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# FEDERAL REGISTER

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter V—Agricultural Marketing Service, Department of Agriculture

### PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

#### Miscellaneous Amendments

The designated sections and paragraphs of the regulations for the operation of a Special Milk Program for Children are hereby amended.

1. Section 502.200 is amended to read as follows:

**§ 502.200 General purpose and scope.**

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 85–478, as amended, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

* * * for the fiscal year beginning July 1, 1961, not to exceed $105,000,000 of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high school grade and under; and (2) in nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

2. Section 502.201 is amended by adding the following paragraphs:

**§ 502.201 Definition.**

* * * * *

(s) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(t) "Needy schools" means schools which, because of poor local economic conditions, have neither a food nor a milk service, and which are determined by State agencies or FDD to be in need of special assistance in order to serve milk without charge to needy children. Schools participating in special commodity assistance under the National School Lunch Program shall not be considered to have a food or milk service for the purpose of this paragraph.

3. Paragraph (b) of § 502.206 is amended by adding at the end thereof the following subparagraph:

**§ 502.206 Requirements for participation.**

(b) * * *

(15) In addition, if applicant is a needy school desiring special assistance, (i) the reason why the school has not participated in the Program, (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children, (v) the proposed number of servings of milk without charge per child per day. Needy schools desiring special assistance also shall submit a certification by the Sponsor that the school has no food or milk service, and that it will serve milk without charge to needy children.

4. Section 502.207 is amended by adding at the end thereof the following paragraph:

**§ 502.207 Reimbursement payments.**

* * * * *

(e) Notwithstanding any other provision of this section, the State agency, or FDD where applicable, shall reimburse needy schools for milk served to needy children at such rate as may be determined by the State agency or FDD, up to the actual cost of the milk to such schools, provided that such cost is within the range of the average milk price prevailing in the area.

Paragraph (b) of § 502.209 is amended by adding the following subparagraph:

**§ 502.209 Reimbursement procedure.**

(b) * * *

(11) In the case of needy schools, (i) number of half pints of milk served without charge to children, and (ii) average daily number of needy children to whom milk was served.

*Effective date.* In accordance with the notice heretofore given the States, these amendments shall apply to program operations beginning in September 1961.

(Sec. 4, 62 Stat. 1070; 15 U.S.C. 714b. Interpret or apply 72 Stat. 276; 73 Stat. 363; 74 Stat. 84; 75 Stat. 147; 7 U.S.C. 1446 note)

Done at Washington, D.C., this 26th day of September 1961.

[SEAL] JOHN P. DUNCAN, Jr.,
*Assistant Secretary.*

[F.R. Doc. 61–9350; Filed, Sept. 28, 1961; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–36]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### Designation and Alteration of Federal Airways

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5834), stating that the Federal Aviation Agency proposed to redesignate the segment of intermediate altitude VOR Federal airway No. 1532 from Los Angeles, Calif., to Twenty Nine Palms, Calif. Also proposed was the designation of intermediate altitude VOR Federal airway No. 1752 from Twenty Nine Palms, Calif., to Parker, Calif. (formerly Rice, Calif., 26 F.R. 6916), and intermediate altitude VOR Federal airway No. 1750 from Los Angeles, Calif., to Blythe, Calif.

No adverse comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

**§ 600.1532 [Amendment]**

1. In the text of § 600.1532 (26 F.R. 1079) "INT of the Ontario VOR 080° and the Twenty Nine Palms, Calif., VOR 270° radials; Twenty Nine Palms VOR;" is deleted and "to the INT of the Ontario VOR 091° and Thermal, Calif., VOR 305° radials; thence to the INT of the Ontario, VOR 091° and the Twenty Nine Palms, Calif., VOR 244° radials; thence 10 mile wide airway via the Twenty Nine Palms VOR;" is substituted therefor.

2. In Part 600 (14 CFR Part 600) add the following:

**§ 600.1752 VOR Federal airway No. 1752 (Twenty Nine Palms, Calif., to Parker, Calif.).**

From the Twenty Nine Palms, Calif., VOR; 10 mile wide airway to the Parker, Calif., VOR.

**§ 600.1750 VOR Federal airway No. 1750 (Los Angeles, Calif., to Blythe, Calif.).**

From the Los Angeles, Calif., VOR; 10 mile wide airway via the Ontario, Calif., VOR; to the INT of the Ontario VOR 091° and the Thermal, Calif., VOR 305° radials; thence via the INT of the Ontario VOR 091° and the Blythe, Calif., VOR 288° radials; to the Blythe VOR.

These amendments shall become effective 0001, e.s.t., November 16, 1961.

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

Issued in Washington, D.C., on September 22, 1961.

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

[F.R. Doc. 61–9332; Filed, Sept. 28, 1961; 8:45 a.m.]

[Airspace Docket No. 60–FW–25]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

## PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

### Alteration of Federal Airway and Associated Control Area

On April 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3379), stating that the Federal Aviation Agency (FAA) was considering an amendment to §§ 600.6437 and 601.6437 of the regulations of the Administrator which would extend VOR Federal airway No. 437 south from the Charleston, S.C., VOR to the Savannah, Ga., VOR.

As stated in the notice, Victor 437 presently extends from Charleston to Florence, S.C. The extension of Victor 437 south from Charleston to Savannah will improve air traffic service by providing a more direct airway for VHF equipped aircraft operating between Savannah and Charleston.

The Department of the Navy representing the views and arguments of the Commanding Officer, United States Marine Corps Air Station (MCAS), Beaufort, S.C., objected to the unrestricted extension of V–437 contending that it, and the traffic utilizing the airway, would conflict with terminal area and training activity generated at this base. The Navy proposed that a restricted area be designated for terminal operations at Beaufort with a ceiling of 7,000 feet and that Victor 437 be designated with a base of 8,000 feet.

The FAA has previously rejected the request for special use airspace for this area. Local operations are presently being conducted in accordance with an agreement which makes available altitudes 4,000 feet and below for the management of terminal air traffic at Beaufort MCAS by the Beaufort Radar Air Traffic Control Center (RATCC).

Subsequent to publication of the notice, Amendment 60–21 to Part 60 of the regulations of the Administrator, which provides in part for the stratification of control area, was adopted. In consonance with these new provisions, and in consideration of the Navy objections, the FAA has determined that an MEA of 5,000 feet MSL can be assigned this airway segment with a control area base of 4,500 feet MSL. Designating this airway segment with this control area floor will leave available the altitudes utilized by the Beaufort RATCC and will satisfy the requirement for separation of terminal and en route traffic.

The Department of the Air Force offered no objection to the action as proposed. The Air Transport Association of America, the Flight Director of the Hawthorne Flying Service, Charleston, and the Manager, Charleston Municipal Airport strongly endorsed the designation of this airway segment. No other comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), §§ 600.6437 (14 CFR 600.6437) and 601.6437 (14 CFR 601.6437) are amended to read as follows:

**§ 600.6437 VOR Federal airway No. 437 (Savannah, Ga., to Florence, S.C.).**

From the Savannah, Ga., VOR via the Charleston, S.C., VOR; the INT of the Charleston VOR 029° and the Florence, S.C., VOR 179° radials; to the Florence VOR. The portion of the W alternate Charleston VOR direct to the Florence VOR. The portion of the W alternate between the Charleston VOR and the Florence VOR which lies above 12,000 feet MSL is excluded.

**§ 601.6437 VOR Federal airway No. 437 control areas (Savannah, Ga., to Florence, S.C.).**

All of VOR Federal airway No. 437 including a W alternate, and excluding the portion of this airway below 4,500 feet MSL between Savannah, Ga., VOR and the Charleston, S.C., VOR.

These amendments shall become effective 0001, e.s.t., November 16, 1961.

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

Issued in Washington, D.C., on September 22, 1961.

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

[F.R. Doc. 61–9331; Filed, Sept. 28, 1961; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 8352 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Croton Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* § 13.85–35 *Government indorsement;* § 13.85–70 *Tests and investigations;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Croton Watch Co., Inc., et al., New York, N.Y., Docket 8352, Sept. 8, 1961]

*In the Matter of Croton Watch Co., Inc., a Corporation, and William C. Horowitz and Harold I. Horton and Oscar Berlan, Individually and as Officers of Said Corporation*

Consent order requiring New York City distributors of watches to retailers to cease advertising falsely in newspapers and magazines that their watches had been tested and approved by an agency of the U.S. Government and contained a particle of atomic matter which enabled them to run endlessly, through such statements as "Proved by the U.S. Navy", "Miracle of the Nuclear Age", "A Unique Self Charger Endlessly Pours Out The Power To Make It Run", etc.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Croton Watch Co., Inc., a corporation, and its officers and William C. Horowitz, Harold I. Horton, and Oscar Berlan, individually and as officers of said corporation, and respondent's agents, representatives and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of their watches in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their watches have been tested and approved by the United States Navy or any other branch of the United States Government.

2. Representing in any manner that their watches have been purchased, tested or approved by any branch of the United States Government.

3. Representing, directly or by implication, that their watches are powered by atomic energy.

4. Placing in the hands of retailers and others a means and instrumentality whereby they may mislead and deceive the purchasing public into believing that their watches have been tested and proved or approved by an agency of the United States Government and that their watches are powered by atomic energy.

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

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

Issued: September 8, 1961.

By the Commission.

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

[F.R. Doc. 61–9336; Filed Sept. 28, 1961; 8:45 a.m.]

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[Docket 8087 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### E. R. Wagner Manufacturing Co. and Glamur Products, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.190 *Results.*

(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, E. R. Wagner Manufacturing Company (Milwaukee, Wis.) et al., Docket 8087, Sept. 9, 1961]

Consent order requiring a Milwaukee distributor and its subsidiary in Syracuse, N.Y., to cease misrepresenting, in advertising in newspapers and maga-

zines, the effectiveness and comparative merits of their rug cleaning devices known as "Wagner Carpeteer" and "Easy Glamur Shampoo King", and their "Easy Glamur Shampoo".

The order to cease and desist is as follows:

*It is ordered,* That E. R. Wagner Manufacturing Company, a corporation, and Glamur Products, Inc., a corporation, and their officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Wagner Carpeteer" and "Easy Glamur Shampoo King" or any other device of similar nature and rug and upholstery shampoos, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents' "Wagner Carpeteer" and "Easy Glamur King" and rug shampoos:

(a) Are as effective in cleaning rugs and carpets as professional rug or carpet cleaning;

(b) Will clean a rug or carpet without sweeping or vacuuming.

2. That respondents' shampoo will clean upholstery without brushing or vacuuming.

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

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

Issued: September 8, 1961.

By the Commission.

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

[F.R. Doc. 61-9337; Filed, Sept. 28, 1961; 8:45 a.m.]

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[Docket 8388 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Madame E and Jacques Kaplan

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Madame E et al., New York, N.Y., Docket 8388, Sept. 6, 1961]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to set forth the term "Secondhand" on invoices where required, and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That Madame E, a corporation, and its officers, and Jacques Kaplan, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder required information;

(1) In abbreviated form;

(2) Mingled with non-required information;

(3) In handwriting;

(4) Not in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth on invoices under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder required information:

(1) In abbreviated form;

(2) Incompletely and not separately with respect to the required disclosure "Second hand."

(3) Incompletely with respect to each section of fur products composed of two or more sections containing different animal furs.

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

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

Issued: September 6, 1961.

By the Commission.

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

[F.R. Doc. 61-9338; Filed, Sept. 28, 1961; 8:45 a.m.]

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[Docket 8218 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Merrimack Textile Fibres, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act;* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Merrimack Textile Fibres, Inc., et al., Lowell, Mass., Docket 8218, Sept. 9, 1961]

*In the Matter of Merrimack Textile Fibres, Inc., a Corporation, and Selby B. Groff, Joseph G. Duffy, and William Ben Cooper, Individually and as Officers of Said Corporation*

Consent order requiring manufacturers in Lowell, Mass., to cease violating the Wool Products Labeling Act and the Federal Trade Commission Act by labeling and invoicing as "95 percent All Wool, 5 percent Other Fibers", picked wool stock which consisted substantially of reprocessed wool; and to stamp or label their products as required by the Wool Products Labeling Act.

The order to cease and desist is as follows:

*It is ordered,* That the respondents, Merrimack Textile Fibres, Inc., a corporation, and its officers, and Selby B. Groff, Joseph G. Duffy, and William Ben Cooper, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of picked wool stock or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered,* That the respondents, Merrimack Textile Fibres, Inc., a corporation, and its officers, and Selby B. Groff, Joseph G. Duffy, and William Ben Cooper, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the of-

fering for sale, sale or distribution of picked wool stock, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products or invoices or shipping memoranda applicable thereto, or in any other manner.

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

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

Issued: September 8, 1961.

By the Commission.

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

[F.R. Doc. 61-9339; Filed, Sept. 28, 1961; 8:45 a.m.]

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[Docket 8286 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Royal Tile Co. of North Philadelphia et al.

Subpart—Advertising falsely or misleading: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Royal Tile Co. of North Philadelphia (Cheltenham, Pa.) et al., Docket 8286, Sept. 7, 1961]

*In the Matter of Royal Tile Co. of North Philadelphia, Royal Tile Co. of South Philadelphia, Royal Tile Co. of Suburban Philadelphia, Royal Tile Company of Eastern Maryland, Royal Tile Co. of Central New Jersey, Royal Tile Co. of Southern New Jersey, Corporations, and Jack Tizer and Vivian Tizer, Individually and as Officers of Said Corporations, and Royal Tile Co. of Eastern Pennsylvania, Royal Tile Co. of Delaware Valley, Royal Tile Co. of West Philadelphia, Royal Tile Co. of Central Pennsylvania, Royal Tile Co. of Beaver Valley, Royal Tile Co. of Greater Pittsburgh, Royal Tile Co. of Suburban Pittsburgh, Royal Tile Co. of Western Pennsylvania, Royal Tile Co. of Northern Massachusetts, Royal Tile Co. of Southeast Massachusetts, Royal Tile Co. of Mid-Massachusetts, Corporations, and William Tizer and Frank Ochman, Individually and as Officers of Said Corporations*

Consent order requiring 17 associated companies engaged in the retail sale of rubber and asphalt tile and other floor coverings in several States, to cease falsely representing excessive prices as the usual prices for their merchandise and the difference between such amounts and the sale prices, as savings for purchasers, through use of such typical statements in newspaper advertisements as "Flextone Tile 12 cents each Reg. 17 cents", "Congo-Wall, original 59 cents, Run ft. 5 Run Foot for $1.", etc.

The order to cease and desist is as follows:

*It is ordered,* That the respondents Royal Tile Co. of North Philadelphia, Royal Tile Co. of South Philadelphia, Royal Tile Co. of Suburban Philadelphia, Royal Tile Co. of Eastern Maryland, Royal Tile Co. of Central New Jersey, Royal Tile Co. of Southern New Jersey, corporations, and their officers, and Jack Tizer, individually and as an officer of said corporations, and doing business under the name of Royal Carpet and Linoleum Company, or under any other name or names, and Vivian Tizer, as an officer of said corporations; and Royal Tile Co. of Eastern Pennsylvania, Royal Tile Co. of Delaware Valley, Royal Tile Co. of West Philadelphia, Royal Tile Co. of Central Pennsylvania, Royal Tile Co. of Beaver Valley, Royal Tile Co. of Greater Pittsburgh, Royal Tile Co. of Suburban Pittsburgh, Royal Tile Co. of Western Pennsylvania, Royal Tile Co. of Northern Massachusetts, Royal Tile Co. of Southeast Massachusetts, Royal Tile Co. of Mid-Massachusetts, corporations, and their officers, and William Tizer, individually and as an officer of said corporations, and Frank Ochman, as an officer of said corporations, and William Tizer, doing business under the name of Royal Tile Co. of Coatsville, Pennsylvania, Royal Tile Co. of Eastern Pennsylvania, and Royal Tile Co. of Wilkes-Barre, Pennsylvania, or under any other name or names; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rubber and asphalt tile or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is respondents' usual and customary retail price of merchandise when such amount is in excess of the price at which such merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

2. Representing, directly or by implication, that any saving is afforded in the purchase of merchandise from respondents' usual and customary retail price unless the price at which it is offered constitutes a reduction from the price at which such merchandise has been usually and customarily sold by respondents in the recent regular course of business.

3. Using the words "Reg." or "original" or any other word or term of the same import to describe or refer to prices of merchandise unless respondents have sold said merchandise at such prices in the recent regular course of business.

4. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is usually and regularly sold by respondents in the recent regular course of their business.

*It is further ordered,* That the complaint be, and it hereby is, dismissed as to Vivian Tizer as an individual.

*It is further ordered,* That the complaint be, and it hereby is, dismissed as to Frank Ochman as an individual.

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

*It is ordered,* That respondents Royal Tile Co. of North Philadelphia, Royal Tile Co. of South Philadelphia, Royal Tile Co. of Suburban Philadelphia, Royal Tile Co. of Eastern Maryland, Royal Tile Co. of Central New Jersey, and Royal Tile Co. of Southern New Jersey, corporations, and Jack Tizer, individually and as an officer of said corporations, and doing business under the name of Royal Carpet and Linoleum Company, and Vivian Tizer, as an officer of said corporations; and Royal Tile Co. of Eastern Pennsylvania, Royal Tile Co. of Delaware Valley, Royal Tile Co. of West Philadelphia, Royal Tile Co. of Central Pennsylvania, Royal Tile Co. of Beaver Valley, Royal Tile Co. of Greater Pittsburgh, Royal Tile Co. of Suburban Pittsburgh, Royal Tile Co. of Western Pennsylvania, Royal Tile Co. of Northern Massachusetts, Royal Tile Co. of Southeast Massachusetts, Royal Tile Co. of Mid-Massachusetts, corporations, and William Tizer, individually and as an officer of said corporations, and Frank Ochman, as an officer of said corporations, and William Tizer, doing business under the name of Royal Tile Co. of Coatsville, Pennsylvania, Royal Tile Co. of Eastern Pennsylvania, and Royal Tile Co. of Wilkes-Barre, Pennsylvania, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 7, 1961.

By the Commission.

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

[F.R. Doc. 61-9340; Filed, Sept. 28, 1961; 8:45 a.m.]

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# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release 33-4412]

## PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

### Interpretation of Section 3(a)(3)

The Securities and Exchange Commission has received numerous inquiries concerning section 3(a)(3) of the Securities Act of 1933. This section exempts from the registration and prospectus requirements of section 5 of that Act:

Any note, draft, bill of exchange, or bankers' acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;

The legislative history of the Act makes clear that section 3(a)(3) applies only to prime quality negotiable commercial paper of a type not ordinarily purchased by the general public, that is, paper issued to facilitate well recognized types of current operational business requirements and of a type eligible for discounting by Federal Reserve banks. Thus the Senate Report on the Securities Act of 1933 explained the purpose of section 3(a)(3) as follows:

Notes, drafts, bills of exchange, and bankers' acceptances which are commercial paper and arise out of current commercial, agricultural, or industrial transactions, and which are not intended to be marketed to the public, are exempted * * * It is not intended under the bill to require the registration of short-term commercial paper which, as is the usual practice, is made to mature in a few months and ordinarily is not advertised for sale to the general public. (S. Rep. No. 47 on S. 875, 73d Cong., 1st sess. (1933), pp. 3–4)

The House Report on the Act stated:

Paragraph (3) exempts short-term paper of the type available for discount at a Federal Reserve bank and of a type which is rarely bought by private investors. (H.R. Rep. No. 85, 73d Cong., 1st sess. (1939), p. 15. See also H.R. Rep. 4314 73d Cong. 1st sess. pp. 179–83; S. Rep. 875 73d Cong. 1st sess. pp. 94–95 120)

In this connection, it should be noted that some years prior to the enactment of the Securities Act of 1933, the Board of Governors of the Federal Reserve System promulgated Regulation A (12 CFR Part 201), which governs advances and discounts by Federal Reserve banks.[1] Relevant parts of subsection (a) of section 3 of Regulation A, in substance, set forth that a Federal Reserve bank may discount for a member bank a negotiable note, draft or bill of exchange, bearing the endorsement of a member bank, which has been issued, or the proceeds of which are to be used in producing, purchasing, carrying or marketing goods or in meeting current operating expenses of a commercial, agricultural or industrial business, and which is not to be used for permanent or fixed investment, such as land, buildings, or machinery, nor for speculative transactions or transactions in securities (except direct obligations of the United States government), and which has a maturity not exceeding ninety days (except agricultural paper, which may have a maturity of up to nine months).

