equipment.

(vi) Information on material for shipment to allied governments.

(vii) Movement of military aircraft. (This restriction is applicable to all cases, including those where actual movement order is unclassified. The purpose of such restriction is to reduce unauthorized disclosure of aircraft deliveries, modification and conversion programs.)

(viii) Movement of naval vessels, unless approved by the responsible commander.

(ix) Classified information.

(c) *Subcontractors.* A subcontractor or branch plant involved in Army production programs may also release information as stipulated in paragraphs (a) and (b) of this section, provided he does not:

(1) Indicate that he is the sole supplier.

(2) Indicate the percentage of the prime contractor's requirements he provides in terms of quantity or dollar value.

(3) Reveal rates of production or delivery.

(d) *Manufacturers outside continental United States.* The initial release of information relative to military contracts or activities accomplished under military contracts held by a manufacturer outside the continental United States will be made by the Secretary of Defense. A contracting agency desiring an initial release of information should forward pertinent information concerning the contract, together with the manufacturer's proposed release, to the Chief of Information, Department of the Army, who will effect necessary coordination with the interested Department of the Army agencies and submit the material to the Department of Defense for release. After the initial release at the Seat of Government, the manufacturer concerned may release to the public further information at his own initiative, subject to the policies and procedures outlined in §§ 505.30-505.34.

(e) *Business reports.* In order that manufacturers holding classified contracts may make state or business reports to stockholders, stock exchanges, etc., the total company-wide dollar value of backlog may be released provided that:

(1) Only the military total is used and not broken down by individual military service or item.

(2) The release does not reveal the quantity or volume of individual orders.

(3) The report is not made for periods of less than 3 months.

§ 505.32 Colleges and universities.

(a) *Applicability.* This section is applicable to colleges and universities which receive from the Department of the Army or any component thereof, any information for precontract negotiations, award of contract, letter of intent, or supplementary agreement, for the accomplishment of military research and development.

(b) *Publication of professional papers.* The release of unclassified information derived from research and development contracts is encouraged as it is considered that the dissemination of such information will accrue to the general benefit of the United States. It is realized that the recognition which scientists receive from the publication of the results of their work is of great importance to them as a personal incentive, and is, in a sense, a part of their compensation.

(c) *Release guide.* (1) Colleges and universities which are awarded unclassified Army research and development contracts, letters of intent, or supplementary agreements may release the following information to the public without further specific clearance by the Department of the Army, provided the release thereof is not prohibited by the terms of the contract itself:

(i) A statement that a contract, letter of intent, or supplementary agreement has been received.

(ii) The type of contract (i.e., a proposal for a new electronics system or a fabric research study).

(iii) Information of public or professional interest pertinent to research and development accomplished under the contract.

(iv) Information previously officially approved for release.

(2) Department of the Army agencies or colleges and universities will not make public releases regarding research and development projects performed under military contract without proper clearance if:

(i) The contract is classified.

(ii) Such information pertains to research, methods, or end products that develop security significance in an otherwise unclassified contract.

(iii) Special agreements concerning the release of information are written into the contract. (When exception to this rule is desired, the procedures outlined in § 505.30 (b) will be observed.)

§ 505.33 Other commercial entities.

(a) *Applicability.* This section is applicable to commercial entities, such as industrial and business concerns, advertising and public relations agencies, which do not hold Army contracts or represent Army contractors, that use Army themes in their public information promotional programs.

(b) *Release guide.* Commercial entities described in paragraph (a) of this section, when using Army themes in their public information and promotional programs, are encouraged to submit their materials to the Chief of In-

formation, Department of the Army, for appropriate review prior to publication. The review will encompass security, accuracy, propriety, and policy.

§ 505.34 Clearance procedures.

(a) *Applicability.* The procedures set forth below apply to the handling of information materials relating to equipment or supplies procured by the Army or for Army use. They do not apply in the case of equipment or supplies procured by the Army for use by other agencies of the Government; release of information concerning such equipment and supplies is covered by procedures announced by the contracting offices concerned.

(b) *Definitions.* (1) The cognizant contracting office is the Army agency which has awarded a particular contract or which is charged with supervision of performance under a particular contract.

(2) Information materials are those materials which:

(i) Include an Army theme or make reference to items of equipment or supply which are produced for the Army; and

(ii) Are intended for dissemination to the public at large, or to a segment of the public, by means of news releases, advertisements, pamphlets or brochures, promotional sales literature, radio and TV commercials, or other media of publication.

(3) An originator of information materials is:

(i) A manufacturer, college, or university holding an Army contract; or

(ii) An advertising or public relations agency representing an Army contractor; or

(iii) A commercial entity which is not an Army contractor, or representing an Army contractor, but which uses an Army theme in information materials.

(c) *Purpose.* This section specifies standard procedures for processing informational materials and amplifies instructions contained in the Department of Defense Industrial Security Manual for Safeguarding Classified Information.

(d) *Procedures.* (1) Information materials originated by an Army contractor or an advertising or public relations firm representing such a contractor will be processed as follows:

(i) The originator will submit the materials to the cognizant contracting officer; simultaneously, he will send an informational copy to the Chief of Information, Department of the Army. Attn: Civil Liaison Division.

(ii) Written materials and still photographs should be submitted in at least five legible copies. This is necessary for record purposes within the Department of Defense and the Department of the Army.

(a) Technical papers and presentations should include copies of accompanying illustrations such as viewgraphs, photographs, charts, graphs, etc.

(b) Brochures must contain all illustrations and cut lines thereto.

(c) Advertisements are required to contain proposed copy and layout.

(d) Motion picture and television film commentary or story outline should be submitted for clearance in advance of recording the sound track.

(e) Photographs and transparencies should be properly captioned.

(iii) After review by the information officer of the cognizant contracting office the materials will be forwarded expeditiously to the Chief of Information, Department of the Army, through such intermediate channels as may be prescribed by the chief of the technical service concerned.

(iv) Upon receipt of materials from the technical service concerned, the Office, Chief of Information, will route them to interested staff agencies at Department of the Army and then to Directorate for Security Review, Office of the Assistant Secretary of Defense (Public Affairs).

(v) Following final clearance or other action by the Directorate for Security Review, word as to action taken will be passed by the Office, Chief of Information, to the technical service concerned and to the originator. The processed materials normally will be returned to the technical service technical liaison officer for transmittal to the originator.

(2) Information materials originated by a commercial firm or organization which is not an Army contractor will be processed as follows:

(i) The originator may submit his materials to any Army installation or headquarters.

(ii) The Army agency receiving the materials will immediately send them through normal information channels to the Chief of Information, Department of the Army, Attn: Civil Liaison Division.

(iii) Upon receipt of the materials, the Office, Chief of Information, will route them to interested staff agencies of the Department of the Army and, if necessary, to the Directorate for Security Review, Office of the Assistant Secretary of Defense (Public Affairs).

(iv) Following final clearance or other action by the Department of the Army and/or Department of Defense, the Office, Chief of Information will inform the originator and interested Army agencies accordingly. The processed materials will be returned by the Office, Chief of Information, to the originator for public consumption, if appropriate.

(3) All Army agencies which perform a review function in connection with information materials will:

(i) Process the materials with the least possible delay and forward them to the next echelon of review by the most expeditious means available;

(ii) Annotate deleted portions to show reasons for deletion;

(iii) Suggest changes in wording, wherever possible, in lieu of deletion; and

(iv) Make deletions or changes only for reasons of security or accuracy; changes recommended for reasons other than security or accuracy may be

appended when forwarding the material to the next echelon of review.

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

[F.R. Doc. 61-8547; Filed, Sept. 7, 1961;
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2474]

[Oregon 011653]

OREGON

Exchanging Administrative Jurisdiction of Certain Oregon and California Railroad Grant Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Interior and the Secretary of Agriculture by the Act of August 28, 1958 (72 Stat. 987), and subject to outstanding contracts, permits or other existing rights, and the provisions of section 2 of the Act of June 24, 1954 (68 Stat. 271; 43 U.S.C. 1181h), it is ordered as follows:

1. The following-described national-forest lands are hereby excluded from the national forests of which they are now a part and are transferred from the Department of Agriculture to the administrative jurisdiction of the Department of the Interior and hereafter shall be administered by the Secretary of the Interior in accordance with the provisions of law applicable to revested Oregon and California Railroad grant lands:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

SISKIYOU NATIONAL FOREST

T. 39 S., R. 2 W.,
Sec. 1, lot 1.

T. 33 S., R. 8 W.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 34 S., R. 8 W.,
Sec. 13, lot 14.

T. 32 S., R. 10 W.,
Sec. 33, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Aggregating 125.77 acres.

2. The following-described revested Oregon and California Railroad grant lands lying within the Siskiyou National Forest are hereby transferred from the Department of the Interior to the administrative jurisdiction of the Department of Agriculture and hereafter shall be a part of the Siskiyou National Forest

and shall be subject to administration under the laws and regulations applicable to such national forest:

WILLAMETTE MERIDIAN

T. 34 S., R. 11 W.,
Sec. 19, lots 4 and 11.

Containing 78.89 acres.

STEWART L. UDALL,
Secretary of the Interior,
ORVILLE L. FREEMAN,
Secretary of Agriculture.

AUGUST 14, 1961.

[F.R. Doc. 61-8538; Filed, Sept. 7, 1961;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MEDAL OF HONOR ROLL; PERSONS ELIGIBLE AND PROVISIONS RELATING TO SPECIAL PENSION

Subpart A, Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1567 as follows:

§ 3.1567 Title 38, United States Code 560, 561 and 562, as changed by Public Law 87-133, Medal of Honor Roll; persons eligible and provisions relating to special pension.

(a) *Effect of the act.* Public Law 87-133 increases the special monthly pension rate for Medal of Honor holders from \$10 to \$100 per month; lowers the age requirement from 65 to 50; and eliminates the requirement of honorable discharge from service. The benefit is payable in addition to any other gratuitous Veterans Administration benefit and is based upon certification from the appropriate service department that the Medal of Honor holder has been entered on the special Medal of Honor Roll.

(b) *Effective date.* Awards under Public Law 87-133 will be prepared by Adjudication Divisions in the monthly amount of \$100 effective as of the date of application, but not prior to September 1, 1961. (Instruction 1, Public Law 87-133)

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

This regulation is effective September 8, 1961.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-8577; Filed, Sept. 7, 1961;
8:55 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1073]

DATES

Importation

Correction

In F.R. Document 61-8471 appearing in the issue for Wednesday, September 6, 1961, at page 8397, make the following changes:

1. In paragraph (e) delete the references to footnote 1 and the footnote appearing at the end of the column.
2. The following certifications should be included as part of the document:

Dates—Section 8e Entry Declaration

I hereby certify to the U.S. Department of Agriculture and the Bureau of Customs that the following imported dates are being entered, and no other except those covered by like declarations, as indicated:

1. Date of entry: _____
2. Place of entry: _____
3. Quantity of dates:
 - (a) In retail packages _____ lbs.
 - (b) For packaging _____ lbs.
 - (c) For processing _____ lbs.
 - (d) Prepared or preserved _____ lbs.
4. If in retail packages they are covered by inspection certificate number(s): _____

I agree to obtain and file with the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the fifth day of the succeeding month, the required certification "Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller", from each person accepting delivery of dates reported in 3 (b) or (c).

Date _____
Name of Firm _____
Address _____
Signature _____
Title _____

Dates for Packaging or Processing—Section 8e Certification of Repacker, Processor, or Reseller

(Agricultural Marketing Agreement Act of 1937, as Amended)

I hereby certify to the U.S. Department of Agriculture that I have accepted delivery or purchased imported dates as indicated; that I will use or sell them only in the outlets permitted by the regulation governing imports of dates and that I am a (check applicable) _____ registered repacker with USDA, _____ processor (user of dates for processing), _____ reseller (dealer in dates for processing).

1. Date of purchase _____
2. Place of purchase _____
3. Name and address of importer or seller _____
4. Quantity of dates:
 - (a) For packaging _____ lbs.
 - (b) For processing _____ lbs.

Date _____
Name of Firm _____
Address _____
Signature _____
Title _____

Agricultural Stabilization and Conservation Service

[7 CFR Part 913]

[Docket No. AO-23-A20]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exception on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on November 15-16, 1960, pursuant to notice thereof which was issued November 1, 1960 (25 F.R. 10573).

The material issues on the record of the hearing related to:

1. The pricing of Class II milk;
2. Class butterfat differentials;
3. Shrinkage allowance on bulk tank milk for which a cooperative association is the handler;
4. Allocation of packaged sour cream priced under another order;
5. Classification of dip speciality products;
6. Unfair methods of competition;
7. Miscellaneous administrative and conforming changes;
8. Location adjustments to handlers and producers;
9. Qualifications for obtaining pool plant status; and
10. Accounting for fortified products.

The decision is concerned only with issues 8, 9, 10, and one item under issue No. 7. Issues 1 through 7 were dealt with in a recommended decision issued February 14, 1961 (26 F.R. 1406, F.R. Doc. 61-1450) and a final decision issued March 22, 1961 (26 F.R. 2620; F.R. Doc. 61-2680).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

8. **Location adjustments.** The adjustment of Class I prices and blend prices at plants located 50 miles or more from specified cities in the marketing area should be revised. Plants 50-60 miles from such specified cities should be allowed a 10-cent per hundredweight location credit and the rate for plants more than 90 miles should be increased to one cent for each additional 10 miles. No change should be made in the rates applicable to plants located in the 60-90 mile zone.

Proponents of a change in the location differential asked that no adjustment be allowed on milk received at plants located 50-60 miles from specified cities. The present allowance at such plants is 16 cents. The adjustment rate at this location zone affects only plants located in St. Joseph, Missouri. There are three plants in that city which dispose of milk in the Greater Kansas City marketing area and are partially regulated by the order regulating milk prices in the area.