In the light of this background, the staff of the Commission has interpreted section 3(a)(3) to exclude as not satisfying the nine-month maturity standard, obligations payable on demand or having provisions for automatic "roll over." Furthermore, the current transactions standard is not satisfied where the proceeds are to be used for the discharge of existing indebtedness unless such indebtedness is itself exempt under section 3(a)(3); the purchase or construction of a plant; the purchase of durable machinery or equipment; the funding of commercial real estate development or financing; the purchase of real estate mortgages or other securities; the financing of mobile homes or home improvements; or the purchase or establishment of a business enterprise.

A type of security which usually has been considered to fall within the terms of section 3(a)(3) is a short-term paper issued by finance companies to carry their installment loans. Securities Act Release No. 401 recognized that current transactions by such companies may properly include: "(a) the making of loans upon or purchasing of * * * notes, installment contracts, as other evidences of indebtedness in the usual course of business, or (b) the payment of outstanding notes under section 3(a)(3)."[2] The items covered by the release are composed of assets easily convertible into cash and are comparable to liquid inventories of an industrial or mercantile company. What is a current transaction is, of course, a question which must be considered in the light of the particular facts and business practice surrounding individual cases.

It should be emphasized that section 3(a)(3), if available, affords an exemption only from the registration and prospectus requirements of section 5 of the Act and that the civil liabilities of section 12(2) of the Act and the antifraud provision of section 17 of the Act are still applicable.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

SEPTEMBER 20, 1961.

[F.R. Doc. 61-9366; Filed, Sept. 28, 1961; 8:48 a.m.]

[1] This action was taken pursuant to the authority granted by section 4 of the Federal Reserve Act (12 U.S.C. 301) as well as by other sections of that Act. Section 3 of this Regulation, in the first seven of its subsections, sets out the type of paper that qualifies for this type of discounting. Subsection (a) of section 3 states the prerequisites for discounting in general terms, while subsections (b) through (g) list and describe specific types of paper that qualify. These subsections as revised effective February 15, 1955, and as now in effect, have not been changed substantially since the enactment of the Securities Act.

[2] In an interpretative bulletin issued in 1937, the Federal Reserve Board construed finance company notes of the type encompassed by Release No. 401 as coming within the purview of paper available for discount by Federal Reserve banks.

# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

### SUBCHAPTER E—CLAIMS

## PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

### Miscellaneous Amendments

*Scope and purpose.* Part 754 is amended by insertion of a table of contents and an authority note and by setting forth per diem rates and rules for their application.

1. The following table of contents and authority note are inserted at the beginning of the part:

Sec.
754.1 Settlement of Navy affirmative salvage claims.
754.2 Per diem rates for salvage services.

AUTHORITY: §§ 754.1 to 754.2 issued under secs. 5031, 7361–7367, 70A Stat. 278, 455, as amended; 10 U.S.C. 5031, 7361–7367.

2. Part 754 is amended by adding the following section:

**§ 754.2 Per diem rates for salvage services.**

(a) Effective April 15, 1961, and subject to the rules set forth in paragraphs (b) through (f) of this section, the following vessel rates per day of 24 hours or part thereof have been established for salvage services rendered by the Department of the Navy to any vessel:

| | |
|---|---|
| Salvage vessel or fleet tug (3,000 h.p.) | $3,500 |
| Ocean going tug (1,000–2,200 h.p.) | 2,100 |
| Harbor tug of 600 h.p. or over | 1,000 |
| Harbor tug under 600 h.p. | 700 |

(b) The per diem rates set forth in paragraph a apply world-wide and are to pay the United States for the use of its Navy vessel, operating crew and towing hawser. If, as in the case of a stranding, special salvage equipment such as beach gear, pumps, compressors, etc., is required, then a per diem charge is also made for the use of that equipment. In addition, repair materials consumed and equipment lost or destroyed are billed at replacement cost.

(c) When used as the basis for billing, the per diem charges are normally made for the total elapsed time spent by the Navy vessel performing the service from the moment she leaves her berth, or is diverted from her previous course, to the time she returns to her berth or resumes her prior voyage at the approximate point of diversion. The charges are independent of the values involved or the ultimate success or failure of the salvage operations.

(d) An exception to the method of calculating per diem set forth in paragraphs (a) through (c) of this section is made if the distressed commercial vessel carries a substantial amount of Government-owned uninsured cargo and if her distress occurs in areas such as the mid-Pacific where the Navy alone maintains facilities capable of conducting major salvage operations. Under these conditions, if Navy assistance is promptly requested, then no charge is made unless the Navy vessel actually reaches and helps the stricken vessel before she is either saved or she and her cargo are lost.

(e) Submission of Navy salvage claims on a per diem basis is solely a matter of administrative convenience and policy. That policy is not a waiver nor surrender of the United States legal right to claim on a salvage bonus basis in any individual case. If per diem billing is rendered then it is submitted on the express condi-

tion that it be promptly paid in full and until receipt by the Department of the Navy of such payment all salvage rights are reserved including the right to withdraw the per diem billing without notice and present claim on a salvage bonus basis.

(f) The statutory authority of the Secretary of the Navy to provide salvage facilities for private vessels and to administratively settle claims arising from such activity appears in Title 10, United States Code, §§ 7361 et seq. (secs. 7361–7367, 70A Stat. 455). This authority does not obligate the United States or the Department of the Navy either to maintain salvage facilities in excess of its own needs or to render salvage assistance on all occasions. The policy of the Department of the Navy, however, is to assist in the salvage of private commercial vessels when such assistance is requested and where adequate privately owned salvage facilities do not exist or are not available.

(Secs. 5031, 7361–7367, 70A Stat. 278, 455, as amended; 10 U.S.C. 5031, 7361–7367)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
*Acting Judge Advocate General.*

SEPTEMBER 26, 1961.

[F.R. Doc. 61-9361; Filed, Sept. 28, 1961; 8:48 a.m.]

## Chapter VII—Department of the Air Force

### SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

### PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

#### Responsibility of the Contractor

In Part 804, § 804.501 is added as follows:

**§ 804.501 Responsibility of the contractor.**

In any contract food service attendant arrangement, the contractor will provide, but need not be limited to:

(a) Food service attendants to maintain food service facility sanitation, to prepare (washing, peeling, and cutting) vegetables for cooking, to serve food from steam tables, and so forth.

(b) Management and supervision of food service attendants,

(c) Uniforms, and the laundering thereof.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; AFR 146–11, June 5, 1961)

CARROLL W. KELLEY,
*Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 61-9365; Filed, Sept. 28, 1961; 8:48 a.m.]

### SUBCHAPTER G—PERSONNEL

### PART 874—AVIATION CADET TRAINING

#### Revision

Part 874 is revised to read as follows:

AVIATION CADET; NAVIGATOR

Sec.
874.1 Purpose of training program.
874.2 Definitions.
874.3 Information sources.
874.4 How training is conducted.
874.5 Basic eligibility requirements for training.
874.6 Who is ineligible to apply.
874.7 Application policy for person disenrolled from an officer training program.
874.8 Waivers of minor offenses.
874.9 Administration of the AFPST for civilian applicants.
874.10 How to apply.
874.11 How clothing is provided.
874.12 Preliminary processing.
874.13 Final processing of applicants at AFAAEC.
874.14 Information furnished applicants.
874.15 Selection of applicants.
874.16 Civilian applicants.
874.17 National Agency Check for selected applicants.
874.18 Reinstatement of former students.
874.19 Appointment as an Officer, Reserve of the Air Force.

AUTHOTITY: §§ 874.1 to 874.19 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 504; 72 Stat. 1566; to U.S.C. 8257.

SOURCE: AFR 51–3, August 11, 1961.

AVIATION CADET; NAVIGATOR

**§ 874.1 Purpose of training program.**

The aviation cadet navigator training program is designed to train qualified and selected young men to become navigators in the Air Force. It provides commissioned flying officers for active duty and enables the Air Force to maintain a sizable reserve in the lower age brackets.

**§ 874.2 Definitions.**

Terms used in §§ 874.1 to 874.19 are defined as follows:

(a) *Air Force Academy and aircrew examining center (AFAAEC).* An examining facility designated by Headquarters USAF, centrally located at the source of aviation cadet applicants and having adequate facilities for complete final examination of such applicants.

(b) *Air Force officer qualifying test (AFOQT).* A written examination designed to evaluate those aptitudes and interests which are important to flying training and commissioned officer performance and success.

(c) *Air Force precommission screening test (AFPST).* A written examination designed to screen precommission training applicants in order to eliminate those with little chance of qualifying on the much longer AFOQT.

(d) *Air National Guard applicants.* Enlisted personnel of the Air National Guard who apply for aviation cadet training under the quota provided the Air National Guard.

(e) *Aviation cadet.* A special and separate enlisted grade in the Regular Air Force as defined in Title 10 U.S.C. 8257.

(f) *Civilian applicant.* United States male citizen who is not in the active military service or a member of an Air Force Reserve unit. The term civilian includes members of other Armed Forces Reserve Forces and the Air National Guard.

(g) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations and who has been furnished written notification of his eligibility to compete for selection by the Commander, Air Training Command (ATC).

(h) *Student.* Unless otherwise specified in §§ 874.1 to 874.19, the term "student" used alone applies to both aviation cadet and aviation student.

(i) *Tentatively qualified applicant.* An applicant who has successfully completed the AFPST and the preliminary physical examinations.

(j) *United States.* The term "United States" means the Continental United States. When used with reference to citizenship requirements, it means the 50 States, the District of Columbia, Puerto Rico, the Panama Canal Zone, and Guam.

**§ 874.3 Information sources.**

Information concerning the aviation cadet navigator training program may be obtained from:

(a) Air Force recruiting offices.

(b) Air Force bases.

(c) Air National Guard or Air Force Reserve units.

**§ 874.4 How training is conducted.**

The Air Training Command procures, selects, trains, and commissions applicants for the training program. Applicants must undergo rigid examination before they are selected for aviation cadet training. After successfully completing the training course, students are commissioned as second lieutenant, Reserve of the Air Force, and are awarded the aeronautical rating of navigator. They are then assigned to Air Force units or sent as students officers to highly specialized advanced training courses.

**§ 874.5 Basic eligibility requirements for training.**

This section outlines the basic eligibility requirements and prerequisite qualifications an applicant must have at the time of application. The examining officer will reject all applicants who fail to meet the minimum eligibility requirements.

(a) *Age and citizenship.* Applicants must be a male citizen of the United States between the ages of 19 and 26½ at the time of application. Selected applicant must be enrolled in navigator training before his 27th birthday. An applicant under 21 must have the written consent of either parent or guardian in accordance with § 874.10. DD Form 373, "Consent, Declaration of Parent or Legal Guardian," is used for this purpose.

(b) *Marital status.* Applicant must be unmarried at the time of application and must agree in writing to remain unmarried for the duration of the training program. See item 24, AF Form 56, "Application for Commission, For Training Leading to a Commission, or For Flying Training in Officer Grade."

(c) *Air Force base or residence.* (1) A civilian applicant must be residing at time of application in any one of the 50 States, Puerto Rico, the Panama Canal Zone or the District of Columbia.

(d) *Education.* The minimum educational requirement is high school graduate level; however, some college is highly desirable. A civilian applicant must have completed high school as evidenced by a diploma or certificate of graduation. A prior service applicant not graduated from high school may apply if he has completed the entire battery of United States Armed Forces Institute (USAFI) high school level General Educational Development (GED) test with a minimum standard score of 35 on any one or with an average standard score of not less than 45 on all five tests as evidenced by a USAFI certificate. Documentary evidence of highest educational level achieved is required with the application.

(e) *Eligibility for enlistment.* Applicant must be eligible to enlist or reenlist in the Air Force under AFM 39–9 (Enlistment and Reenlistment in the Regular AF).

(f) *Moral character.* Applicant must be of good moral character.

(g) *Medical standards.* Applicant must meet medical standards.

(h) *Security background.* Applicant must meet the security requirements of AFR 35–62 (Security Program).

### § 874.6 Who is ineligible to apply.

The following persons are ineligible to apply for aviation cadet navigator training:

(a) A person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.

(b) A person who has been eliminated from a course of training leading to commissioned officer status as stated in § 874.7.

(c) A person who: (1) Holds or has held a commission in one of the other Services.

(2) Holds a certificate of completion of a course leading to a commission in one of the other Services and the commission is to be granted at a later date.

(d) A person who has a record of conviction by any court-martial or civilian court, other than for a minor traffic violation, except that, if appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be considered in accordance with § 874.8. A waiver may not be granted for an offense involving moral turpitude.

(e) A person who is a conscientious objector.

(f) A person whose entry or retention in the Air Force may not be clearly consistent with the interests of national security.

(g) A Selective Service System registrant who has been ordered to report for active military service with any one of the Services.

(h) A minor applicant (below age 21) without the written consent of either parent or guardian. See § 874.10.

(i) An applicant who failed to attain the minimum qualifying score on one of the prescribed written tests until one year has elapsed from the date of last written examination.

(j) A nonselected applicant until one year has elapsed from the date of his last application.

### § 874.7 Application policy for person disenrolled from an officer training program.

Upon entry into training the aviation cadet should be made fully aware of the policy contained in this section. A student eliminated from aviation cadet training for any reason mentioned in paragraph (a) of this section, should be advised in writing that he may be ineligible for any future training which may lead to a commission in the Air Force. This policy does not apply to a person disenrolled or eliminated from the basic phase of any ROTC course.

(a) *Policy.* (1) A person who resigns or is dismissed, disenrolled, or eliminated from officer training programs of the Army, Navy, or Air Force because of military inaptitude, indifference, undesirable traits of character, or for disciplinary reasons, may not be enrolled into an Air Force training program leading to commissioned officer status; nor is he eligible to apply for an Air Force commission. Superintendents of military academies and commanders of officer training programs may recommend waivers of this policy only in exceptional cases.

(2) A person eliminated for lack of academic progress or a breach of the Honor Code may apply for enrollment in Air Force training programs leading to commissioned officer status; however, his application must be referred to Hq USAF (AFPTR), Washington 25, D.C., for review and approval before his enrollment.

(3) An AFROTC cadet eliminated from a civilian-operated military institution by the educational authorities because of minor violations of the institution's Honor Code may apply for Air Force officer training programs; however, his application must also be referred to Hq USAF (AFPTR) as indicated in subparagraph (2) of this paragraph.

(b) *Procedures.* (1) The Superintendent of the Air Force Academy or the commander of an Air Force officer training program, upon the disenrollment or elimination of any student, prepares DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training," with specific remarks concerning recommendations for further training. In cases involving breach of the Honor Code, section III of the form, will state "Minor Breach of Honor Code" or "Breach of Honor Code," with a concise explanation of the circumstances. This statement must be supported by an appropriate recommendation under section IV of the form.

(2) An activity responsible for the preliminary processing of applications for Air Force precommission training requests the DD Form 785 of any applicant who indicates he was disenrolled or eliminated from a course of training leading to a commission in any Service. The Superintendent of the Air Force Academy or the commander of an Air Force officer training school will provide the DD Form 785 when requested.

(3) If upon receipt of the DD Form 785, the authorities determine that the applicant was disenrolled or eliminated for any reason cited in paragraph (a) of this section, Headquarters USAF determines the eligibility. Such requests are sent through channels to Hq USAF (AFPTR) (see subdivision (*a*) of this subparagraph) and will include:

(i) Information on the type of training for which the current application is being made.

(ii) The applicant's AFOQT scores (applicant is given the AFOQT if scores are not available).

(iii) A copy of the DD Form 785, and

(iv) An official transcript of the applicant's academic record.

(*a*) Requests for determination of the eligilibitly for those applicants who were disenrolled or eliminated for any reason specified in paragraph (a)(1) of this section, will not be forwarded to Headquarters USAF except in those rare cases of sufficient merit to justify consideration.

(*b*) Determination of eligibility of persons disenrolled or eliminated from any officer training program for any reason not listed in paragraph (a) of this section, may be made by the preliminary processing activity after a review of the DD Form 785 in all cases and by the faculty board proceeding, when applicable.

(4) The recruiting detachment commander requests information on all civilian applicants. The request, forwarded as indicated below, will include:

(i) Name of the applicant.

(ii) Service number (if applicable).

(iii) Course or type of training.

(iv) Place and date of disenrollment or elimination, and

(v) Type of training for which application is being made.

(*a*) Send request to the Commandant, Professor of Air Science, or the Air Force supervisor of the appropriate school for the person disenrolled or eliminated from Air Force officer candidate-type training courses.

(b) Send request to Hq USAF (AFPTR) for the person disenrolled or eliminated from an officer training school conducted by a Service other than the Air Force. The request for DD Form 785 will include an official transcript of the aplicant's academic record and his AFOQT scores. (Applicant is given AFOQT if scores are not available.)

### § 874.8 Waivers of minor offenses.

See also § 874(d).

(a) A civilian applicant may submit a request for waiver of a minor offense to any USAF recruiting detachment commander. The commander forwards the

applicant's completed application (AF Form 56) and request for waiver to the Commander, ATC. Each request for waiver must contain complete information regarding the offense and circumstances involved and be considered on its own merits as substantiated by the following:

(1) Statement outlining nature of offense and a brief description of the details surrounding commission of the offense.

(2) Statement of maximum term of imprisonment by which punishable under the law tried.

(3) Date of offense and age at that time.

(4) Date of trial and sentence imposed.

(5) Date of release from confinement, if applicable, or date of unconditional release from parole, probation, or other form of supervision or restraint.

(6) Recommendation of investigating officer or recruiting officer and any other information pertinent to the case which will provide a sound basis for reaching a decision.

(7) Three letters of recommendation from reputable citizens (other than relatives), such as persons in the educational field, local government officials, clergymen, or professional people.

(b) A request for waiver is not authorized until the applicant is released from all restraint, probation, or parole for a minimum period of six months, or until six months has elapsed from the date of conviction, provided that no confinement, parole, or probation was imposed.

(c) A request for waiver must be completely processed before applicant can be processed at the AFAAEC.

### § 874.9 Administration of the AFPST for civilian applicants.

The USAF Recruiting Service is authorized to administer the AFPST at recruiting offices and on high school/college campuses if prior approval of the schools concerned is obtained. Before giving the AFPST, the recruiting detachment commander insures:

(a) That applicants are otherwise qualified to apply for aviation cadet navigator training.

(b) That the test is administered only by properly designated test control officers or test examiners.

(c) That the test examiners use the strict control necessary to handle, administer, and score the AFPST.

(d) In addition to the above:

(1) Before giving the AFPST, he insures that the appropriate blocks on AF Form 338 "Officer Testing Record Card," are completed in duplicate.

(2) Upon completion of the AFPST, he enters the test score on AF Form 338. Normally, the AFPST is given and scored before scheduling further processing.

(3) If an applicant does not attain a passing score on the AFPST, he sends the original copy of AF Form 338 to the Commander, ATC for statistical purposes and retains the duplicate at the recruiting detachment for a period of one year. No further processing is accomplished.

(4) In all cases where the civilian applicant is determined tentatively qualified on the AFPST and medical examinations, he initiates further processing in accordance with §§ 874.10, 874.12 (a) and (b).

### § 874.10 How to apply.

Application is made on AF Form 56, in duplicate. The applicant's attention will be directed to item 24 whereby he agrees that, on completion of the training course, he will accept an appointment as an officer, Reserve of the Air Force, in career Reserve status. Further, he agrees to remain on extended active duty as a commissioned officer with a minimum four-year active duty commitment unless sooner relieved by competent authority. If applicant is a minor, such agreement will be signed with the consent of either parent or guardian (DD Form 373). An officer or noncommissioned officer assigned to the USAF Recruiting Service may verify the signatures on both copies of the DD Form 373; however, the verifying official must be present when the form is signed by the applicant's parent or guardian. Each application must contain:

(a) Evidence of date of birth—a birth certificate or an authenticated copy thereof, or other documentary evidence. (See AFM 39–9.)

(b) Evidence of citizenship if the applicant is not a citizen by birth—a certificate, signed by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number ------ (or certified copy of court order establishing citizenship) stating that ------ (Full name) ------ was admitted to United States citizenship by the ---------- Court of ---------- on ----------. (District or county) (State) (Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. Such is a criminal offense under the Act of June 25, 1948, 62 Stat. 767, 18 U.S.C. 1426(h). (AFM 39–9 also applies.)

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded. A student enrolled in his senior year must provide a statement attesting to that fact, the date he is scheduled to graduate, and the degree to be awarded. The applicant is processed as a college graduate and the statement is used in place of the official transcript of college credits until the transcript is available after graduation.

(d) Evidence of having completed high school as outlined in § 874.5(d).

(e) A completed DD Form 98, "Armed Force Security Questionnaire." Each applicant is required to read AFR 35–62 before he completes the form. If, after proper instruction, he fails to complete the certificate in its entirety or completes it with qualifications or makes entries thereon which provide reason to believe that his appointment would not clearly be consistent with the interests of national security, he will be requested to complete six copies of DD Form 398, "Statement of Personal History," a copy of FD Form 258, "FBI Fingerprint Card," and a statement concerning the reason for qualifying DD Form 98. These forms, together with AF Form 56, are then sent to Hq USAF (AFPTR–PR–1) for appropriate action and decision.

(f) AF Form 338.

(g) A statement pertaining to the applicant, prepared as follows:

CERTIFICATE

Under the provisions of paragraph 32, AFM 39–9, May 2, 1960, I ---------- (First, middle, and last name) certify that I am a United States citizen and that I have not been present in any of the following countries after the period indicated by date, except for authorized presence under the auspices of the United States Government. I further certify that I do not now have a wife, parent, brother, sister, or offspring residing in the countries listed below: (List the countries currently identified in attachment 10, AFM 39–9).

(Signed) ----------
(Applicant's signature)

If an applicant has relatives in communist or communist-controlled countries (as defined in Paragraph 32, AFM 39–9) or has been present in any of the countries outlined in attachment 10, AFM 39–9, except under the auspices of the Federal Government, six copies of DD Form 398 and one copy of FD Form 258 will be forwarded together with the completed application to the Commander, ATC, for review and necessary action.

### § 874.11 How clothing is provided.

The aviation cadet selected from civilian status is provided clothing under the clothing monetary allowance system.

### § 874.12 Preliminary processing.

(a) *Procedures for all applicants.* Aviation cadet preliminary processing is administered locally by USAF recruiting detachment offices for civilian applicants. Civilian applicants who successfully complete the preliminary phase are considered tentatively qualified. Aviation cadet applicants who were former candidates for the Air Force Academy or former AFROTC students who have been administered the AFOQT are not required to take the AFPST, if the attained AFOQT scores were qualifying for the training requested and if these scores are available. Civilian applicants are scheduled for final processing at the nearest AFAAEC. Preliminary processing procedures include:

(1) Completion of AF Form 56, in duplicate.

(2) A check to insure that applicant meets the eligiblity requirements and has necessary supporting data, such as birth certificate and scholastic records.

(b) *Procedures for civilian applicant.* A civilian applicant normally applies at a USAF Recruiting Service office. In areas remote from a recruiting office, he may apply for aviation cadet training at the nearest Air Force base and be processed in accordance with subparagraph (2) of this paragraph.

(1) The USAF Recruiting Service, Armed Forces Examining Stations, and recruiting processing units are responsible for the preliminary processing of civilian applicant. The functions of procurement and processing are as follows:

(i) The USAF Recruiting Service is charged with the specific responsibility of stimulating interest in the aviation cadet navigator training program throughout civilian communities and educational centers. Air Force recruiters will insure that applicants meet eligibility requirements and have necessary supporting data, such as birth certificates and scholastic records. In addition, recruiting activities:

(*a*) Review each application for completeness and accuracy.

(*b*) Arrange for scheduling and transportation to the nearest AFAAEC for final processing if the applicant qualified on the AFPST, as stated in § 874.9; inform applicant of the date and hour to appear.

(*c*) Inform applicant who fails to attain the minimum qualifying score on the AFPST, or who is disqualified medically, why he was disqualified, and explain that he may reapply one year after the date of the past written examination, provided he is otherwise qualified.

(*d*) Inform applicant who successfully completes the processing that he is tentatively qualified for aviation cadet navigator training, but that a final determination of his eligibility for training cannot be made until he completes the final written and medical examinations and is notified in writing. The recruiting detachment commander makes a definite appointment for the tentatively qualified applicant to appear at the nearest AFAAEC. When scheduled, the applicant is furnished round-trip Government paid transportation, as authorized in paragraphs 5050 or 5051, Joint Travel Regulations. AF Form 56 (in duplicate), stapled to AF Form 338, together with a copy of school transcript or certified statement on the number of passing semester hours the applicant has attained are handcarried or mailed to the AFAAEC.

(*e*) Obtain and record the following information for each applicant processed and maintain for a period of one year:

(*1*) Name and address of applicant.

(*2*) Type of training (by choice) for which application was made.

(*3*) AFPST score and date tested.

(*4*) AFAAEC to which applicant was sent and the date.

(*5*) The notification of selection results as provided by the Commander, ATC.

(*6*) If disqualified for any reason, the specific cause.

NOTE: Under no circumstances will test scores be divulged to disqualified applicants.

(ii) USA and USAF recruiting processing units:

(*a*) Receive and process all aviation cadet applicants sent by the Air Force Recruiting Service and Air National Guard units.

(*b*) Record the AFPRT number, the last two digits of the year of publication, date tested, test scores attained on the AFPST, and preliminary qualification action on AF Form 338. The answer sheet of each applicant, tentatively qualified or disqualified, is forwarded in accordance with AFM 35–8 (AF Military Personnel Evaluation Manual).

(*c*) Insure that each applicant is familiar with information outlined in § 874.14(b)(3), then enlist selected applicants in accordance with AFM 39–9.

(2) When an eligible civilian from a remote area applies directly to an Air Force base, the Base Commander provides the initial processing and examinations. If the applicant is qualified, he arranges for scheduling and transportation to the nearest AFAAEC for final processing and return. Transportation, quarters, and meals are furnished civilian applicants at Government expense from the applicant's place of residence to the place of enlistment, as authorized by AFM 170–7, (USAF Account Structure and Codes), AFM 39–9, and the Joint Travel Regulations.

### § 874.13 Final processing of applicants at AFAAEC.

Each tentatively qualified civilian applicant referred to an AFAAEC for final processing is given the AFOQT, a complete medical examination for flying training, and any other examination directed by Headquarters USAF. An applicant who has previously qualified on the AFOQT will not be retested if official record scores are available. The written examinations are given and scored before scheduling the medical examination. An applicant will not be retested on the AFOQT to improve his available qualifying score. An applicant will not be retested under any circumstance on the AFOQT before one year from the date he was last tested.

### § 874.14 Information furnished applicants.

(a) *General.* Each applicant who successfully completes the final processing will, before his departure from the examining center, be advised that he is fully qualified to compete for selection, subject to administrative and medical review of his application by the Commander, ATC. His application is forwarded to the Commander, ATC, where it is reviewed and considered for selection on a competitive basis. Selection is based on the results of the examinations completed, and the applicant's over-all qualifications. The Commander, ATC, informs each applicant in writing of his status, as soon as possible, but not later than two weeks from date of final qualification. Applicants who are not selected within a period of six months from the date of final qualification are notified and their personal documents returned.

(b) *Fully qualified applicants.* (1) A draft eligible civilian applicant who is subsequently notified of his selection for aviation cadet navigator training is furnished a four-month draft deferment by the Commander, ATC. If an applicant is ordered to report to active military service by the Selective Service System before his deferment is issued or after his deferment expires, his application for aviation cadet training will be canceled.

(2) A report of medical examination (SF Form 88) must be accomplished within 90 days of the date of application for aviation cadet navigator training. At the time of entry into training, the report of medical examination must not be more than one year old. If the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. A fully qualified civilian applicant will be instructed to submit the two copies of the completed SF Form 88 furnished him to the enlisting agency.

(3) After notification of selection and class assignment, a selected civilian applicant will be required to enlist in the Regular Air Force for a period of two years in the grade authorized by current enlistment directives. The applicant is then appointed aviation cadet or aviation student immediately upon completion of enlistment proceedings. These additional requirements apply:

(i) At the time of enlistment, an applicant must be advised, and agree in writing that, if eliminated at any point in the training program, he will be required to remain on active duty and complete the remainder of his initial two-year enlistment. The signed agreement will become an allied paper to his application for training. If a selected applicant who enlisted specifically for aviation cadet training is eliminated from such training, he will be retained in the service to complete his two-year enlistment contract, except as provided below.

(*a*) A selected applicant who had completed an active service tour of one year or more in duration at the time of enlistment may request separation under paragraph 3h, AFR 39–14 (Separation for Convenience of the Government), if he is eliminated in the nonflying phase of training. If he is eliminated in the flying phase of training, he is not eligible to request separation under this authority.

(*b*) A selected applicant, with or without prior service, who is eliminated from any phase of the training program because of a medical defect that existed at the time of enlistment may request separation under paragraph 3h, AFR 39–14. However, he may elect to complete his enlistment contract if the defect is not disqualifying for general military service.

(*c*) An eliminee who elects to complete his enlistment contract will not be eligible to request separation at a later date because of his elimination from aviation cadet training.

(ii) A fully qualified but nonselected prior service aviation cadet applicant who desires to enlist for aviation cadet training in a grade higher than Airman Second Class (E–2), will be advised that his application will be canceled should he enlist in a higher grade than E–2 before he receives a letter of selection and class assignment. This precludes any prior service applicant with a critical skill from enlisting specifically for aviation cadet training in a grade higher than E–2.

(iii) A prior service applicant with a critical skill who enlists in a higher grade than E–2 for a specific assignment in that skill may later apply for aviation cadet training, if otherwise qualified. Additionally, a prior service applicant without a critical skill who is enlisted for

technical training may later apply for aviation cadet training upon completion of the technical training course, if otherwise qualified.

(iv) In the letter of notification of selection and class assignment, the Commander, ATC, will advise the applicant of the earliest date on which he can be enlisted so that the applicant will not arrive at the base of training earlier than is necessary for the start of training.

(4) A fully qualified or selected applicant need not take any further action regarding his application unless requested to do so. However, the Commander, ATC (ATPOP–PA), must be informed of any changes affecting an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) For those enlisted, advancement to noncommissioned officer grade which would permit assignment to training as an aviation student.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for navigator training.

(v) Change of desire for training.

(vi) Receipt of notification from the Selective Service System ordering the applicant into the active military service of the United States.

(vii) Change in marital status.

(viii) Receipt of orders to enter the active military service. (Applies to a fully qualified or selected applicant who is a member of a Reserve Force of the United States other than the Air Force.)

(5) A civilian applicant guilty of offenses committed after the date he is determined fully qualified is processed under the provisions of AFM 39–9. Unit commanders will report conviction of offenses committed by airmen applicants to the Commander, ATC, for determination of eligibility for entrance into training.

(6) A student applicant enrolled in his senior year of college who applies for aviation cadet navigator training within 135 calendar days of his scheduled graduation date is processed as a college graduate. If he is determined fully qualified, he is requested to furnish a copy of his college transcript to the Commander, ATC, so that he may receive selection priority. Immediately upon receipt of the college transcript, the Commander, ATC, will furnish the applicant a tentative class assignment.

### § 874.15 Selection of applicants.

The Commander, ATC, selects fully qualified applicants on a competitive basis by applying the best qualified method of selection with emphasis given to formal educational achievement. Class assignment to training is made in the following order of priority:

(a) Applicant having a baccalaureate degree or higher.

(b) Applicant having completed two or more years of college (60 passing semester hours or 90 passing quarter hours), but less than a baccalaureate degree.

NOTE: To receive priority under paragraph (a) or (b) of this section, the school from which the education was attained must be listed in the latest issue of Part 3, "Higher Education," *Education Directory,* published by the Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C. Copies of this publication may be obtained directly from that department.

(c) Other applicants, based on:

(1) Scores made on the AFOQT.

(2) Date of qualification.

(d) A person eliminated or disenrolled from a course of training normally leading to commissioned officer status in any of the military services of the United States, who has been determined eligible to apply for and enter aviation cadet navigator training, may not be appointed an officer in the Air Force until after the date of graduation of the class from which he was eliminated or disenrolled.

### § 874.16 Civilian applicants.

The Commander, ATC, furnishes draft deferments (DD Form 44, "Record of Military Status of Registrant"), letter of acceptance, and class assignment to selected applicants. (The applicant is furnished the duplicate copy of DD Form 44; the original is forwarded without delay to the local Selective Service Board of the applicant.) Applicant from the Air National Guard does not require a draft deferment. The letter of acceptance will authorize selected applicant to enlist in the Regular Air Force for a period of two years in accordance with AFM 39–9. After enlisting and being appointed an aviation cadet, the selected applicant is assigned as directed by the Commander, ATC.

### § 874.17 National Agency Check for selected applicants.

(The Commander, ATC, initiates the National Agency Check for a civilian applicant.)

### § 874.18 Reinstatement of former students.

A student previously eliminated from a flying training course conducted by one of the services may not be reinstated unless recommended for further aircrew training by the eliminating authority. A student previously eliminated from a course of navigator training by reason of flying deficiency may not be reinstated in the same course of training under any circumstance. A student applying for training under this section will not normally have the written evidence indicating recommendation for further flying training. Therefore, his completed application is forwarded through military channels to Hq USAF (AFPTR–F). It is then reviewed and a final determination made on the eligibility for reinstatement based upon recommendations of the eliminating authority.

(a) *Academic deficiency.* A student eliminated from training because of academic deficiency may not be reinstated at a later date unless recommended for further officer training by the faculty board. At least on year must elapse from the date of termination of student status before reapplication.

(b) *Military training deficiency.* A student eliminated from training because of military deficiency may not be reinstated.

(c) *Medical.* A student eliminated from training because of medical disqualification may reapply, if a later medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and be recommended for reinstatement by the eliminating authority.

(d) *Self-initiated elimination (SIE).* A student who initiates his own elimination from the training program may not be reinstated.

(e) *Emergency leave.* A student may be granted emergency leave under regulations issued by the Commander, ATC. In such instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student is determined by the Commander, ATC.

(f) *Reinstated students.* The phase of training to which eligible students may be reinstated is determined by the Commander, ATC.

### § 874.19 Appointment as an Officer, Reserve of the Air Force.

(a) *Tendering appointment.* A student who successfully completes the prescribed undergraduate flying training program and who is mentally, morally, and physically qualified is tendered appointment as second lieutenant, Reserve of the Air Force, for an indefinite term. Each graduate so appointed is ordered into active military service as a career reserve officer. He must serve for a minimum of four years from the date of graduation from undergraduate flying training unless sooner relieved by orders of competent authority. Each graduate is awarded the aeronautical rating of navigator and concurrently ordered to participate in regular and frequent flights. In addition, officers undergoing training after commissioning incur active duty service commitments for training as stated in AFR 36–51 (Active Duty Service Commitments for Career Officers and Procedure for Attaining Career Reserve Status).

(b) *Review.* Before graduation, the faculty board of the school reviews the qualifications of each student and prepares for each a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of second lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. The physical qualifications for appointment are determined by using any medical examination, sufficiently detailed for each determination prescribed in AFM 160–1 (Medical Examination), completed within 12 months immediately preceding the date of appointment as an officer, Reserve of the Air Force, unless reexamination is indicated because of a serious intervening illness or injury. If the recommendation is negative, appropriate elimination action is initiated.

(c) *Report.* The faculty board report of proceedings are forwarded to the Commander, ATC.

(d) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as an officer, Reserve of the Air Force, is treated as an eliminated student. His appointment as an aviation cadet or status as an aviation student is terminated, and he is reassigned within the Air Force.

CARROLL W. KELLY,
*Lt Col, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 61-9363; Filed, Sept. 28, 1961; 8:48 a.m.]

SUBCHAPTER I—MISCELLANEOUS

## PART 895—USAF SENTRY DOG PROGRAM

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

## PART 1008—TERMINATION OF CONTRACTS

### Miscellaneous Amendments

1. Subchapter I is hereby designated as shown above and a new Part 895 is added, as follows:

Sec.
895.1 Procuring dogs.
895.2 Non-government-owned dogs not to be used.

AUTHORITY: §§ 895.1 to 895.2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 125-9, May 4, 1961.

**§ 895.1 Procuring dogs.**

All sentry dogs required by the Air Force will be procured by the Air Force Logistics Command through the Quartermaster General, United States Army, under the terms of an interservice agreement between the Department of the Air Force and the Department of the Army. All individuals offering dogs for sale or donation to the sentry dog program will be advised to direct correspondence to: FWGD, U.S. Army Animal Procurement Office, P.O. Box 52, Lackland Air Force Base, Texas.

**§ 895.2 Non-government-owned dogs not to be used.**

Only dogs procured according to § 895.1, and through procedures established by oversea commanders, will be used by any Air Force unit. Other dogs will not be trained or used in any manner that would make the Air Force responsible for their care or actions. The installation's local stray dog pound will not be operated as an integral part of the sentry dog facility, nor will it be located in the immediate or adjacent area.

2. In Subchapter J, Part 1008, Subpart T, Cancellation for Default, is deleted.

CARROLL W. KELLEY,
*Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 61-9364; Filed, Sept. 28, 1961; 8:48 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 2]

## PART 501—OFFICIAL SEAL OF THE FEDERAL MARITIME COMMISSION

Pursuant to the provisions of Reorganization Plan No. 7 of 1961, H.R. Doc. No. 187, 87th Congress, 1st Session, the Federal Maritime Board was abolished, and the Federal Maritime Commission, which was established as an independent agency, effective August 12, 1961, took over such of the powers and functions theretofore exercised by the Federal Maritime Board/Maritime Administration as are transferred to or vested in the Commission by the said Reorganization Plan No. 7 of 1961. Accordingly, a new Chapter IV is hereby added to Title 46 of the Code of Federal Regulations, to cover the activities of the Federal Maritime Commission.