On August 11, 1961, a final decision with respect to a proposed milk order for the St. Joseph, Missouri, milk marketing area was issued by Secretary of Agriculture Orville L. Freeman (26 F.R. 7673, F.R. Doc. 61-7848). An order containing terms identical to those in the final decision was issued August 28, 1961. Official notice is hereby taken of that decision and order. In that decision the appropriate Class I price at St. Joseph, Missouri, was determined to be Class I price for plants in the Greater Kansas City market area less 10 cents. The three plants which are located in St. Joseph and sell milk in the Greater Kansas City area would be regulated by the St. Joseph order rather than the Kansas City order when the order contained in the final decision becomes effective. These handlers asked that a decision with respect to location differentials applicable under the Kansas City order be delayed until a decision on a proposed St. Joseph order could be issued.

The St. Joseph, Missouri, market is so near the Greater Kansas City market and the routes of handlers in the two markets are so intermingled that close price alignment between the two markets is necessary to maintain stability in both markets. The 10-cent lower Class I price proposed at St. Joseph, Missouri, recognizes the cost of hauling milk to St. Joseph versus the cost of hauling milk 50 miles further to Kansas City. Therefore, the Kansas City Class I price should be adjusted by a location credit of 10 cents applicable to the 50-60 mile zone in which St. Joseph, Missouri, is located.

There is a milk plant serving the Kansas City market which is located at Butler, Missouri. Butler is 65 miles from

Kansas City, Missouri, according to the Standard Highway Mileage Guide published by Rand McNally and Company. This plant is in the 60-70 mile zone and no change in rate was proposed at that location.

There is a plant located at Sedalia, Missouri, which has at times been a pool plant. Sedalia is 88 miles from Kansas City, Missouri, according to the Standard Highway Mileage Guide. Under present provisions that plant is assigned a location differential of 17 cents. It was proposed that the rate be increased to 18 cents but no showing was made that a higher rate is needed to haul milk from that plant to the Kansas City market. Therefore, the rate for plants located at 80-90 miles should remain at 17 cents.

The location adjustment at plants located more than 90 miles from the specified cities should be the 80-90 mile zone rate of 17 cents plus one cent for each additional 10 miles or fraction thereof. The present rate of increase is one-half cent for each 10 miles and is inadequate to reflect present milk hauling costs.

Pool plant qualifications. The percentages of approved milk receipts utilized by each plant in Class I which are used to distinguish between a milk plant primarily serving the fluid market as compared to a plant primarily engaged in manufacturing should be revised. The percentage of approved milk receipts required to be sold as Class I milk in the marketing area to qualify as a pool plant should be reduced from 20 percent to 15 percent. The limitation of "approved plant" to that portion of a plant with health approval should be deleted so that all facilities operated as a single physical unit will be recognized as one plant.

It is necessary to have standards in an order which identify plants which are subject to the regulation of the order. Plants which are required to pay for milk they receive from producers the minimum class prices established by the order are known as pool plants. Pool plants are plants primarily engaged in fluid milk sales whose proportion of sales in the Greater Kansas City marketing area is substantial.

The performance requirements for pool plant status in terms of Class I use and sales in the marketing area make it possible for each plant operator to know under what conditions he becomes subject to regulation. These provisions also identify the producers who serve the regulated fluid milk market and who share the uniform prices established by the order.

Milk plants are identified as fluid milk plants on the basis of percentages of approved milk utilized in Class I each month. These percentages under the Greater Kansas City milk order vary by months but average 37.5 percent of approved receipts in Class I per year. An increase in the Class I percentage requirement to 50 percent Class I in each month was proposed at the hearing. The proposal was supported by two cooperative association witnesses and no one opposed the proposed change.

The average annual use of producer milk in Class I by all pool plants is over 70 percent. Although some individual plants would, of course, utilize less than the market average percentage of receipts in Class I, the percentages now used to identify plants primarily engaged in the fluid milk business would include plants using nearly two-thirds of their producer milk in manufactured dairy products.

The required Class I use percentages should be 45 percent during the months July through February and 35 percent in March, April, May and June. This requirement will identify plants using nearly half of their milk receipts in Class I products but it will allow some tolerance for a plant which might not meet the 50 percent figure in some months.

In addition to being primarily fluid milk plants, pool plants regulated by the order must make a substantial share of their sales in the regulated marketing area. This is necessary to identify the plant with this market rather than another regulated or unregulated market.

The requirement for identifying a distributing plant with the Greater Kansas City market is that 20 percent of its approved milk receipts be disposed of as Class I milk in the marketing area. This requirement should be changed to 15 percent.

As fluid milk plants extend their sales on routes over wider areas the proportion of their sales in one designated area often becomes smaller. Hence, plants which are now qualified as pool plants could lose their pool status by increasing their sales outside the marketing area. The reduction in the percentage of receipts which must be disposed of in the marketing area from 20 to 15 percent will assure continued pooling of such plants.

The change in this pooling requirement might make some plants located in St. Joseph, Missouri, subject to the regulation of this order if an order were not issued for the St. Joseph marketing area. These handlers asked that a decision on pooling requirements be delayed until the proposed order for the St. Joseph area could be considered. As heretofore stated, an order has been issued to become effective partially September 1, 1961 and fully effective October 1.

A handler whose plant is located at Sedalia, Missouri, opposed the proposed change from 20 percent to 10 percent since it would make his plant a pool plant. This handler disposes of 11 percent of his approved milk receipts in the area. Since his percentage of sales in the area is close to the proposed 10 percent requirement he could be subjected to uncertainty from month-to-month concerning his pool or nonpool status. The 15 percent requirement will provide a margin for certainty based on his present sales in the area. If he expands sales in the marketing area he would become regulated as a pool plant.

The requirements for pooling should be clarified to include specifically in the approved milk receipts against which the qualifying percentages of use are measured any receipts by a plant from

a cooperative association which acts as a handler in moving milk of its member producers to such plant. There is no need then for a definition of approved milk as proposed.

9. Miscellaneous administrative and conforming changes. In the recommended decision issued with respect to certain issues on February 14, 1961, it was recommended that the limitation of the term "approved plant" to that portion of a plant with health approval should be deleted, so that all pertinent factors may be considered in the determination as to what constitutes a regulated plant. No exceptions to this recommendation were filed by interested parties but a request was made that the final decision with respect to this issue be delayed until a decision could be made also on certain proposed changes in pool plant requirements. Accordingly, the recommendation with respect to plant determination is incorporated in this decision.

10. Accounting for fortified products. No change should be made in the method of accounting for milk used in fluid milk products fortified with additional nonfat milk solids.

Accounting for such added nonfat solids on the basis of the amount of fluid skim milk used to produce or represented by such solids was proposed. This accounting method was proposed to assure full payment on the fluid volume of reconstituted products. Reconstituted products are fluid milk products made by recombining milk solids with water to yield a weight of product equal to the volume of product from which the concentrated product was made by the removal of water.

The term "fortification" implies the process of adding milk solids to a fluid milk product to yield a finished product of higher milk solids content than an equivalent volume of normal milk. The use of skim milk equivalent accounting in the case of a fortified product would inflate both receipts and sales beyond their actual volume. Since fortified products are classified as Class I this inflated volume would increase Class I sales beyond the actual poundage of such sales.

There was no objection to the use of skim milk equivalent accounting for reconstituted products. There is no need, however, to make any special provision for such accounting. Reconstituted milk is a fluid product which contains all of the water originally associated with the milk solids it contains.

Fortified products are accounted for on the basis of their actual weight. That weight includes any water which may have been added to a product which is both reconstituted and fortified. Therefore, it is not necessary to make any administrative determination of that portion of a product reconstituted versus that which is fortified.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and con-

clusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 913.9 and substitute therefor:

§ 913.9 Approved plant.

"Approved plant" means any milk plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

2. Delete § 913.10 and substitute therefor:

§ 913.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-

handler or a plant exempt pursuant to § 913.62:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 15 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) including receipts from a cooperative association in its capacity as a handler pursuant to § 913.11(c) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of as Class I milk an amount not less than the applicable percentage of such receipts, as follows:

(i) March through June, 35 percent;

(ii) July through February, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.53 [Amendment]

3. Delete § 913.53(a) and substitute therefor:

(a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices com-

puted pursuant to § 913.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, by 16 cents if such plant is located 60 to 80 miles from such City Hall, and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 80 miles.

4. Delete § 913.81 and substitute therefor:

§ 913.81 Location adjustment to producers.

In making payments pursuant to § 913.80(a), the applicable uniform prices for all milk received during the months of August through January and for base milk received during the months of February through July shall be adjusted according to the location of the pool plant where such milk was received (or from which it was diverted) at the rate provided pursuant to § 913.53.

Signed at Washington, D.C. on September 1, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-8588; Filed, Sept. 7, 1961; 8:57 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 525]

EMPLOYMENT OF HANDICAPPED WORKERS UNDER SPECIAL CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions, the United States Department of Labor, proposes to amend Title 29, Code of Federal Regulations, by revising Part 525. The proposed revision is intended to accomplish the following: (1) To require a workshop applying for a special certificate for the employment of handicapped workers at wages lower than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 to furnish information on the earnings of each handicapped worker rather than the earnings of only those unable to earn the applicable statutory minimum wage, which is in addition to the information now required; (2) to change the criteria considered in the issuance of a special certificate by adding to such criteria the extent to which a workshop uses earned income for capital expenditures and whether the workshop is exempt from taxation under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) and whether such workshop is registered with the appropriate state or local officials as a non-profit organization and by deleting as a criterion for consideration in the issu-

ance of a special certificate the cost and charge for rehabilitation services; and (3) in connection with the terms and conditions under which a special certificate is issued to provide that, where piece-rates are paid and industry piece-rates are not available, use may be made of time studies, and to prohibit the pooling of piece-rate earnings except when individual piece-rates cannot be established. In addition, minor changes are made modifying the responsibilities of the Advisory Committee on Sheltered Workshops and making editorial changes in the text of Part 525.

Interested persons may submit written data, views, and arguments relating to the proposed revision to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within thirty days from the publication of this proposal in the FEDERAL REGISTER.

The proposed revision of 29 CFR Part 525 reads as follows:

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Sec.	
525.1	Applicability of regulations.
525.2	Definitions.
525.3	Advisory committee on sheltered workshops.
525.4	Application for a special certificate.
525.5	Criteria for consideration in issuance of a special certificate.
525.6	Issuance of a special certificate.
525.7	Terms and conditions of a special certificate.
525.8	Renewal of a special certificate.
525.9	Workers other than handicapped clients in sheltered workshops.
525.10	Industrial homework.
525.11	Records to be kept.
525.12	Cancellation of a special certificate.
525.13	Review.
525.14	Submission of information, investigations, and hearings.
525.15	Relation to other laws.
525.16	Amendment of this part.

AUTHORITY: §§ 525.1 to 525.16 issued under sec. 14, 25 Stat. 1068, as amended; 29 U.S.C. 214. Additional authority cited in parentheses following sections affected.

§ 525.1 Applicability of regulations.

The regulations contained in this part are issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment by sheltered workshops of handicapped workers, as those terms are defined in § 525.2, at wages lower than the minimum wage applicable under section 6 of the Act. Such special certificates issued to sheltered workshops for handicapped clients engaged in or producing goods for interstate commerce shall state the special minimum wages permitted and the duration of the special certificate, and, in addition, shall be subject to the conditions prescribed in the regulations in this part.

§ 525.2 Definitions.

(a) "Administrator" means the Administrator of Wage and Hour and Public Contracts Divisions, United States Department of Labor.

(b) "Sheltered workshop" or "workshop" means a charitable organization

or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(c) "Handicapped client" or "client" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is being served in accordance with the recognized rehabilitation program of a sheltered workshop within the facilities of such agency or in or about the home of a client.

(d) "Act" means the Fair Labor Standards Act of 1938.

§ 525.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops appointed from time to time by administrative orders published in the FEDERAL REGISTER shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereof from time to time and for such other purposes as may be desired by the Administrator.

(b) The Administrator or his authorized representative may notify the Advisory Committee on Sheltered Workshops prior to the denial or cancellation of any special certificate under §§ 525.6, 525.8, or 525.12 and may afford the Committee 15 days, or such additional time as he may allow, to present its views. The Administrator or his authorized representative may also afford the Committee an opportunity to present its views in connection with any petition for review filed under § 525.13, any hearing held under § 525.14, or any petition for amendment of this part filed under § 525.16.

§ 525.4 Application for a special certificate.

(a) Application for a special certificate may be filed by any sheltered workshop with the Regional Director of the administrative region of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, in which the workshop is located. Application forms may be obtained from the appropriate Regional Director.

(b) The application shall contain, among other things, a description of the nature of the disabilities of the clients served by the workshop, a description of the types of employment and the rehabilitation program provided clients by the workshop, and the earnings of each handicapped client engaged in work covered by the Act.

(c) The application shall be signed by the president of the board of directors and a duly authorized official of the workshop.

(d) Application during the life of a special certificate for an individual rate for a client who is unable to earn the applicable certificate rate may be filed by a workshop with the appropriate

Regional Director. Such application may be made on forms which can be obtained from the Regional Director or by a letter from the workshop executive or his authorized representative stating the name of the client, his straight-time hourly earnings during the most recent payroll period, whether he is paid at piece rates or time rates, the type of work he is doing, the hourly rate the workshop proposes to guarantee, and the reason for requesting such rate when the proposed rate is substantially less than the client's actual earnings. An individual client rate does not become effective until authorized by the Administrator or his authorized representative.

§ 525.5 Criteria for consideration in issuance of a special certificate.