By General Order 1 of the Federal Maritime Commission, 26 F.R. 7788, August 19, 1961, all orders, rules and regulations set forth in Chapter II, Title 46 of the Code of Federal Regulations, which were issued or authorized by the Federal Maritime Board and Maritime Administration in the exercise of the functions, delegations, powers, and duties transferred to or vested in this Commission by the said Reorganization Plan No. 7 of 1961, and which were in effect at the time of such vesting or transfer, were continued in effect, in so far as not in conflict with said Plan, until modified, terminated, superseded, or repealed by the Commission or by operation of law.

The following sections are hereby added to this chapter under the above-captioned new part:

Sec.
501.1 Purpose.
501.2 Description.
501.3 Design.

AUTHORITY: §§ 501.1 to 501.3 issued under § 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; Reorganization Plan No. 7 of 1961, 26 F.R. 7315, August 12, 1961.

**§ 501.1 Purpose.**

To prescribe and give notice of the official seal of the Federal Maritime Commission.

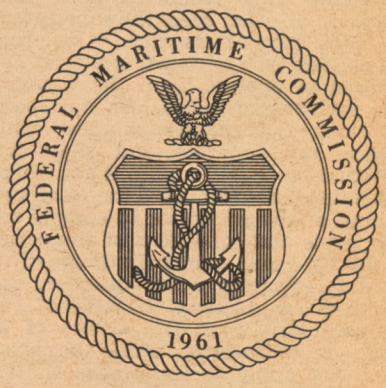
**§ 501.2 Description.**

(a) Pursuant to section 201(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1111(c)), the Federal Maritime Commission hereby prescribes its official seal, as adopted by the Commission on August 14, 1961, the design of which is illustrated below and described as follows:

(1) A shield argent paly of six gules, a chief azure charged with a fouled anchor or; shield and anchor outlined of the third; on a wreath argent and gules, an eagle displayed proper; all on a gold disc within a blue border, encircled by a gold rope outlined in blue, and bearing in white letters the inscription "Federal Maritime Commission" in upper portion and "1961" in lower portion.

(2) The shield and eagle above it are associated with the United States of America and denote the national scope of maritime affairs. The outer rope and fouled anchor are symbolic of seamen and waterborne transportation. The date "1961" has historical significance, indicating the year in which the Federal Maritime Commission was created.

**§ 501.3 Design.**




Dated: August 14, 1961.

JAMES L. PIMPER,
*Acting Chairman, Federal Maritime Commission.*

[F.R. Doc. 61-9362; Filed, Sept. 28, 1961; 8:48 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 1—GENERAL RULES AND REGULATIONS

### Boat Permits and Launching Regulations

On page 6085 of the FEDERAL REGISTER of July 7, 1961, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. The purpose of the amendment is to authorize the superintendents of national parks and monuments to issue boating permits and to control the use of motor-propelled boats in park and monument waters not accessible by commonly used public roads.

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 at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

JOHN A. CARVER, Jr.,
*Acting Secretary of the Interior.*

SEPTEMBER 22, 1961.

Section 1.59 is amended to change the present section heading and text of paragraphs (a) and (b) to read as follows:

§ 1.59 Boating.

(a) Written permission is required from the superintendent to launch or operate motor-propelled boats, other than Government-owned powerboats used for official purposes, on all park or monument waters which are not directly accessible by a commonly used public road. In all other cases the superintendent may require issuance of a permit before any type of vessel is placed in or allowed to operate upon the waters of any park or monument. He may specify locations and conditions under which vessels may operate and shall have authority to revoke a permit and require the immediate removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit.

(b) No vessel primarily designed and used for floating living quarters commonly referred to as a "houseboat", shall be permitted upon the waters of any park or monument. This paragraph shall not apply to Everglades National Park nor National Capital Parks.

[F.R. Doc. 61-9346; Filed, Sept. 28, 1961; 8:46 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MISCELLANEOUS AMENDMENTS

1. In § 21.222, paragraph (c) is amended to read as follows:

§ 21.222 Additional conditions to be met prior to induction into training on the job.

* * * * *

(c) The salary or wage rate for productive labor incident to training is not less than that prescribed by the Fair Labor Standards Amendments of 1961 (Public Law 87-30).

2. In § 21.223, paragraph (a) is amended to read as follows:

§ 21.223 Authority to induct veterans into training on the job at subminimum wage rates.

(a) The Fair Labor Standards Act of 1938, as amended, requires a minimum wage with provision for an overtime rate, for most persons who are engaged in interstate commerce or in the production of goods for interstate commerce. The Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, may approve a subminimum hourly wage rate for handicapped workers where necessary in order to prevent curtailment of opportunities for employment. Similarly, the Walsh-Healey Public Contracts Act (Public Law 846, 74th Congress) requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any one workweek or 8 in any one day, employees not exempt must be paid not less than time and one-half. Questions of coverage in all doubtful cases will be cleared with the Wage and Hour and Public Contracts Divisions' Regional Director before induction into training.

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

This regulation is effective September 29, 1961.

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

[F.R. Doc. 61-9355; Filed, Sept. 28, 1961; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-3358]

## PART 180a—REGULATIONS GOVERNING DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of September A.D. 1961.

It appearing that upon consideration of a petition, filed May 29, 1961, by the Attorney General of the United States, on behalf of the United States, and for good cause shown, the Commission, by notice and order entered June 19, 1961, instituted the above-entitled proceeding under Part II of the Interstate Commerce Act (more specifically including sections 204(a)(6), 204(c), 216, and 220 of the said act) and section 4 of the Administrative Procedure Act to determine the lawfulness of certain regulations proposed by the petitioner designed to eliminate discrimination on the basis of race, color, creed, or national origin, in the operations of interstate motor carriers of passengers, and to determine further whether the facts and circumstances require or warrant the making of the proposed regulations or other regulations of similar purport applicable to motor common carriers of passengers operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require;

It further appearing that the said notice and order entered June 19, 1961, made all motor common carriers of passengers operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act respondents in this proceeding; that a copy of the said notice and order was served on all respondents and that notice to other interested persons was given through publication of the said notice in the FEDERAL REGISTER (26 F.R. 5530);

And it further appearing that the Commission, on the date hereof, has made and filed its report on oral argument herein setting forth the basis for its conclusions and its findings with respect to the said petition, which report is hereby referred to and made a part hereof, and good cause appearing therefor:

*It is ordered*, That 49 CFR be, and it is hereby, amended by adding thereto Part 180a as follows:

Sec.
180a.1 Discrimination prohibited.
180a.2 Sign to be posted in vehicles.
180a.3 Notice to be printed on tickets.
180a.4 Discrimination in terminal facilities.
180a.5 Notice to be posted at terminal facilities.
180a.6 Carriers not relieved of existing obligations.
180a.7 Reports of interference with regulations.
180a.10 Definitions.

AUTHORITY: §§ 180a.10 issued under 52 Stat. 1237, 49 U.S.C. sec. 304(a)(6).

§ 180a.1 Discrimination prohibited.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall operate a motor vehicle in interstate or foreign commerce on which the seating of passengers is based upon race, color, creed, or national origin.

§ 180a.2 Sign to be posted in vehicles.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall conspicuously display and maintain, in all vehicles operated by it in interstate or foreign commerce, a plainly legible sign or placard containing the statement: "Seating aboard this vehicle is without regard to race, color, creed, or national origin, by order of the Interstate Commerce Commission." This § 180a.2 shall cease to be effective on January 1, 1963, unless such time be further extended by the Interstate Commerce Commission.

§ 180a.3 Notice to be printed on tickets.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin." This § 180a.3 shall be applicable to all tickets sold on or after January 1, 1963.

§ 180a.4 Discrimination in terminal facilities.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the opera-

tion of vehicles in interstate or foreign commerce provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed, or national origin.

**§ 180a.5 Notice to be posted at terminal facilities.**

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce utilize any terminal facility in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of the regulations in this part. Such sign or placard shall be captioned: "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

**§ 180a.6 Carriers not relieved of existing obligations.**

Nothing in this part shall be construed to relieve any interstate motor common carrier of passengers subject to section 216 of the Interstate Commerce Act of any of its obligations under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

**§ 180a.7 Reports of interference with regulations.**

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act operating vehicles in interstate or foreign commerce shall report to the Secretary of the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, state, or body politic with its observance of the requirements of the regulations in this part. Such report shall include a statement of the action that such carrier may have taken to eliminate any such interference.

**§ 180a.10 Definitions.**

For the purpose of the regulations in this part the following terms and phrases are defined:

(a) *Terminal facilities.* As used in the regulations in this part the term "terminal facilities" means all facilities, including waiting room, rest room, eating, drinking, and ticket sales facilities which a motor common carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation.

(b) *Separation.* As used in § 180a.4, the term "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished on the basis of race, color, creed, or national origin.

*It is further ordered,* That this order shall become effective November 1, 1961, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

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

[F.R. Doc. 61-9354; Filed, Sept. 28, 1961; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

## PART 32—HUNTING

### Migratory Game Birds; Individual Wildlife Refuge Areas

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chautauqua National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 555 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Havana, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season:

Ducks and coots—From 12 noon to sunset October 28, 1961, and from sunrise to sunset October 29, 1961, through November 26, 1961.

Geese—From sunrise to sunset October 7, 1961, through October 16, 1961, inclusive; and from sunrise to sunset November 6, 1961, through November 26, 1961, inclusive.

(c) Daily bag limits:

Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 1 Canada goose (or subspecies) and 1 white-fronted goose, or 2 white-fronted geese.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, 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) A Federal permit is not required to enter the public hunting area.

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

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Carterville, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season:

Ducks and coots—From 12 noon to sunset October 28, 1961, and from sunrise to sunset October 29, 1961, through November 26, 1961.

Geese—From 7:00 a.m., to 3:00 p.m., c.s.t., November 6, 1961, to December 19, 1961, unless the open season is further restricted by State or Federal regulation.

(c) Daily bag limits:

Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 1 Canada goose (or subspecies) and 1 white-fronted goose, or 2 white-fronted geese.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager. The following State regulations pertaining to the use of blinds are adopted as a part of this regulation:

(a) It is prohibited for any person to take wild geese except from a blind or pit;

(b) It is prohibited for any person to establish or use a blind or pit within 100 yards of the boundary of the property on which the blind or pit is located;

(c) It is prohibited for any person to establish or use a blind or pit for the taking of wild geese within 200 yards of the refuge closed area boundary or public road right-of-way adjacent to that boundary;

(d) It is prohibited for more than 3 persons to occupy or attempt to take wild geese from any blind or pit at the same time.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats on the waters of the open area is prescribed as follows:

(a) Crab Orchard Lake—Boats with motors are permitted.

(b) Little Grassy Lake—Boats with motors up to 6 h.p. are permitted.

(c) Devils Kitchen Lake—Only boats without motors are 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) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 20, 1961.

### Illinois and Iowa

#### Mark Twain National Wildlife Refuge

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Illinois and Iowa, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,400 acres or 32 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Quincy, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redheads), and geese.

(b) Open season:

*Illinois*—Ducks and coots—from 12 noon to sunset October 28, 1961, and from sunrise to sunset October 29, 1961, through November 26, 1961.

Geese—From sunrise to sunset October 7, 1961, through October 16, 1961, inclusive; and from sunrise to sunset November 6, 1961, through November 26, 1961, inclusive.

*Iowa*—Ducks and coots—From 12 noon to sunset October 21, 1961, and from sunrise to sunset October 22, 1961, through November 19, 1961.

Geese—From sunrise to sunset October 7, 1961, through December 5, 1961.

(c) Daily bag limits:

*Illinois*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 1 Canada goose (or subspecies) and 1 white-fronted goose, or 2 white-fronted geese.

*Iowa*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 2 white-fronted geese, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, 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) A Federal permit is not required to enter the public hunting area.

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

### Illinois, Iowa, Minnesota and Wisconsin

#### Upper Mississippi River Wildlife and Fish Refuge

Public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the area designated by signs as open to hunting. This open area, comprising 153,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Winona, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season:

*Illinois*—Ducks and coots—From 12 noon to sunset October 28, 1961, and from sunrise to sunset October 29, 1961, through November 26, 1961.

Geese—From sunrise to sunset October 7, 1961, through October 16, 1961, inclusive; and from sunrise to sunset November 6, 1961, through November 26, 1961, inclusive.

*Iowa*—Ducks and coots—From 12 noon to sunset October 21, 1961, and from sunrise to sunset October 22, 1961, through November 19, 1961.

Geese—From sunrise to sunset October 7, 1961, through December 5, 1961.

*Minnesota*—Ducks and coots from 12 noon to sunset October 14, 1961, and from sunrise to sunset October 15, 1961, through November 12, 1961.

Geese—From 12 noon to sunset October 1, 1961, and from sunrise to sunset October 2, 1961, through November 29, 1961.

*Wisconsin*—Ducks and coots from 12 noon to sunset October 14, 1961, and from sunrise to sunset October 15, 1961, through November 12, 1961.

Geese—From sunrise to sunset October 7 through December 5, 1961.

(c) Daily bag limits:

*Illinois*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 1 Canada goose (or subspecies) and 1 white-fronted goose, or 2 white-fronted geese.

*Iowa*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 2 white-fronted geese, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

*Minnesota*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 2 white-fronted geese, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

*Wisconsin*—Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the daily bag limit for other ducks, the

daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 1 Canada goose (or subspecies) and 1 white-fronted goose, or 2 white-fronted geese.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, 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) A Federal permit is not required to enter the public hunting area.

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

### MINNESOTA

#### TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 26 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Rochert, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead) and geese.

(b) Open season:

Ducks and coots from 12 noon to sunset October 14, 1961, and from sunrise to sunset October 15, 1961, through November 12, 1961.

Geese—From 12 noon to sunset October 1, 1961, and from sunrise to sunset October 2, 1961, through November 29, 1961.

(c) Daily bag limits:

Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 2 white-fronted geese, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Boats—The use of boats, including boats with motors, 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) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 30, 1961.

### MISSOURI

#### MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mark Twain National Wildlife Refuge, Missouri, is suspended during the 1961 season and no open area is prescribed. The provision of this special regulation is effective to January 1, 1962.

#### SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Swan Lake National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Sumner, Missouri, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season:

Ducks and coots from 12 noon to sunset November 3, 1961, and from sunrise to sunset November 4, 1961, through December 2, 1961.

Geese—From 12 noon to sunset November 1, 1961, and from sunrise to sunset November 2, 1961, through December 30, 1961.

(c) Daily bag limits:

Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser; but in addition to the bag limit for other ducks, the daily bag limit may include 5 American and red-breasted mergansers, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), 2 white-fronted geese, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells. The possession or use of single ball or rifle shell shotgun shells is prohibited.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Missouri Conservation Commission. Applications for public hunting and the registration of hunters are handled by the Missouri Conservation Commission.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and 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) A Federal permit is not required to enter the public hunting area, but a permit issued by the Missouri Conservation Commission is required. Hunters, upon entering or leaving the hunting areas, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information to their hunting as requested.

(3) The provisions of this special regulation are effective to December 31, 1961.

### NORTH DAKOTA

#### LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,850 acres or 5 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Upham, North Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season:

Ducks and coots from 12 noon to sunset October 14, 1961, and from sunrise to sunset October 15, 1961, through November 12, 1961.

Geese—From sunrise to noon October 7, 1961, through December 5, 1961.

(c) Daily bag limits:

Ducks 3, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and red-breasted merganser, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), or 1 white-fronted goose, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and regulation.

(5) Retrieving zones—Retrieving zones may be established by the Officer in Charge not to exceed 100 yards in width. Possession of firearms in retrieving zones is prohibited.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Martin, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasbacks and redhead), and geese.

(b) Open season:

Ducks and coots from 12 noon to sunset October 18, 1961, and from sunrise to sunset October 19, 1961, through November 26, 1961.

Geese—From 12 noon to sunset October 7, 1961, and from sunrise to sunset October 8, 1961, through December 5, 1961.

(c) Daily bag limits:

Ducks 2, coots 6, geese 5. The daily bag limit for ducks may not include more than 1 wood duck and 1 hooded merganser, but in addition to the daily bag limit for other ducks, the daily bag limit may include 5 American and redbreasted merganser, singly or in the aggregate of both kinds; and the daily bag limit for geese may not include more than 2 Canada geese (or subspecies), or 1 white-fronted goose, or 1 Canada goose (or subspecies) and 1 white-fronted goose.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and 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) A Federal permit is not required to enter the public hunting area.

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,700 acres or 8 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters Mayville, Wisconsin, 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: Geese.

(b) Open season:

Geese from 12 noon to 2 p.m. October 7, 1961, and from sunrise to 2 p.m. October 8, 1961, through December 5, 1961, unless the open season is further restricted by State or Federal regulations.

(c) Daily bag limits:

Geese 1. The daily bag limit for geese may not include more than 1 goose of a legal species.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting and the registration of hunters are handled by the Wisconsin Conservation Department.

(3) Guides—Persons may employ guides while hunting on the area subject to restrictions of State law and 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) A Federal permit is not required to enter the public hunting areas, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information to their hunting as requested.

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

DANIEL H. JANZEN,
*Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 25, 1961.

[F.R. Doc. 61-9345; Filed, Sept. 28, 1961; 8:46 a.m.]

## PART 32—HUNTING

### Colusa National Wildlife Refuge, California

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

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

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Public hunting of Upland Game Birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1180 acres or 29 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, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: 8:00 a.m., to 4:30 p.m., November 11, 12, 15, 18, 19, 22, 23, 25, and 26, 1961.

(c) Daily bag limits: 2 cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two (2) dogs per hunter may be used for retrieving ring-necked pheasants.

(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. A Federal permit is not required to enter the public hunting area, but hunters will report at checking station for State hunting permit.

3. The provisions of this special regulation are effective to November 27, 1961.

PAUL T. QUICK,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-9341; Filed, Sept. 28, 1961; 8:46 a.m.]

## PART 32—HUNTING

### Merced National Wildlife Refuge, California

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

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

CALIFORNIA

MERCED NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2561 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants.

(b) Open season: 8:00 a.m., to 4:30 p.m., November 11, 12, 15, 18, and 19, 1961, on waterfowl hunting area only. November 21 through 26, 1961, on entire refuge except headquarters area.

(c) Daily bag limits: 2 cocks.

(d) Methods of hunting:

1. Weapons: Shotguns, not larger than 10 gauge and incapable of holding more than three shells, only, may be used.

2. Dogs: Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(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. A Federal permit is not required to enter the public hunting area, but hunters must report at checking station and obtain State hunting permit.

3. The provisions of this special regulation are effective to November 27, 1961.

PAUL T. QUICK,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-9342; Filed, Sept. 28, 1961; 8:46 a.m.]

## PART 32—HUNTING

### Sutter National Wildlife Refuge, California

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

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

CALIFORNIA

SUTTER NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,194 acres or 46 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, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant.

(b) Open season: 8:00 a.m., to 4:30 p.m., November 11, 12, 15, 18, 19, 22, 23, 25, and 26, 1961.

(c) Daily bag limits: 2 cocks.

(d) Methods of hunting:

1. Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

2. Dogs: Not to exceed two (2) dogs per hunter may be used for retrieving ring-necked pheasants.

(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. A Federal permit is not required to enter the public hunting area, but hunters will report at checking stations for State hunting permit.

3. The provisions of this special regulation are effective to November 27, 1961.

PAUL T. QUICK,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-9343; Filed, Sept. 28, 1961; 8:46 a.m.]

## PART 32—HUNTING

### Deer Flat National Wildlife Refuge, Idaho

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

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

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres or 10 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, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ring-necked pheasants, Hungarian and chukar partridge and quail.

(b) Open season:

Waterfowl hunting area only. All species—October 28 (noon) through November 26, 1961.

Area A—Open November 25 and 26, 1961, only.

(c) Daily bag limits:

Pheasant—4 cocks except November 18 through November 26 only, when the bag limit shall be 4 pheasants, 1 of which may be a hen.

Hungarian Partridge—7 birds.

Chukar Partridge—7 birds.

Quail—10 birds in the aggregate of all quail.

(d) Methods of hunting:

1. Weapons: Shotguns only may be used.

2. Dogs: Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(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. A Federal permit is not required to enter the public hunting area, but hunters will report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to November 27, 1961.

PAUL T. QUICK,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-9344; Filed, Sept. 28, 1961; 8:46 a.m.]

## PART 32—HUNTING

### Brigantine National Wildlife Refuge, N.J., and Missisquoi National Wildlife Refuge, Vt.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Brigantine National Wildlife Refuge, New Jersey, is permitted only on the areas designated by signs as open to hunting. This open area comprises 2,892 acres or 22.5 percent of the total area of the refuge. One unit is located in the Hammock Cove section and a second unit is located east of Grassy Bay. Maps delineating the open areas are available at the refuge headquarters, Oceanville, New Jersey, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), geese (except snow geese), and brant.

(b) Open season:

Ducks and coots—From 12 noon to sunset November 21, 1961, and from sunrise to sunset November 22, 1961, through December 30, 1961.

Geese and brant—From sunrise to sunset October 21 through December 19, 1961.

(c) Daily bag limits:

Ducks 3, coots 6, geese 2, brant 10. The daily bag limit for ducks may not include more than 2 black ducks or 2 wood ducks and 1 hooded merganser; but in addition to the bag limit on other ducks, the daily bag limit may include 5 American and red-breasted merganser singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells only may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject

to the restrictions of State law and 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) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 31, 1961.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont, is permitted only on the area designated by signs as open to hunting. This open area, comprising 389 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Swanton, Vermont, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston 11, Massachusetts. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots, ducks (except canvasback and redhead), and geese (except snow geese).

(b) Open season:

Ducks and coots—From 12 noon to sunset October 14, 1961, and from sunrise to sunset October 15 through November 22, 1961.

Geese—From sunrise to sunset October 1 through November 29, 1961.

(c) Daily bag limits:

Ducks 3, coots 6, geese 2. The daily bag limit for ducks may not include more than 2 black ducks or 2 wood ducks and 1 hooded merganser; but in addition to the bag limit on other ducks, the daily bag limit may include 5 American and redbreasted mergansers singly or in the aggregate of both kinds.

(d) Methods of hunting:

(1) Weapons—Shotguns up to and including 10 gauge which are incapable of holding more than 3 shells only may be used.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved material may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to the restrictions of State law and 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) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 30, 1961.

DANIEL H. JANZEN,
*Director, Bureau of Sport Fisheries and Wildlife.*

SEPTEMBER 22, 1961.

[F.R. Doc. 61-9358; Filed, Sept. 28, 1961; 8:48 a.m.]

## PART 32—HUNTING

### Snake River National Wildlife Refuge, Idaho

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

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

IDAHO

SNAKE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds on the Snake River National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to hunting. This open area, comprising 376 acres, is delineated on a map available at the refuge headquarters, Deer Flat National Wildlife Refuge, Rt. 1, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken:

Ring-necked pheasant, bobwhite, Valley quail, and chukar partridge.

(b) Open season:

Pheasants—October 28, noon, through November 26, 1961. Quail—October 28, noon, through December 10, 1961. Chukar partridge—October 28, noon, through December 10, 1961.

(c) Daily bag limits:

Pheasant—4 cocks except November 18 through November 26 only, when the bag limit shall be 4 pheasants, 1 of which may be a hen.

Chukar partridge—7 birds.

Quail—10 birds in the aggregate of all quail.

(d) Methods of hunting:

1. Weapons—Shotguns only may be used for hunting of upland game birds.

2. Dogs—Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(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. A Federal permit is not required to enter the public hunting area but hunters will be required to report at such checking stations as may be established when entering or leaving the area.

3. The provisions of this special regulation are effective to December 11, 1961.

PAUL T. QUICK,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-9359; Filed, Sept. 28, 1961; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

### [ 36 CFR Part 1 ]

### DOGS AND CATS

### Proposed Prohibition to Enter Eating Establishments and Grocery Stores in National Parks and Monuments

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Title 36 CFR 1.13 as set forth below. The purpose of the amendment is to authorize superintendents to prohibit dogs, cats, and other pets from being taken into eating establishments and grocery stores in national parks and monuments. This amendment is in accord with public health and sanitation measures and one which is enforced universally.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

SEPTEMBER 22, 1961.

A new subparagraph (1) is added to paragraph (a) of § 1.13 to read as follows:

**§ 1.13 Dogs and cats.**

(a) * * *

(1) Under no conditions are dogs, cats, or other pets permitted in eating establishments or grocery stores in the national parks or monuments.

[F.R. Doc. 61-9347; Filed, Sept. 28, 1961; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### [ 9 CFR Part 74 ]

### SCABIES IN SHEEP

### Proposed Addition of State of New Jersey to List of Eradication Areas

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 123, 125), it is proposed to amend § 74.3(a)(1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of New Jersey to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of New Jersey is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of September 1961.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 61-9370; Filed, Sept. 28, 1961; 8:49 a.m.]

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### Agricultural Stabilization and Conservation Service

### [ 7 CFR Part 994 ]

[Docket No. AO 300-A3]

### MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and 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 a public hearing to be held at the Acacia Hotel, 104 Platte Avenue, Colorado Springs, Colorado, beginning at 10:00 a.m., local time, on October 5, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Beatrice Foods, the Borden Company, Carnation Company, Scotland Pride and Sinton Dairy:

*Proposal No. 1.* Amend § 994.14 to read as follows:

**§ 994.14 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

*Proposal No. 2.* Amend § 994.41 to read as follows:

**§ 994.41 Classes of utilization.**

Subject to the conditions set forth in §§ 994.42 through 994.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraph (b), (2), (3), and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 994.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 994.9(d) (as amended), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 994.9(d) (as amended), unless the exception provided in § 994.41(b)(7)(ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

*Proposal No. 3.* Amend § 994.42 to read as follows:

**§ 994.42 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Milk from producers and fluid milk products in bulk tanks from other handlers; and

(2) Other source milk in the form of a fluid milk product in the ratio that 50 times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 994.41(b)(7) bears to that in such other source milk.

*Proposal No. 4.* Add the following paragraph in § 994.46 *Allocation of skim milk and butterfat classified:*

In the form of a fluid milk product in consumer type packages which are classified and priced as Class I milk under the Eastern Colorado order if such fluid milk products are not processed and packaged in the pool plant during the month.

*Proposal No. 5.* Delete the Borden Company, Mt. Pleasant, Michigan, from the list of plants in § 994.50(a).

*Proposal No. 6.* Amend § 994.51 to read as follows:

**§ 994.51 Class prices.**

Subject to provisions of §§ 994.52 (as amended) and 994.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.10, and

(b) *Class II milk.* During the months of March through July, the price specified in § 994.50(b), and during all other months such price plus 10 cents: *Provided,* That such price shall not be higher than the basic formula price for the month.

*Proposal No. 7.* Amend § 994.53(a) to read as follows:

(a) *Class I milk.* Multiply the butter price specified in § 994.50(b)(1) for the preceding month by 1.30 and divide the result by 10.

Proposed by Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

*Proposal No. 8.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 121 East Boulder, Colorado Springs, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on September 25, 1961.

H. L. FOREST,
*Director, Milk Marketing Orders Division, Agriculture Stabilization and Conservation Service.*

[F.R. Doc. 61-9351; Filed, Sept. 28, 1961; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

## [ 10 CFR Part 150 ]

## EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

### Notice of Proposed Rulemaking

*Statement of considerations.* Public Law 86-373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperation With States." One principal purpose of that legislation was to clarify the responsibilities of the Federal Government, on the one hand, and State and local governments, on the other, with respect to the regulation of byproduct, source, and special nuclear materials, as defined in the Atomic Energy Act, in order to protect the public health and safety from radiation hazards.

To implement this purpose, the Commission was authorized to enter into an agreement with the Governor of any State to provide for a discontinuance by the Commission and a corresponding assumption by the State of regulatory authority and responsibility with respect to certain activities involving byproduct material, source material, and special nuclear material in quantities less than a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

1. The construction and operation of any production or utilization facility;

2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;

3. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

In addition to the foregoing the Commission, notwithstanding an agreement is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device or commodity shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

This regulation defines ocean or sea for purposes of section 274 of the Atomic Energy Act. In connection with sea or ocean disposal, the Commission will regulate the design and specification of containers, the selection of disposal sites, and the kinds, quantity and concentration of radioactive waste material permitted to be disposed of at sea.

The Commission has not taken a position as to whether it should retain, or relinquish to the States, its authority to regulate the commercial disposal by burial of atomic wastes or its authority to license the distribution by producers of products containing atomic energy materials. The Commission invites public comment on these questions.

If the Commission decides to retain licensing and regulatory authority over the disposal of atomic waste by burial, it may adopt a rule similar to paragraph (d) of § 150.8 below. Such a decision, and rule, would not preclude the State from licensing persons within the State to collect, package and provide temporary storage of atomic wastes and to transport such wastes (subject to applicable regulations of Federal agencies having jurisdiction over the means of transportation) for land burial. A license would still have to be obtained from the Atomic Energy Commission for the operation of the land burial site; and the Federal license would prescribe the container specifications, burial sites, precautions to detect and protect against undue migration of buried wastes, and types of wastes acceptable for such burial. It should be noted that paragraph (d) of § 150.8 would apply only to commercial land burial activities.

If the Commission, after public comment, decides to retain licensing authority over product transfers by producers, it may adopt a rule similar to paragraph (e) of § 150.8. Such a decision and rule would only apply to the transfer of the product or device by the manufacturer, processor or producer and would not preclude the State from regulating radiation hazards which might arise during manufacture, transportation or use of such products and devices.

If, on the other hand, the Commission decides to relinquish licensing authority in either or both of these areas, it will not adopt the pertinent paragraph (d) or (e) of § 150.8.

In determining whether to retain or relinquish licensing and regulatory authority over commercial burial of atomic wastes, the Commission must consider, among other things: (1) Whether research and development programs of the Commission have progressed sufficiently to permit the establishment of satisfactory criteria for the selection and operation of land burial sites outside Federal jurisdiction; (2) whether the requirements for long-term maintenance of burial grounds can best be accomplished by the Federal Government or the States; and (3) whether waste handling

and disposal have such interstate aspects that regulatory control should be continued by the Commission.

In determining whether to retain or relinquish licensing and regulatory authority over the distribution by the producer of products containing atomic energy materials, the Commission must consider, among other things: (1) Whether continued control is needed to achieve reasonable uniformity of safety design and labelling requirements for such products, many of which are widely distributed; and (2) whether continued Federal control over such products is needed to assure that appropriate limits are maintained on the total quantity of atomic energy materials entering into our general environment.

The Commission particularly invites public comment on the alternatives available to it with respect to these two areas of regulatory authority.

The exemptions herein granted are applicable to the activities of source, byproduct and special nuclear material licensees of agreement States only within the confines of the licensing agreement States.

Notice is hereby given that adoption of the following additions to Title 10 Code of Federal Regulations is contemplated. All interested persons desiring to submit written comments and suggestion for consideration in connection with adoption of these regulations should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after initial publication of this notice in the FEDERAL REGISTER.

In reviewing this proposed regulation, interested persons should also consider the proposed agreement between the Commission and the Commonwealth of Kentucky published elsewhere in this issue of the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
150.1 Purpose.
150.2 Scope.
150.3 Definitions.
150.4 Communications.
150.5 Interpretations.

EXEMPTIONS IN AGREEMENT STATES

150.6 Persons exempt.
150.7 Critical mass.

CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

150.8 Activities not exempted.

ENFORCEMENT

150.9 Violations.

AUTHORITY: §§ 150.1 to 150.9 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

### § 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirement contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source material or special nuclear material in less than a critical mass; and define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

### § 150.2 Scope.

The regulations in this part apply in the States listed in this section on and after the indicated effective dates.

| State: | *Effective date* |
|---|---|
| Kentucky | Dec. 1, 1961 |

### § 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto.

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under Section 274 of the Atomic Energy Act of 1954, as amended.

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(d) The term "Commission" means the Atomic Energy Commission.

(e) "Source material" means source material as defined in the Commission's regulations contained in other parts of this chapter.

(f) "Special nuclear material" means special nuclear material as defined in the Commission's regulations contained in other parts of this chapter.

(g) "Production facility" means production facility as defined in the Commission's regulations contained in other parts of this chapter.

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Federal Government Agencies.

(i) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

(j) "Utilization facility" means utilization facility as defined in the Commission's regulations as contained in other parts of this chapter.

### § 150.4 Communications.

All communications concerning the regulations of this part or any Commission license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's Office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

### § 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

### § 150.6 Persons exempt.

(a) Any person in an agreement State who receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees.

(b) The activities described in § 150.8 are not within the exemptions in paragraph (a) of this section.

### § 150.7 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U–235 in quantities not exceeding 350 grams of contained U–235; uranium–233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and is within the formula, as follows:

$$\frac{175 \text{ (grams contained U–235)}}{350} + \frac{50 \text{ (grams U–233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(b) To determine whether the special nuclear material is in quantities not sufficient to form a critical mass, a person shall include in the formula given in paragraph (a) of this section the total special nuclear material to be received, possessed or used in an agreement State.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

### § 150.8 Activities not exempted.

The exemptions provided in § 150.6 do not apply to:

(a) The construction and operation of production and utilization facilities;

(b) The export from or import into the United States of byproduct, source or special nuclear material, or of any production or utilization facility;

(c) The disposal into the ocean or sea of byproduct, source or special nuclear waste material. Ocean or sea means any part of the territorial waters of the United States and any part of international waters;

(d) The burial by any person of byproduct, source, or special nuclear waste received by such person from any other person for disposal.[1]

(e) Notwithstanding any exemptions provided in this part no person who is the manufacturer, processor or producer of any equipment, device, commodity or product listed below which contains source, byproduct, or special nuclear material shall transfer possession or control of such products except pursuant to a license or an exemption from licensing under regulations of the Commission contained in other parts of this chapter.[1]

(1) Sealed sources and holder or containers for sealed sources (e.g., radiographic exposure devices, teletherapy units).

(2) Any device, equipment, or product designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition or for producing an ionized atmosphere.

(3) Any device, equipment or product containing byproduct, source or special nuclear material as a luminous paint or compound.

(4) Products into which byproduct, source or special nuclear material have been introduced for tracing or other purposes.

(5) Glazed ceramic tableware containing source material.

(6) Glassware containing source material including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction.

(7) Any finished product or part fabricated of or containing tungsten or magnesium thorium alloy.

(8) Aircraft counterweights containing uranium.

(9) Gas mantles, vacuum tubes and welding rods.

(10) Any other device, equipment, commodity or product, not including containers used solely for storage, containing source, byproduct or special nuclear material.

ENFORCEMENT

§ 150.9 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., September 25, 1961.

For the Atomic Energy Commission.

[SEAL] WOODFORD B. MCCOOL, *Secretary.*

[F.R. Doc. 61-9371; Filed, Sept. 28, 1961; 8:49 a.m.]

[1] The Commission has not taken any position as to whether paragraphs (d) and (e) should be adopted pending public comment thereon. (See Statement of Considerations for discussion of policy questions involved.) The Commonwealth of Kentucky has submitted for Commission approval a program which would allow it to regulate the commercial land burial of atomic energy wastes and to license the transfer of devices and products by manufacturers. A summary of the Kentucky program is published elsewhere in the FEDERAL REGISTER.

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 20 ]

[Reg. Docket No. 903; Draft Release No. 61-19]

## PILOT CERTIFICATES

### Proposed Addition of Rotorcraft Class Ratings

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 20 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, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 30, 1961, will be considered by the Administrator before taking action on the proposed rules. The proposal 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.

Section 20.120 provides for the classification of aircraft ratings issued to private and commercial pilots. At present all aircraft using rotating airfoils as a source of lift are grouped under the category "rotorcraft," with no further breakdown into classes of rotorcraft. The majority of such aircraft are helicopters; however, there are some gyroplanes, and indications are that there will be many others in the near future.

A gyroplane, including the autogiro, is a class of rotorcraft, the rotors of which are caused to rotate by the action of the air when the rotorcraft is in motion, with the propulsion system independent of the rotor system except for initial starting. The helicopter, on the other hand, is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, on substantially vertical axes.

The flight characteristics of helicopters and gyroplanes are substantially different. In actual practice, under the present Federal Aviation Agency policies set forth in Civil Aeronautics Manual 20, an applicant for a rotorcraft rating is required to accomplish the airplane flight maneuvers if he is examined in a gyroplane, and the helicopter maneuvers if he is examined in a helicopter. Therefore, an applicant who obtains a rotorcraft rating in a gyroplane will not have demonstrated ability to handle a helicopter, with its distinctive takeoff, flying, maneuvering, and hovering characteristics; and an applicant who obtains a rotorcraft rating in a helicopter will not have demonstrated ability to handle a gyroplane.

The suggested need for rotorcraft class ratings was discussed in the Air-Share meetings of the FAA held recently, and met with generally favorable response among the relatively few rotorcraft pilots who attended. However, some dissent was expressed. The principal objection was that if a person obtains a rotorcraft category rating in one class of rotorcraft, he should be able to qualify in the other by logging a satisfactory flight check given by a flight instructor.

The question of transitional qualifications for other kinds of aircraft was a consistent topic at the Air-Share meetings, and will result in a study of the question as a whole. Furthermore, the advanced state of aircraft design requires consideration of the entire section on aircraft ratings. Under consideration are a "gyrodyne" rating for rotorcraft, type ratings for essentially unconventional aircraft not fitting into existing classifications, multiengine ratings in tandem-powered airplanes, and classifications of rotorcraft with multiple-lifting rotors. However, this amendment to § 20.120 is being published as a notice of proposed rule making at this time to provide for the expected large increase in the use of gyroplanes in the near future.

The distinctive differences in flight characteristics between helicopters and gyroplanes are at least as great, if not greater, than the distinctive differences between classes of airplanes. Therefore, an amendment to provide for separate pilot qualification and rating on each class of rotorcraft flown is necessary in the interest of safety, and would be consistent with the present practice of determining airplane class qualifications.

Adoption of this amendment would also require amendment to § 20.5 to include definitions of "helicopter" and "gyroplane." The definitions proposed are the same as presently contained in Parts 6 and 7 of the Civil Air Regulations. In addition, the present definition of "rotorcraft" would be changed to read the same as the definition of "rotorcraft" in Parts 6 and 7. The present definition of "class (of aircraft)" would be changed to "class of airplane" and a new definition "class of rotorcraft" added.

It is believed a 6-month grace period should be ample for the continued validity of present rotorcraft category ratings. Provision is made to permit exchange of the superseded rotorcraft category rating for the new category and class ratings at any time after the effective date of this proposed amend-

ment. The class of rotorcraft in which the certificate holder qualified initially will determine the class rating received. Where a certificate holder who qualified initially in a helicopter has had at least 10 hours as pilot in command of a gyroplane within the 12 months immediately preceding the effective date of the amendment, the gyroplane class rating may be added to the certificate.