The following criteria may be considered by the Administrator or his authorized representative in determining the necessity of issuing a special certificate and the conditions to be specified therein:

(a) The present and previous earnings of handicapped clients of the workshop engaged in work covered by the Act;

(b) The nature and extent of the disabilities of clients served by the workshop;

(c) The wages of non-handicapped employees employed in private industry engaged in work comparable to that performed in the workshop;

(d) The types and duration of medical, educational, therapeutic, social work and other rehabilitative services given to handicapped clients;

(e) The extent to which clients share, through wages, in the receipts for work done in the workshop;

(f) The extent to which the handicapped clients may be learners or otherwise inexperienced;

(g) The extent to which earned operating income, other than normal depreciation allowances, is used for capital expenditures for equipment, buildings or expansion of activities in situations where the adequacy of the wage rates proposed by the workshop cannot clearly be established;

(h) Whether there exists any workshop-customer arrangement or subcontract agreement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels;

(i) Whether, in the case of non-government operated workshops, the organization has obtained an exemption under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and has registered as a non-profit organization with the appropriate state or local agencies providing for such registration.

§ 525.6 Issuance of a special certificate.

(a) If the application and other available information indicate that the applicant is a sheltered workshop within the meaning of § 525.2(a), that the clients of the workshop are paid commensurate with their productivity at the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards for the type of work being performed, and that the

clients are unable to earn the applicable statutory minimum wage, the Administrator or his authorized representative shall issue a special certificate. Otherwise he shall deny a special certificate.

(b) If a special certificate is issued, a copy shall be sent to the workshop. If denied, the workshop shall be notified in writing of the denial.

(c) A special certificate may be issued for the entire workshop, a department of the workshop, an individual handicapped client or any combination thereof.

§ 525.7 Terms and conditions of a special certificate.

(a) A special certificate shall specify the terms and conditions under which it is granted.

(b) A special certificate shall apply to every handicapped client of the sheltered workshop or department thereof, for which the special certificate is granted.

(c) A special certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Clients may be paid wages lower than the statutory minimum only during the effective period of a special certificate.

(d) A special certificate may provide a minimum wage rate below which a client may not be paid during a specified period or periods, designated as "training period" or "training periods", to allow for evaluation of the client's capacities and for job-training. Such rate may apply during the training period or periods specified to a client who has never previously worked in the workshop, or to a client who is transferred to a skilled or semi-skilled job in the workshop at which he has never previously worked, or to a client who has returned to the workshop after such period of separation as would require retraining.

(e) A special certificate may provide a minimum wage rate for the workshop or minimum wage rates for departments of the workshop below which a client may not be paid following completion of the specified training period or periods, unless a lower special individual wage rate has been authorized in such a special certificate for a client who is unable to earn the workshop or applicable department minimum wage rate.

(f) The wage rates paid clients working at time rates shall be based on the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards, taking into account the type, quality, and quantity of the work produced by the client. In no instance, however, shall wage rates be less than the hourly rate or rates specified in the special certificate.

(g) The wage rates paid clients working at piece rates shall not be less than prevailing piece rates paid non-handicapped employees in the same work in the vicinity in regular commercial industry maintaining approved labor standards. In the absence of industry piece rates, time studies or other tests may be used by the workshop to establish piece rates. Such time studies should be made with non-handicapped persons, although clients may be used in those situations where they are not handicapped for the type of work being tested and their pro-

duction is comparable to that of non-handicapped persons of average ability. The base hourly rate used in making time studies should be not less than the prevailing rate in regular commercial industry for work requiring similar skill.

(h) Each client working at piece rates must be paid his full piece-rate earnings but not less than the hourly rate specified in the special certificate. Pooling of earnings is not permitted except where piece rates cannot be established for each individual worker, e.g., in a team operation where each worker's individual contribution to the finished product cannot be separately tallied.

(i) Clients of the workshop shall be paid not less than time and one-half the regular rate for all hours over forty worked in the workweek.

(j) The terms of any special certificate may be amended for cause upon request of the sheltered workshop or handicapped client or upon the initiative of the Administrator or his authorized representative.

§ 525.8 Renewal of a special certificate.

(a) Application may be filed for renewal of any special certificate. It shall be filed in the same manner as an original application.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Handicapped clients may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 525.13: *Provided, however*, That if the denial is affirmed on review, the sheltered workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 525.9 Workers other than handicapped clients in sheltered workshops.

No individual who is not a handicapped client within the meaning of § 525.2(b) shall be employed under any special certificate issued pursuant to this part at wages lower than the minimum required under section 6 of the Act.

§ 525.10 Industrial homework.

A special certificate issued pursuant to this part authorizes a sheltered workshop to employ a handicapped client in or about a home, apartment, tenement, or room in a residential establishment, without the necessity of obtaining a special industrial homemaker's certificate for such client under regulations of the Administrator governing the employment of industrial homeworkers; nor shall it be necessary for a sheltered workshop to obtain a special industrial homemaker's certificate for clients working in or about a home, apartment, tenement, or room in a residential establishment, who are earning the minimum required under section 6 of the Act.

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.11 Records to be kept.

(a) Every sheltered workshop shall keep, maintain, and have available for inspection by the Administrator or his authorized representative at all times a record of the nature of each client's disability, and in addition the records required under all of the applicable provisions of Part 516 of this chapter, except that any provision pertaining to homemaker's handbooks shall not be applicable to clients of a sheltered workshop working in or about a home, apartment, tenement, or room in a residential establishment.

(b) Every sheltered workshop engaged in interstate commerce or in the production of goods for interstate commerce shall at all times post a poster, as prescribed by the Administrator, in a conspicuous place in the workshop where it may be observed readily by the handicapped clients and other workers in the workshop.

(Sec. 11, 51 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.12 Cancellation of a special certificate.

(a) The Administrator or his authorized representative may cancel any special certificate for cause. A special certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been exercised in obtaining the special certificate or in permitting a handicapped client to work thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the special certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 525.13, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however*, That if the cancellation order is affirmed on review, the workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the sheltered workshop in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 525.13 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 15 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted, shall be

made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 525.14 Submission of information, investigations, and hearings.

The Administrator or his authorized representative may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing prior to taking any action pursuant to this part. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views.

§ 525.15 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 525.16 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

Signed at Washington, D.C., this 31st day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8548; Filed, Sept. 7, 1961;
8:48 a.m.]

[29 CFR Part 536]

DEFINITIONS OF "AREA OF PRODUCTION"

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 13(a)(17) of the Fair Labor Standards Act of 1938, as added by the Fair Labor Standards Amendments of 1961 (sec. 9, Pub. Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, and as authorized by section 14 of the Fair Labor Standards Amendments of 1961, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend Title 29, Code of Federal Regulations, by revising Part 536 to include a section defining the term "area of production" as it is used in section 13(a)(17), the country elevator exemption. In addition, pursuant to section 13(a)(10) of the Act, as amended by the 1961 Amendments, it is proposed to delete the reference to the ginning of cotton in § 536.2 defining the term "area of production" as used in section 13(a)(10) because of the deletion of ginning from that section by the 1961 Amendments.

Interested persons may file written data, views, or arguments relating to the proposed revision with the Administrator

of the Wage and Hour and Public Contracts Divisions, within fifteen days following its publication in the FEDERAL REGISTER.

As proposed to be revised, 29 CFR Part 536 will read as follows:

PART 536—AREA OF PRODUCTION

Sec.

536.1 "Area of production" as used in section 7(c) of the Fair Labor Standards Act.

536.2 "Area of production" as used in section 13(a)(10) of the Fair Labor Standards Act.

536.3 "Area of production" as used in section 13(a)(17) of the Fair Labor Standards Act.

536.4 Petition for amendment of regulations.

AUTHORITY: §§ 536.1 to 536.4 issued under 52 Stat. 1060; 29 U.S.C. 201 et seq. Additional authority is cited in parentheses following sections affected.

§ 536.1 "Area of production" as used in section 7(c) of the Fair Labor Standards Act.

(a) An employer shall be regarded as engaged in the first processing of any agricultural or horticultural commodity during seasonal operations within the "area of production" within the meaning of section 7(c) of the Fair Labor Standards Act if he is so engaged in an establishment which is located in the open country or in a rural community and in which such first processing is performed on commodities 95 percent of which come from normal rural sources of supply located not more than the following air-line distances from the establishment:

(1) With respect to grain, soybeans, eggs, or tobacco—50 miles;

(2) With respect to any other agricultural or horticultural commodities—20 miles.

(b) For the purpose of this section:

(1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population or any area within:

(i) One air-line mile of any city, town, or urban place with a population of 2,500 up to but not including 50,000 or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm assemblers or other establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the agricultural

or horticultural commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 7(c), 52 Stat. 1063, 29 U.S.C. 207(c))

§ 536.2 "Area of production" as used in section 13(a)(10) of the Fair Labor Standards Act.

(a) An individual shall be regarded as employed within the "area of production" within the meaning of section 13(a)(10) of the Fair Labor Standards Act in handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(1) If the establishment where he is employed is located in the open country or in a rural community and 95 percent of the commodities on which such operations are performed by the establishment come from normal rural sources of supply located not more than the following air-line distances from the establishment:

(i) With respect to operations on fresh fruits and vegetables—15 miles;

(ii) With respect to the storing of cotton and any operations on commodities not otherwise specified in this subparagraph—20 miles;

(iii) With respect to the compressing and compress-warehousing of cotton, and operations on tobacco, grain, soybeans, poultry or eggs—50 miles.

(b) For the purposes of this section: (1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population, or any area within:

(i) One air-line mile of any city, town, or urban place with a population of 2,500 up to but not including 50,000, or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm

assemblers or other establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 13(a)(10), 52 Stat. 1067, 29 U.S.C. 213(a)(10))

§ 536.3 "Area of production"—as used in section 13(a)(17) of the Fair Labor Standards Act.

(a) An employee employed by an establishment commonly recognized as a country elevator and having not more than five employees (including such an establishment which sells products and services used in the operation of a farm) shall be regarded as employed within the "area of production", within the meaning of section 13(a)(17) of the Fair Labor Standards Act, if the establishment by which he is employed is located in the open country or in a rural community and 95 percent of the agricultural commodities received by the establishment for storage or for market come from normal rural sources of supply within the following air-line distances from the establishment:

(1) With respect to grain and soybeans—50 miles;

(2) With respect to any other agricultural commodities—20 miles.

(b) For the purpose of this section: (1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population or any area within:

(i) One air-line mile of the city, town, or urban place with a population of 2,500 up to but not including 50,000, or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm assemblers or other

establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 13(a)(17), added to sec. 13, 52 Stat. 1067, 29 U.S.C. 213, by sec. 9, Pub. Law 87-30)

§ 536.4 Petition for amendment of regulations.

Any interested person or association wishing a revision of any section of this part may submit in writing to the Administrator a petition for amendment thereof, setting forth the changes desired and the reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with notice to interested parties or will make other provisions for affording interested parties an opportunity to present their views in support of or opposition to the proposed change.

Signed at Washington, D.C., this 31st day of August 1961.

CLARENCE L. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8549; Filed, Sept. 7, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 873; Draft Release No. 61-17]

USE OF AIRCRAFT SIMULATORS FOR PILOT TRAINING AND PROFICIENCY CHECKS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington

25, D.C. All communications received on or before November 9, 1961, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Since 1954, those air carriers using aircraft simulators in their pilot training programs have been allowed to conduct all but four of their pilot-in-command proficiency check maneuvers in the simulator instead of the aircraft. Simulators used in accomplishing these proficiency check maneuvers are required to accurately simulate the flight characteristics and the performance of the particular aircraft through all ranges of normal and emergency operation. Maneuvers at minimum speeds, approach procedures on the letdown aid for which the lowest minimums are authorized, landing under circling approach conditions, and takeoffs and landings with engine failures must be accomplished in the aircraft on each proficiency check.

In 1957, Parts 40, 41, and 42 were amended to permit the substitution of an approved course of training in an aircraft simulator, at alternate 6-month intervals, for the proficiency check of the pilot in command. These amendments specified, in general terms, the characteristics and simulation requirements of a simulator when used in an approved course of training, and that same year the Civil Aeronautics Manuals were amended to specify the systems or conditions that the simulator should fully simulate. Since that time these rules and policies, together with a simulator flight test program developed by the FAA, have been used to evaluate the suitability of aircraft simulators for use in approved simulator training courses.

Developments in the aviation industry within the last few years have brought about a substantial increase in the use of aircraft simulators for training and checking the proficiency of air carrier flight crewmembers. When the regulations were amended in 1959 to require approval of training programs and annual proficiency checks of pilots other than pilots in command, the air carriers were allowed to substitute an approved course of training in their simulators for these proficiency checks, at alternate 12-month intervals. In addition, the Agency, in approving training programs, has permitted a 25-percent reduction in aircraft flight training for those programs that include approved simulator training. Lesser reductions have been allowed for training in synthetic trainers or simulators that do not meet the standards for use in approved simulator courses. The simulator industry itself has made rapid advances, not only in the art of simulation, but also in expansion of the areas they simulate.

Because of the wide variety of uses for aircraft simulators, and the extensive possibilities they offer for improved training, we need a better method of approving their use in the various phases

of air carrier training and flight checking. As the first step in developing such a method, we issued, on May 6, 1960, a discussion draft of proposed standards for aircraft simulators and approved simulator training courses. This draft included not only the systems simulation requirements that are now covered in the CAMs, but also proposed specific standards and tolerances for simulator performance and flight characteristics. The draft was distributed to air carriers, training aids manufacturers, associated aircraft industries, and technical personnel associations; and the proposed standards were subsequently discussed with various industry groups. The comments and suggestions of these interested persons and groups have been considered in the preparation of this notice.