It is necessary to make provision for the exchange of certificates issued prior to September 1, 1957, bearing helicopter or autogiro category ratings. Such exchange is necessary in order to establish a uniform system of aircraft rating classification. Upon presentation of their certificates for exchange, those persons who hold autogiro or helicopter category ratings will be issued rotorcraft category ratings with a helicopter or gyroplane class rating corresponding to the category rating held at the time of the exchange. No showing of recent experience or flight test is required for this exchange. Where the holder of a helicopter category rating has had at least 10 hours as pilot in command of a gyroplane within the 12 months immediately preceding the effective date of the amendment, the gyroplane class rating may be added to the certificate.

Possession of a current medical certificate is not necessary for the purpose of the exchange provisions of this amendment. Therefore, to clarify any ambiguity which may arise from the use of the words "valid pilot certificate," the proposed amendment expressly states that a current medical certificate is not required to exchange a certificate.

In consideration of the foregoing, it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

1. By amending § 20.5 by adding in proper alphabetical order new definitions to read as follows:

**§ 20.5 Definitions.**

* * * * *

*Class of rotorcraft.* A class of rotorcraft is a classification of such aircraft differentiating between gyroplanes and helicopters.

* * * * *

*Gyroplane.* A gyroplane is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power-driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

*Helicopter.* A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

2. By amending § 20.5 by changing the word "aircraft" to "airplane" in the title of the definition "Class (of aircraft)" and by revising the definition to read as follows:

*Class of airplane.* A class of airplane is a classification of such aircraft differentiating between single-engine and multiengine and land and water configurations.

3. By amending § 20.5 by revising the definition "Rotorcraft" to read as follows:

*Rotorcraft.* A rotorcraft is any aircraft deriving its principal lift from one or more rotors.

4. By amending § 20.120 by redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) so that § 20.120 reads as follows:

**§ 20.120 Aircraft ratings.**

Aircraft ratings issued to private and commercial pilots shall be classified as follows:

(a) *Category ratings.* (1) Airplane; (2) Rotorcraft; (3) Glider.

(b) *Airplane class ratings.* (1) Single-engine land; (2) Multiengine land; (3) Single-engine sea; (4) Multiengine sea.

(c) *Rotorcraft class ratings.* (1) Gyroplane; (2) Helicopter.

(d) *Type ratings.* Each type of aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.

5. By adding a new § 20.122 to read as follows:

**§ 20.122 Validity and exchange of rotorcraft, helicopter, or autogiro ratings issued prior to (effective date of this section).**

(a) The holder of a valid pilot certificate bearing a rotorcraft category rating issued prior to (the effective date of this section) may exercise the privileges of such rating until (6 months after the effective date of this section). At any time after (the effective date of this section) such person may, without a further showing of competence, exchange his rotorcraft category rating for a rotorcraft category rating with a class rating determined by the class of rotorcraft in which he originally qualified for the issuance of the rotorcraft rating, whether by flight test or on the basis of military competence. A certificate holder who qualified initially in a helicopter may obtain a gyroplane class rating without a further showing of competence if he has had at least 10 hours as pilot in command of a gyroplane within the 12 months preceding (the effective date of this section).

(b) The holder of a valid pilot certificate bearing a helicopter or autogiro category rating issued prior to September 1, 1957, may exercise the privileges of such rating or ratings until (6 months after the effective date of this section). Such person may, without a further showing of competence, exchange his helicopter category rating for a rotorcraft category rating with helicopter class rating, and his autogiro category rating for a rotorcraft category rating with gyroplane class rating, at any time after (the effective date of this section) by presenting his certificate for exchange. The holder of a helicopter category rating may obtain a gyroplane class rating without a further showing of competence if he has had at least 10 hours as pilot in command of a gyroplane within the 12 months preceding (the effective date of this section).

(c) Exchange of pilot certificates in accordance with paragraphs (a) and (b) of this section will not require the holder of the certificate to possess a current medical certificate at the time of the exchange.

These amendments are proposed under the authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958, (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on September 21, 1961.

G. S. MOORE,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 61-9360; Filed, Sept. 28, 1961; 8:48 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 900]

## AIRWORTHINESS DIRECTIVES

### Lockheed

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring repetitive inspections for cracks in the horizontal stabilizer rear spar-to-fuselage attachment on Lockheed 49 and 1049 Series aircraft. Investigation of several cases of cracking has shown this to be a fatigue type failure that is likely to occur in other aircraft of the same type design.

Interested persons may participate in the making of the proposed rule 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 C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 31, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in 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. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354 (a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 049, 149, 649, 749, and 1049 Series aircraft having 25,000 or more hours' time in service. Compliance required as indicated.

As a result of reports of numerous cases of cracking in the horizontal stabilizer rear

spar-to-fuselage attachment, the following inspections must be accomplished within the next 400 hours' time in service after effective date of this AD, unless already accomplished within the last 4,300 hours' time in service, and at intervals of 4,700 hours' time in service.

Inspect the rear spar web (P/N 271488-4) for cracks in the 0.38 inch radius adjacent to the stabilizer-to-fuselage fitting on both the left and right sides of the airplane. If cracks are found, they must be repaired prior to further flight in accordance with Lockheed Service Letter FS/250615L, or FAA approved equivalent.

The above inspection may be discontinued upon incorporation of the repair or reinforcement provisions of the Lockheed Service Letter, or FAA approved equivalent.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Western Region, may adjust the repetitive inspection intervals specified in this airworthiness directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C. on September 22, 1961.

GEORGE C. PRILL,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 61-9333; Filed, Sept. 28, 1961; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

[ 46 CFR Ch. IV ]

## ANNUAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFF-SHORE TRADES

### Notice of Proposed Rule Making

In compliance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) notice is hereby given that the Federal Maritime Commission proposes to issue pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820) the following regulations requiring all persons engaged in the operation of vessels in the common carriage of persons or property in the domestic off-shore trades (except persons engaged in intrastate operations in Alaska and Hawaii) to file annual reports with the Commission.

Interested persons may participate in the proposed rule making by submitting written statements, data, views, or arguments pertaining thereto, in triplicate, to the Acting Secretary, Federal Maritime Commission, Washington 25, D.C. All relevant matter and communications received within sixty (60) days after publication of this notice in the FEDERAL REGISTER will be considered by the Commission before a final rule is adopted.

Dated: September 25, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
*Acting Secretary.*

*Proposed regulation.* All persons engaged in the operation of vessels in the common carriage of persons or property in the domestic off-shore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the joint report presently referred to as the Maritime Administration Form MA-172 and the Interstate Commerce Commission Form M for the year 1961 and each year [1] thereafter.

It is proposed that the report form under reference be expanded to include statements [2] and schedules [3] described as follows:

Page ii, add, after paragraph 15(7), the following paragraph (8):

(8) Each domestic off-shore service without showing any differentiation as to the kind of vessels used in the service(s) and without regard to whether or not they were subsidized or unsubsidized vessels. Domestic off-shore services include services between the contiguous United States and the States of Alaska and Hawaii; and between the United States and its Territories and island possessions and between or within those Territories and possessions. The vessel operating revenue shall be the actual amount pertaining to the domestic off-shore service. Vessel operating expense will likewise be the actual amount when the expense is applicable directly to the service. However, those vessel expenses common to both domestic off-shore services and other services shall be allocated to such domestic off-shore services on the basis of the relation that the vessel revenue from the domestic off-shore operations bears to the gross revenue from the entire voyage.

Each domestic off-shore vessel operating statement shall be supported by two schedules described as follows and attached hereto: [4]

(1) A schedule showing the amount of overhead expenses (Accounts 900 to 955) applicable to domestic off-shore operations based on the relation that the "Vessel Operating and Maintenance Expenses" incurred in domestic off-shore vessel operations (including a ratable proportion of such expenses on voyages in progress at the beginning and ending of each accounting period), bears to the total of such expenses incurred in all vessel operations. The term "Vessel Operating and Maintenance Expenses," as used herein, means those expenses proper for inclusion in Account 700—Operating Expense—Terminated Voyages, excepting Account 760—Charter Hire, in Account 800—Inactive Vessels Expenses, excepting Account 826—Charter Hire, as defined in the Uniform System of Accounts for Operating-Differential Subsidy Contractors (General Order 22, Revised). The ratable proportion of such expenses on voyages in progress, previously referred to, means that proportion of such expenses on each such voyage represented by the relation that the number of days of each falling within the accounting period involved bears to the total days in each such voyage. The expenses on which such calculation shall be based shall be those charged to income of the year involved with respect to voyages in progress at the commencement of such year and those charged to income of the succeeding year with respect to voyages in progress at the end of the year involved. ("Vessel Operating and Maintenance Expenses" used for this purpose shall be those incurred during the period currently being reported.)

(2) A schedule showing the amount of depreciation on the vessels engaged in domestic off-shore operations based on the daily rate of depreciation applicable to the vessels while engaged in this service. However when the vessel was engaged in domestic off-shore service and other services such as intercoastal, coastwise, or foreign, the depreciation applicable to the period of the voyage shall be allocated between the domestic off-shore service and other services on the basis of the "Vessel Operating and Maintenance Expenses" formula, i.e., on the same basis as that prescribed for the allocation of overhead expenses on item (1) above.

The data to be furnished is for the Federal Maritime Commission's use in discharging the statutory rate regulatory responsibilities with which it has been charged by applicable provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended. It is the Commission's intention to use this data for, but not limited to, purposes as follows: For the purpose of:

1. Guidance in determining reasonableness of future rate adjustments proposed by carriers operating vessels in the domestic off-shore services;

2. Preparing annual surveys to determine consolidated results of operations in all the domestic off-shore services;

3. Providing evidence in public hearings concerning tariff matters relating to domestic off-shore services;

4. Supporting suggestions for improvements in domestic off-shore service or services;

5. Making comparisons to consider operating efficiency as between carriers in the various domestic off-shore services;

6. Developing fair and reasonable rate base criteria; and

7. Guidance in determining just and equitable rates of return on rate basis employed in the domestic off-shore services.

[F.R. Doc. 61-9301; Filed, Sept. 28, 1961; 8:45 a.m.]

[1] Commencing with the year 1962 such joint report form will have its identity expanded by including on the front cover thereof suitable additional legend to show that the form is also for the use of the Federal Maritime Commission.

[2] The Vessel Operating Statement under reference is Schedule 3002 as it presently exists in Form MA-172. This regulation neither requires nor provides for any revision or alteration of any kind to this schedule.

[3] These schedules are to be prepared in support of the Vessel Operating Statement(s) (Schedule 3002). Extra copies of these schedules, as well as Schedule 3002, are available and may be obtained upon application to the Secretary, Federal Maritime Commission.

[4] Filed as part of original document.

# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Proposed Restriction of Borrowing Power of a Licensee and Officers and Directors Thereof

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.716 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of fifteen days of the date of this notice in the FEDERAL REGISTER.

*Information.* The amendment under consideration restricts the borrowing power of a Licensee and the officers and directors thereof. The amendment was inadvertently omitted from the revision of Part 107 and formerly existed as § 107.306–1(c).

It is proposed to amend the Small Business Investment Company Regulations as follows:

1. Adding at the end of § 107.716 a new § 107.716(c) which reads as follows:

**§ 107.716 Self-dealing limitation.**

* * * * *

(c) Without prior approval of SBA, no Licensee, nor any officer or director thereof, shall borrow money from a small business concern, or from any officer, director or owner thereof, which has sold Equity Securities as defined in § 107.501 to or has borrowed money from said Licensee.

Dated: September 27, 1961.

JOHN E. HORNE,
*Administrator.*

[F.R. Doc. 61–9348; Filed, Sept. 28, 1961; 8:46 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

[Docket No. 50-97]

### CORNELL UNIVERSITY

### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to April 15, 1962, the latest completion date specified in Construction Permit No. CPRR-31 for the construction of the 10-watt pool-type nuclear reactor to be located on Cornell University's campus in Ithaca, New York.

Copies of the Commission's order and of the application by Cornell University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of September 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
*Acting Director, Division of Licensing and Regulation.*

[F.R. Doc. 61-9329; Filed, Sept. 28, 1961; 8:45 a.m.]

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### KENTUCKY

### Proposed Agreement for Discontinuance of Certain Regulatory Authority and Responsibility

Notice is hereby given that the U.S. Atomic Energy Commission proposes to enter into the following agreement [1] with the Commonwealth of Kentucky pursuant to section 274 of the Atomic Energy Act, as amended. A summary of the Kentucky program, as contained in paragraphs I.A.–G. of the program submitted to the Commission by the Commonwealth of Kentucky, is set forth below as Appendix A to this notice. A copy of the complete text of the Kentucky program, including proposed Kentucky regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for consideration in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after initial publication in the FEDERAL REGISTER.

In reviewing this proposed agreement interested persons should also consider proposed Part 150 to the Commission's regulations published elsewhere in this issue of the FEDERAL REGISTER.

*Proposed Agreement Between the United States Atomic Energy Commission and the Commonwealth of Kentucky for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the Commonwealth Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended*

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission), is authorized under section 274 of the Atomic Energy Act of 1954, to discontinue within the States its regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and;

Whereas, The Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and;

Whereas, the Governor of the Commonwealth certifies to the existence of a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this agreement, and;

Whereas, the Commission has found that the program of the Commonwealth for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety;

Whereas, this agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended.

Now, therefore, it is hereby agreed between the Commission and the Commonwealth as follows:

*Article I.* With respect to activity in the Commonwealth, the Commission, subject to exceptions provided in Article II of this agreement, agrees to discontinue its regulatory authority with respect to the following materials:

(a) Byproduct materials;

(b) Source materials; and

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

*Article II.* This agreement does not apply to the following activities:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The authority of the Commission to require, by rule, regulation, or order, that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession, or control of such product except pursuant to a license issued by the Commission.

*Article III.* This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

*Article IV.* This agreement shall become effective on December 1, 1961.

Dated at Germantown, Md., September 25, 1961.

For the Atomic Energy Commission.

[SEAL] WOODFORD B. MCCOOL,
*Secretary.*

APPENDIX A

*I. Policies and Procedures of the Commonwealth of Kentucky for the Regulation and Licensing of Byproduct, Source, and Special Nuclear Materials in Less Than a Critical Mass* [2]

A. *Introduction.* The purpose of this narrative is to summarize the Commonwealth of Kentucky's program for the control of radiation hazards with respect to byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass. This program has been submitted to the United States Atomic Energy Commission by the Commonwealth in order to enable the Commonwealth to assume and the Commission discontinue certain of the Commission's regulatory authority over byproduct, source, and special nuclear materials in less than a critical mass pursuant to Public Law 86-373 (sec. 274 of the Atomic Energy Act of 1954, 68 Stat. 919).

Pursuant to an agreement to be executed by the Governor and the Commission, the Nuclear Energy Act of Kentucky (KRS 152), certain executive orders, and regulations proposed to be adopted, the Department of Health, Division of Radiological Health will be responsible for regulating the possession and use of byproduct, source, and special nuclear materials in less than a critical mass to protect the health and safety of the public, including employees, against the hazards of radiation. These documents provide for a comprehensive system of regulatory control over byproduct, source, and special nuclear materials in less than a critical mass. In the absence of exceptions granted by the Division of Radiological Health, hereinafter referred to as the "Agency" the regulations prohibit the possession or use of these materials without a license from the Agency. The regulations also require licensees to observe such regulations and orders applicable

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[1] This proposed agreement was published initially on Aug. 24, 1961, 26 F.R. 7889. In order to facilitate public comment on the proposed agreement, it is hereby published in amended form to include a summary of the Kentucky program for control of byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

[2] This summary of the Kentucky program is contained in paragraphs I.A.–G. of the program submitted to the Commission by the Commonwealth of Kentucky. A copy of the complete text of the program, including proposed Kentucky regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, U.S. Atomic Energy Commission, Washington 25, D.C.

to their licensed activities as may be issued by the Agency.

The first category of material for which the Nuclear Energy Act, hereinafter referred to as the Act, the executive orders, and the regulations establish licensing control is byproduct material.

The second category of material for which licensing control is established is source material. Except for quantities of source material, which in the opinion of the Agency are unimportant, a license is required before any person may transfer or use source material after removal from its place of deposit in nature.

A license is required for the possession and use of special nuclear materials in quantities less than a critical mass. Recognition of the fact that title to all special nuclear material is vested by the Atomic Energy Act of 1954 in the USAEC is given cognizance.

The Agency may issue general licenses for source, special nuclear and byproduct materials in situations where more individualized control by specific licenses is not necessary. General licenses are effective without the filing of applications with the Agency or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to Agency regulations. The Agency is also authorized to exempt from the licensing requirements quantities and classes of source and byproduct materials which are insignificant from a health and safety standpoint.

B. *The Agency's program for regulating radioactive materials.* The Agency's regulations designed to protect the health and safety of the public are:

RH–1 Scope of radiological health regulations.
RH–2 Definitions of terms.
RH–3 Rules of practice.
RH–4 Permissible dose, levels, concentrations and precautionary procedures.
RH–5 Waste disposal.
RH–6 Records, reports, and notifications.
RH–7 Exemptions or additional requirements.
RH–8 Licensing of byproduct material.
RH–9 Radiation safety requirements for radiographic operations.
RH–10 Licensing of source material.
RH–11 Licensing of special nuclear materials.
RH–12 Transportation of radioactive material.

Basically, the regulations require that—

(a) Each licensee or his staff must be qualified by training and experience to possess and use the material safely for the purpose for which it is licensed.

(b) Equipment and facilities of each licensee must be appropriate to protect health and minimize danger to life and property.

(c) The location of the proposed activity must be suitable for the purpose.

(d) The material may be used only for a purpose authorized in the license.

(e) The material may not be transferred except to persons authorized to receive it.

The general health and safety regulations (RH–4, RH–5, RH–6, and RH–7) apply to all persons who possess byproduct, source, or special nuclear materials in less than a critical mass under a general or specific license from the Agency. They establish maximum permissible concentrations of radioactive material in the air to which a licensee may expose employees. They also establish standards applicable to the amount of radiation and the concentrations of radioactive materials which a licensee may create or release in the environment. These standards are based upon recommendations of recognized technical authorities, including the National Committee on Radiation Protection, and reflect the USAEC's experience in its operations. Other provisions prescribe requirements for personnel monitoring, protective equipment, caution signs, labels and signals, waste disposal, storage of licensed material, and records and reports. The Agency's regulatory program is designed to assure safety to licensees and their employees, and to the public, and also to avoid unnecessary restrictions.

When necessary, the Agency will include in a particular license specific requirements covering those matters not expressly defined in the applicable regulations. If, after a license is issued, the Agency finds that some aspect of the licensee's activity has not been appropriately covered by the regulations or by the conditions in the license, the Agency will issue an order to the licensee imposing additional requirements upon him.

The Agency will keep interested members of the public and public authorities informed as to its regulatory program. As provided in KRS 13, the public is given an opportunity to participate in the issuance and amendment of the Agency's regulations. In the interest of health and safety, new regulations and amendments could be made effective immediately under the Governor's emergency powers in accordance with KRS 152.130. Normally, however, new regulations and amendments will not be made effective until the public is afforded an opportunity for comment.

Interested persons will be permitted to intervene in licensing proceedings before the Agency and may request a hearing and the Agency and the Coordinator of Atomic Activities will make available for public inspection, copies of licenses and related documents.

Licensing procedures will involve the evaluation of a variety of radiation hazards and determination of the adequacy of radiation controls proposed by applicants for licenses. Required controls will of course vary greatly with the type of material and its proposed use. A principal purpose of the licensing requirement is to enable the Agency to determine that the applicant will be able to comply with the Agency's radiation safety regulations and other regulatory requirements. The information required of the applicant is designed to provide the Agency with sufficient knowledge of the proposed program to make this determination.

In connection with license applications a pre-licensing visit will be made to the applicant's premises when it is necessary to make an on-the-spot evaluation of his facilities, equipment, and radiation safety program to discuss licensing procedures.

A license will be issued if the facilities and equipment, training and experience, and operating procedures of the applicant appear adequate from the radiation protection standpoint for the types, levels of activity, and proposed uses of the radioactive materials.

If pre-evaluation establishes that the design of certain devices containing radioactive material provides a high degree of built-in safety and makes it safe for use by persons not trained in radiation protection, the devices will be made available under general rather than specific license, no further pre-evaluation or notification to the Agency will be necessary, on the part of the possessor and user of the device, but he will be responsible for compliance with specified portions of the regulations, and is subject to sanctions in the event of misuse.

General licenses will exist with respect to limited quantities of the various source and byproduct materials with certain restrictions as to use. Larger quantities will require specific licenses.

Presently there are no outright exemptions under RH–8 (byproduct material). Under RH–10 (source material) there are exemptions for products such as: incandescent mantles, ceramic items, refractories, glass products, photographic film negatives and prints, vacuum tubes, thoriated tungsten containing not more than 3 percent thorium, and rare earth metals and compounds containing not more than 0.25 percent source material. There are also exemptions for certain small quantities of materials, and general licenses for other small quantities of materials for specified uses.

C. *Waste disposal.* Under the regulations there are four ways by which licensees may dispose of wastes: (1) By burial of small quantities in land, (2) by limited disposal in the sanitary sewer system, (3) by release of effluents in specified low concentrations, or (4) by transfer of the material to another licensee for subsequent disposal. The Agency's regulations provide for consideration of methods such as incineration and for consideration of the disposal of higher levels of wastes on an individual basis. These alternative methods and levels are permitted only upon approval of the Agency of specific applications. Such applications must provide information from which the Agency can make an analysis to determine that the disposal can be done safely. The levels of activity specified in the regulations are so low as to be considered safe under projected conditions of disposal.

Specific approval of the Agency is required before a licensee may dispose of radioactive materials by incineration.

A pre-licensing visit may be made to the applicant prior to issuing a license for the disposal of wastes. During this visit a careful review will be made with the applicant of the proposed program to determine that it can be conducted in accordance with the regulations and any special terms or conditions as may be added to the license.

D. Inspection. Based upon the existing number and kind of byproduct, source, and special nuclear material licenses, a priority system has been established under which inspection of the most hazardous activities will be conducted once each 12 months, and the remainder on less frequent basis depending on the relative hazard.

Most inspections will be scheduled visits. A significant number may be on an unannounced basis.

Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, and personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. The inspector will review the licensee's records of receipts and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent.

This type of review should provide data sufficient to determine whether or not the licensee is in compliance with the provisions of the license and regulations. The Agency representative may or may not make measurements of radiation levels. Most of the time he will be able to detect whether or not survey information maintained by the licensee on a continuing basis constitutes an adequate evaluation of the radiation hazards associated with the program.

Prior to leaving the licensee's premises the Agency representative will meet with management to discuss the results of his inspection. During this meeting, the Agency representative will attempt to answer questions concerning the regulatory program. The in-

spector will prepare a detailed report setting out all the facts and circumstances that he gathered or observed during the inspection. This report will be reviewed by the Agency. The report will provide the basis for appropriate administrative enforcement action.

In addition there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the Agency.

E. *Enforcement.* Reports of inspections of licensee's activities will be evaluated to determine the status of compliance of the licensees with Agency regulations. If no item of non-compliance is observed, the licensee is so informed. If only minor matters of non-compliance, such as improper signs, failure to label, etc. are involved which the licensee agrees to correct at the time of the inspection, the licensee will be informed by letter of the items of non-compliance and that corrective action will be reviewed during the next inspection. If the inspection reveals non-compliance of a more serious nature, the licensee will be required to inform the Agency, in writing, usually within 15–30 days, as to corrective action taken and the date completed. In these cases the Agency representative will either conduct a prompt follow-up inspection, or the matter will be reviewed during a regular inspection to assure that corrective action has in fact been accomplished. If the reply does not satisfactorily explain the non-compliance and assure that further violations will be prevented, the Agency may issue an order to show cause why the license should not be terminated or otherwise modified.

F. *Formal procedure in licensing and enforcement.* There are provisions for formal hearings before the Agency and review of results may be granted by the Board of Health. Hearings will be held at the request of licensees, applicants for licenses, and persons whose interests may be affected. Decisions by the Agency will usually be final unless appealed to the Board of Health or reviewed by the Board of Health on its own motion.

Agency hearings will result in the grant or denial of applications for licenses or renewals, or modifications, suspension, or revocation of licenses. In addition to these remedies, the Agency has available, under KRS 152.190, injunctive relief and criminal sanctions afforded in the Commonwealth courts.

G. *Transportation of radioactive material.* Except pursuant to certain specific exemptions, no licensee may package for transport or cause to be transported radioactive material by intrastate rail, water, air, or highway unless the Agency has first evaluated the proposed packaging or transport and has determined that the proposed packaging or transport can be accomplished without undue risk to the health and safety of the public. In evaluating an application for a license to possess byproduct, source, or special nuclear material pursuant to RH–8, RH–10, or RH–11, the Agency will ascertain if the applicant intends to package for transport or transport radioactive material. If packaging or transportation of material is involved the Agency will determine: (1) Whether the transport or packaging for transport will be repetitive or non-repetitive; (2) The quantity of material involved; (3) The proposed packaging; (4) Precautionary measures to be employed; and (5) The potential hazard to the public health and safety.

In accordance with the degree of hazard involved, the Agency will incorporate special conditions relating to packaging and transport in the license, using as criteria applicable regulations of the Interstate Commerce Commission, Civil Aeronautics Board, and Coast Guard. Violation of any of the conditions of the license regarding transport or packaging for transport will constitute grounds for the suspension, modification, amendment or revocation of the license in accordance with RH–2, "Rules of Practice". Regulations of the Department of Motor Transportation will be revised to impose upon intrastate carriers of radioactive materials requirements similar to those provided by the Interstate Commerce Commission, including, but not limited to the following: (1) The carrier must receive the material from a licensee; (2) The vehicle must be placarded; (3) No more than forty (40) units will be transported in any one vehicle; and (4) The carrier must notify the Agency in the event of an accident.

[F.R. Doc. 61–9372; Filed, Sept. 28, 1961; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

### TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, INC.

### Notice of Extension of Time To Submit Views Regarding Application for Authorization To Make Charges for Inspection of Cattle

On August 31, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8221), a notice of hearing and an opportunity, until September 27, 1961, to submit written data, views and arguments in connection with the application of the Texas and Southwestern Cattle Raisers Association, Inc., for authorization to make charges for inspection of cattle at posted stockyards in the State of Texas.

Upon timely request and for good cause shown the time within which interested persons are given to submit such data, views or arguments concerning said application is hereby extended to and including October 16, 1961.

Such written statements should be submitted in quadruplicate to the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Dated: September 27, 1961.

S. R. SMITH,
*Administrator.*

[F.R. Doc. 61–9420; Filed, Sept. 28, 1961; 8:49 a.m.]

## Agricultural Research Service

### HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

### Decision and Determination Concerning Special Inventory Dates for 1962

Pursuant to the provisions of § 131.79 of the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131) applications were filed prior to September 1, 1961 by Allied Laboratories, Division of The Dow Chemical Company and Philips Roxane, Inc., requesting a date other than April 1, for the year 1962, upon which each of such applicants shall have in inventory the reserve supply of completed anti-hog-cholera serum specified by § 131.79(a) of said order. The dates so requested by said applicants are as follows: Allied Laboratories, Division of The Dow Chemical Company, April 30, 1962; and Philips Roxane, Inc., April 30, 1962.

After consideration of all relevant and material matters submitted with said applications and all other available information and data relating to the applications, including data on file in the Department, and the factors set forth in § 131.80(d) of said order, it is hereby found that the granting of dates of April 30, 1962 with respect to the aforesaid applications will tend to effectuate the purposes of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.).

It is, therefore, determined that the inventory date upon which each of the aforesaid applicants shall have the reserve supply of completed anti-hog-cholera serum required by § 131.79(a) of said order for the year 1962 shall be as follows:

Allied Laboratories, Division of The Dow Chemical Co., Apr. 30, 1962.
Philips Roxane, Inc., Apr. 30, 1962.

Each of such applicants shall file the report specified in § 131.48(c) of said order within 30 days after the inventory date herein set for such applicant, setting forth the cubic centimeter volume of completed serum such applicant had in inventory in his own possession on the date herein specified, identifying such serum in the manner and to the extent required by § 131.48(c) of said order.

Done at Washington, D.C., this 26th day of September 1961.

M. R. CLARKSON,
*Acting Administrator.*

[F.R. Doc. 61–9369; Filed, Sept. 28, 1961; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI62–58 etc.]

### CITIES SERVICE PRODUCTION CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 22, 1961.

Cities Service Production Company (Operator), et al., Docket No. RI62–58; Amerada Petroleum Corporation, Docket No. RI62–59; Gulf Oil Corporation, Docket No. RI62–60; Cities Service Com-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

pany, Docket No. RI62–61; Kerr-McGee Oil Industries, Inc. (Operator), et al., Docket No. RI62–62.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI62–58 | Cities Service Production Co. (Operator), et al., Cities Service Building, Bartlesville, Oklahoma. | 1 | 13 | United Fuel Gas Co. (Bourg Field, Terrebonne and La Fourche Parish, La.) (Southern Louisiana). | $39,552 | 8–25–61 | 11–1–61 | 4–1–62 | [2] [3] 19.9 | [2] [3] 20.3 | [4] RI61–164 |
| RI62–59 | Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla. | 53 | 10 | Texas Eastern Transmission Corp. (Carthage Field, Gregg County, Texas) (R.R. District No. 6). | 37 | 8–31–61 | 11–1–61 | 4–1–62 | [6] [9] 15.0 | [3] [6] 15.2 | [7] RI61–99 |
| | | 81 | 8 | Texas Eastern Transmission Corp. Cherokee Lake Field, Rusk County, Tex.) (R.R. District No. 6). | 20 | 8–31–61 | 11–1–61 | 4–1–62 | [6] [9] 15.0 | [3] [6] 15.2 | [8] RI61–99 |
| RI62–60 | Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex. | 49 | 2 | Northern Natural Gas Co. (Northern Hansford Field, Hansford County, Tex.) (R.R. District No. 10). | 11,596 | 8–31–61 | 10–1–61 | 3–1–62 | [9] 15.5 | [3] 16.5 | ---------- |
| | | 123 | 2 | do. | 3,638 | 8–31–61 | 10–1–61 | 3–1–62 | [9] 15.5 | [3] 16.5 | ---------- |
| RI62–61 | Cities Service Co., Cities Service Building, Bartlesville, Okla. | 11 | 13 | Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (R.R. District No. 6). | 984 | 9–5–61 | 11–1–61 | 4–1–62 | [9] 15.0 | [3] 15.2 | [10] RI61–109 |
| RI62–62 | Kerr-McGee Oil Industries, Inc. (Operator), et al., Kerr-McGee Building, Oklahoma City 2, Okla. | 60 | 3 | United Fuel Gas Co. (Go Around Bayou Field, Cameron Parish, La.) (Southern Louisiana). | 1,842 | 9–5–61 | 11–1–61 | 4–1–62 | [5] 19.9 | [3] 20.3 | [11] RI61–191 |

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] Subject to downward Btu adjustment.
[3] Periodic increase by contract.
[4] Also subject to orders in Docket Nos. G–19635, G–16487, G–13388, G–11325, and G–9510.
[5] The pressure base is 15.025 psia.
[6] Includes 1.5 cents per Mcf for compression deducted by buyer.
[7] Also subject to orders in Docket Nos. G–19606, G–16662, and G–13401.
[8] Also subject to order in Docket No. G–19732.
[9] The pressure base is 14.65 psia.
[10] Also subject to orders in Docket Nos. G–19639, G–16654, and G–13503.
[11] Also subject to order in Docket No. G–19914.

The proposed rates exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of 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), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 7, 1961.

By the Commission.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61–9334; Filed, Sept. 28, 1961; 8:45 a.m.]

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[Docket Nos. CP60–2, CI61–1597]

## COLORADO INTERSTATE GAS CO. AND PHILLIPS PETROLEUM CO.

### Notice of Applications and Date of Hearing

SEPTEMBER 22, 1961.

Take notice that on January 4, 1960, as amended October 10, 1960, January 9, and May 12, 1961, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado, filed in Docket No. CP60–2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional compressor facilities at its existing 2,000 horsepower Borger Compressor Station, Hutchinson County, Texas, to increase the capacity of said Station by 1,000 horsepower (reduced by amendment of the original application for 3,000 additional horsepower) in order to purchase and receive an additional 20,000 Mcf of natural gas daily produced in the Panhandle Field, also in Hutchinson County, Texas (R.R. District No. 10) by J. M. Huber Corporation (Huber), all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection. The related Huber application is designated Docket No. CI61–644.

On May 3, 1961, Phillips Petroleum Company (Phillips), Bartlesville, Oklahoma, filed in Docket No. CI61–1597 an application pursuant to section 7(b) of the Act for permission and approval to abandon the sale to CIG of surplus residue gas from Phillips' Sanford Gasoline Plant, which sale was authorized by order issued September 28, 1956, in Docket No. G–2624 (Docket Nos. G–2605, et al.) for a limited term expiring, as extended by agreement between Phillips and CIG, on January 1, 1965. The original contract comtemplated the sale by Phillips to CIG only so long as Phillips would have a surplus of gas available over and above certain prior commitments, which condition has been met and the parties have agreed to the cancellation of said contract as evidenced by the filing of appropriate notice thereof.

Termination of the aforesaid service to CIG, it is stated, will permit use of existing horsepower at CIG's Sanford Compressor Station to accept delivery of gas to be purchased from Huber, resulting in a need for only 1,000 additional horsepower at the Borger Station in lieu of the 3,000 additional horsepower which was originally proposed.

The estimated cost of the 1,000 horsepower facilities now requested by CIG in Docket No. CP60–2 is $302,500, a saving of $565,000 over the original proposal for an addition of 3,000 horsepower.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 19, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
*Acting Secretary.*

[F.R. Doc. 61-9335; Filed, Sept. 28, 1961; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1432]

## CAMBRIDGE GROWTH FUND, INC.

### Notice of Filing of Application Exempting Transaction Between Affiliates and Purchase of Securities During an Underwriting

SEPTEMBER 22, 1961.

Notice is hereby given that Cambridge Growth Fund, Inc. (New York, N.Y.) ("Applicant"), a registered, open-end, diversified investment company has filed an application pursuant to sections 10(f) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 10(f) and 17(a) of the Act the proposed purchase by the Applicant of up to 1,500 shares of the common stock of the Valve Corporation of America ("VCA") which is a portion of an offering of 145,000 shares of capital stock, $0.25 par value, expected to be offered to the public at about $7.00 per share.

It is expected that Laird, Bissell & Meeds will be a memebr of the selling group as one of the underwriters of the issue in the offering to be made on a firm commitment basis. Mr. Maxwell Ohlman is an employee of Laird, Bissell & Meeds and is also a director of Applicant. The stock is expected to be purchased at the public offering price from Triangle Investors Corporation ("Triangle"), a participating selected dealer, 70 percent of whose outstanding securities are owned by Robert Weinstein, Benjamin Weinstein and Murray Aronson who are its officers and directors and who are also officers and directors of Applicant. Triangle is therefore an affiliated person of an affiliated person of a registered investment company.

Section 10(f) of the Act provides, in relevant part, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition, if and to the extent that such exemption is consistent with the protection of investors. Since one of Applicant's directors is an affiliated person of one of the underwriters offering the stock of VCA the proposed purchase of that stock during the existence of the underwriting is subject to the provisions of section 10(f) of the Act.

Section 17(a), with certain exceptions not here relevant, prohibits an affiliated person of a registered investment company or an affiliated person of such a person from selling securities or other property to such registered company. Section 17(b) of the Act provides that the Commission shall grant an exception from the provisions of section 17(a) of the Act, if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 9, 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 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] NELLYE A. THORSEN,
*Assistant Secretary.*

[F.R. Doc. 61-9367; Filed, Sept. 28, 1961; 8:48 a.m.]

[File No. 2-18931 (22-3169)]

## GENERAL AMERICAN TRANSPORTATION CORP.

### Notice of Application and Opportunity for Hearing

SEPTEMBER 25, 1961.

Notice is hereby given that General American Transportation Corporation has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of the United States Trust Company of New York (United States Trust) under indentures of the company dated July 1948 (1948 Indenture), October 1950 (1950 Indenture) and June 1, 1955 (1955 Indenture) which were not heretofore qualified under the Act, and trusteeship by United States Trust under a new Indenture dated October 1, 1961 which is proposed to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify United States Trust from acting as Trustee under the 1948, 1950 and/or the 1955 Indentures and under the Indenture to be qualified.

Section 310(b) of the Act, which is included in section 9.07 of the Indenture to be qualified, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in section 9.07 of the Indenture to be qualified) seeks to exclude the 1948, 1950 and 1955 Indentures from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the 1948, 1950 and 1955 Indentures may be excluded from the operation of section 310(b)(1) of the Act (as set forth in section 9.07 of the Indenture to be qualified) if the Company shall have sustained the burden of proving, by this application, to the Commission and after opportunity for hearing thereon that the trusteeship of United States Trust under the 1948, 1950, and 1955 Indentures and under the new Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify

First National from acting as trustee under the Indenture to be qualified.

The company alleges that:

(1) The company proposes to issue and sell $25,000,000 aggregate principal amount of its -- percent Equipment Trust Certificates due October 1, 1981 (Series 59) to be issued under an indenture dated as of October 1, 1961 (New Indenture) to be executed by the Company with the United States Trust Company of New York, as trustee;

(2) The company proposes to issue and sell the New Equipment Trust Certificates to the public. Accordingly it has filed a registration statement under the Securities Act of 1933 (File No. 2-18931) and an indenture to be qualified under the Trust Indenture Act of 1939.

(3) The company has outstanding $2,856,000 principal amount of Trust Certificates (Series 43) issued under an indenture dated May 1, 1948. Inasmuch as they were privately placed with institutional investors, the 1948 Equipment Trust Certificates were not registered under the Securities Act of 1933, and the 1948 Indenture was not qualified under the Trust Indenture Act of 1939.

(4) The company has outstanding $1,265,400 principal amount of Equipment Trust Certificates (General American Evans Co., Series A) issued under an Indenture dated October 1, 1950. Inasmuch as they were privately placed with institutional investors the 1950 Equipment Trust Certificates were not registered under the Securities Act of 1933, and the 1950 Indenture was not qualified under the Trust Indenture Act of 1939.

(5) The company has outstanding $7,755,000 principal amount of Equipment Trust Certificates (Series 54) issued under an Indenture dated June 1, 1955. Inasmuch as they were privately placed with institutional investors the 1955 Equipment Trust Certificates were not registered under the Securities Act of 1933 and the 1955 Indenture was not qualified under the Trust Indenture Act of 1939.