The amendments proposed herein would define an aircraft simulator as an approved training device that fully simulates the systems, performance, and flight characteristics of a particular aircraft in accordance with standards specified by the Director, Flight Standards Service. This definition would provide a clear distinction between an aircraft simulator, which would be an approved device, and a synthetic trainer, which is a device an air carrier is approved to use for simulating certain operating conditions. These proposed amendments would also authorize an air carrier to conduct all but four of its pilot proficiency check maneuvers in an aircraft simulator, without further specific approval for each maneuver involved, and would require that aircraft simulators be used in conducting approved courses of simulator training. In addition, the proposed amendments would allow individual approval for an air carrier to conduct specified pilot proficiency check maneuvers in a synthetic trainer, if the trainer adequately simulated the systems, performance, and flight characteristics of the applicable aircraft for those particular maneuvers. Although not covered by this proposal, the Flight Standards Service, in a separate notice, is proposing to allow a 25-percent reduction in aircraft flight time for those approved air carrier training programs that include a specified amount of training in an aircraft simulator.

Under this proposal, standards and procedures for approval of aircraft simulators and simulator training courses, as well as procedures for obtaining approval to use synthetic trainers in accomplishing pilot proficiency check maneuvers, would be published in an appendix to the Civil Aeronautics Manuals. Such standards would be used not only as a guide in approving aircraft simulators, but also in evaluating the adequacy of synthetic trainers for use in conducting air carrier training programs and pilot proficiency check maneuvers. The present CAM material on the use of synthetic trainers for pilot checks, and requirements for approval of simulator training courses, would be deleted.

We believe the adoption of these proposed standards as guidelines to the industry will stimulate further advances

in the art of simulation, and will contribute to the development of training devices that will afford optimum training value for crewmembers, thereby increasing safety in air commerce. Standards adopted as a result of this notice would be reviewed periodically, and revised as experience and industry developments indicate.

In consideration of the foregoing, it is proposed to amend Parts 40, 41 and 42 of the Civil Air Regulations as follows:

1. By amending § 40.5 of Part 40 by adding in proper alphabetical order a new definition to read as follows:

§ 40.5 Definitions.

Aircraft simulator. An aircraft simulator is an approved training device that fully simulates the systems, performance, and flight characteristics of a particular airplane in accordance with standards specified by the Director, Flight Standards Service.

2. By amending § 40.302(b) by revising subparagraph (3) and by adding a new subparagraph (4) to read as follows:

§ 40.302 Pilot checks.

(b) *Proficiency check.* * * *

(3) An air carrier may use an aircraft simulator or a synthetic trainer to conduct proficiency check maneuvers required by subparagraph (2) of this paragraph, subject to the conditions set forth in subdivisions (i) through (iii) of this subparagraph.

(i) Maneuvers at minimum speeds, approach procedures on the letdown aid for which the lowest minimums are authorized, landings under circling approach conditions, and takeoffs and landings with engine failures shall be given in the appropriate airplane on each proficiency check. When a synthetic trainer is used to conduct a portion of the proficiency check, any additional maneuvers that have not been approved by the Administrator or his authorized representative for accomplishment in the trainer shall also be given in the appropriate airplane.

(ii) The aircraft simulator shall simulate the systems, performance, and flight characteristics of the particular airplane used in conducting the proficiency check. For each maneuver approved for accomplishment in a synthetic trainer, the air carrier shall show that the trainer meets the appropriate standards for simulation of the systems, performance, and flight characteristics of the particular airplane used in conducting the proficiency check.

(iii) That portion of the proficiency check given in an aircraft simulator or a synthetic trainer shall be conducted by a check pilot or a representative of the Administrator.

(4) Subsequent to the initial pilot proficiency check, an approved course of training in an appropriate aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The course of training shall be approved in accordance with standards and pro-

cedures prescribed by the Director, Flight Standards Service.

§§ 40.302-3, 40.302-4, 40.302-5 [Deletion]

3. By deleting §§ 40.302-3, 40.302-4, and 40.302-5.

4. By amending § 40.305 by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), and adding a new paragraph (b) to read as follows:

§ 40.305 Proficiency check; second in command.

(b) An air carrier may use an aircraft simulator or a synthetic trainer to conduct proficiency check maneuvers required by paragraph (a) of this section, subject to the conditions set forth in subparagraphs (1) through (3) of this paragraph.

(1) Slow flight, approach procedures on the letdown aid for which the lowest minimums are authorized, landings under circling approach conditions, and takeoffs and landings with engine failures shall be given in the appropriate airplane on each proficiency check. When a synthetic trainer is used to conduct a portion of the proficiency check, any additional maneuvers that have not been approved by the Administrator or his authorized representative for accomplishment in the trainer shall also be given in the appropriate airplane.

(2) The aircraft simulator shall simulate the systems, performance, and flight characteristics of the particular airplane used in conducting the proficiency check. For each maneuver approved for accomplishment in a synthetic trainer, the air carrier shall show that the trainer meets the appropriate standards for simulation of the systems, performance, and flight characteristics of the particular airplane used in conducting the proficiency check.

(3) That portion of the proficiency check given in an aircraft simulator or a synthetic trainer shall be conducted by a check pilot or a representative of the Administrator.

5. By adding an appendix to Part 40 to read as follows:

APPENDIX—STANDARDS AND PROCEDURES FOR APPROVAL OF AIRCRAFT SIMULATORS, COURSES OF TRAINING IN AIRCRAFT SIMULATORS, AND THE USE OF SYNTHETIC TRAINERS FOR PROFICIENCY CHECK MANEUVERS

APPROVAL OF AIRCRAFT SIMULATORS

1. *Application for approval.* The air carrier shall submit an application for approval of an aircraft simulator, in triplicate, to the FAA Principal Operations Inspector. The application shall include the following:

(a) For those items listed in section 3 of this appendix, information and data necessary to show that the simulator adequately simulates the minimum and maximum limits of the systems for the airplane being simulated, as shown in the approved Airplane Flight Manual and/or the maintenance section of the air carrier's manual;

(b) A list of any instruments, controls, equipment, or other items pertinent to training or proficiency checking that are in the airplane being simulated, but have not been incorporated in the simulator; and any deficiencies in the area of performance and flight characteristics; and

(c) Comparative data sheets showing that the performance and flight characteristics of

the aircraft simulator have been flight checked and found to be within the limits prescribed for the items listed in section 4 of this appendix. The airplane data used for comparison purposes shall be applicable to the currently certificated airplane. Such data may be obtained:

(1) From the approved Airplane Flight Manual, Type Inspection Reports, or other flight test data provided by the airplane manufacturer, if satisfactory to the Administrator; or

(2) By flight tests conducted in accordance with the provisions of Part 4b of the Civil Air Regulations in the air carrier's own airplane. If this procedure is used, performance and flight characteristics data for the c.g. limits and weights used during training will be satisfactory. A representative of the Administrator will participate in the flight test program conducted by the air carrier. Before starting these flights, an outline of the tests to be conducted in the airplane shall be prepared and coordinated by the air carrier with the assigned FAA inspector. This outline shall contain procedures to be followed and data to be obtained during each phase of the flight testing program. Any data so obtained will be acceptable for use by other air carriers using the same type of equipment, when appropriate arrangements are made with the air carrier originating the data.

2. *Provisions for aircraft simulator maintenance and modification.* The air carrier shall provide the following personnel, procedures, and facilities for maintenance and modification of the aircraft simulator:

(a) An adequate number of qualified maintenance personnel;

(b) Adequate procedures for preflight inspection of the simulator similar to those for the airplane being simulated;

(c) A daily discrepancy log to be used by the simulator instructor or check airman at the termination of each training or check flight;

(d) A preventive maintenance schedule to be followed in maintaining the simulator, including simulator overhaul periods; and

(e) A modification program for keeping the configuration, performance, and flight characteristics of the simulator the same as those of the airplane being simulated.

NOTE: The air carrier may also include, as a part of the simulator maintenance program, provisions for continuation of training activities for a specified period of time with certain simulator components inoperative. Such provisions shall be limited to instruments or equipment not essential for accomplishing the particular phase of training involved.

3. *Minimum standards for simulation of airplane systems.* The simulator shall simulate at least the following items and systems of the airplane being simulated: *Provided*, That no system or item will be required for approval if it is not necessary to the performance of the normal and emergency operating procedures specified in the air carrier's manual for such airplane:

(a) All normal cockpit noise related to engine or aerodynamic noise (adjustable volume is permissible);

(b) All flight controls;

(c) Gust locks;

(d) Trim tabs;

(e) Landing gear operation;

(f) Wheel brakes;

(g) Steering mechanisms used on the ground;

(h) Wing flaps and spoilers;

(i) Powerplant operations;

(j) Propeller controls and circuitry;

(k) Antidetonation injection systems (when applicable);

(l) Fuel and oil systems;

(m) Cockpit. The simulator shall represent a full scale mockup, including normal flight crew stations and accommodations for

the instructor or check airman, and shall be representative of a typical fleet airplane;

(n) Circuit breaker stations manageable by the flight crew in the flight compartment (those not related to essential flight equipment or systems need not be operative);

(o) Hydraulic systems;

(p) Fire detection and extinguishing systems;

(q) Pneumatic systems (including emergency airbrakes);

(r) Electrical systems;

(s) Interior cockpit lights;

(t) Exterior light controls;

(u) Pressurization and air-conditioning systems (instrument indication and warning signals);

(v) Deicing and anti-icing systems;

(w) Supplemental breathing systems (the systems may be charged with or vented to air); and

(x) Other special systems peculiar to certain airplanes as necessary in view of the training value of the systems.

4. *Minimum standards of tolerance for performance and flight characteristics.* The simulator shall simulate the performance and flight characteristics of the particular airplane being simulated in accordance with the standards of tolerance specified in this section.

(a) *Performance.* (Weight and c.g. optional unless otherwise noted.) For those items listed below, where time requirements apply, the maximum tolerance shall be ± 2 seconds or ± 10 percent, whichever is greater, unless otherwise specifically noted. For those items where airspeeds apply, the maximum tolerance shall be ± 5 knots, except in the case of the difference between stall and stall-warning airspeed, and the difference in this instance shall be within ± 2 knots of that for the appropriate airplane but in no case shall the stall occur before the stall warning. For those items where climb rates apply, a maximum tolerance of ± 50 feet or 10 percent, whichever is greater, shall be acceptable.

(1) Propeller feathering time (if applicable).

(2) Landing gear operating time.

(3) Wing flap operating time.

(4) Calibration of gyrocompass and turn-and-bank indicator in standard rate turns and 30 degree banked turns, through a range of 90 degrees.

(5) Takeoff acceleration time.

(6) Stall speeds and stall-warning speeds over a range of weights and flap settings.

(7) Engine power (thrust) calibration at takeoff and maximum continuous ratings over an altitude range; as follows:

(i) Reciprocating engines: For a given BMEP and RPM, the MAP tolerance shall be ± 1 inch.

(ii) Turbine engines: for a given EPR, N_1 and N_2 tolerances shall be ± 2 percent, and

(iii) Critical altitude: The tolerance for critical altitude shall be ± 800 feet.

(iv) Tolerances in subdivision (i) and (ii) of this subparagraph shall be allowed for speed versus power, and climb rates.

(8) Speed versus power in level flight at cruise altitude.

(9) Rates of climb versus altitude in the following configurations:

(i) Takeoff gear down (one engine inoperative),

(ii) Takeoff gear up (one engine inoperative),

(iii) Final takeoff (one engine inoperative),

(iv) All engines en route,

(v) One-engine-inoperative en route climb,

(vi) Two-engine-inoperative en route climb for airplanes with four or more engines).

(vii) Approach (one engine inoperative), and

(viii) Landing.

NOTE: Include two weights in at least one configuration, and two temperatures in at least one other configuration.

(10) Rates of climb versus airspeed for one takeoff and one en route configuration.

(11) MP/BMEP/RPM relationships shall conform to airplane data. EPR/Compressor/RPM relationships shall conform to airplane data.

(b) *Flight characteristics.* (Weight and c.g. optional unless otherwise noted.) For those items listed below where control forces apply, the maximum tolerance shall be ± 8 pounds or ± 25 percent, whichever is the greater, except that in regard to rudder forces the tolerances shall be ± 10 pounds or 20 percent, whichever is greater. In no case shall there be a force reversal. For those items where time requirements apply, the maximum tolerance shall be ± 2 seconds or ± 25 percent, whichever is greater. In those areas for which limitations are not set forth, such as compressibility trim change, nature or stall warning, Dutch roll characteristics, emergency descents, and features peculiar to certain types of airplanes, a representative of the Administrator will specify appropriate limitations, taking into consideration their training value.

(1) Static longitudinal stability in the following configurations (this range of tolerance shall be applied within 15 percent of trim speed and return to trim shall be within ± 5 knots):

(i) Landing,

(ii) Approach,

(iii) Cruise (high and low altitude), and

(iv) Climb.

NOTE: Include a c.g. range for at least one of the above configurations.

(2) Longitudinal control forces for configuration changes as follows (control forces required to maintain speed will be indicative of trim changes):

(i) Flap retraction—power off and power on,

(ii) Flap extension,

(iii) Power (thrust) application, and

(iv) Go-around from balked landing.

(3) Aileron forces versus wheel deflection.

(4) Rudder forces versus pedal deflection.

(5) Minimum control speed.

(6) Stall characteristics, including nature of stall warning and instrument indications during recovery. Stall tests shall also be conducted in 30 degree banked turns.

(7) Stick force per "g."

(8) Roll rates.

(9) Features peculiar to the airplane, such as Dutch roll, compressibility trim changes, etc., where these features have a significant effect on procedures or handling characteristics.

(10) Buffeting demonstration as experienced in stalls, or, as applicable, high Mach numbers up to design Mach limits.

(11) Other items required by a representative of the Administrator.

5. *Minimum standards of tolerance for simulator navigational recorders (course and altitude).* At any altitude, and on any heading, the distance traveled by the recorder with zero wind in a particular time interval shall be equivalent to ± 5 percent of the horizontal component of the true airspeed multiplied by the time interval. The track of the course recorder on the chart with no wind shall agree with the true heading of the simulator within ± 3 degrees, which shall include allowances for instrument error. This shall apply when the simulator is turning as well as flying a straight course. The track of the altitude recorder shall indicate within ± 20 feet the actual glide path as shown on the flight instruments during simulated ILS or PAR approaches, when within 20 miles of the station.

6. *Cancellation of approval.* The failure of an aircraft simulator to meet the stand-

ards and tolerances specified in this section shall be sufficient reason for cancelling the approval of such simulator.

APPROVAL OF AIRCRAFT SIMULATOR TRAINING COURSES

11. *Application for approval.* The air carrier shall submit an application for approval of a course of training in an aircraft simulator, in triplicate, to the FAA Principal Operations Inspector. The application shall include a simulator training course curriculum and sufficient descriptive material to evaluate the scope and adequacy of the course of training to be accomplished, and to determine that the course meets the standards prescribed in section 12.

12. *Standards for approval of simulator training courses.* (a) The simulator training course curriculum shall include at least those items specified in subparagraphs (1) through (3) of this paragraph.

(1) Simulator flight training and instruction of at least 4 hours in all normal and emergency operating procedures, as shown in the approved Airplane Flight Manual; the maneuvers required by § 40.302(b) and/or § 40.305; and those maneuvers peculiar to the particular airplane being simulated, such as Dutch roll, etc. Flight maneuvers that require visual reference to the ground need not be included.

(2) Ground training consisting of at least 2 hours of simulator briefing and debriefing instructions.

(3) Minimum performance standards for flight crewmembers. Such standards shall not be less than the current requirements established for proficiency checks in the particular airplane being simulated.

(b) Approval of the aircraft simulator(s) to be used in the training course shall have been based on simulation of the particular airplane(s) operated by the air carrier: *Provided*, That another air carrier's simulator may be used if the applicant shows that the instrumentation, radio equipment, control arrangement, systems, performance, and flight characteristics are consistent with his own airplane(s).

(c) The air carrier shall provide an adequate number of simulator instructors. Each such instructor shall hold a valid airline transport pilot certificate with an appropriate type rating for the airplane being simulated. Satisfactory completion of the approved simulator course shall be certified to by a company check airman or a representative of the Administrator.

(d) The air carrier shall establish and maintain a record system that shows, for each trainee or crewmember participating in the course of training, the course instruction, course time, and grades received.

13. *Revisions to approved course of training.* Requests for revisions of the approved training course shall be submitted and handled in the same manner established for initial approval.

APPROVAL TO USE SYNTHETIC TRAINERS FOR PROFICIENCY CHECK MANEUVERS

21. *Application for approval.* The air carrier shall submit for approval a list of the maneuvers to be accomplished in the synthetic trainer. Such application shall be submitted, in triplicate, to the FAA Principal Operations Inspector.

22. *Procedure for approval.* A representative of the Administrator will evaluate and determine the adequacy of maneuvers simulated, and will specify those that may be accomplished in the trainer.

23. *Use of aircraft simulators or synthetic trainers owned or operated by another air carrier.* The use of another air carrier's simulator or trainer is permissible, provided the instrumentation, radio equipment, control arrangement, systems, performance, and flight characteristics are consistent with those of the aircraft operated. Specific ap-

proval by the Administrator or his authorized representative is required to conduct a portion of the proficiency check in another air carrier's aircraft simulator. Check airmen used in conducting the checks shall be those designated for the air carrier operating the airplane.

24. *Cancellation of approval.* The failure of a synthetic trainer to meet the standards and tolerances required for approval to use such trainer for proficiency check maneuvers shall be sufficient reason for cancelling such approval.

6. By promulgating amendments to Parts 41 and 42 of the Civil Air Regulations similar to those proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958; (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425).

Issued in Washington, D.C., on August 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-8554; Filed, Sept. 7, 1961; 8:49 a.m.]

[14 CFR Part 46]

[Reg. Docket No. 874; Draft Release No. 61-18]

SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Flight Crewmember Qualifications

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 46 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 9, 1961, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Part 46 of the Civil Air Regulations, which contains the certification and operation rules for scheduled air carrier helicopter operations, was made effective October 1, 1958. Prior to that date, scheduled air carrier helicopter operators were subject to the appropriate regulatory requirements of Parts 40 and 61 and, in addition, to such deviations and operations specifications as were considered necessary by the Administrator of the Civil Aeronautics Administration.

Since their original certification as air carriers in 1947, a great amount of experience has been gained by the helicopter operators and by the FAA/CAA under both the operational requirements

in effect prior to October 1, 1958, and under the new Part 46. In this regard, the air carriers contend there are presently two requirements of Part 46 that place an undue burden upon the air carriers and are not necessary in the interest of safety. These concern (1) pilot recent experience, and (2) pilot route and helicopter qualifications, and the maintenance of such qualification.

Section 46.301 provides that, "No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 30 days he has made at least 3 takeoffs and 3 landings in the helicopter of the particular type on which he is to serve, 2 landings of which shall have been made from approaches with simulated one engine inoperative; and, if he is scheduled to serve in such transportation at night, at least one of these landings shall have been made at night." This pilot 30-day recency of experience requirement, which became effective with Part 46, affects both the pilot in command and the second in command, and stresses the need for continued competence on one-engine-inoperative landings; also under nighttime conditions if such pilots are scheduled to serve in air transportation at night.

In the operation of helicopters, pilots in scheduled transportation experience about 500 takeoffs and landings per month, as compared to fixed-wing operations under Part 40, in which pilots may experience only a very few takeoffs and landings per month. The experience thus gained in executing this tremendous number of takeoffs and landings subjects the helicopter pilots to a wide variation of operational problems. Consequently, the pilots are highly skilled in takeoff and landing technique. In this regard, it is believed that scheduled air carrier helicopter pilots with this large background of takeoff and landing experience will not lose their skill or technique in landings and takeoffs within intervals as short as 90 days, and that extension of the period for recency of experience from 30 days to 90 days will not impair the safety of operations. This will also bring the pilot recency experience requirement for helicopters in line with the fixed-wing requirements of Parts 40, 41, and 42.

With respect to the requirement for the accomplishment of 2 simulated inoperative engine landings (autorotative) every 30 days, it is proposed to amend this requirement to 2 practice autorotative landings every 90 days. The scheduled air carrier helicopter operators contend that their experience has shown that the practice received in making normal landings in helicopters does much to provide the pilot with the necessary experience and judgment to insure the effectiveness of his technique and skill to perform autorotative landings. Furthermore, they believe that since the pilot in command has the responsibility for the safety of the flight and must maintain the highest degree of skill, it is not necessary in the interest of safety to duplicate the requirement of autorotative landings for the copilot every 90 days. The copilot receives practice in making normal landings during

regular scheduled operations, and training and practice in autorotative landings during the initial and recurrent training programs.

It is proposed to eliminate the requirement that one of the autorotative landings be made at night since, in routine operations, the autorotative landings that are scheduled in order to maintain recent experience requirements are all made at lighted airports. Under such conditions, there is no substantial difference between the autorotative landing skill requirements for day and night operations.

In § 46.303(c) it is proposed to delete the phrase "Within the preceding 90 days" because the time limitation for the validity of route and heliport qualification is established by § 46.304 and is, therefore, unnecessary in this section.

In § 46.304, the 30-day requirement is being changed to 3 months to conform with the original heliport qualification requirement, inasmuch as the maintenance of heliport qualification should not be more stringent than the original qualification. Also, in order to conform with the original qualification, a special flight for continued qualification for night operation over a route is being required only for the carriage of passengers. This is necessary to insure that pilots are kept fully familiar with the status of obstructions along the route and on the approaches to emergency heliport sites. It is not considered necessary to require special daylight re-qualification flights for other types of operations.

In consideration of the foregoing, it is proposed to amend Part 46 of the Civil Air Regulations as follows:

1. By amending § 46.301 to read as follows:

§ 46.301 Pilot recent experience.

No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the helicopter of the particular type on which he is to serve. If he is scheduled to serve in such transportation at night, at least one such landing shall have been made at night. Within the preceding 90 days, the pilot in command shall have made 2 of the 3 required landings from approaches with simulated one engine inoperative.

§ 46.303 [Amendment]

2. By amending § 46.303(c) by deleting from the first sentence the words "Within the preceding 90 days".

3. By amending § 46.304 to read as follows:

§ 46.304 Maintenance and reestablishment of pilot route and heliport qualifications for particular trips.

(a) To maintain pilot route and heliport qualifications, each pilot being utilized as pilot in command, within the preceding 3-month period, shall have made at least one trip as pilot or other crewmember of the flight crew between terminals into which he is scheduled to fly.

(b) To maintain pilot route and heliport qualification for the carriage of

passengers during night operations, each pilot being utilized as pilot in command, within the preceding 3 months, shall have made at least one trip during the hours of daylight as pilot or other member of the flight crew between terminals into which he is scheduled to fly.

(c) In order to reestablish pilot route and heliport qualifications after absence from a route or a heliport thereon for a period in excess of 3 months, a pilot shall comply with the provisions of § 46.303.

These amendments are proposed under the authority of sections 313(a), 601, 604, 605 of the Federal Aviation Act of 1958, (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425).

Issued in Washington, D.C. on August 31, 1961.

GEORGE C. PRILL,
Director,

Flight Standards Service.

[F.R. Doc. 61-8553; Filed, Sept. 7, 1961; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-38]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Navy for the designation of a control zone at the Naval Auxiliary Air Station, Meridian, Miss., within an 8-mile radius of the NAAS (32°33'18" latitude N., 88°33'35" longitude W.); within 2 miles either side of the Meridian NAAS TACAN (32°34'32" latitude N., 88°32'43" longitude W.) 001° True radial extending from the 8-mile radius zone to 7 miles north of the TACAN, excluding the area more than 5 miles distant from the NAAS between the 200° and 260° True bearings from the airport.

This proposed 8-mile radius control zone would provide protection for extensive student jet aircraft training flights, involving from 110 to 150 locally based aircraft, executing TACAN, surveillance and precision radar approaches. The radar approaches begin approximately 5 nautical miles from the approach end of each runway for optimum glide slope interception. In addition to a requirement for controlled airspace to encompass radar approaches to all runways, the unusual runway configuration sustains a consideration for an expanded control zone. The 3 runways are so constructed that they extend from the center of the airport, similar to the spokes of a wheel, to an approximate distance of 2 statute miles.

The exclusion southwest of the airport in the area between lines bearing 200° and 260° True from the airport reference point would reduce flight restrictions at the Downer Airport) latitude 32°28'30" N., longitude 88°36'50" W.).

The control zone extension to the north would provide protection for aircraft executing TACAN instrument approach procedures utilizing a 6 nautical mile gate.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 31, 1961.

R. E. THOMAS,
Acting Chief.

Airspace Utilization Division.

[F.R. Doc. 61-8555; Filed, Sept. 7, 1961; 8:50 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Part 3]

[Docket No. 14229 etc.; FCC 61-1037]

**ASSOCIATION OF MAXIMUM SERVICE
TELECASTERS, INC. (AMST) ET AL.**

Order Extending Time for Filing Comments and Reply Comments

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; In the matters of deintermixture of Madison, Wisc.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246; in the matters of assignment of an additional VHF channel to Oklahoma City, Okla.; Johnstown, Pa.; Baton Rouge, La.; Dayton, O.; Jacksonville, Fla.; Birmingham, Ala.; Knoxville, Ten.; Charlotte, N.C., Docket Nos. 14231, 14232, 14233, 14234, 14235, 14236, 14237, 14238.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of September 1961:

The Commission has pending before it for consideration the following requests for extension of time in which to file comments in the designated rule making proceedings. Where not otherwise noted, the pleadings request that the last day for filing comments be extended at least 6 months from October 2, 1961, the date prescribed in the respective notices in the proposed rule making proceedings released in the captioned proceedings.

Parties and Dockets

Association of Maximum Service Telecasters, Inc. (AMST); 14229; 14231-14246 (inclusive).

The Broadcasting Company of The South; 14229; 14245; 14246.

Greater Rockford Television, Inc.; 14229; 14240.

Midwest Television, Inc.; 14229; 14244. Taft Broadcasting Company; 14229; 14231-14246 (inclusive).

Television Wisconsin, Inc.; 14229.

The Travelers Broadcasting Service Corporation; 14229; 14241.

Triangle Publications, Inc.; 14229; 14243. WHAS, Inc.; 14234.

American Broadcasting Company (ABC) filed an opposition to the request of AMST. Oppositions were also filed by South Central Broadcasting Corporation and by Rivoli Realty Company (Rivoli) opposing the AMST request insofar as it pertains to Docket Nos. 14237 and 14232 respectively.¹ To the ABC opposition, AMST filed a Motion To Strike Or Dismiss And, In The Alternative, Reply To Opposition Of American Broadcasting Company.⁴

Upon consideration of all the matters relied upon by parties requesting extension of time in the above-captioned documents, the Commission finds that

¹ Requested extension for filing comments up to and including Jan. 15, 1962, and 60 days thereafter for filing reply comments.

² Requested an extension of at least 90 days for filing comments.

³ The Rivoli pleading was not timely filed. Since considerations similar to those advanced by Rivoli were placed before us in other pleadings, no useful purpose would be served by granting Rivoli's request for acceptance of this pleading under waiver of the rules.