(6) United States Trust Company of New York is trustee under the 1948 Indenture, the 1950 Indenture, the 1955 Indenture and the New Indenture.

(7) Such differences as exist between the 1948, 1950, and 1955 Indentures and the New Indenture are minor and are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting under the Indenture to be qualified. Each of the Series of equipment trust certificates referred to in the Application, i.e., Series 43 (1948 Indenture), Series A (1950 Indenture), Series 54 (1955 Indenture), and the proposed Series 59 (New Indenture) is secured by a separate lot of identified railroad cars. In the event that the trustee should have occasion to proceed under any such indenture against the cars securing said indenture this would not affect the security or the use of any such security under any of the other indentures, so that the existence of the other indentures should in no way inhibit or discourage the trustee's actions.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 10, 1961, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than October 9, 1961 at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 61-9357; Filed, Sept. 28, 1961; 8:47 a.m.]

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[File No. 812-1434]

## SOUTHWESTERN RESEARCH AND DEVELOPMENT CO. AND PACIFIC SOUTHWEST SMALL BUSINESS INVESTMENT CO.

### Notice of and Order for Hearing on Application for Order Exempting Transaction Between Affiliates and Exemption From Certain Other Provisions

SEPTEMBER 21, 1961.

Notice is hereby given that Southwestern Research and Development Company ("Southwestern"), an Arizona Corporation and a closed-end, non-diversified investment company, registered under the Investment Company Act of 1940 ("Act") and Pacific Southwest Small Business Investment Company ("Pacific"), an Arizona Corporation, have filed a joint application for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the proposed sale by the Fourth Avenue Development Company ("Fourth Avenue") to Southwestern of a shopping center located at Yuma, Arizona ("Yuma Mesa Shopping Center"), for a total price of $1,600,000 payable by the assumption by Southwestern of a first mortgage of approximately $700,000 and a cash payment to Fourth Avenue of the balance of $900,000.

The application also requests an order pursuant to section 6(c) of the Act exempting from the provisions of sections 12(d) and 12(e) of the Act the acquisition by Southwestern from Pacific of all of the capital stock proposed to be issued by Pacific for a cash consideration of $1,000,000.

The directors and executive officers of Southwestern include Lewis W. Douglas, chairman, Sam P. Applewhite, Jr., president and director and Sam P. Applewhite III, director. Southwestern, which was incorporated on May 17, 1961, has not engaged in the business of investing or holding securities or in any other business at any time prior to the date the instant application was filed with the Commission.

Messrs. Lewis W. Douglas, Sam P. Applewhite, Jr., Sam P. Applewhite III, and members of their immediate families own 55 percent of the outstanding capital stock of Fourth Avenue.

Pacific was organized on December 13, 1960, in anticipation of the organization of Southwestern and for the purpose of operating as a small business investment company and as a wholly-owned subsidiary of Southwestern.

Southwestern proposes to obtain the funds to effect the acquisitions mentioned above and for other corporate purposes through (a) the sale privately to not more than twenty-five (25) persons, including the above directors and executive officers, of not less than 26,000 shares nor more than 30,000 shares at $9 per share, and (b) the issuance and sale of 600,000 shares to a group of underwriters at $9 per share for reoffering to the public at a price of $10 per share. A registration statement filed by Southwestern with this Commission under the Securities Act of 1933 with respect to the proposed public offering has not yet become effective. Assuming that Southwestern obtains the full anticipated net proceeds of $5,350,000 from the public sale of its stock and $234,000 from the private sale of stock, the company's assets would total $5,584,000; and on such basis Southwestern's purchase of all of the outstanding capital stock of Pacific at a cost of $1,000,000 would represent an expenditure of approximately 18 percent of the value of the total assets of Southwestern.

As defined in section 2(a)(3) of the Act, Lewis W. Douglas, Sam P. Applewhite, Jr., and Sam P. Applewhite, III are affiliated persons of Southwestern and Fourth Avenue is an affiliated person of those affiliated persons of Southwestern. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from such registered investment company, or any company controlled by such registered company, any securities or other property, subject to certain exceptions not here pertinent. The Commission, upon application pursuant to section 17(b), shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of any registered investment company concerned, as recited in its registration statement and reports

filed under the Act, and are consistent with the general purposes of the Act. Since Fourth Avenue is an affiliated person of affiliated persons of Southwestern, the proposed sale by Fourth Avenue of the Yuma Mesa Shopping Center to Southwestern is prohibited under section 17(a) of the Act.

In addition, the provisions of section 12(d) of the Act operate to prohibit Southwestern from acquiring more than limited percentages of the voting stock of Pacific. The acquisition by Southwestern of Pacific voting stock for which an exemption is requested is greatly in excess of these limitations. Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may purchase or otherwise acquire any securities issued by any one corporation engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities provided (A) that the aggregate cost of the securities of such corporation purchased by such registered investment company does not exceed 5 per centum of the value of the total assets of such registered company at the time of any purchase or acquisition of such securities, and (B) that the securities issued by such corporation (other than short term paper and securities representing bank loans) shall consist solely of one class of common stock and shall have been originally issued or sold for investment to registered investment companies only. Section 6(c) of the Act states that the Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

The application recites that planning and land acquisitions with respect to the Yuma Mesa Shopping Center began in 1956 and leasing activities for such began in 1957. The application further recites that the actual cost of the development and construction of the shopping center (except for the remaining land which Fourth Avenue has an option to purchase for $291,500) totaled $1,291,398 as of July 31, 1961, at which date the shopping center, for all practical purposes was entirely completed. The price of $1,600,000 to be paid by Southwestern would include the purchase of this leased land.

The application further recites that the planning and organization of Southwestern have included from its inception as an integral part of its business the purchase and operation of the shopping center for the purpose of providing current income to Southwestern from the time of the commencement of its operations.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to the aforesaid sections:

*It is ordered*, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 9th day of October 1961 at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by rule 9(c) of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

*It is further ordered*, That Robert N. Hislop, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: (1) Whether the Application pursuant to section 17(b) of the Act to exempt the proposed sale to Southwestern of the Yuma Mesa Shopping Center from the provisions of section 17(a) of the Act meets the prescribed standards of section 17(b); (2) whether the joint application filed on behalf of Southwestern and Pacific pursuant to section 6(c) of the Act for exemption from the limitations of sections 12(d) and 12(e) meets the prescribed standards of section 6(c);

*It is further ordered*, That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Southwestern and Pacific on or before October 1, 1961; and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 61-9368; Filed, Sept. 28, 1961; 8:49 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Amdt. 1, Declaration of Disaster Area 355]

## AMENDMENT TO DECLARATION OF DISASTER AREA

### Missouri and Kansas

Declaration of Disaster Area 355, dated September 15, 1961, for the States of Missouri and Kansas, is hereby amended as follows:

To include the additional Counties of Franklin and Miami in the State of Kansas. (Flood occurring on or about September 13, 1961.)

Dated: September 20, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-9441; Filed, Sept. 28, 1961; 10:34 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 26, 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. 37362: *Clay from South to official territory.* Filed by O. W. South, Jr., Agent (No. A4131), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, as described in the application, in carloads, from specified points in southern territory, to points in official territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 101 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 37363: *Asphalt from points in Montana to Madison Wis.* Filed by Trans-Continental Freight Bureau, Agent (No. 381), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint stain or varnish), in tank-car loads, subject to minimum of 10 cars per shipment, from Billings, East Billings, Great Falls and Laurel, Mont., to Madison, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37364: *Asphalt from points in Montana to points in Iowa, Minnesota, and Nebraska.* Filed by Trans-Continental Freight Bureau, Agent (No. 382), for interested rail carriers. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain or varnish), in tank-car loads, subject to minimum of 20 cars per shipment, from Billings, East Billings, Great Falls and Laurel, Mont., to Algona, Des Moines, Fort Dodge, Sioux City, and Spencer, Iowa, also Savage, Minn., and Omaha, Nebr.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37365: *Asphalt from points in Montana to Adams, Wis.* Filed by Trans-Continental Freight Bureau, Agent (No. 383), for interested rail carriers. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain or varnish), in tank-car loads, subject to minimum of 20 cars per shipment, from Billings, East Billings, Great Falls and Laurel, Mont., to Adams, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37366: *Asphalt from points in Montana to points in Illinois, Iowa, Michigan, and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 384), for interested rail carriers. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to minimum of 20 cars per shipment, from Billings, East Billings, Great Falls, and Laurel, Mont., to Chicago and Chicago Heights, Ill., Mason City, Remsen, and Waterloo, Iowa, Iron Mountain, Mich., and Waukesha, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37367: *Crude petroleum oil from points in Montana to points in Michigan and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 379), for interested rail carriers. Rates on crude petroleum oil, in its natural state or crude petroleum oil, which has been subjected only to natural weathering, settling or treatment for the removal of water and bottom sediment and not blended with other products, in tank-car loads, from Baker, Billings, Bridger, Columbus, East Billings, Laurel, Queens Point, Red Lodge and Roundup, Mont., to Escanaba, Mich., Green Bay, Madison, Stevens Point, and Wausau, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37368: *Asphalt from points in Montana to points in Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 380), for interested rail carriers. Rates on asphalt (asphaltum), natural by-product or petroleum (other than paint, stain, or varnish), in tank-car loads, subject to minimum of 20 cars per shipment, from Billings, East Billings, Great Falls, and Laurel, Mont., to Abbotsford, Colby, Spencer, Stevens Point, and Unity, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Trans-Continental Freight Bureau tariff I.C.C. 1644.

FSA No. 37369: *Substituted service—C&EI and L&N for for Hoover Motor Express Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 66), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Atlanta, Ga., Birmingham, Ala., Chattanooga, Memphis, and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 246.

By the Commission.

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

[F.R. Doc. 61–9352; Filed, Sept. 28, 1961; 8:47 a.m.]

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[Notice 548]

## MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 26, 1961.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64397. By order of September 22, 1961, the Transfer Board approved the transfer to Virginia Dare Transportation Company, Inc., Manteo, N.C., of Certificate No. MC 67514 and Corrected Certificate No. MC 67514 Sub 1, issued April 18, 1942, and December 30, 1949, respectively, to Virginia Dare Transportation Company, Incorporated, Manteo, N.C., authorizing the transportation of passengers and their baggage, and mail, in the same vehicle with passengers, over regular routes, between Manteo, N.C., and Elizabeth City, N.C., and between Manteo, N.C., and Wanchese, N.C., serving all intermediate points; and passengers and their baggage, and newspapers, mail, and express in the same vehicle with passengers, over a regular route, between Sligo, N.C., and Norfolk, Va., with service authorized to and from all intermediate points.

No. MC–FC 64436. By order of September 22, 1961, the Transfer Board approved the transfer to J. W. Daugherty, Pennington Gap, Va., of Certificate No. MC 116175, issued September 26, 1957, to A. G. Porterfield, doing business as City Feed and Produce Company, Kingsport, Tenn., authorizing the transportation of livestock feed, in bags and containers, over irregular routes, from Cincinnati, Ohio, to points in Sullivan, Carter, Washington, and Unicoi Counties, Tenn., and Dickenson, Russell, Scott, and Wise Counties, Va., with no transportation for compensation on return except as otherwise authorized. Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., attorney for applicants.

No. MC–FC 64465. By order of September 22, 1961, the Transfer Board approved the transfer to Edgar T. Harvey and W. Lawrence Knotts, doing business as Harvey & Knotts Co., 601 Boxwood Road, Wilmington 4, Del., of Certificate No. MC 8586, issued June 1, 1942, to Oliver H. Graham, 2806 Washington Avenue, Roselle, Wilmington 5, Del., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, from Wilmington and Elsmere, Del., to points in Pennsylvania, New Jersey, District of Columbia and Maryland, and return.

No. MC–FC 64467. By order of September 22, 1961, the Transfer Board approved the transfer to Midwest Cargo Transport, Inc., Storm Lake, Iowa, of Certificates Nos. MC 117401 and MC 117401 Sub 1, issued March 7, 1960, and September 12, 1960, respectively, to Hansen Bros. Elevator Co., a corporation, Storm Lake, Iowa, authorizing the transportation over irregular routes, pebble lime, in bulk, from the plant sites of Cutler-Magner Company at Duluth, Minn., and Superior, Wis., to Storm Lake and Holstein, Iowa, and Nebraska City, Nebr.; and from Duluth, Minn., and Superior, Wis., to points in Iowa (except Storm Lake and Holstein), Nebraska (except Nebraska City), and points in South Dakota south of U.S. Highway 16. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa (6), representative for applicants.

No. MC–FC 64472. By order of September 20, 1961, the Transfer Board approved the transfer to W. Clarence Owens and Hallett W. Owens, a partnership, doing business as W. W. Owens and Sons Transfer and Storage, 501 Ward Street, Elizabeth City, N.C., of Certificate in No. MC 35442, issued August 15, 1956, to W. W. Owens, H. W. Owens, and W. C. Owens, a partnership, doing business as W. W. Owens & Sons, 501 Ward Street, Elizabeth City, N.C., authorizing the transportation of: Agricultural commodities, from Elizabeth City, N.C., and points within 50 miles thereof, to Richmond, Suffolk, Norfolk, and Petersburg, Va., Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y.; lime fertilizer, and fertilizer materials, from Norfolk and Suffolk, Va., to points in North Carolina;

coal, from Suffolk, Va., to Elizabeth City, N.C.; lumber, from points in Pasquotank and Camden Counties, N.C., to Norfolk, Suffolk, Petersburg, and Richmond, Va., Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y.; malt beverages, from New York, N.Y., and Norfolk, Va., to Elizabeth City, N.C.; and empty malt containers, from Elizabeth City, N.C., to Norfolk, Va., and New York, N.Y.; general commodities, excluding Household goods, commodities in bulk, and other specified commodities, between Norfolk, Va., on the one hand, and, on the other, Elizabeth City, N.C., and points in North Carolina within 50 miles of Elizabeth City, N.C.; and paper and paper products, between Elizabeth City, N.C., Richmond, Norfolk, Suffolk, Newport News, and Petersburg, Va., and Philadelphia, Pa.

No. MC–FC 64476. By order of September 22, 1961, the Transfer Board approved the transfer to James F. Macri, doing business as J. F. Macri Trucking, Yonkers, N.Y., of Certificate in No. MC 59356, issued August 13, 1957, to Edward S. Lynch, doing business as Edward M. Lynch, Levittown, N.Y., authorizing the transportation of: Laundry and dry cleaning machinery and equipment, between New York, N.Y., on the one hand, and, on the other, Washington, D.C., and points in New York, New Jersey, Connecticut, Pennsylvania, Delaware, Maryland, and Rhode Island. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC–FC 64483. By order of September 20, 1961, the Transfer Board approved the transfer to W. Clarence Owens and Hallett W. Owens, a partnership, doing business as W. W. Owens and Sons Transfer and Storage, 501 Ward Street, Elizabeth City, N.C., of Certificate No. MC 77770, issued May 9, 1949, to Vernon Grant James, Route 4, Elizabeth City, N.C., authorizing the transportation of: Cotton, cottonseed, cornmeal, lumber, and shingles, from Weeksville, N.C., to Suffolk, Norfolk, and Richmond, Va., and points in North Carolina; ice, from Elizabeth City, N.C., to Norfolk, Va., agricultural commodities, from points in Pasquotank, Perquimans, Camden, and Currituck Counties, N.C., to Norfolk and Richmond, Va., Washington, D.C., Baltimore, Md., and Philadelphia, Pa.; hardware, from Baltimore, Md., and Norfolk, Va., to Elizabeth City, N.C.; seed from Richmond, Va., and Baltimore, Md., to points in Pasquotank County, N.C.; bagging, cotton ties, fertilizer, and seed, from Norfolk, Va., to points in Pasquotank County, N.C.; automobile tires, tubes, batteries, and accessories, from Philadelphia, Pa., Baltimore, Md., Washington, D.C., and Richmond and Norfolk, Va., to Camden and Elizabeth City, N.C.; feed, seed, and fertilizer, from Elizabeth City, N.C., and Norfolk, Va., to points in North Carolina and Virginia within 250 miles of Elizabeth City.

No. MC–FC 64488. By order of September 22, 1961, the Transfer Board approved the transfer to Donald M. Davidson, doing business as Don Davidson, Luck, Wis., of Certificate No. MC 36697, issued March 20, 1959, to Le Roy L. Fisk, Luck, Wis., authorizing the transportation of: Agricultural commodities and livestock, from points in Wisconsin to South St. Paul and Minneapolis, Minn., and general commodities, excluding household goods, commodities in bulk, and other specified commodities from above points in Minnesota to points in Wisconsin, not including the incorporated villages of Luck, St. Croix Falls, Centuria, Frederic, and Milltown, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 64490. By order of September 20, 1961, the Transfer Board approved the transfer to Ernest B. Kelley, Camden, Ohio, of Permit No. MC 78725, issued July 25, 1958, to Ruth V. Bader, Hamilton, Ohio, authorizing the transportation over regular routes of alcoholic malt beverages, from Peoria, Ill., to Dayton, Ohio, serving the off-route point of Overpeck, Ohio; empty alcoholic malt beverage containers, from Dayton, Ohio, to Peoria, Ill., serving the off-route point of Overpeck, Ohio; steel strappings, paper products, and materials and supplies used in the manufacture of paper products, from Chicago, Ill., to Hamilton, Ohio, serving the intermediate points of Hammond, Muncie, and Richmond, Ind., and the off-route points of De Kalb, La Salle, and Peoria, Ill., and those in Illinois within 30 miles of Chicago; and paper and paper products, from Hamilton, Ohio, to Chicago, Ill., serving the intermediate and off-route points specified immediately above; and over irregular routes, paper and paper products, from Hamilton, Ohio, to points in Ohio, those in Illinois on and north of U.S. Highway 40 (except Chicago and points in Ill. within 30 miles of Chicago, and DeKalb, LaSalle, and Peoria, Ill.), those in Indiana on and north of U.S. Highway 40 (except Hammond, Muncie, and Richmond), those in Michigan on and south of Michigan Highway 21, Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N.Y.; paper, from the immediately above-specified destination points to Hamilton, Ohio; and steel strappings, paper products and materials and supplies used in the manufacture of paper products, from points in the immediately above-specified Ohio and Michigan territory, including Toledo, Ohio, and to Hamilton, Ohio. Robert H. Martin, 920 Rentschler Building, Hamilton, Ohio, attorney for transferor; John P. Burke, Eaton, Ohio, attorney for transferee.

No. MC–FC 64492. By order of September 22, 1961, the Transfer Board approved the transfer to George Gove, Winnemucca, Nev., of Certificate No. MC 120020 Sub 2, issued October 7, 1960, to Marvin E. Hougland, Winnemucca, Nev., authorizing the transportation of: General commodities, except those of unusual value, Classes A and B explosives, and commodities requiring special equipment, between Winnemucca, Nev., and Burns, Oreg., serving intermediate points; from Winnemucca to Nevada-Oregon State line, thence over unnumbered Oregon Highway, via Fields, Andrews, Alvord Branch, Albertson, and Follyfarm, Oreg., to junction Oregon Highway 78, and thence over Oregon Highway 78 to Burns, and return over the same route. D. M. Leighton, Professional Building, Winnemucca, Nev., attorney for applicants.

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

[F.R. Doc. 61–9353; Filed, Sept. 28, 1961; 8:47 a.m.]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 87th Congress, First Session.

### Approved September 27, 1961

H.J. Res. 225 ..... 87–328
Joint Resolution to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency.

# CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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