⁴ AMST alleged—correctly—that the ABC opposition filed Aug. 22, 1961, 1 day beyond the 10-day period prescribed in Section 1.13 for such pleadings, was not timely filed.

good cause has been shown for a 60-day extension of time for filing comments in the general rule making proceeding on UHF television allocations (Docket No. 14229) and the eight proceedings proposing the deintermixture of eight designated television markets (Docket Nos. 14239-14246).

The Commission recognizes that the revisions proposed in Docket No. 14229 embrace a basic and potentially far-reaching departure from the present system which employs a table of fixed channel assignments. Due note is taken of the fact that, given an additional 60 days for filing comments in the deintermixture cases, parties will have a fuller opportunity to present their views with supporting data, and thereby to assist the Commission in determining the probable effects of adopting the proposals. We are unable to find, however, that the full 6-month extension requested is warranted. It would, in our considered judgment, unduly prolong the time before which steps could be initiated in the implementation either of the general UHF rule making proceeding (Docket No. 14229) or of the deintermixture of individual markets should we find that the public interest would be served by adoption of our proposals.

Concerning the remaining eight dockets (Docket Nos. 14231-14238) in proceedings which look toward assignments, at sub-standard spacing, of VHF channels which would provide third local outlets in eight important markets which are among the top 75 television markets in the United States, certain considerations pertain which demand further study by the Commission. For this reason, we make no decision at this time with regard to those portions of the petitions herein which request extensions of time in these eight dockets, deferring a ruling thereon.

Accordingly, having found that the public interest would be served thereby: *It is ordered*, That the time for filing comments in Docket Nos. 14229, and 14239-14246 (inclusive) is extended from October 2, 1961, to December 4, 1961, and the time for filing reply comments in said dockets is extended from November 2, 1961, to January 8, 1962.

It is further ordered, That, with regard to Docket Nos. 14229 and 14239-14246 (inclusive), to the extent that the requests for extensions of time are consistent with the foregoing they are

granted and in other respects they are denied.

Released: September 5, 1961.

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

[F.R. Doc. 61-8589; Filed, Sept. 7, 1961; 8:57 a.m.]

[47 CFR Part 4]

[Docket No. 14184]

TELEVISION BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. The Commission has before it for consideration (1) a petition of the Association of Federal Communications Consulting Engineers requesting that the time for filing comments and reply comments in the above captioned matter be extended from September 5, 1961, to October 6, 1961, for comments and from September 20, 1961, to October 23, 1961, for reply comments; and (2) the similar petition of Havens & Martin, Inc., licensee of Television Broadcast Station WTVR, Richmond, Virginia, requesting that the time for filing comments and reply comments be extended to October 20, 1961 and November 6, 1961, respectively.

2. Upon consideration of these pleadings, the Commission is of the opinion that an extension of time for filing of comments and reply comments should be granted to October 20, 1961, for comments and November 6, 1961, for reply comments.

3. *Accordingly, It is ordered*, That the petitions of the Association of Federal Communications Consulting Engineers and of Havens & Martin, Inc. are granted, and that the time for filing comments in the above captioned matter is extended from September 5, 1961, to October 20, 1961, and the time for filing reply comments is extended from September 20, 1961, to November 6, 1961.

Adopted: August 31, 1961.

Released: September 1, 1961.

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

[F.R. Doc. 61-8590; Filed, Sept. 7, 1961; 8:58 a.m.]

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

JUNE 30, 1961.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases ¹ during quarter		Cumulative purchases ¹ through end of quarter	
				Quantity	Amount	Quantity	Amount
Active programs:							
Public Law 206, 83d Cong.:							
Beryl.....	6-30-62	Short dry tons, beryl ore.....	4,500	109	\$61,681	2,908	\$1,617,647
Mica.....	6-30-62	Short tons, hand-cobbed mica or equivalent.....	25,000	629	910,815	22,933	23,623,706
Completed programs:							
Public Law 206, 83d Cong.:							
Asbestos.....	10-1-57	Short tons, crude No. 1 and/or crude No. 2 asbestos.....	1,500			1,499	1,762,505
		Short tons, crude No. 3.....				850	340,070
Columbium Tantalum.....	12-31-58	Pounds, contained combined pentoxide.....	15,000,000			15,567,912	60,637,262
Manganese:							
Butte-Phillipsburg.....	6-30-58	Long ton units, recoverable manganese.....	6,000,000			6,020,471	9,074,869
Deming.....	6-30-58	do.....	6,000,000			6,215,258	12,036,388
Wenden.....	6-30-58	do.....	6,000,000			6,108,316	10,743,179
Domestic small producers.....	1-1-61	Long ton units, contained manganese.....	28,000,000			28,069,901	71,398,922
Tungsten.....	7-1-58	Short ton units, tungsten trioxide.....	3,000,000			2,996,280	189,212,786
Public Law 520, 79th Cong.: Chrome-Defense Production Act:	6-30-59	Long dry tons, chrome ore and/or chrome concentrates.....	200,000			199,961	18,588,036
Mercury:							
Domestic.....	12-31-57	Flasks, prime virgin mercury.....	125,000			9,428	2,121,300
Do.....	12-31-58	do.....	30,000			17,463	3,938,879
Mexican.....	12-31-57	do.....	75,000			766	172,317
Do.....	12-31-58	do.....	20,000			2,508	570,797

¹Quantities represent deliveries.

JOHN L. MOORE,
Administrator.

AUGUST 31, 1961.

[F.R. Doc. 61-8571; Filed, Sept. 7, 1961; 8:53 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-38]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with

the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from August 2, 1961, through August 4, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated No-

ember 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/5/0, Emergency Signaling Mirror, 4" x 5" reflex type, meeting Military Specification MIL-M-18371 B (ASG), Amendment 1, marking and packaging as per U.S.C.G. Specification for Emergency Signaling Mirrors, dated 26 October 1944, manufactured by Revere Glass Company, 583 Beach Street, Revere 51, Mass., effective August 4, 1961.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/197/0, Perfection Model 2 $\frac{3}{4}$, 2 $\frac{3}{4}$ -lb. dry chemical stored pressure type hand portable fire extinguisher, dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400152 dated June 2, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Fire Fighting Division, Perfection Products, Bridgeport 2, Conn., effective August 4, 1961.

Approval No. 162.010/198/0, Perfection Model 5, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400100 issued May 18, 1961, name plate dwg. No. 400153 dated June 9, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Fire Fighting Division, Perfection Products, Bridgeport 2, Conn., effective August 4, 1961.

FIRE EXTINGUISHING SYSTEMS, PORTABLE

Model 300 Foamite Airfoam Nozzle with pick-up tube and two 5-gallon cans of Foamite Airfoam Liquid 6 percent, for an area of 150 square feet, multiple units may be used to protect greater areas in the same ratio, dwg. Nos. 100-2012, Rev. A dated May 9, 1961; 3M-1421, Rev. O dated November 25, 1955; 3M-1422, Rev. F dated March 24, 1952; 3M-2830 (on 3M-2829) Rev. O dated June 18, 1956; and 100-2014 dated May 9, 1961, manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y., effective August 2, 1961.

Model 600 Foamite Airfoam Nozzle with pick-up tube and three 5-gallon cans of Foamite Airfoam Liquid 6 percent, for an area of 300 square feet, multiple units may be used to protect greater areas in the same ratio, dwg. Nos. 100-2012, Rev. A dated May 9, 1961; 3M-1419, Rev. S dated March 18, 1956; 3M-1422, Rev. F dated March 24, 1952; 3M-2830 (on 3M-2829), Rev. O dated June 18, 1956; and 100-2014 dated May 9, 1961, manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y., effective August 2, 1961.

Dated: August 31, 1961.

[SEAL] A. C. RICHMOND,
Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 61-8579; Filed Sept. 7, 1961; 8:55 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

REDELEGATION OF AUTHORITY

Amendment of Area Office Orders

1. Gallup Area Redelegation Order 2, Amendment 13.

Order 2 (19 F.R. 8675), as amended, is further amended as indicated below.

a. The introductory paragraph of Part 4 is amended to read as follows:

PART 4—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

Subject to the provisions of Part 1, employees designated below are author-

ized to exercise the authority of their respective superiors, as specifically indicated in this part.

b. Section 4.120(b), under the heading "Functions Relating to Credit Matters," is amended to read as follows:

Sec. 4.120 Loan agreements and modifications.

(a) * * *

(b) *Jicarilla*. The Superintendent, Jicarilla Agency, may approve applications for and modifications of loans by the Jicarilla Apache Tribe to individuals (subject to the availability of funds) where the total indebtedness to the Tribe does not exceed \$5,000 in the case of loans which are not fully secured and \$10,000 in the case of loans which are fully secured, except loans to Federal employees, pursuant to a declaration of policy approved by the Commissioner.

2. Phoenix Area Office Redelegation Order 1, Amendment 6.

Order 1 (20 F.R. 992) as amended, is further amended as indicated below.

Section 2.120, under the heading "Functions Relating to Credit Matters," is amended to read as follows:

Sec. 2.120 Loan agreements and modifications. The approval of applications for and modifications of loans to individuals (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed \$10,000, except on loans to Federal employees and loans for educational purposes.

JOHN O. CROW,
Acting Commissioner.

AUGUST 30, 1961.

[F.R. Doc. 61-8574; Filed, Sept. 7, 1961; 8:54 a.m.]

Bureau of Land Management PRINCIPAL STAFF OFFICERS

Redelegation of Authority by State Director

In accordance with authority contained in the Bureau of Land Management Order 541 dated April 21, 1954, Part II, section 2.1(a)(1), (19 F.R. 2473), as amended, the following employees are authorized to take action for and in behalf of the State Director in matters listed in sections 2.2 through 2.9 of Part II where those matters are clearly within the particular staff member's functional responsibility:

Chief, Division of Range and Forestry Management.
Chief, Division of Lands and Minerals Management.
Chief, Division of Administration.
Chief, Division of Engineering.
Information and Education Officer.
Manager, Land Office.

To become effective upon publication. Authority delegated may not be redelegated.

FRED J. WEILER,
State Director, Arizona.

AUGUST 28, 1961.

[F.R. Doc. 61-8544; Filed, Sept. 7, 1961; 8:47 a.m.]

CHIEF, DIVISION OF LANDS AND MINERALS MANAGEMENT

Delegation of Authority

AUGUST 30, 1961.

In accordance with section 2.1(a)(1) of BLM Order No. 541 (19 F.R. No. 82, April 28, 1954), as amended, I hereby authorize the Chief, Division of Lands and Minerals Management, Reno, Nevada, to perform all functions listed in section 2.5 of the above cited order, which are delegated to me. The authority delegated may not be redelegated.

J. R. PENNY,
State Director, Nevada.

[F.R. Doc. 61-8545; Filed, Sept. 7, 1961; 8:47 a.m.]

CADASTRAL ENGINEERING SURVEY PARTY CHIEFS

Notice of Delegation of Purchasing Authority

AUGUST 30, 1961.

Pursuant to authority contained in Order No. 679 of Director Bureau of Land Management dated June 27, 1961, the redelegation of purchasing authority issued by the Utah State Director dated July 19, 1961 is amended effective this date to authorize the following additional officers of the Bureau of Land Management authority to make open market purchases for supplies and services (including rental of equipment) within the limitation herein indicated.

Cadastral Engineering Survey Party Chiefs, \$200.

This authority shall be exercised in accordance to applicable limitations set forth in the Federal Property and Administration Services Act of 1949, as amended and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

R. D. NIELSON,
State Director, Utah.

[F.R. Doc. 61-8546; Filed, Sept. 7, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service

[Farmer Cooperative Service Order 4, Revised]

AUTHORITY AND ORDER OF PRECEDENCE OF OFFICIALS TO ACT AS ADMINISTRATOR OF FARMER CO-OPERATIVE SERVICE

SEPTEMBER 1, 1961.

Farmer Cooperative Service Order 4, dated April 20, 1954, is amended to read as follows:

1. Kelsey B. Gardner, Director, Management Services Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of Farmer Cooperative Service, in the event that Joseph G. Knapp, Adminis-

trator, is unavailable to act, by reason of absence or for any other cause.

2. Martin A. Abrahamsen, Director, Purchasing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, and Kelsey B. Gardner, Director, Management Services Division, are unavailable to act, by reason of absence or for any other cause.

3. J. Kenneth Samuels, Director, Marketing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties, pertaining to the office of Administrator of Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, Kelsey B. Gardner, Director, Management Services Division, and Martin A. Abrahamsen, Director, Purchasing Division, are unavailable to act, by reason of absence or for any other cause.

4. Homer J. Preston, Assistant Director, Marketing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of Farmer Cooperative Service in the event that Joseph G. Knapp, Administrator, Kelsey B. Gardner, Director, Management Services Division, Martin A. Abrahamsen, Director, Purchasing Division, and J. Kenneth Samuels, Director, Marketing Division, are unavailable to act by reason of absence or for any other cause.

5. Harold D. Walker, Director, Administrative Management Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of Farmer Cooperative Service in the event that Joseph G. Knapp, Administrator, Kelsey B. Gardner, Director, Management Services Division, Martin A. Abrahamsen, Director, Purchasing Division, J. Kenneth Samuels, Director, Marketing Division, and Homer J. Preston, Assistant Director, Marketing Division, are unavailable to act, by reason of absence or for any other cause.

JOSEPH G. KNAPP,
Administrator.

[F.R. Doc. 61-8536; Filed, Sept. 7, 1961;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Amendment of Application for Approval of Certain Cruises

Notice is hereby given that American Export Lines, Inc., has requested that its application filed pursuant to Public Law 87-45 for approval of five cruises with the "SS Independence" as published in the FEDERAL REGISTER, issue of July 14, 1961 (26 F.R. 6314), be amended as follows:

1. On the January 18, 1962, cruise eliminate calls at Kingston and Nassau.

No. 173—5

2. On the February 3, 1962, cruise (a) change the sailing date to February 1, 1962, (b) eliminate calls at Cartagena and Nassau, and (c) reverse the order of calling at La Guaira and Curacao.

3. Delete the February 21, 1962, February 27, 1962, and March 17, 1962, cruises.

4. Add the following cruise:

Ship, sailing date, and itinerary

"SS Independence"; Feb. 18, 1962; New York, San Juan, St. Thomas, Fort-de-France, Barbados, Curacao, Port-au-Prince, Kingston, Nassau, New York.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on September 18, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: September 6, 1961.

By order of the Maritime Subsidy Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-8611; Filed, Sept. 7, 1961;
8:58 a.m.]

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: Jessup Steel Co.

This statement is made as of August 27, 1961.

RICHMOND LEWIS.

AUGUST 28, 1961.

[F.R. Doc. 61-8575; Filed, Sept. 7, 1961;
8:54 a.m.]

MARGUERITE M. SAUERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 29, 1961.

MARGUERITE M. SAUERS.

AUGUST 29, 1961.

[F.R. Doc. 61-8576; Filed, Sept. 7, 1961;
8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that Amendment No. 17 to License No. DPR-1, set forth below, has been issued, effective as of the date of issuance. License DPR-1 authorizes operation of the Vallecitos Boiling Water Reactor located in Alameda County, Calif.

The amendment sets forth new provisions for the license concerning (1) reactor components inspections, (2) visual monitoring for indication of control rod sticking or binding, and (3) withdrawal of disconnected control rods, (4) reactor shutdown procedures and precautions, and (5) a new reporting requirement.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of September 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of
Licensing and Regulation.

License No. DPR-1, as amended, issued to General Electric Company, is hereby amended to add new provisions to the license as follows:

1. Condition "4" of License DPR-1 is amended by addition of the following new subparagraph "T":

I. General Electric Company shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

2. Appendix A of the license is amended by addition of the following Sections 38 and 39:

38. Inspections of control rods shall be performed as follows:

(a) All control rod drive mechanism balance cylinder follow shafts shall be inspected using dye penetrant techniques at least every six months.

(b) The portion of the control rod shaft which passes through the seal stuffing box bushing shall be visually inspected in place at any time that routine scram time tests indicate a possibility of seal binding.

(c) Whenever a control rod is driven in normal motion, the control rod drive motor armature current shall be visually monitored for indication of control rod sticking or binding. Whenever sticking or binding of a control rod is indicated, the reactor shall be promptly shut down and not restarted until the cause of such sticking or binding is determined and corrected.

(d) At least one-half of the control rod poison sections used in the core shall each be inspected visually along its entire length by periscope each six months and all the control rods shall be so inspected at least once per year. If any cracks or distortions are found in the poison sections during any inspection, the remainder of the control rod poison sections shall be inspected at that time.

39. General Electric Company shall comply with the procedures and precautions described in its submittal dated January 25, 1961, and the following additional limitations:

(a) General Electric Company shall maintain attended and closely observed nuclear control instrumentation in operation at all times during operations which could involve changes in core reactivity when the reactor is shut down.

(b) General Electric Company shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shut down only under the direct and personal supervision of a technically qualified and designated supervisor.

(c) Whenever a control rod drive shaft is connected to its control rod poison section but not to its drive mechanism, the reactor core shall not be loaded such that it may be brought critical by the withdrawal of that control rod and at least one of the 12-inch refueling port nozzle covers shall be removed to vent the reactor vessel to the containment atmosphere.

This amendment is effective as of the date of issuance.

Date of issuance: September 1, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-8552; Filed, Sept. 7, 1961;
8:49 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission

has determined that there is a manpower shortage for the following positions:

1. Teaching positions in grades GS-9, GS-11, GS-12, and GS-13 at the United States Coast Guard Academy, New London, Connecticut, as follows:

Instructor, History.
Assistant Professor, History.
Associate Professor, History.
Professor, History.

Effective date: August 7, 1961.

2. Positions at Headquarters, Military Subsistence Supply Agency, Chicago, Illinois, as follows:

GS-1150 Industrial Specialist (Coffee),
Grades GS-9 and GS-11.
GS-1150 Supervisory Industrial Specialist
(Coffee), Grade GS-12.

Effective date: July 21, 1961.

Travel and transportation expenses may be paid for appointees to their first duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 61-8580; Filed, Sept. 7, 1961;
8:55 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-LA-4]

PROPOSED TESTING TOWERS

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 Douglas Aircraft Company, Santa Monica, California, proposes to construct two testing towers occupying an area 32 feet by 72 feet on the Santa Monica Airport, at latitude 34°00'59" north, longitude 118°27'11" west. The overall height of each structure would be 250 feet above mean sea level (75 feet above ground).

No objections were made in response to the circularization. The structures would be located 700 feet north of the Santa Monica Airport runway centerline, and would exceed the runway transitional surface criteria of this Agency's TSO-N18, as applied to this airport, by 11 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at the Santa Monica Airport.

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

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 structures, at the location and mean sea level elevation specified herein, would have no ad-

verse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that these structures would not be a hazard to air navigation, provided that the structures be obstruction lighted in accordance with applicable Federal Aviation Agency standards.

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 28, 1961.

FRANK T. HAPPY,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8556; Filed, Sept. 7, 1961;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14015 etc.; FCC 61M-1430]

SANDS BROADCASTING CORP. ET AL.

Order re Procedural Dates

In re applications of Sands Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14015, File No. BP-12700; WIFE Corporation, Indianapolis, Indiana; Docket No. 14016, File No. BP-13288; Hoosier Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14017, File No. BP-14000; Independent Indianapolis Broadcasting Corporation, Indianapolis, Indiana, Docket No. 14018, File No. BP-14032; for construction permits.

The Examiner having under consideration a Petition for Change in Procedural Dates filed on August 30, 1961 by Independent Indianapolis Broadcasting Corporation (Independent) wherein it is requested the date for exchange of exhibits between the parties herein be extended from August 31, 1961, to September 7, 1961, and that the date for notifications regarding witnesses desired for cross-examination be extended from September 8, 1961, to September 15, 1961;

It appearing, that in its petition Independent alleges that on August 23, 1961, various exhibits were mailed, Air-mail Special Delivery, from Orlando, Florida, to its counsel in New York City; that these have not been received and are presumably lost in the mails; that a one week postponement is needed to replace the exhibits; and that therefore the procedural dates heretofore specified should be postponed for all parties as requested in the petition; and

It further appearing, that, according to Independent, all parties have consented to the requested extensions, and that, in view of this and the presently scheduled dates for exchange of exhibits, the provision of the Commission's rules (47 CFR 1.43) relating to the withholding of consideration for a four-day period may be waived;

It is ordered, This 31st day of August 1961, that the Petition for Change in Procedural Dates is granted and the procedural dates set forth in paragraphs (2), (7), and (8) of the Examiner's Order hereon, released on May 11, 1961, are modified as follows:

(a) Exchange of written direct cases and exhibits now scheduled for August 3, 1961 is rescheduled to September 7, 1961;

(b) Notification of witnesses desired for cross-examination now scheduled for September 8, 1961 is rescheduled to September 15, 1961;

(c) Advice with respect to motions regarding written exhibits now scheduled for September 8, 1961, is rescheduled to September 15, 1961; and

It is further ordered, On the Examiner's own motion, that the hearing now scheduled to start on September 25, 1961, is rescheduled to start on September 26, 1961 at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: September 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8591; Filed, Sept. 7, 1961;
8:58 a.m.]

[Docket No. 14192 etc.; FCC 61M-1425]

**OUACHITA VALLEY RADIO CORP.
ET AL.**

**Order Rescheduling Prehearing
Conference and Hearing**

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, Docket No. 14192, File No. BP-13735; Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 15194, File No. BP-14717; for construction permits.

On August 30, 1961, counsel for Smackover Radio, Inc., filed a petition for continuance of the dates for prehearing conference (September 8) and hearing (September 27, 1961) until after release of a ruling by the Commission on a pending petition for enlargement of issues filed by Ouachita Valley Radio Corporation. The time for responding to the petition for enlargement is September 15, 1961, a date after the date now scheduled for the prehearing conference. Smackover's counsel points out that enlargement of the issues will greatly affect the preparation for hearing, and submits that "in this posture it is premature to hold a prehearing conference or the hearing."

All applicants and parties to the proceeding have orally consented to the immediate consideration and grant of the petition for continuance. Rather than the indefinite continuance requested, however, it is believed that dates should be set by which time the Commission's ruling on the petition for enlargement may have been released.

Accordingly, it is ordered, This 31st day of August 1961, that the petition for

continuance is granted to the extent that the prehearing conference is rescheduled from September 8 to November 15, 1961, at 9 a.m., and the hearing from September 27 to December 18, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8592; Filed, Sept. 7, 1961;
8:58 a.m.]

[Docket No. 14215 etc.; FCC 61M-1432]

PLAINS RADIO BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Plains Radio Broadcasting Company, Docket No. 14215, File No. BMPH-6458, for additional time to construct radio station KRKY, Denver, Colorado; et al. Docket Nos. 14216, 14217, 14218, 14219, 14220, 14221, 14222, 14223, 14224.

The Hearing Examiner having under consideration a verbal request for a continuance of the prehearing conference now scheduled for September 5, 1961;

It appearing, that the proposed assignee, United Communications, Inc., is confronted with a situation where it must employ new counsel and will therefore not be prepared for the scheduled conference; and

It further appearing, that other parties have consented to the continuance;

It is ordered, This 1st day of September 1961, that the prehearing conference scheduled for September 5, 1961 is continued to October 2, 1961.

Released: September 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8593; Filed, Sept. 7, 1961;
8:58 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18419 etc.]

**AMERICAN LOUISIANA PIPE LINE CO.
AND MICHIGAN WISCONSIN PIPE
LINE CO.**

**Order Consolidating Proceedings and
Fixing Date of Hearing**

AUGUST 31, 1961.

These proceedings involve proposed rate increases filed by Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and American Louisiana Pipe Line Company (American Louisiana), Pursuant to section 4(e) of the Natural Gas Act.

Pursuant to the Commission's order of November 8, 1957, in Docket No. G-12292, an increase in rate of Michigan Wisconsin from 35.75 cents to 37.5 cents per Mcf became effective subject to refund as of

September 15, 1957. Such rate of 37.5 cents per Mcf remained in effect until March 1, 1960. On March 18, 1960, by Commission order issued in Docket No. G-17512, Michigan Wisconsin's rates, which became effective, subject to refund as of March 1, 1960, was comprised of a demand charge of \$2.62 per Mcf and a commodity charge of 24 cents per Mcf under its ACQ-1 Rate Schedule, subject to the proviso that the rate per Mcf during the period ending August 31, 1960, would not exceed 37.5 cents per Mcf, and with a development rate of 39 cents per Mcf; a rate of 24 cents per Mcf under its OS-1 Rate Schedule; and a rate of 39 cents per Mcf under its SGS-1 Rate Schedule, all of which rates remained in effect until October 7, 1960. By Commission order issued January 24, 1961, Docket No. RP60-9, Michigan Wisconsin, which became effective subject to refund as of October 7, 1960, comprised a demand charge of \$3.50 per Mcf and a commodity charge of 26 cents per Mcf under its ACQ-1 Rate Schedule with a development rate of 46 cents per Mcf; a rate of 26 cents per Mcf under its OS-1 Rate Schedule and a rate of 46 cents per Mcf under its SGS-1 Rate Schedule, which rates are presently being charged by Michigan Wisconsin, subject to refund.

By Commission order issued December 1, 1959, in Docket No. G-18419, the rates of American Louisiana, which became effective subject to refund as of November 1, 1959, are comprised of a demand charge of \$3.61 per Mcf and a commodity charge of 27 cents per Mcf under its CD-1 Rate Schedule and a rate of 48 cents per Mcf under its SG-1 Rate Schedule with a development rate of 43 cents per Mcf.

On June 5, 20, and July 12, 1961, conferences were held between representatives of the Commission's staff, and all parties to these proceedings, who desired to attend, for the purpose of limiting the issues, and expediting the hearings in the above-captioned matters. As a result of these conferences, a proposed stipulation and agreement was drafted and submitted to the Commission on July 14, 1961, and to all parties to each of these proceedings. This stipulation, with related cost-of-service schedules, would dispose of all matters in each of these rate proceedings except for the questions of the future rate design for each of the companies.

It is desirable, and in the public interest that these matters be consolidated for hearing, and that upon the commencement of the consolidated hearing, hereinafter provided, the presiding examiner shall recess the hearing for the purpose of presiding over a pretrial conference, pursuant to § 1.18 of the Commission's rules of practice and procedure, to enable each of the parties to the proceedings to either agree to, or oppose the proposed stipulation, so that if any issues are to be controverted in the hearing, such issues may be made specifically known to all of the parties.

The Commission finds: The public interest, and proper administration of the Natural Gas Act, require that the matters in the above-captioned proceedings be consolidated for hearing, and that upon the commencement of such hearing a recess be taken, and a pre-

trial conference be held before the Presiding Examiner, pursuant to § 1.18 of the Commission's rules of practice and procedure. At such pretrial conference the proposed stipulation and agreement dated July 12, 1961, will be submitted to the Presiding Examiner and made part of the record. Thereafter, each of the parties to these proceedings will have the opportunity to state its position with respect to the said proposed stipulation and as to any other issues the Presiding Examiner may deem relevant.

The Commission orders: Pursuant to the authority contained in the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-designated matters are consolidated for the purposes of hearing. Such hearing shall commence on September 21, 1961, at 10:00 a.m., e.s.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., and shall be conducted in accordance with the findings and for the purposes hereinabove set forth.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8557; Filed, Sept. 7, 1961;
8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Section II *Delegation of Final Authority*, is amended as follows:

1. Paragraph C5 is amended as follows:

By deleting the title "Special Assistant to the Commissioner (Labor Relations)," and by inserting in lieu thereof the title "Director of the Labor Relations Branch."

2. Paragraph E5 is amended as follows:

By deleting the title "Director of the Management Operations Branch," and by inserting in lieu thereof the title "Director of the Fiscal Management Branch."

Approved: August 31, 1961.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 61-8566; Filed, Sept. 7, 1961;
8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 31, 1961.

In the matter of trading on the San Francisco Mining Exchange in the Com-

mon Stock, par value 15 cents a share of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.), File No. 1-3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 1, 1961, to September 10, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8560; Filed, Sept. 7, 1961;
8:51 a.m.]

[File No. 1-4252]

UNITED INDUSTRIAL CORP.

Order Summarily Suspending Trading

SEPTEMBER 1, 1961.

In the matter of trading on The American Stock Exchange, The Detroit Stock Exchange, The New York Stock Exchange and The Pacific Coast Stock Exchange in common stock, \$1 per value, series A convertible preferred stock, \$8.50 par value, warrants to purchase common stock of United Industrial Corporation (Delaware), File No. 1-4252.

The common stock, \$1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A convertible preferred stock \$8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The warrants to purchase common stock of United Industrial Corporation (Delaware) being listed and registered

on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 3, 1961, to September 12, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-8561; Filed, Sept. 7, 1961;
8:52 a.m.]

[File No. 811-337]

NATIONAL UNION INVESTMENT COMPANY OF BALTIMORE

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 31, 1961.

Notice is hereby given that an application has been filed pursuant to Section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that the National Union Investment Company of Baltimore, Wilmington, Delaware ("Applicant"), a registered management closed-end investment company, has ceased to be an investment company.

Applicant was organized under the laws of Delaware on June 3, 1938. The application states that on June 30, 1958, the Board of Directors of the Applicant recommended the adoption of a Plan of Complete Liquidation and Dissolution ("Plan"). The stockholders of the Applicant at a special meeting held on July 14, 1958, approved the Plan recommended by the Board.

Subsequent to approval of the Plan by the stockholders the State of Delaware issued on July 21, 1958, a Certificate of Dissolution and on April 10, 1959, a Certificate of Withdrawal of Foreign Corporation was issued by State Tax Commission of Maryland. Applicant

further states that a final Board meeting was held on April 28, 1960, to authorize a final distribution of its assets. Such distribution was made on June 1, 1960, after which the Company has ceased to function.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than September 20, 1961, at 5:30 p.m., 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 motion.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8562; Filed, Sept. 7, 1961;
8:52 a.m.]

[File No. 24NY-5482]

CHRISLIN PHOTO INDUSTRIES CORP.

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

AUGUST 31, 1961.

I. Chrislin Photo Industries (issuer), a New York corporation, filed with the Commission on June 15, 1961, a notification and offering circular relating to an offering of 50,000 shares of its \$.05 par value Class A stock at \$6.00 per share for an aggregate public offering of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A. The offering commenced on August 2, 1961 with Lewis Wolf Inc. as underwriter.

II. The Commission has reasonable cause to believe that:

A. The issuer has failed to comply with the terms and conditions of Regulation A in that it has failed to furnish an offering circular to purchasers as required by Rule 256(a).

B. The issuer has failed to comply with the terms and conditions of Regu-

lation A in that the aggregate offering price of its securities exceeds the \$300,000 limitation under Rule 254 of the regulation.

C. 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 were made, not misleading, particularly with respect to: The failure to disclose the nature of system under which the underwriter distributed the issuer's securities to customers of other broker-dealers with additional underwriting compensation to these broker-dealers.

III. It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and it hereby is temporarily 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 thirty days after the entry of this order; that within twenty 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; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8563; Filed, Sept. 7, 1961;
8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

UNITIZED INDUSTRIES, INC.

Notice of Small Business Concern Withdrawn From Participation in Small Business Defense Production Pool

Pursuant to section 11 of the Small Business Act (P.L. 85-536), the name of the following small business concern is published herewith:

Port Houston Manufacturing Corp., Galena Park, Tex.

This small business concern accepted the request to participate in the operations of the Unitized Industries, Inc., Houston, Texas, pool and was subsequently withdrawn from membership.

The original list of applicants was published December 22, 1960, in Volume 25, Number 248 of the FEDERAL REGISTER.

Dated: August 30, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-8564; Filed, Sept. 7, 1961;
8:52 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., Ashland, Pa.; effective 8-25-61 to 8-24-62 (sport shirts).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 8-28-61 to 8-27-62 (men's and boys' dungarees; men's work-suits).

Branchville Shirt Co., Inc., 108 Carroll Street, Branchville, S.C.; effective 8-24-61 to 8-23-62 (men's and boys' sport shirts).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-24-61 to 8-23-62 (men's and boys' sport slacks).

Detroit Slacks, Inc., Detroit, Ala.; effective 9-1-61 to 8-31-62 (men's and boys' slacks).

G & S Manufacturing Inc., Central and F Streets, Auburn, Nebr.; effective 8-24-61 to 8-23-62 (infants', toddlers', boys', and girls' coats and pants).

Paul Gayer, Inc., 213 Church Street, Zeigler, Ill.; effective 8-21-61 to 8-20-62; learners may not be employed at special minimum wage rates in the production of separate shirts (women's dresses, carcoats, and slacks).

Greene Manufacturing Co., Inc., Church and Bernard Streets, Greeneville, Tenn.; effective 8-22-61 to 8-21-62 (ladies' dresses).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 9-1-61 to 8-31-62 (men's slacks).

Martin-Jay Dress Co., 95 Guy Park Avenue, Amsterdam, N.Y.; effective 8-28-61 to 8-27-62 (ladies' and misses' dresses).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 8-30-61 to 8-29-62 (ladies' blouses and boys' shirts).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-23-61 to 8-22-62 (men's and boys' night-wear, woven fabric).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-61 to 8-31-62 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 8-28-61 to 8-27-62; 10 learners (boys' and girls' outerwear jackets).

Washington Garment Co., 900 East 5th Street, Washington, N.C.; effective 8-23-61 to 8-22-62; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Baldwin Garment Co., Baldwin, Ga.; effective 8-25-61 to 2-24-62; 20 learners (ladies' blouses).

Penrod Manufacturing Co., 701 North Church Street, Concord, N.C.; effective 8-21-61 to 2-20-62; 40 learners (children's clothing).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Proper Maid Silk Manufacturing Co., Inc., 6 Washington Street Amsterdam, N.Y.; effective 8-28-61 to 8-27-62; 10 learners for normal labor turnover purposes (women's dresswoven and knit fabric gloves).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Bonita, Inc., Industrial Avenue, Cayey, P.R.; effective 7-24-61 to 1-23-62; 20 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 74 cents an hour for the remaining 160 hours; (2) presser for a learning period of 160 hours at the rate of 65 cents an hour (skirts).

Catex Corp., Salinas, P.R.; effective 8-1-61 to 7-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) final inspector of fully assembled garments and machine operator other than sewing machine, each for a learning period of 160 hours at the rate of 62 cents an hour (ladies' play shorts).

Catex Corp., Salinas, P.R.; effective 8-1-61 to 1-31-62; 56 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator and final presser, each for a learning period of 480 hours at the rates of

62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) final inspector of fully assembled garments and machine operator other than sewing machine, each for a learning period of 160 hours at the rate of 62 cents an hour (ladies' play shorts).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 8-8-61 to 8-7-62; 10 learners for normal labor turnover purposes, in the occupations of straightening, sand blasting, washing, degreasing, point grinding, centerless grinding, slot and fin milling, thread rolling, induction brazing, inspecting, heat treating, stamping, and cylindrical grinding, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 8-7-61 to 8-6-62; 5 learners for normal labor turnover purposes, in the occupations of moulder, carder, driller, and heater operator, each for a learning period of 240 hours at the rate of 75 cents an hour (artificial teeth).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 8-7-61 to 2-6-62; 7 learners for plant expansion purposes, in the occupations of moulder, carder, driller, heater operator, each for a learning period of 240 hours at the rate of 75 cents an hour (artificial teeth).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 8-14-61 to 8-13-62; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

General Electric Switchgear, Inc., Palmer, P.R.; effective 8-7-61 to 8-6-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) punch press operator, screw machine operator, milling machine operator, welder, female assembler class 3, and male assembler class 3, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) drill press operator, miscellaneous machine operator, machine set-up man, female assembler class 2, each for a learning period of 240 hours at the rate of 80 cents an hour (electrical products).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 30th day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 61-8550; Filed, Sept. 7, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 5, 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. 37334: *Grain—Ex barge proportional rates to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-8076), for interested rail carriers. Rates on grain and grain products, in carloads, from New Orleans, La. (Ex barge), to points in Louisiana.

Grounds for relief: Rail competition. Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4413.

FSA No. 37335: *Coal from Tri-County Fuel Co. Track No. 2, Pa., to Ceico, Ohio.* Filed by Bessemer and Lake Erie Railroad Company (No. 4), for itself and Erskine & Sons, Inc. Rates on coal, bituminous, in carloads, from Tri-County Fuel Co., Track No. 2, Pa., to Ceico, Ohio. Grounds for relief: Motor-truck competition.

Tariff: Bessemer and Lake Erie Railroad tariff I.C.C. 1409.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8572; Filed, Sept. 7, 1961; 8:53 a.m.]

[Sec. 5a, Application No. 74]

WESTERN CARRIERS TARIFF BUREAU

Application for Approval of Amendments to Agreement

SEPTEMBER 5, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed August 28, 1961, by Mr. Frank Loughran, attorney, 21st floor, Shell Building, San Francisco 4, Calif.

Amendments involved: Change the agreement so as to (1) permit the membership to make minor changes in proposals at the meeting called for consideration of such proposals, (2) provide that the meeting to consider a proposal be held within 20 days, rather than on the fifteenth day from the date notice is mailed, (3) permit members to vote on proposals by mail, (4) permit delayed publication of approved proposals when such delay is necessary by reason of Commission action, (5) extend the time for publication of notice of action on proposals from 10 days to 15 days, (6) require carriers desiring to follow inde-

pendent action taken by another carrier to notify the bureau within 5 days instead of 10 days as presently provided, (7) permit tariff changes, without docket procedure or notice, when such changes involve the correction of typographical errors, revocation of power of attorney, addition of new members, or clarification of the language, (8) substitute an hourly fee and per-page charge for the set monthly fee presently assessed by members as the cost of maintaining the bureau, (9) provide that the charge for publication of tariff pages shall not ex-

ceed \$30 each instead of the flat charge of \$30 per page, and (10) provide specifically that the bureau will not participate in suspension proceedings.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than appli-

cants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-8573; Filed, Sept. 7, 1961;
8:54 a.m.]

Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following book is now available:

Titles 1-4 (Revised) \$4.00

Previously announced:

1960 Supplement to Title 3 (\$0.50); Title 5 (Revised) (\$4.00); Title 6 (\$2.25); Title 7, Parts 1-50 (\$0.55); Parts 51-52 (\$0.60); Parts 53-209 (\$0.55); Parts 210-399 (\$0.35); Parts 400-899 (\$1.25); Parts 900-959 (\$1.75); Parts 960 to end (\$2.75); Title 8 (\$0.40); Title 9 (\$0.40); Titles 10-13 (\$0.75); Title 14, Parts 1-199 (Revised) \$3.75; Parts 200-399 (Revised) (\$1.50); Parts 400-599 (Revised) (\$1.00); Parts 600 to end (Revised) (\$2.25); Title 15 (\$1.25); Title 16 (\$0.35); Title 17 (\$1.00); Title 18 (Revised) (\$6.75); Title 19 (Revised) (\$5.50); Title 20 (Revised) (\$5.50); Title 21 (\$1.75); Titles 22-23 (\$0.50); Title 24 (\$0.55); Title 25 (\$0.50); Title 26, Part 1 (§§ 1.0-1-1.400) (Revised) (\$5.50); Part 1 (§§ 1.401-1.860) (Revised) (\$5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) (\$5.00); Parts 20-29 (Revised) (\$4.25); Parts 30-39 (Revised) (\$3.50); Parts 40-169 (Revised) (\$4.50); Parts 170-299 (Revised) \$6.25; Parts 300-499 (Revised) (\$4.00); Parts 500-599 (Revised) (\$4.25); Parts 600 to end (Revised) (\$3.00); Title 27 (Revised) (\$3.00); Titles 28-29 (\$1.75); Titles 30-31 (\$0.60); Title 32, Parts 1-39 (Revised) (\$5.50); Parts 40-399 (Revised) (\$4.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999 (\$0.40); Parts 1000-1099 (\$1.00); Parts 1100 to end (\$0.60); Title 32A (\$0.60); Title 33 (\$1.75); Title 35 (\$0.30); Title 36 (\$0.30); Title 37 (\$0.30); Title 38 (\$1.25); Title 39 (\$1.50); Titles 40-41 (Revised) (\$1.50); Title 42 (\$0.35); Title 43 (\$1.00); Title 44 (\$0.30); Title 45 (\$0.40); Title 46, Parts 1-145 (\$1.25); Parts 146-149 (1961 Supp. 1) (\$1.00); Parts 150 to end (\$1.00); Title 47, Parts 1-29 (\$1.25); Parts 30 to end (\$0.40); Title 49, Parts 1-70 (\$1.00); Parts 71-90 (\$1.00); Parts 91-164 (\$0.50); Parts 165 to end (Revised) (\$5.00); Title 50 (Revised) (\$3.75)

Order from Superintendent of Documents,
Government Printing Office, Washington
25, D.C.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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